

POLITICAL PROCEDURES AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Travis M. Seegmiller

LONG TITLE

General Description:

This bill amends political procedures provisions in the Election Code and in code provisions relating to local government entities.

Highlighted Provisions:

This bill:

- ▶ modifies and standardizes notice requirements relating to incorporation or dissolution of a municipality, annexation and other municipal boundary changes, and elections;
- ▶ modifies and clarifies deadlines in the Election Code;
- ▶ modifies procedures, and clarifies length limitations, for arguments for or against a ballot proposition;
- ▶ requires at least two poll workers to perform certain tasks relating to the handling and delivery of ballots;
- ▶ clarifies residency requirements for a local school board candidate;
- ▶ removes the intent language from the Election Code; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 30 **10-2-406**, as last amended by Laws of Utah 2009, Chapters 218 and 388
- 31 **10-2-407**, as last amended by Laws of Utah 2015, Chapter 352
- 32 **10-2-413**, as last amended by Laws of Utah 2015, Chapter 352
- 33 **10-2-415**, as last amended by Laws of Utah 2015, Chapter 352
- 34 **10-2-418**, as last amended by Laws of Utah 2017, Chapter 367
- 35 **10-2-419**, as last amended by Laws of Utah 2018, Chapter 401
- 36 **10-2-501**, as last amended by Laws of Utah 2016, Chapter 406
- 37 **10-2-502.5**, as last amended by Laws of Utah 2016, Chapter 406
- 38 **10-2-607**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5
- 39 **10-2-703**, as last amended by Laws of Utah 2009, Chapter 388
- 40 **10-2-708**, as last amended by Laws of Utah 2009, Chapter 388
- 41 **10-2a-207**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
- 42 amended by Laws of Utah 2015, Chapter 352
- 43 **10-2a-210**, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered
- 44 and amended by Laws of Utah 2015, Chapter 352
- 45 **10-2a-213**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 46 **10-2a-214**, as last amended by Laws of Utah 2017, Chapter 91
- 47 **10-2a-215**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
- 48 amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination
- 49 Clause, Laws of Utah 2015, Chapter 352
- 50 **10-2a-303**, as last amended by Laws of Utah 2017, Chapter 452
- 51 **10-2a-304**, as last amended by Laws of Utah 2017, Chapter 452
- 52 **10-2a-305**, as renumbered and amended by Laws of Utah 2015, Chapter 352 and
- 53 repealed and reenacted by Laws of Utah 2015, Chapter 111
- 54 **10-2a-305.1**, as last amended by Laws of Utah 2018, Chapter 11
- 55 **10-2a-305.2**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by
- 56 Coordination Clause, Laws of Utah 2015, Chapter 352
- 57 **10-7-19**, as last amended by Laws of Utah 2009, Chapter 388

58 **11-14-202**, as last amended by Laws of Utah 2018, Chapter 415 and last amended by
59 Coordination Clause, Laws of Utah 2018, Chapter 403
60 **17B-1-303**, as last amended by Laws of Utah 2017, Chapter 112
61 **17B-1-306**, as last amended by Laws of Utah 2018, Chapter 11
62 **17B-1-1001**, as last amended by Laws of Utah 2018, Chapter 11
63 **17B-1-1003**, as last amended by Laws of Utah 2018, Chapter 11
64 **17B-2a-705**, as last amended by Laws of Utah 2013, Chapter 415
65 **17D-3-305**, as last amended by Laws of Utah 2009, Chapter 388
66 **20A-1-206**, as last amended by Laws of Utah 2012, Chapter 97
67 **20A-1-503**, as last amended by Laws of Utah 2011, Chapters 327 and 340
68 **20A-1-508**, as last amended by Laws of Utah 2018, Chapters 68 and 199
69 **20A-1-509.1**, as last amended by Laws of Utah 2011, Chapters 297 and 327
70 **20A-1-509.2**, as last amended by Laws of Utah 2013, Chapter 237
71 **20A-1-511**, as last amended by Laws of Utah 2017, Chapter 61
72 **20A-1-513**, as enacted by Laws of Utah 2011, Chapter 42
73 **20A-2-202**, as last amended by Laws of Utah 2018, Chapter 206
74 **20A-2-204**, as last amended by Laws of Utah 2018, Chapter 206
75 **20A-2-205**, as last amended by Laws of Utah 2018, Chapter 206
76 **20A-2-301**, as last amended by Laws of Utah 2011, Chapter 335
77 **20A-2-306**, as last amended by Laws of Utah 2018, Chapters 206 and 270
78 **20A-3-302**, as last amended by Laws of Utah 2018, Chapter 206 and last amended by
79 Coordination Clause, Laws of Utah 2018, Chapter 464
80 **20A-3-304**, as last amended by Laws of Utah 2018, Chapter 206
81 **20A-3-305**, as last amended by Laws of Utah 2017, Chapters 235 and 327
82 **20A-3-306**, as last amended by Laws of Utah 2018, Chapter 206
83 **20A-3-306.5**, as last amended by Laws of Utah 2013, Chapter 219
84 **20A-3-604**, as last amended by Laws of Utah 2018, Chapter 195 and last amended by
85 Coordination Clause, Laws of Utah 2018, Chapter 403

- 86 **20A-4-104**, as last amended by Laws of Utah 2018, Chapter 274
- 87 **20A-4-107**, as last amended by Laws of Utah 2018, Chapters 80, 206, and 281
- 88 **20A-4-201**, as last amended by Laws of Utah 2011, Chapter 297
- 89 **20A-4-202**, as last amended by Laws of Utah 2018, Chapter 274
- 90 **20A-4-304**, as last amended by Laws of Utah 2018, Chapter 187
- 91 **20A-4-401**, as last amended by Laws of Utah 2018, Chapter 187
- 92 **20A-5-101**, as last amended by Laws of Utah 2018, Chapter 80 and last amended by
- 93 Coordination Clause, Laws of Utah 2018, Chapter 403
- 94 **20A-5-405**, as last amended by Laws of Utah 2009, Chapter 388
- 95 **20A-5-604**, as last amended by Laws of Utah 2007, Chapter 75
- 96 **20A-5-605**, as last amended by Laws of Utah 2007, Chapter 75
- 97 **20A-6-106**, as last amended by Laws of Utah 2011, Chapter 327
- 98 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
- 99 **20A-7-202.5**, as last amended by Laws of Utah 2017, Chapter 291
- 100 **20A-7-204.1**, as last amended by Laws of Utah 2017, Chapter 291
- 101 **20A-7-205**, as last amended by Laws of Utah 2011, Chapter 17
- 102 **20A-7-206**, as last amended by Laws of Utah 2013, Chapter 231
- 103 **20A-7-302**, as last amended by Laws of Utah 1995, Chapter 153
- 104 **20A-7-305**, as last amended by Laws of Utah 2011, Chapter 17
- 105 **20A-7-306**, as last amended by Laws of Utah 2011, Chapter 17
- 106 **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291
- 107 **20A-7-506**, as last amended by Laws of Utah 2012, Chapter 72
- 108 **20A-7-601**, as last amended by Laws of Utah 2016, Chapter 365
- 109 **20A-7-606**, as last amended by Laws of Utah 2016, Chapter 365
- 110 **20A-7-613**, as last amended by Laws of Utah 2016, Chapters 350, 365, and 367
- 111 **20A-7-704**, as last amended by Laws of Utah 2017, Chapter 147
- 112 **20A-7-705**, as last amended by Laws of Utah 2017, Chapter 147
- 113 **20A-7-706**, as last amended by Laws of Utah 2012, Chapter 334

- 114 **20A-7-801**, as last amended by Laws of Utah 2013, Chapters 182, 219 and last
- 115 amended by Coordination Clause, Laws of Utah 2013, Chapter 182
- 116 **20A-8-103**, as last amended by Laws of Utah 2017, Chapter 91
- 117 **20A-8-106**, as last amended by Laws of Utah 1996, Chapter 213
- 118 **20A-8-401**, as last amended by Laws of Utah 2013, Chapter 170
- 119 **20A-8-402**, as last amended by Laws of Utah 2011, Chapters 35 and 396
- 120 **20A-8-402.5**, as enacted by Laws of Utah 2018, Chapter 80
- 121 **20A-8-404**, as last amended by Laws of Utah 2011, Chapter 117
- 122 **20A-9-202**, as last amended by Laws of Utah 2018, Chapter 11
- 123 **20A-9-203**, as last amended by Laws of Utah 2018, Chapters 11 and 365
- 124 **20A-9-404**, as last amended by Laws of Utah 2018, Chapters 187 and 274
- 125 **20A-9-407**, as last amended by Laws of Utah 2018, Chapters 11 and 19
- 126 **20A-9-408**, as last amended by Laws of Utah 2018, Chapter 11
- 127 **20A-9-504**, as last amended by Laws of Utah 2018, Chapter 11
- 128 **20A-9-601**, as last amended by Laws of Utah 2018, Chapters 11 and 80
- 129 **20A-11-105**, as enacted by Laws of Utah 2015, Chapter 435
- 130 **20A-11-601**, as last amended by Laws of Utah 2018, Chapter 83
- 131 **20A-11-801**, as last amended by Laws of Utah 2018, Chapter 83
- 132 **20A-12-305**, as last amended by Laws of Utah 2011, Chapter 396
- 133 **20A-13-301**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 134 **20A-14-202**, as last amended by Laws of Utah 2016, Chapter 144
- 135 **20A-15-103**, as enacted by Laws of Utah 1995, Chapter 1
- 136 **20A-16-403**, as enacted by Laws of Utah 2011, Chapter 327
- 137 **62A-5-202.5**, as last amended by Laws of Utah 2018, Chapter 401
- 138 **63A-5-204**, as last amended by Laws of Utah 2018, Chapter 401
- 139 **63I-2-210**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 6
- 140 **63I-2-220**, as last amended by Laws of Utah 2018, Chapters 187 and 458
- 141 RENUMBERS AND AMENDS:

142 **20A-1-104**, (Renumbered from 20A-1-401, as last amended by Laws of Utah 2011,
 143 Chapter 297)

144

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

146 Section 1. Section **10-2-406** is amended to read:

147 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

148 (1) After receipt of the notice of certification from the city recorder or town clerk under
 149 Subsection **10-2-405**(2)(c)(i), the municipal legislative body shall publish notice:

150 [~~(a)~~(i) ~~publish a notice:~~]

151 [~~(A)~~] (a) (i) at least once a week for three successive weeks, beginning no later than 10
 152 days after [receipt of] the day on which the municipal legislative body receives the notice of
 153 certification, in a newspaper of general circulation within:

154 [~~(F)~~] (A) the area proposed for annexation; and

155 [~~(H)~~] (B) the unincorporated area within 1/2 mile of the area proposed for annexation;

156 [~~and~~]

157 [~~(B) in accordance with Section **45-1-101**, for three weeks, beginning no later than 10~~
 158 ~~days after receipt of the notice of certification; and]~~

159 [~~(ii) in accordance with Subsection (1)(a)(i)(A), if there is no newspaper of general~~
 160 ~~circulation within those areas, post written notices in conspicuous places within those areas~~
 161 ~~that are most likely to give notice to residents within those areas; and]~~

162 [~~(b) within 20 days of receipt of the notice of certification under Subsection~~

163 ~~**10-2-405**(2)(c)(i), mail written notice to each affected entity.]~~

164 (ii) if there is no newspaper of general circulation in the combined area described in

165 Subsections (1)(a)(i)(A) and (B), no later than 10 days after the day on which the municipal

166 legislative body receives the notice of certification, by posting one notice, and at least one

167 additional notice per 2,000 population within the combined area, in places within the combined

168 area that are most likely to give notice to the residents within, and the owners of real property

169 located within, the combined area; or

170 (iii) no later than 10 days after the day on which the municipal legislative body
171 receives the notice of certification, by mailing the notice to each residence within, and to each
172 owner of real property located within, the combined area described in Subsections (1)(a)(i)(A)
173 and (B);

174 (b) in accordance with Section 45-1-101, for three weeks, beginning no later than 10
175 days after the day on which the municipal legislative body receives the notice of certification;

176 (c) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks,
177 beginning no later than 10 days after the day on which the municipal legislative body receives
178 the notice of certification;

179 (d) within 20 days after the day on which the municipal legislative body receives the
180 notice of certification, by mailing written notice to each affected entity; and

181 (e) if the municipality has a website, on the municipality's website for the period of
182 time described in Subsection (1)(c).

183 (2) ~~[(a)]~~ The notice ~~[under Subsections (1)(a) and (b)]~~ described in Subsection (1)
184 shall:

185 ~~[(i)]~~ (a) state that a petition has been filed with the municipality proposing the
186 annexation of an area to the municipality;

187 ~~[(ii)]~~ (b) state the date of the municipal legislative body's receipt of the notice of
188 certification under Subsection 10-2-405(2)(c)(i);

189 ~~[(iii)]~~ (c) describe the area proposed for annexation in the annexation petition;

190 ~~[(iv)]~~ (d) state that the complete annexation petition is available for inspection and
191 copying at the office of the city recorder or town clerk;

192 ~~[(v)]~~ (e) state in conspicuous and plain ~~terms~~ that the municipality may grant the
193 petition and annex the area described in the petition unless, within the time required under
194 Subsection 10-2-407(2)(a)(i)~~[(A)]~~, a written protest to the annexation petition is filed with the
195 commission and a copy of the protest delivered to the city recorder or town clerk of the
196 proposed annexing municipality;

197 ~~[(vi)]~~ (f) state the address of the commission or, if a commission has not yet been

198 created in the county, the county clerk, where a protest to the annexation petition may be filed;

199 ~~[(vii)]~~ (g) state that the area proposed for annexation to the municipality will also
200 automatically be annexed to a local district providing fire protection, paramedic, and
201 emergency services or a local district providing law enforcement service, as the case may be, as
202 provided in Section 17B-1-416, if:

203 ~~[(A)]~~ (i) the proposed annexing municipality is entirely within the boundaries of a local
204 district:

205 ~~[(A)]~~ (A) that provides fire protection, paramedic, and emergency services or law
206 enforcement service, respectively; and

207 ~~[(B)]~~ (B) in the creation of which an election was not required because of Subsection
208 17B-1-214(3)(c); and

209 ~~[(B)]~~ (ii) the area proposed to be annexed to the municipality is not already within the
210 boundaries of the local district; and

211 ~~[(viii)]~~ (h) state that the area proposed for annexation to the municipality will be
212 automatically withdrawn from a local district providing fire protection, paramedic, and
213 emergency services or a local district providing law enforcement service, as the case may be, as
214 provided in Subsection 17B-1-502(2), if:

215 ~~[(A)]~~ (i) the petition proposes the annexation of an area that is within the boundaries of
216 a local district:

217 ~~[(A)]~~ (A) that provides fire protection, paramedic, and emergency services or law
218 enforcement service, respectively; and

219 ~~[(B)]~~ (B) in the creation of which an election was not required because of Subsection
220 17B-1-214(3)(c); and

221 ~~[(B)]~~ (ii) the proposed annexing municipality is not within the boundaries of the local
222 district.

223 ~~[(b)]~~ (3) (a) The statement required by Subsection (2)~~[(a)(v)]~~(e) shall state the deadline
224 for filing a written protest in terms of the actual date rather than by reference to the statutory
225 citation.

226 ~~(e)~~ (b) In addition to the requirements under Subsection (2)~~(a)~~, a notice under
227 Subsection (1)~~(a)~~ for a proposed annexation of an area within a county of the first class shall
228 include a statement that a protest to the annexation petition may be filed with the commission
229 by property owners if it contains the signatures of the owners of private real property that:

230 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
231 annexation;

232 (ii) covers at least 25% of the private land area located in the unincorporated area
233 within 1/2 mile of the area proposed for annexation; and

234 (iii) is equal in value to at least 15% of all real property located in the unincorporated
235 area within 1/2 mile of the area proposed for annexation.

236 Section 2. Section **10-2-407** is amended to read:

237 **10-2-407. Protest to annexation petition -- Planning advisory area planning**
238 **commission recommendation -- Petition requirements -- Disposition of petition if no**
239 **protest filed.**

240 (1) A protest to an annexation petition under Section **10-2-403** may be filed by:

241 (a) the legislative body or governing board of an affected entity;

242 (b) the owner of rural real property as defined in Section **17B-2a-1107**; or

243 (c) for a proposed annexation of an area within a county of the first class, the owners of
244 private real property that:

245 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
246 annexation;

247 (ii) covers at least 25% of the private land area located in the unincorporated area
248 within 1/2 mile of the area proposed for annexation; and

249 (iii) is equal in value to at least 15% of all real property located in the unincorporated
250 area within 1/2 mile of the area proposed for annexation.

251 (2) ~~(a)~~ Each protest under Subsection (1) shall:

252 ~~(+)~~ (a) be filed:

253 ~~(A)~~ (i) no later than 30 days after the municipal legislative body's receipt of the notice

254 of certification under Subsection 10-2-405(2)(c)(i); and

255 ~~[(B)(F)]~~ (ii) (A) in a county that has already created a commission under Section
256 10-2-409, with the commission; or

257 ~~[(H)]~~ (B) in a county that has not yet created a commission under Section 10-2-409,
258 with the clerk of the county in which the area proposed for annexation is located;

259 ~~[(ii)]~~ (b) state each reason for the protest of the annexation petition and, if the area
260 proposed to be annexed is located in a specified county, justification for the protest under the
261 standards established in this chapter;

262 ~~[(iii)]~~ (c) if the area proposed to be annexed is located in a specified county, contain
263 other information that the commission by rule requires or that the party filing the protest
264 considers pertinent; and

265 ~~[(iv)]~~ (d) contain the name and address of a contact person who is to receive notices
266 sent by the commission with respect to the protest proceedings.

267 ~~[(b)]~~ (3) The party filing a protest under this section shall on the same date deliver or
268 mail a copy of the protest to the city recorder or town clerk of the proposed annexing
269 municipality.

270 ~~[(e)]~~ (4) Each clerk who receives a protest under Subsection (2)(a)~~[(i)(B)(H)]~~(ii)(B)
271 shall:

272 ~~[(i)]~~ (a) immediately notify the county legislative body of the protest; and

273 ~~[(ii)]~~ (b) deliver the protest to the boundary commission within five days after:

274 ~~[(A)]~~ (i) receipt of the protest, if the boundary commission has previously been created;

275 or

276 ~~[(B)]~~ (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
277 boundary commission has not previously been created.

278 ~~[(3)(a)(i)]~~ (5) (a) If a protest is filed under this section:

279 ~~[(A)]~~ (i) the municipal legislative body may, at its next regular meeting after expiration
280 of the deadline under Subsection (2)(a)(i)~~[(A)]~~, deny the annexation petition; or

281 ~~[(B)]~~ (ii) if the municipal legislative body does not deny the annexation petition under

282 Subsection ~~[(3)(a)(i)(A)]~~ (5)(a)(i), the municipal legislative body may take no further action on
 283 the annexation petition until after receipt of the commission's notice of its decision on the
 284 protest under Section [10-2-416](#).

285 ~~[(ii)]~~ (b) If a municipal legislative body denies an annexation petition under Subsection
 286 ~~[(3)(a)(i)(A)]~~ (5)(a)(i), the municipal legislative body shall, within five days after the denial,
 287 send notice of the denial in writing to:

288 ~~[(A)]~~ (i) the contact sponsor of the annexation petition;

289 ~~[(B)]~~ (ii) the commission; and

290 ~~[(C)]~~ (iii) each entity that filed a protest.

291 ~~[(b)(i)]~~ (6) If no timely protest is filed under this section, the municipal legislative
 292 body may, subject to Subsection ~~[(3)(b)(ii)]~~ (7), approve the petition.

293 ~~[(ii)]~~ (7) Before approving an annexation petition under Subsection ~~[(3)(b)(i)]~~ (6), the
 294 municipal legislative body shall ~~[(A) hold a public hearing; and (B) at least seven days before~~
 295 ~~the public hearing under Subsection (3)(b)(ii)(A): (F) (Aa)]~~ hold a public hearing and publish
 296 notice of the public hearing:

297 (a) (i) at least seven days before the day of the public hearing in a newspaper of general
 298 circulation within the municipality and the area proposed for annexation; [or]

299 ~~[(Bb)]~~ (ii) if there is no newspaper of general circulation in [those areas, post written
 300 notices of the hearing in conspicuous places within those areas that are most likely to give
 301 notice to residents within those areas; and] the combined area described in Subsection (7)(a)(i),
 302 at least seven days before the day of the public hearing, by posting one notice, and at least one
 303 additional notice per 2,000 population within the combined area, in places within the combined
 304 area that are most likely to give notice to the residents within, and the owners of real property
 305 located within, the combined area; or

306 (iii) at least 10 days before the day of the public hearing by mailing the notice to each
 307 residence within, and to each owner of real property located within, the combined area
 308 described in Subsection (7)(a)(i);

309 ~~[(H)]~~ (b) ~~[publish notice of the hearing]~~ on the Utah Public Notice Website created in

310 Section 63F-1-701[-], for seven days before the day of the public hearing;

311 (c) in accordance with Section 45-1-101, for seven days before the day of the public
312 hearing; and

313 (d) if the municipality has a website, on the municipality's website for seven days
314 before the day of the public hearing.

315 Section 3. Section **10-2-413** is amended to read:

316 **10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility**
317 **study.**

318 (1) (a) For a proposed annexation of an area located in a county of the first class, unless
319 a proposed annexing municipality denies an annexation petition under Subsection

320 10-2-407~~[(3)(a)(i)(A)]~~(5)(a)(i) and except as provided in Subsection (1)(b), the commission
321 shall choose and engage a feasibility consultant within 45 days of:

322 (i) the commission's receipt of a protest under Section 10-2-407, if the commission had
323 been created before the filing of the protest; or

324 (ii) the commission's creation, if the commission is created after the filing of a protest.

325 (b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility
326 study with respect to a petition that proposes the annexation of an area that:

327 (i) is undeveloped; and

328 (ii) covers an area that is equivalent to less than 5% of the total land mass of all private
329 real property within the municipality.

330 (2) The commission shall require the feasibility consultant to:

331 (a) complete a feasibility study on the proposed annexation and submit written results
332 of the study to the commission no later than 75 days after the feasibility consultant is engaged
333 to conduct the study;

334 (b) submit with the full written results of the feasibility study a summary of the results
335 no longer than a page in length; and

336 (c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility
337 study results and respond to questions at that hearing.

- 338 (3) (a) Subject to Subsection (4), the feasibility study shall consider:
- 339 (i) the population and population density within the area proposed for annexation, the
340 surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries
341 within 1/2 mile of the area proposed for annexation, that municipality;
- 342 (ii) the geography, geology, and topography of and natural boundaries within the area
343 proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a
344 municipality with boundaries within 1/2 mile of the area proposed for annexation, that
345 municipality;
- 346 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated
347 island or unincorporated peninsula;
- 348 (iv) whether the proposed annexation will hinder or prevent a future and more logical
349 and beneficial annexation or a future logical and beneficial incorporation;
- 350 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,
351 other municipalities, local districts, special service districts, school districts, and other
352 governmental entities;
- 353 (vi) current and five-year projections of demographics and economic base in the area
354 proposed for annexation and surrounding unincorporated area, including household size and
355 income, commercial and industrial development, and public facilities;
- 356 (vii) projected growth in the area proposed for annexation and the surrounding
357 unincorporated area during the next five years;
- 358 (viii) the present and five-year projections of the cost of governmental services in the
359 area proposed for annexation;
- 360 (ix) the present and five-year projected revenue to the proposed annexing municipality
361 from the area proposed for annexation;
- 362 (x) the projected impact the annexation will have over the following five years on the
363 amount of taxes that property owners within the area proposed for annexation, the proposed
364 annexing municipality, and the remaining unincorporated county will pay;
- 365 (xi) past expansion in terms of population and construction in the area proposed for

366 annexation and the surrounding unincorporated area;

367 (xii) the extension during the past 10 years of the boundaries of each other municipality
368 near the area proposed for annexation, the willingness of the other municipality to annex the
369 area proposed for annexation, and the probability that another municipality would annex some
370 or all of the area proposed for annexation during the next five years if the annexation did not
371 occur;

372 (xiii) the history, culture, and social aspects of the area proposed for annexation and
373 surrounding area;

374 (xiv) the method of providing and the entity that has provided municipal-type services
375 in the past to the area proposed for incorporation and the feasibility of municipal-type services
376 being provided by the proposed annexing municipality; and

377 (xv) the effect on each school district whose boundaries include part or all of the area
378 proposed for annexation or the proposed annexing municipality.

379 (b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad
380 valorem property tax rates on residential property within the area proposed for annexation at
381 the same level that residential property within the proposed annexing municipality would be
382 without the annexation.

383 (c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that
384 the level and quality of governmental services that will be provided to the area proposed for
385 annexation in the future is essentially comparable to the level and quality of governmental
386 services being provided within the proposed annexing municipality at the time of the feasibility
387 study.

388 (4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth
389 of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant
390 in conducting the feasibility study depending upon:

391 (i) the size of the area proposed for annexation;

392 (ii) the size of the proposed annexing municipality;

393 (iii) the extent to which the area proposed for annexation is developed;

394 (iv) the degree to which the area proposed for annexation is expected to develop and
395 the type of development expected; and

396 (v) the number and type of protests filed against the proposed annexation.

397 (b) Notwithstanding Subsection (4)(a), the commission may not modify the
398 requirement that the feasibility consultant provide a full and complete analysis of the items
399 listed in Subsections (3)(a)(viii), (ix), and (xv).

400 (5) If the results of the feasibility study do not meet the requirements of Subsection
401 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make
402 recommendations as to how the boundaries of the area proposed for annexation may be altered
403 so that the requirements of Subsection 10-2-416(3) may be met.

404 (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and
405 expenses shall be shared equally by the proposed annexing municipality and each entity or
406 group under Subsection 10-2-407(1) that files a protest.

407 (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property
408 owners under Subsection 10-2-407(1)(c), the county in which the area proposed for annexation
409 shall pay the owners' share of the feasibility consultant's fees and expenses.

410 (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners
411 file a protest, the county and the proposed annexing municipality shall equally share the
412 property owners' share of the feasibility consultant's fees and expenses.

413 Section 4. Section 10-2-415 is amended to read:

414 **10-2-415. Public hearing -- Notice.**

415 (1) (a) [(†)] If the results of the feasibility study or supplemental feasibility study meet
416 the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
417 located in a county of the first class, the commission shall hold a public hearing within 30 days
418 [of receipt of] after the day on which the commission receives the feasibility study or
419 supplemental feasibility study results.

420 [(†)] (b) At the public hearing [under] described in Subsection (1)(a)[(†)], the
421 commission shall:

422 ~~[(A)]~~ (i) require the feasibility consultant to present the results of the feasibility study
 423 and, if applicable, the supplemental feasibility study;

424 ~~[(B)]~~ (ii) allow those present to ask questions of the feasibility consultant regarding the
 425 study results; and

426 ~~[(C)]~~ (iii) allow those present to speak to the issue of annexation.

427 ~~[(iii)-(A)]~~ (2) The commission shall~~[-(F)]~~ publish notice of ~~[each hearing under]~~ the
 428 public hearing described in Subsection (1)(a)~~[(F)]~~:

429 ~~[(Aa)]~~ (a) (i) at least once a week for two successive weeks before the public hearing in
 430 a newspaper of general circulation within the area proposed for annexation, the surrounding 1/2
 431 mile of unincorporated area, and the proposed annexing municipality; ~~[and]~~

432 (ii) if there is no newspaper of general circulation within the combined area described
 433 in Subsection (2)(a)(i), at least two weeks before the day of the public hearing, by posting one
 434 notice, and at least one additional notice per 2,000 population within the combined area, in
 435 places within the combined area that are most likely to give notice of the public hearing to the
 436 residents within, and the owners of real property located within, the combined area; or

437 (iii) by mailing notice to each residence within, and to each owner of real property
 438 located within, the combined area described in Subsection (2)(a)(i);

439 ~~[(Bb)]~~ (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for two
 440 weeks~~[-and]~~ before the day of the public hearing;

441 (c) in accordance with Section [45-1-101](#), for two weeks before the day of the public
 442 hearing;

443 ~~[(H)-send]~~ (d) by sending written notice of the public hearing to the municipal
 444 legislative body of the proposed annexing municipality, the contact sponsor on the annexation
 445 petition, each entity that filed a protest, and, if a protest was filed under Subsection
 446 [10-2-407\(1\)\(c\)](#), the contact person~~[-];~~ and

447 (e) if the municipality has a website, on the municipality's website for two weeks
 448 before the day of the public hearing.

449 ~~[(B)-In accordance with Subsection (1)(a)(iii)(A)(F)(Aa), if there is no newspaper of~~

450 ~~general circulation within the areas described in Subsection (1)(a)(iii)(A)(i)(Aa), the~~
451 ~~commission shall give the notice required under that subsection by posting notices, at least~~
452 ~~seven days before the hearing, in conspicuous places within those areas that are most likely to~~
453 ~~give notice of the hearing to the residents of those areas.]~~

454 ~~[(C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility~~
455 ~~study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study~~
456 ~~is available for inspection and copying at the office of the commission.]~~

457 (3) The notice described in Subsection (2) shall:

458 (a) be entitled, "notice of annexation hearing";

459 (b) state the name of the annexing municipality;

460 (c) describe the area proposed for annexation; and

461 (d) specify the following sources where an individual may obtain a copy of the
462 feasibility study conducted in relation to the proposed annexation:

463 (i) if the municipality has a website, the municipality's website;

464 (ii) a municipality's physical address; and

465 (iii) a mailing address and telephone number.

466 ~~[(b)(i)]~~ (4) Within 30 days after the time under Subsection 10-2-407(2) for filing a
467 protest has expired with respect to a proposed annexation of an area located in a specified
468 county, the boundary commission shall hold a hearing on all protests that were filed with
469 respect to the proposed annexation.

470 ~~[(ii)(A)]~~ (5) At least 14 days before the date of ~~[each hearing under]~~ a hearing
471 described in Subsection [(1)(b)(i)](4), the commission chair shall [cause] publish notice of the
472 hearing ~~[to be published];~~

473 (a) (i) in a newspaper of general circulation within the area proposed for annexation[-];

474 (ii) if there is no newspaper of general circulation within the area proposed for
475 annexation, by posting one notice, and at least one additional notice per 2,000 population
476 within the area in places within the area that are most likely to give notice of the hearing to the
477 residents within, and the owners of real property located within, the area; or

478 (iii) mailing notice to each resident within, and each owner of real property located
479 within, the area proposed for annexation;

480 (b) on the Utah Public Notice Website created in Section 63F-1-701, for 14 days before
481 the day of the hearing;

482 (c) in accordance with Section 45-1-101, for 14 days before the day of the hearing; and

483 (d) on the county's website for two weeks before the day of the public hearing.

484 ~~[(B)]~~ (6) Each notice [under] described in Subsection [(1)(b)(ii)(A)] (5) shall[-(F)] state
485 the date, time, and place of the hearing;

486 ~~[(H)]~~ (a) briefly summarize the nature of the protest; and

487 ~~[(HH)]~~ (b) state that a copy of the protest is on file at the commission's office.

488 ~~[(iii)]~~ (7) The commission may continue a hearing under Subsection [(1)(b)(i)] (4)
489 from time to time, but no continued hearing may be held later than 60 days after the original
490 hearing date.

491 ~~[(iv)]~~ (8) In considering protests, the commission shall consider whether the proposed
492 annexation:

493 ~~[(A)]~~ (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
494 annexation policy plan of the proposed annexing municipality;

495 ~~[(B)]~~ (b) conflicts with the annexation policy plan of another municipality; and

496 ~~[(C)]~~ (c) if the proposed annexation includes urban development, will have an adverse
497 tax consequence on the remaining unincorporated area of the county.

498 ~~[(2)]~~ (9) (a) The commission shall record each hearing under this section by electronic
499 means.

500 (b) A transcription of the recording under Subsection [(2)] (9)(a), the feasibility study,
501 if applicable, information received at the hearing, and the written decision of the commission
502 shall constitute the record of the hearing.

503 Section 5. Section 10-2-418 is amended to read:

504 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
505 **Hearing.**

506 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
507 accordance with this section of an area located within a county of the first class,
508 "municipal-type services" does not include a service provided by a municipality pursuant to a
509 contract that the municipality has with another political subdivision as "political subdivision" is
510 defined in Section 17B-1-102.

511 (2) Notwithstanding Subsection 10-2-402(2), a municipality may annex an
512 unincorporated area under this section without an annexation petition if:

513 (a) (i) the area to be annexed consists of one or more unincorporated islands within or
514 unincorporated peninsulas contiguous to the municipality;

515 (ii) the majority of each island or peninsula consists of residential or commercial
516 development;

517 (iii) the area proposed for annexation requires the delivery of municipal-type services;
518 and

519 (iv) the municipality has provided most or all of the municipal-type services to the area
520 for more than one year;

521 (b) (i) the area to be annexed consists of one or more unincorporated islands within or
522 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
523 residents; and

524 (ii) the municipality has provided one or more municipal-type services to the area for at
525 least one year;

526 (c) (i) the area consists of:

527 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
528 municipality; and

529 (B) for an area outside of the county of the first class proposed for annexation, no more
530 than 50 acres; and

531 (ii) the county in which the area is located, subject to Subsection (4)(b), and the
532 municipality agree that the area should be included within the municipality; or

533 (d) (i) the area to be annexed consists only of one or more unincorporated islands in a

534 county of the second class;

535 (ii) the area to be annexed is located in the expansion area of a municipality; and

536 (iii) the county legislative body in which the municipality is located provides notice to
537 each property owner within the area to be annexed that:

538 (A) the county legislative body will hold a public hearing, no less than 15 days after the
539 day on which the county legislative body provides the notice; and

540 (B) after the public hearing the county legislative body may make a recommendation of
541 annexation to the municipality whose expansion area includes the area to be annexed.

542 (3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
543 portion of an unincorporated island or unincorporated peninsula under this section, leaving
544 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

545 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body
546 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
547 the municipality's best interest; and

548 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),
549 the entire island of unincorporated area, of which a portion is being annexed, complies with the
550 requirement of Subsection (2)(b)(i) relating to the number of residents.

551 (4) (a) This Subsection (4) applies only to an annexation within a county of the first
552 class.

553 (b) A county of the first class shall agree to an annexation if the majority of private
554 property owners within the area to be annexed give written consent to the annexation, in
555 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

556 (c) For purposes of Subsection (4)(b), the majority of private property owners is
557 property owners who own:

558 (i) the majority of the total private land area within the area proposed for annexation;
559 and

560 (ii) private real property equal to at least one half the value of private real property
561 within the area proposed for annexation.

562 (d) A property owner consenting to annexation shall indicate the property owner's
 563 consent on a form which includes language in substantially the following form:

564 "Notice: If this written consent is used to proceed with an annexation of your property
 565 in accordance with Utah Code Section 10-2-418, no public election is required by law to
 566 approve the annexation. If you sign this consent and later decide you do not want to support
 567 the annexation of your property, you may withdraw your signature by submitting a signed,
 568 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
 569 choose to withdraw your signature, you must do so no later than the close of the public hearing
 570 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d).".

571 (e) A private property owner may withdraw the property owner's signature indicating
 572 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
 573 close of the public hearing held in accordance with Subsection (5)(~~d~~)(b).

574 (5) The legislative body of each municipality intending to annex an area under this
 575 section shall:

576 (a) adopt a resolution indicating the municipal legislative body's intent to annex the
 577 area, describing the area proposed to be annexed; and

578 [~~b~~] publish notice:

579 [~~i~~-(A)] (b) hold a public hearing on the proposed annexation no earlier than 30 days
 580 after the adoption of the resolution described in Subsection (5)(a).

581 (6) A legislative body described in Subsection (5) shall publish notice of a public
 582 hearing described in Subsection (5)(b):

583 (a) (i) at least once a week for three successive weeks before the public hearing in a
 584 newspaper of general circulation within the municipality and the area proposed for annexation;

585 [~~or~~]

586 [~~B~~] (ii) if there is no newspaper of general circulation in the [~~areas~~] combined area
 587 described in Subsection [~~(5)(b)(i)(A), post~~] (6)(a)(i), at least three weeks before the day of the

588 public hearing, by posting one notice, and at least one additional notice per [1,000] 2,000

589 population in the combined area, in places within [those areas] the combined area that are most

590 likely to give notice to the residents [~~of those areas; and~~] within, and the owners of real
591 property located within, the combined area; or

592 (iii) at least three weeks before the day of the public hearing, by mailing notice to each
593 residence within, and each owner of real property located within, the combined area described
594 in Subsection (6)(a)(i);

595 [~~(ii)~~] (b) on the Utah Public Notice Website created in Section 63F-1-701, for three
596 weeks before the day of the public hearing;

597 (c) in accordance with Section 45-1-101, for three weeks before the day of the public
598 hearing;

599 [~~(e) send~~] (d) by sending written notice to:

600 (i) the board of each local district and special service district whose boundaries contain
601 some or all of the area proposed for annexation; and

602 (ii) the legislative body of the county in which the area proposed for annexation is
603 located; and

604 (e) if the municipality has a website, on the municipality's website for three weeks
605 before the day of the public hearing.

606 [~~(d) hold a public hearing on the proposed annexation no earlier than 30 days after the~~
607 ~~adoption of the resolution under Subsection (5)(a).]~~

608 [~~(6)~~] (7) The legislative body of the annexing municipality shall ensure that:

609 (a) each notice [~~under Subsections (5)(b) and (e)~~] described in Subsection (6):

610 (i) states that the municipal legislative body has adopted a resolution indicating its
611 intent to annex the area proposed for annexation;

612 (ii) states the date, time, and place of the public hearing [~~under Subsection (5)(d)~~]
613 described in Subsection (5)(b);

614 (iii) describes the area proposed for annexation; and

615 (iv) except for an annexation that meets the property owner consent requirements of
616 Subsection [~~(7)~~] (8)(b) or the recommendation of annexation requirements of Subsection [~~(7)~~]
617 (8)(c), states in conspicuous and plain terms that the municipal legislative body will annex the

618 area unless, at or before the public hearing [~~under Subsection (5)(d)~~] described in Subsection
619 (5)(b), written protests to the annexation are filed by the owners of private real property that:

620 (A) is located within the area proposed for annexation;

621 (B) covers a majority of the total private land area within the entire area proposed for
622 annexation; and

623 (C) is equal in value to at least 1/2 the value of all private real property within the
624 entire area proposed for annexation; and

625 (b) the first publication of the notice [~~required under Subsection (5)(b)(i)~~] described in
626 Subsection (6)(a) occurs within 14 days [~~of~~] after the day on which the municipal legislative
627 [~~body's adoption of~~] body adopts a resolution under Subsection (5)(a).

628 [(7)] (8) (a) Except as provided in Subsections [(7)] (8)(b)(i) and [(7)] (8)(c)(i), upon
629 conclusion of the public hearing [~~under Subsection (5)(d)~~] described in Subsection (5)(b), the
630 municipal legislative body may adopt an ordinance approving the annexation of the area
631 proposed for annexation under this section unless, at or before the hearing, written protests to
632 the annexation have been filed with the recorder or clerk of the municipality by the owners of
633 private real property that:

634 (i) is located within the area proposed for annexation;

635 (ii) covers a majority of the total private land area within the entire area proposed for
636 annexation; and

637 (iii) is equal in value to at least 1/2 the value of all private real property within the
638 entire area proposed for annexation.

639 (b) (i) Notwithstanding Subsection [(7)] (8)(a), upon conclusion of the public hearing
640 [~~under Subsection (5)(d)~~] described in Subsection (5)(b), a municipality may adopt an
641 ordinance approving the annexation of the area proposed for annexation under this section
642 without allowing or considering protests under Subsection [(7)] (8)(a) if the owners of at least
643 75% of the total private land area within the entire area proposed for annexation, representing
644 at least 75% of the value of the private real property within the entire area proposed for
645 annexation, have consented in writing to the annexation.

646 (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an
647 ordinance adopted under Subsection [(7)] (8)(b)(i), the area annexed is conclusively presumed
648 to be validly annexed.

649 (c) (i) Notwithstanding Subsection [(7)] (8)(a), upon conclusion of the public hearing
650 [~~under Subsection (5)(d)~~] described in Subsection (5)(b), a municipality may adopt an
651 ordinance approving the annexation of an area that the county legislative body proposes for
652 annexation under this section without allowing or considering protests under Subsection [(7)]
653 (8)(a) if the county legislative body has formally recommended annexation to the annexing
654 municipality and has made a formal finding that:

655 (A) the area to be annexed can be more efficiently served by the municipality than by
656 the county;

657 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
658 the future as the result of urban development;

659 (C) annexation of the area is likely to facilitate the consolidation of overlapping
660 functions of local government; and

661 (D) annexation of the area is likely to result in an equitable distribution of community
662 resources and obligations.

663 (ii) The county legislative body may base the finding required in Subsection [(7)]
664 (8)(c)(i)(B) on:

665 (A) existing development in the area;

666 (B) natural or other conditions that may limit the future development of the area; or

667 (C) other factors that the county legislative body considers relevant.

668 (iii) A county legislative body may make the recommendation for annexation required
669 in Subsection [(7)] (8)(c)(i) for only a portion of an unincorporated island if, as a result of
670 information provided at the public hearing, the county legislative body makes a formal finding
671 that it would be equitable to leave a portion of the island unincorporated.

672 (iv) If a county legislative body has made a recommendation of annexation under
673 Subsection [(7)] (8)(c)(i):

674 (A) the relevant municipality is not required to proceed with the recommended
675 annexation; and

676 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
677 the entire area that the county legislative body recommended for annexation.

678 (v) Upon the effective date under Section 10-2-425 of an annexation approved by an
679 ordinance adopted under Subsection ~~[(7)]~~ (8)(c)(i), the area annexed is conclusively presumed
680 to be validly annexed.

681 ~~[(8)]~~ (9) (a) Except as provided in Subsections ~~[(7)]~~ (8)(b)(i) and ~~[(7)]~~ (8)(c)(i), if
682 protests are timely filed that comply with Subsection ~~[(7)]~~ (8)(a), the municipal legislative body
683 may not adopt an ordinance approving the annexation of the area proposed for annexation, and
684 the annexation proceedings under this section shall be considered terminated.

685 (b) Subsection ~~[(8)]~~ (9)(a) does not prohibit the municipal legislative body from
686 excluding from a proposed annexation under Subsection (2)(b) the property within an
687 unincorporated island regarding which protests have been filed and proceeding under
688 Subsection (3) to annex some or all of the remaining portion of the unincorporated island.

689 Section 6. Section 10-2-419 is amended to read:

690 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

691 (1) The legislative bodies of two or more municipalities having common boundaries
692 may adjust their common boundaries as provided in this section.

693 (2) The legislative body of each municipality intending to adjust a boundary that is
694 common with another municipality shall:

695 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
696 common boundary; and

697 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
698 adoption of the resolution under Subsection (2)(a)[;].

699 ~~[(e)]~~ (3) A legislative body described in Subsection (2) shall publish notice of a public
700 hearing described in Subsection (2)(b):

701 ~~[(i)-(A)]~~ (a) (i) at least once a week for three successive weeks before the public

702 hearing in a newspaper of general circulation within the municipality; ~~or~~
703 ~~[(B)]~~ (ii) if there is no newspaper of general circulation within the municipality, ~~post~~
704 at least three weeks before the day of the public hearing, by posting one notice, and at least one
705 additional notice per ~~[1,000]~~ 2,000 population of the municipality, in places within the
706 municipality that are most likely to give notice to residents of the municipality; ~~and~~ or
707 (iii) at least three weeks before the day of the public hearing, by mailing notice to each
708 residence in the municipality;
709 ~~[(ii)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for three
710 weeks~~; and~~ before the day of the public hearing;
711 (c) in accordance with Section 45-1-101, for three weeks before the day of the public
712 hearing;
713 (d) if the proposed boundary adjustment may cause any part of real property owned by
714 the state to be within the geographic boundary of a different local governmental entity than
715 before the adjustment, ~~provide~~ by providing written notice, at least 50 days before the day of
716 the public hearing ~~[described in Subsection (2)(b)], to:~~
717 (i) the title holder of any state-owned real property described in this Subsection ~~[(2)]~~
718 (3)(d); and
719 (ii) the Utah State Developmental Center Board, created under Section 62A-5-202, if
720 any state-owned real property described in this Subsection ~~[(2)]~~ (3)(d) is associated with the
721 Utah State Developmental Center~~[-]; and~~
722 (e) if the municipality has a website, on the municipality's website for three weeks
723 before the day of the public hearing.
724 ~~[(3)]~~ (4) The notice ~~[required under Subsections (2)(c) and (d)] described in Subsection~~
725 (3) shall:
726 (a) state that the municipal legislative body has adopted a resolution indicating the
727 municipal legislative body's intent to adjust a boundary that the municipality has in common
728 with another municipality;
729 (b) describe the area proposed to be adjusted;

730 (c) state the date, time, and place of the public hearing [~~required under~~] described in
731 Subsection (2)(b);

732 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
733 the boundaries unless, at or before the public hearing [~~under~~] described in Subsection (2)(b), a
734 written protest to the adjustment is filed by:

735 (i) an owner of private real property that:

736 (A) is located within the area proposed for adjustment;

737 (B) covers at least 25% of the total private land area within the area proposed for
738 adjustment; and

739 (C) is equal in value to at least 15% of the value of all private real property within the
740 area proposed for adjustment; or

741 (ii) a title holder of state-owned real property described in Subsection [~~(2)~~] (3)(d);

742 (e) state that the area that is the subject of the boundary adjustment will, because of the
743 boundary adjustment, be automatically annexed to a local district providing fire protection,
744 paramedic, and emergency services or a local district providing law enforcement service, as the
745 case may be, as provided in Section 17B-1-416, if:

746 (i) the municipality to which the area is being added because of the boundary
747 adjustment is entirely within the boundaries of a local district:

748 (A) that provides fire protection, paramedic, and emergency services or law
749 enforcement service, respectively; and

750 (B) in the creation of which an election was not required because of Subsection
751 17B-1-214(3)(c); and

752 (ii) the municipality from which the area is being taken because of the boundary
753 adjustment is not within the boundaries of the local district; and

754 (f) state that the area proposed for annexation to the municipality will be automatically
755 withdrawn from a local district providing fire protection, paramedic, and emergency services,
756 as provided in Subsection 17B-1-502(2), if:

757 (i) the municipality to which the area is being added because of the boundary

758 adjustment is not within the boundaries of a local district:

759 (A) that provides fire protection, paramedic, and emergency services; and

760 (B) in the creation of which an election was not required because of Subsection
761 [17B-1-214](#)(3)(c); and

762 (ii) the municipality from which the area is being taken because of the boundary
763 adjustment is entirely within the boundaries of the local district.

764 ~~[(4)]~~ (5) The first publication of the notice ~~[required under Subsection (2)(c)(i)(A)]~~
765 described in Subsection (3)(a)(i) shall be within 14 days ~~[of]~~ after the day on which the
766 municipal legislative ~~[body's adoption of]~~ body adopts a resolution under Subsection (2)(a).

767 ~~[(5)]~~ (6) Upon conclusion of the public hearing ~~[under]~~ described in Subsection (2)(b),
768 the municipal legislative body may adopt an ordinance approving the adjustment of the
769 common boundary unless, at or before the hearing ~~[under]~~ described in Subsection (2)(b), a
770 written protest to the adjustment is filed with the city recorder or town clerk by a person
771 described in Subsection ~~[(2)]~~ (3)(d)(i) or (ii).

772 ~~[(6)]~~ (7) The municipal legislative body shall comply with the requirements of Section
773 [10-2-425](#) as if the boundary adjustment were an annexation.

774 ~~[(7)]~~ (8) (a) An ordinance adopted under Subsection ~~[(5)]~~ (6) becomes effective when
775 each municipality involved in the boundary adjustment has adopted an ordinance under
776 Subsection ~~[(5)]~~ (6).

777 (b) The effective date of a boundary adjustment under this section is governed by
778 Section [10-2-425](#).

779 Section 7. Section **10-2-501** is amended to read:

780 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**
781 **Requirements upon filing request.**

782 (1) As used in this part "petitioner" means:

783 (a) one or more persons who:

784 (i) own title to real property within the area proposed for disconnection; and

785 (ii) sign a request for disconnection proposing to disconnect the area proposed for

786 disconnection from the municipality; or

787 (b) the mayor of the municipality within which the area proposed for disconnection is
788 located who signs a request for disconnection proposing to disconnect the area proposed for
789 disconnection from the municipality.

790 (2) (a) A petitioner proposing to disconnect an area within and lying on the borders of a
791 municipality shall file with that municipality's legislative body a request for disconnection.

792 (b) Each request for disconnection shall:

793 (i) contain the names, addresses, and signatures of the owners of more than 50% of any
794 private real property in the area proposed for disconnection;

795 (ii) give the reasons for the proposed disconnection;

796 (iii) include a map or plat of the territory proposed for disconnection; and

797 (iv) designate between one and five persons with authority to act on the petitioner's
798 behalf in the proceedings.

799 (3) Upon filing the request for disconnection, the petitioner shall~~[(a) cause]~~ publish
800 notice of the request ~~[to be published]:~~

801 (a) (i) once a week for three consecutive weeks before the public hearing described in
802 Section 10-2-502.5 in a newspaper of general circulation within the municipality; ~~[and]~~

803 ~~[(ii) in accordance with Section 45-1-101 for three weeks;]~~

804 (ii) if there is no newspaper of general circulation in the municipality, at least three
805 weeks before the day of the public hearing described in Section 10-2-502.5, by posting one
806 notice, and at least one additional notice per 2,000 population of the municipality, in places
807 within the municipality that are most likely to give notice to the residents within, and the
808 owners of real property located within, the municipality, including the residents who live in the
809 area proposed for disconnection; or

810 (iii) at least three weeks before the day of the public hearing described in Section
811 10-2-502.5, by mailing notice to each residence within, and each owner of real property located
812 within, the municipality;

813 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks

814 before the day of the public hearing described in Section 10-2-502.5;

815 (c) in accordance with Section 45-1-101, for three weeks before the day of the public
 816 hearing described in Section 10-2-502.5;

817 ~~[(b)] (d) [cause notice of the request to be mailed] by mailing notice~~ to each owner of
 818 real property located within the area proposed to be disconnected; ~~[and]~~

819 ~~[(c) deliver]~~ (e) by delivering a copy of the request to the legislative body of the
 820 county in which the area proposed for disconnection is located~~[-]; and~~

821 (f) if the municipality has a website, on the municipality's website for three weeks
 822 before the day of the public hearing.

823 Section 8. Section 10-2-502.5 is amended to read:

824 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
 825 **legislative body -- Petition in district court.**

826 (1) ~~[Within]~~ No sooner than seven calendar days after, and no later than 30 calendar
 827 days after [the last publication of], the last day on which the petitioner publishes the notice
 828 required under Subsection 10-2-501(3)(a), the legislative body of the municipality in which the
 829 area proposed for disconnection is located shall hold a public hearing.

830 (2) ~~[At least seven calendar days before the hearing date, the]~~ The municipal legislative
 831 body shall provide notice of the public hearing:

832 (a) at least seven days before the hearing date, in writing to the petitioner and to the
 833 legislative body of the county in which the area proposed for disconnection is located; ~~[and]~~

834 ~~[(b) by publishing a notice:]~~

835 ~~[(i)-(A)]~~ (b) (i) at least seven days before the hearing date, by publishing notice in a
 836 newspaper of general circulation within the municipality; ~~[or]~~

837 ~~[(B)]~~ (ii) if there is no newspaper [as described in Subsection (2)(b)(i)(A), then by
 838 posting notice of the hearing in at least three public places] of general circulation within the
 839 municipality, at least seven days before the hearing date, by posting one notice, and at least one
 840 additional notice per 2,000 population of the municipality, in places within the municipality
 841 that are most likely to give notice to residents within, and the owners of real property located

842 within, the municipality; ~~and~~ or
843 (iii) at least 10 days before the hearing date, by mailing notice to each residence within,
844 and each owner of real property located within, the municipality;
845 ~~[(ii)]~~ (c) on the Utah Public Notice Website created in Section 63F-1-701[-], for seven
846 days before the hearing date;
847 (d) in accordance with Section 45-1-101, for seven days before the hearing date; and
848 (e) if the municipality has a website, on the municipality's website for seven days
849 before the hearing date.

850 (3) In the public hearing, any person may speak and submit documents regarding the
851 disconnection proposal.

852 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

- 853 (a) determine whether to grant the request for disconnection; and
- 854 (b) if the municipality determines to grant the request, adopt an ordinance approving
855 disconnection of the area from the municipality.

856 (5) (a) A petition against the municipality challenging the municipal legislative body's
857 determination under Subsection (4) may be filed in district court by:

- 858 (i) the petitioner; or
 - 859 (ii) the county in which the area proposed for disconnection is located.
- 860 (b) Each petition under Subsection (5)(a) shall include a copy of the request for
861 disconnection.

862 Section 9. Section **10-2-607** is amended to read:

863 **10-2-607. Notice of election.**

864 If the county legislative bodies find that the resolution or petition for consolidation and
865 their attachments substantially conform with the requirements of this part, ~~they shall give~~ the
866 county legislative bodies shall publish notice of the election for consolidation to the ~~electors~~
867 voters of each municipality ~~which~~ that would become part of the consolidated municipality
868 ~~[by publication]:~~

869 (1) (a) in a newspaper [having a] of general circulation within the boundaries of [each]

870 the municipality [~~to be consolidated~~] at least once a week for four consecutive weeks [~~prior to~~]
871 before the election; [~~on the question of consolidation; and~~]
872 [~~(2) in accordance with Section 45-1-101 for four weeks.~~]

873 (b) if there is no newspaper of general circulation in the municipality, at least four
874 weeks before the day of the election, by posting one notice, and at least one additional notice
875 per 2,000 population of the municipality, in places within the municipality that are most likely
876 to give notice to the voters in the municipality; or

877 (c) at least four weeks before the day of the election, by mailing notice to each
878 registered voter in the municipality;

879 (2) on the Utah Public Notice Website created in Section 63F-1-701, for at least four
880 weeks before the day of the election;

881 (3) in accordance with Section 45-1-101, for at least four weeks before the day of the
882 election; and

883 (4) if the municipality has a website, on the municipality's website for at least four
884 weeks before the day of the election.

885 Section 10. Section **10-2-703** is amended to read:

886 **10-2-703. Publication of notice of election.**

887 (1) Immediately after setting the date for the election, the court shall order for
888 publication notice of the:

889 (a) petition; and

890 (b) date the election is to be held to determine the question of dissolution.

891 (2) The notice described in Subsection (1) shall be published:

892 (a) (i) for at least once a week for a period of [~~one month~~] four weeks before the
893 election in a newspaper [~~having~~] of general circulation in the municipality; [~~or~~]

894 [~~(ii) if there is not a newspaper as described in Subsection (2)(a), by posting in at least~~
895 ~~three public places in the municipality; and~~]

896 (ii) if there is no newspaper of general circulation in the municipality, at least four
897 weeks before the day of the election, by posting one notice, and at least one additional notice

898 per 2,000 population of the municipality, in places within the municipality that are most likely
 899 to give notice to the voters in the municipality; or

900 (iii) at least one month before the day of the election, by mailing notice to each
 901 registered voter in the municipality;

902 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
 903 before the day of the election;

904 ~~[(b)]~~ (c) in accordance with Section 45-1-101 [for one month], for four weeks before
 905 the day of the election; and

906 (d) if the municipality has a website, on the municipality's website for four weeks
 907 before the day of the election.

908 Section 11. Section **10-2-708** is amended to read:

909 **10-2-708. Notice of disincorporation -- Publication and filing.**

910 When a municipality has been dissolved, the clerk of the court shall ~~[cause a notice~~
 911 ~~thereof to be published]~~ publish notice of the dissolution:

912 (1) (a) in a newspaper [having a] of general circulation in the county in which the
 913 municipality is located at least once a week for four consecutive weeks; [and]

914 (b) if there is no newspaper of general circulation in the county in which the
 915 municipality is located, by posting one notice, and at least one additional notice per 2,000
 916 population of the county in places within the county that are most likely to give notice to the
 917 residents within, and the owners of real property located within, the county, including the
 918 residents and owners within the municipality that is dissolved; or

919 (c) by mailing notice to each residence within, and each owner of real property located
 920 within, the county;

921 (2) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks;

922 ~~[(2)]~~ (3) in accordance with Section 45-1-101, for four weeks[-]; and

923 (4) on the county's website for four weeks.

924 Section 12. Section **10-2a-207** is amended to read:

925 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

926 (1) If the results of the feasibility study or supplemental feasibility study meet the
927 requirements of Subsection 10-2a-208(3), the lieutenant governor shall, after receipt of the
928 results of the feasibility study or supplemental feasibility study, schedule at least two public
929 hearings to be held:

930 (a) within the following 60 days after receipt of the results;

931 (b) at least seven days apart;

932 (c) in geographically diverse locations within the proposed city; and

933 (d) for the purpose of allowing:

934 (i) the feasibility consultant to present the results of the study; and

935 (ii) the public to become informed about the feasibility study results and to ask
936 questions about those results of the feasibility consultant.

937 (2) At a public hearing described in Subsection (1), the lieutenant governor shall:

938 (a) provide a map or plat of the boundary of the proposed city;

939 (b) provide a copy of the feasibility study for public review; and

940 (c) allow the public to express its views about the proposed incorporation, including its
941 view about the proposed boundary.

942 (3) ~~[(a)-(i)]~~ The lieutenant governor shall publish notice of the public hearings required
943 under Subsection (1):

944 ~~[(A)]~~ (a) (i) at least once a week for three successive weeks before the first public
945 hearing in a newspaper of general circulation within the proposed city; ~~[and]~~

946 (ii) if there is no newspaper of general circulation in the proposed city, at least three
947 weeks before the day of the first public hearing, by posting one notice, and at least one
948 additional notice per 2,000 population of the proposed city, in places within the proposed city
949 that are most likely to give notice to the residents within, and the owners of real property
950 located within, the proposed city; or

951 (iii) at least three weeks before the first public hearing, by mailing notice to each
952 residence within, and each owner of real property located within, the proposed city;

953 ~~[(B)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for three

954 weeks[-] before the day of the first public hearing;

955 (c) in accordance with Section 45-1-101, for three weeks before the day of the first
956 public hearing; and

957 (d) on the lieutenant governor's website for three weeks before the day of the first
958 public hearing.

959 [(ii)] (4) The last publication of notice required under Subsection (3)(a)(i)[(A)] shall be
960 at least three days before the first public hearing required under Subsection (1).

961 [(b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation
962 within the proposed city, the lieutenant governor shall post at least one notice of the hearings
963 per 1,000 population in conspicuous places within the proposed city that are most likely to give
964 notice of the hearings to the residents of the proposed city.]

965 [(ii) The lieutenant governor shall post the notices under Subsection (3)(b)(i) at least
966 seven days before the first hearing under Subsection (1).]

967 [(c) The notice under Subsections (3)(a) and (b)]

968 (5) (a) Except as provided in Subsection (5)(c), the notice described in Subsection (3)
969 shall include the feasibility study summary under Subsection 10-2a-205(3)(b) and shall indicate
970 that a full copy of the study is available for inspection and copying at the Office of the
971 Lieutenant Governor.

972 [(d)] (b) The lieutenant governor shall post a copy of the feasibility study on the
973 lieutenant governor's website and make a copy available for public review at the Office of the
974 Lieutenant Governor.

975 (c) Instead of publishing the feasibility summary under Subsection (5)(a), the
976 lieutenant governor may publish a statement that specifies the following sources where a
977 resident within, or the owner of real property located within, the proposed city, may view or
978 obtain a copy of the feasibility study:

979 (i) the lieutenant governor's website;

980 (ii) the physical address of the Office of the Lieutenant Governor; and

981 (iii) a mailing address and telephone number.

982 Section 13. Section **10-2a-210** is amended to read:

983 **10-2a-210. Incorporation election.**

984 (1) (a) Upon receipt of a certified petition under Subsection [10-2a-209\(1\)\(b\)\(i\)](#) or a
985 certified modified petition under Subsection [10-2a-209\(3\)](#), the lieutenant governor shall:

986 (i) determine and set an election date for the incorporation election that is:

987 (A) on a regular general election date under Section [20A-1-201](#) or on a local special
988 election date under Section [20A-1-203](#); and

989 (B) at least 65 days after the day that the lieutenant governor receives the certified
990 petition; and

991 (ii) direct the county legislative body of the county in which the incorporation is
992 proposed to hold the election on the date determined by the lieutenant governor in accordance
993 with Subsection (1)(a)(i).

994 (b) The county shall hold the election as directed by the lieutenant governor in
995 accordance with Subsection (1)(a)(ii).

996 (c) Unless a person is a registered voter who resides, as defined in Section [20A-1-102](#),
997 within the boundaries of the proposed city, the person may not vote on the proposed
998 incorporation.

999 (2) ~~(a)~~ The county clerk shall publish notice of the election:

1000 (a) (i) in a newspaper of general circulation within the area proposed to be incorporated
1001 at least once a week for three successive weeks~~[-and]~~ before the election;

1002 (ii) if there is no newspaper of general circulation in the area proposed to be
1003 incorporated, at least three weeks before the day of the election, by posting one notice, and at
1004 least one additional notice per 2,000 population of the area proposed to be incorporated, in
1005 places within the area proposed to be incorporated that are most likely to give notice to the
1006 voters within the area proposed to be incorporated; or

1007 (iii) at least three weeks before the day of the election, by mailing notice to each
1008 registered voter in the area proposed to be incorporated;

1009 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks

1010 before the day of the election;

1011 ~~[(ii)]~~ (c) in accordance with Section 45-1-101, for three weeks~~[-]~~ before the day of the
1012 election; and

1013 (d) on the county's website for three weeks before the day of the election.

1014 ~~[(b)]~~ (3) (a) The notice required by Subsection (2)~~[(a)]~~ shall contain:

1015 (i) a statement of the contents of the petition;

1016 (ii) a description of the area proposed to be incorporated as a city;

1017 (iii) a statement of the date and time of the election and the location of polling places;

1018 and

1019 (iv) except as provided in Subsection (3)(c), the feasibility study summary under
1020 Subsection 10-2a-205(3)(b) and a statement that a full copy of the study is available for
1021 inspection and copying at the Office of the Lieutenant Governor.

1022 ~~[(e)]~~ (b) The last publication of notice required under Subsection (2)(a)(i) shall occur at
1023 least one day but no more than seven days before the day of the election.

1024 ~~[(d)]~~ (i) ~~In accordance with Subsection (2)(a)(i), if there is no newspaper of general~~
1025 ~~circulation within the proposed city, the county clerk shall post at least one notice of the~~
1026 ~~election per 1,000 population in conspicuous places within the proposed city that are most~~
1027 ~~likely to give notice of the election to the voters of the proposed city.]~~

1028 ~~[(ii)]~~ ~~The clerk shall post the notices under Subsection (2)(d)(i) at least seven days~~
1029 ~~before the election under Subsection (1).]~~

1030 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the
1031 notice may include a statement that specifies the following sources where a registered voter in
1032 area proposed to be incorporated may view or obtain a copy the feasibility study:

1033 (i) the lieutenant governor's website;

1034 (ii) the physical address of the Office of the Lieutenant Governor; and

1035 (iii) a mailing address and telephone number.

1036 ~~[(3)]~~ (4) If a majority of those casting votes within the area boundaries of the proposed
1037 city vote to incorporate as a city, the area shall incorporate.

1038 Section 14. Section **10-2a-213** is amended to read:

1039 **10-2a-213. Determination of number of council members -- Determination of**
1040 **election districts -- Hearings and notice.**

1041 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of
1042 the canvass of the election under Section **10-2a-210**:

1043 (a) if the voters at the incorporation election choose the council-mayor form of
1044 government, determine the number of council members that will constitute the council of the
1045 future city;

1046 (b) if the voters at the incorporation election vote to elect council members by district,
1047 determine the number of council members to be elected by district and draw the boundaries of
1048 those districts, which shall be substantially equal in population;

1049 (c) determine the initial terms of the mayor and members of the city council so that:

1050 (i) the mayor and approximately half the members of the city council are elected to
1051 serve an initial term, of no less than one year, that allows their successors to serve a full
1052 four-year term that coincides with the schedule established in Subsection **10-3-205(1)**; and

1053 (ii) the remaining members of the city council are elected to serve an initial term, of no
1054 less than one year, that allows their successors to serve a full four-year term that coincides with
1055 the schedule established in Subsection **10-3-205(2)**; and

1056 (d) submit in writing to the county legislative body the results of the sponsors'
1057 determinations under Subsections (1)(a), (b), and (c).

1058 (2) ~~[(a)]~~ Before making a determination under Subsection (1)(a), (b), or (c), the petition
1059 sponsors shall hold a public hearing within the future city on the applicable issues under
1060 Subsections (1)(a), (b), and (c).

1061 ~~[(b)-(i)]~~ (3) The petition sponsors shall publish notice of the public hearing ~~[under]~~
1062 described in Subsection (2)~~[(a)]~~:

1063 ~~[(A)]~~ (a) (i) in a newspaper of general circulation within the future city at least once a
1064 week for two successive weeks before the public hearing; ~~[and]~~

1065 (ii) if there is no newspaper of general circulation in the future city, at least two weeks

1066 before the day of the public hearing, by posting one notice, and at least one additional notice
 1067 per 2,000 population of the future city, in places within the future city that are most likely to
 1068 give notice to the residents within, and the owners of real property located within, the future
 1069 city; or

1070 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
 1071 residence within, and each owner of real property located within, the future city;

1072 ~~[(B)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for two
 1073 weeks before the day of the public hearing[-];

1074 (c) in accordance with Section 45-1-101, for at least two weeks before the day of the
 1075 public hearing; and

1076 (d) on the county's website for two weeks before the day of the public hearing.

1077 ~~[(ii)]~~ (4) The last publication of notice under Subsection ~~[(2)(b)(i)(A)]~~ (3)(a)(i) shall be
 1078 at least three days before the day of the public hearing under Subsection (2)~~[(a)]~~.

1079 ~~[(c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general~~
 1080 ~~circulation within the future city, the petition sponsors shall post at least one notice of the~~
 1081 ~~hearing per 1,000 population in conspicuous places within the future city that are most likely to~~
 1082 ~~give notice of the hearing to the residents of the future city.]~~

1083 ~~[(ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least~~
 1084 ~~seven days before the hearing under Subsection (2)(a).]~~

1085 Section 15. Section **10-2a-214** is amended to read:

1086 **10-2a-214. Notice of number of commission or council members to be elected and**
 1087 **of district boundaries -- Declaration of candidacy for city office.**

1088 (1) ~~[(a)]~~ Within 20 days ~~[of]~~ after the day on which the county legislative ~~[body's~~
 1089 ~~receipt of]~~ body receives the information under Subsection 10-2a-213(1)(d), the county clerk
 1090 shall publish, in accordance with Subsection ~~[(1)(b)]~~(2), notice containing:

1091 ~~[(i)]~~ (a) the number of commission or council members to be elected for the new city;

1092 ~~[(ii)]~~ (b) except as provided in Subsection (3), if some or all of the commission or
 1093 council members are to be elected by district, a description of the boundaries of those districts

1094 as designated by the petition sponsors under Subsection [10-2a-213\(1\)\(b\)](#);

1095 ~~[(iii)]~~ (c) information about the deadline for filing a declaration of candidacy for those

1096 seeking to become candidates for mayor or city commission or council; and

1097 ~~[(iv)]~~ (d) information about the length of the initial term of each of the city officers, as

1098 determined by the petition sponsors under Subsection [10-2a-213\(1\)\(c\)](#).

1099 ~~[(b)]~~ (2) The notice ~~[under]~~ described in Subsection (1)~~[(a)]~~ shall be published:

1100 (a) (i) in a newspaper of general circulation within the future city at least once a week

1101 for two successive weeks; [and]

1102 (ii) if there is no newspaper of general circulation in the future city, by posting one

1103 notice, and at least one additional notice per 2,000 population of the future city, in places

1104 within the future city that are most likely to give notice to the residents in the future city; or

1105 (iii) by mailing notice to each residence in the future city;

1106 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks;

1107 ~~[(i)]~~ (c) in accordance with Section [45-1-101](#), for two weeks~~[-]; and~~

1108 (d) on the county's website for two weeks.

1109 ~~[(c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general~~

1110 ~~circulation within the future city, the county clerk shall post at least one notice per 1,000~~

1111 ~~population in conspicuous places within the future city that are most likely to give notice to the~~

1112 ~~residents of the future city.]~~

1113 ~~[(ii) The notice under Subsection (1)(c)(i) shall contain the information required under~~

1114 ~~Subsection (1)(a).]~~

1115 ~~[(iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least~~

1116 ~~seven days before the deadline for filing a declaration of candidacy under Subsection (2).]~~

1117 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the

1118 notice may include a statement that specifies the following sources where a resident of the

1119 future city may view or obtain a copy the district:

1120 (a) the county website;

1121 (b) the physical address of the county offices; and

1122 (c) a mailing address and telephone number.

1123 [(2)] (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to
1124 become a candidate for mayor or city commission or council of a city incorporating under this
1125 part shall file a declaration of candidacy with the clerk of the county in which the future city is
1126 located and in accordance with the deadlines set by the clerk as authorized by Section
1127 10-2a-215.

1128 Section 16. Section 10-2a-215 is amended to read:

1129 **10-2a-215. Election of officers of new city -- Primary and final election dates --**
1130 **County clerk duties -- Candidate duties -- Occupation of office.**

1131 (1) For the election of city officers, the county legislative body shall:

1132 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
1133 election; and

1134 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
1135 final election.

1136 (2) Each election under Subsection (1) shall be:

1137 (a) appropriate to the form of government chosen by the voters at the incorporation
1138 election;

1139 (b) consistent with the voters' decision about whether to elect commission or council
1140 members by district and, if applicable, consistent with the boundaries of those districts as
1141 determined by the petition sponsors; and

1142 (c) consistent with the sponsors' determination of the number of commission or council
1143 members to be elected and the length of their initial term.

1144 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall
1145 be held at the earliest of the next:

1146 (i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section
1147 20A-1-201;

1148 (ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under
1149 Subsection 20A-1-201.5(1);

- 1150 (iii) municipal primary election under Section 20A-9-404; or
- 1151 (iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under
- 1152 Section 20A-1-202.
- 1153 (b) The county shall hold the primary election, if necessary, on the next earliest
- 1154 election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:
- 1155 (i) 75 days after the incorporation election under Section 10-2a-210; and
- 1156 (ii) 65 days after the last day of the candidate filing period.
- 1157 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election under
- 1158 Subsection (1)(b) on one of the following election dates:
- 1159 (i) regular general election under Section 20A-1-201;
- 1160 (ii) municipal primary election under Section 20A-9-404;
- 1161 (iii) regular municipal general election under Section 20A-1-202; or
- 1162 (iv) regular primary election under Section 20A-1-201.5.
- 1163 (b) The county shall hold the final election on the earliest of the next election date that
- 1164 is listed in Subsection (4)(a)(i), (ii), (iii), or (iv):
- 1165 (i) that is after a primary election; or
- 1166 (ii) if there is no primary election, that is at least:
- 1167 (A) 75 days after the incorporation election under Section 10-2a-210; and
- 1168 (B) 65 days after the candidate filing period.
- 1169 (5) ~~(a)-(i)~~ The county clerk shall publish notice of an election under this section:
- 1170 ~~[(A)]~~ (a) (i) in accordance with Subsection (6), at least once a week for two successive
- 1171 weeks before the election in a newspaper of general circulation within the future city; [and]
- 1172 (ii) if there is no newspaper of general circulation in the future city, at least two weeks
- 1173 before the day of the election, by posting one notice, and at least one additional notice per
- 1174 2,000 population of the future city, in places within the future city that are most likely to give
- 1175 notice to the voters within the future city; or
- 1176 (iii) at least two weeks before the day of the election, by mailing notice to each
- 1177 registered voter within the future city;

1178 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
1179 before the day of the election;

1180 ~~[(B)]~~ (c) in accordance with Section 45-1-101, for two weeks~~[-]~~ before the day of the
1181 election; and

1182 (d) on the county's website for two weeks before the day of the election.

1183 ~~[(ii)]~~ (6) The later notice under Subsection (5)(a)(i) shall be at least one day but no
1184 more than seven days before the day of the election.

1185 ~~[(b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general~~
1186 ~~circulation within the future city, the county clerk shall post at least one notice of the election~~
1187 ~~per 1,000 population in conspicuous places within the future city that are most likely to give~~
1188 ~~notice of the election to the voters.]~~

1189 ~~[(ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven~~
1190 ~~days before each election under Subsection (1).]~~

1191 ~~[(6)]~~ (7) (a) Until the city is incorporated, the county clerk:

1192 (i) is the election officer for all purposes in an election of officers of the city approved
1193 at an incorporation election; and

1194 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
1195 that are not otherwise contrary to law.

1196 (b) The county clerk shall require and determine deadlines for the filing of campaign
1197 financial disclosures of city officer candidates in accordance with Section 10-3-208.

1198 (c) The county clerk is responsible to ensure that:

1199 (i) a primary or final election for the officials of a newly incorporated city is held on a
1200 date authorized by this section; and

1201 (ii) the ballot for the election includes each office that is required to be included in the
1202 election for officers of the newly incorporated city and the term of each office.

1203 ~~[(7)]~~ (8) A person who has filed as a candidate for an office described in this section
1204 shall comply with the campaign finance disclosure requirements of Section 10-3-208 and
1205 requirements and deadlines as lawfully set forth by the county clerk.

1206 ~~[(8)]~~ (9) Notwithstanding Section 10-3-201, the officers elected at a final election
1207 described in Subsection (4)(a) shall take office:

1208 (a) after taking the oath of office; and

1209 (b) at noon on the first Monday following the day on which the election official
1210 transmits a certificate of nomination or election under the officer's seal to each elected
1211 candidate in accordance with Subsection 20A-4-304~~[(2)(c)(ii)]~~(4)(b).

1212 Section 17. Section 10-2a-303 is amended to read:

1213 **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

1214 (1) If, in accordance with Section 10-2a-302.5, the lieutenant governor certifies a
1215 petition for incorporation or an amended petition for incorporation, the lieutenant governor
1216 shall, after completion of the feasibility study, schedule a public hearing:

1217 (a) that takes place no later than 60 days after the day on which the feasibility study is
1218 completed; and

1219 (b) to consider, in accordance with Subsection ~~[(3)]~~ (4)(b), the feasibility of
1220 incorporation for the proposed town.

1221 (2) ~~[(a)]~~ The lieutenant governor shall give notice of the public hearing on the proposed
1222 incorporation ~~[by]~~:

1223 ~~(a)~~ (i) ~~[(A) publishing notice of the public hearing]~~ at least once a week for two
1224 consecutive weeks before the public hearing in a newspaper of general circulation within the
1225 proposed town; ~~[or]~~

1226 ~~[(B)]~~ (ii) if there is no newspaper of general circulation within the proposed town by, at
1227 least two weeks before the day of the public hearing, posting notice of the public hearing in at
1228 least five conspicuous public places within the proposed town~~[-and]~~ that are most likely to
1229 give notice to the residents within, and the owners of real property located within, the proposed
1230 town; or

1231 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
1232 residence within, and to each owner of real property located within, the proposed town;

1233 ~~[(i)]~~ (b) by publishing notice of the public hearing on the Utah Public Notice Website

1234 created in Section [63F-1-701](#)[-], for two weeks before the day of the public hearing;
1235 (c) in accordance with Section [45-1-101](#), for two weeks before the day of the public
1236 hearing; and
1237 (d) on the county's website for two weeks before the day of the public hearing.
1238 [~~(b)~~] (3) The county in which the incorporation is proposed shall post the notice
1239 described in Subsection (2)[~~(a)(ii)~~](b) on the county's website, if the county has a website, for
1240 at least two consecutive weeks before the day of the public hearing.
1241 [~~(3)~~] (4) At the public hearing scheduled in accordance with Subsection (1), the
1242 lieutenant governor shall:
1243 (a) (i) provide a copy of the feasibility study; and
1244 (ii) present the results of the feasibility study to the public; and
1245 (b) allow the public to:
1246 (i) review the map or plat of the boundary of the proposed town;
1247 (ii) ask questions and become informed about the proposed incorporation; and
1248 (iii) express its views about the proposed incorporation, including their views about the
1249 boundary of the area proposed to be incorporated.
1250 [~~(4)~~] (5) A county under the direction of the lieutenant governor may not hold an
1251 election on the incorporation of a town in accordance with Section [10-2a-304](#) if the results of
1252 the feasibility study show that the five-year projected revenues under Subsection
1253 [10-2a-302.5](#)(11)(d)(iv) exceed the five-year projected costs under Subsection
1254 [10-2a-302.5](#)(11)(d)(iii) by more than 10%.
1255 Section 18. Section **10-2a-304** is amended to read:
1256 **10-2a-304. Incorporation of a town -- Election to incorporate -- Ballot form.**
1257 (1) (a) Upon the completion of a feasibility study described in Section [10-2a-302.5](#) and
1258 the public hearing described in Section [10-2a-303](#), the lieutenant governor shall schedule an
1259 incorporation election for the proposed town on:
1260 (i) the date of a regular general election described in Section [20A-1-201](#) or on the date
1261 of a local special election described in Section [20A-1-203](#); and

1262 (ii) a date that is at least 65 days after the day on which the lieutenant governor certifies
1263 the petition under Section 10-2a-302.5.

1264 (b) The lieutenant governor shall direct the county in which the proposed town is
1265 located to hold the incorporation election on the date that the lieutenant governor schedules
1266 under Subsection (1)(a).

1267 (c) The county described in Subsection (1)(b) shall hold the incorporation election as
1268 directed by the lieutenant governor in accordance with Subsection (1)(b).

1269 (d) An individual may not vote in an incorporation election under this section unless
1270 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
1271 boundaries of the proposed town.

1272 (2) ~~(a)~~ The county clerk shall publish notice of the election:

1273 (a) (i) in accordance with Subsection (4), in a newspaper of general circulation, within
1274 the area proposed to be incorporated, at least once a week for three successive weeks~~[-and]~~
1275 before the election;

1276 (ii) if there is no newspaper of general circulation in the proposed area proposed to be
1277 incorporated, at least three weeks before the day of the election, by posting one notice, and at
1278 least one additional notice per 250 population of the area proposed to be incorporated, in places
1279 within the area proposed to be incorporated that are most likely to give notice to the voters in
1280 the area proposed to be incorporated; or

1281 (iii) at least two weeks before the day of the election, by mailing notice to each
1282 registered voter in the area proposed to be incorporated;

1283 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
1284 before the day of the election;

1285 ~~(ii)~~ (c) in accordance with Section 45-1-101, for three weeks~~[-]~~ before the day of the
1286 election; and

1287 (d) on the county's website for three weeks before the day of the election.

1288 ~~(b)~~ (3) The notice required by Subsection (2)~~(a)~~ shall contain:

1289 ~~(i)~~ (a) a statement of the contents of the petition;

1290 [(ii)] (b) a description of the area proposed to be incorporated as a town;
 1291 [(iii)] (c) a statement of the date and time of the election and the location of polling
 1292 places; and
 1293 [(iv)] (d) the lieutenant governor's Internet website address, if applicable, and the
 1294 address of the Office of the Lieutenant Governor where the feasibility study is available for
 1295 review.

1296 [(e)] (4) The last publication of notice required under Subsection (2)(a)(i) shall occur at
 1297 least one day but no more than seven days before the day of the election.

1298 ~~[(d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general
 1299 circulation within the proposed town, the county clerk shall post at least one notice of the
 1300 election per 100 population in conspicuous places within the proposed town that are most
 1301 likely to give notice of the election to the voters of the proposed town.]~~

1302 ~~[(ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days
 1303 before the election under Subsection (1)(a).]~~

1304 [(3)] (5) The ballot at the incorporation election shall pose the incorporation question
 1305 substantially as follows:

1306 Shall the area described as (insert a description of the proposed town) be incorporated
 1307 as the town of (insert the proposed name of the proposed town)?

1308 ~~[(4)] (6)~~ (6) The ballot shall provide a space for the voter to answer yes or no to the
 1309 question in Subsection ~~[(3)] (5)~~.

1310 ~~[(5)] (7)~~ (7) If a majority of those casting votes within the area boundaries of the proposed
 1311 town vote to incorporate as a town, the area shall incorporate.

1312 Section 19. Section **10-2a-305** is amended to read:

1313 **10-2a-305. Form of government -- Determination of council officer terms --**
 1314 **Hearings and notice.**

1315 (1) A newly incorporated town shall operate under the five-member council form of
 1316 government as defined in Section [10-3b-102](#).

1317 (2) If the incorporation proposal passes, the petition sponsors shall, within 25 days of

1318 the canvass of the election under Section [10-2a-304](#):

1319 (a) determine the initial terms of the mayor and members of the city council so that:

1320 (i) the mayor and approximately half the members of the town council are elected to
1321 serve an initial term, of no less than one year, that allows their successors to serve a full
1322 four-year term that coincides with the schedule established in Subsection [10-3-205\(1\)](#); and

1323 (ii) the remaining members of the town council are elected to serve an initial term, of
1324 no less than one year, that allows their successors to serve a full four-year term that coincides
1325 with the schedule established in Subsection [10-3-205\(2\)](#); and

1326 (b) submit in writing to the county legislative body the results of the sponsors'
1327 determinations under Subsection (2)(a).

1328 (3) ~~[(a)]~~ Before making a determination under Subsection (2)(a), the petition sponsors
1329 shall hold a public hearing within the future town on the applicable issues under Subsections
1330 (2)(a)(i) and (ii).

1331 ~~[(b)-(i)]~~ (4) (a) The petition sponsors shall publish notice of the public hearing ~~[under]~~
1332 described in Subsection (3)~~[(a)]~~:

1333 ~~[(A)]~~ (i) in accordance with Subsection (5), in a newspaper of general circulation
1334 within the future town at least once a week for two successive weeks before the [day of the]
1335 public hearing; [and]

1336 (ii) if there is no newspaper of general circulation in the future town, at least two weeks
1337 before the day of the public hearing, by posting one notice, and at least one additional notice
1338 per 250 population of the future town, in places within the future town that are most likely to
1339 give notice to the voters in the future town; or

1340 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
1341 registered voter in the future town;

1342 ~~[(B)]~~ (b) by posting notice on the Utah Public Notice Website, created in Section
1343 [63F-1-701](#), for two weeks before the day of the public hearing[-];

1344 (c) in accordance with Section [45-1-101](#), for two weeks before the day of the public
1345 hearing; and

1346 (d) on the county's website for two weeks before the day of the public hearing.

1347 ~~[(ii)]~~ (5) The last publication of notice under Subsection ~~[(3)(b)(i)(A)]~~ (4)(a)(i) shall be
 1348 at least three days before the day of the public hearing ~~[under]~~ described in Subsection (3)~~[(a)]~~.

1349 ~~[(c)(i) In accordance with Subsection (3)(b)(i)(A), if there is no newspaper of general~~
 1350 ~~circulation within the future town, the petition sponsors shall post at least one notice of the~~
 1351 ~~hearing per 1,000 population in conspicuous places within the future town that are most likely~~
 1352 ~~to give notice of the hearing to the residents of the future town.]~~

1353 ~~[(ii) The petition sponsors shall post the notices under Subsection (3)(c)(i) at least~~
 1354 ~~seven days before the day that the hearing is held under Subsection (3)(a).]~~

1355 Section 20. Section **10-2a-305.1** is amended to read:

1356 **10-2a-305.1. Notice of number of council members to be elected and of district**
 1357 **boundaries -- Declaration of candidacy for town office -- Occupation of office.**

1358 (1) ~~[(a)]~~ Within 20 days ~~[of]~~ after the county legislative body's receipt of the
 1359 information under Subsection **10-2a-305(2)(b)**, the county clerk shall publish, in accordance
 1360 with Subsection ~~[(1)(b)]~~ (2), notice containing:

1361 ~~[(i)]~~ (a) information about the deadline for filing a declaration of candidacy for those
 1362 seeking to become candidates for mayor or town council; and

1363 ~~[(ii)]~~ (b) information about the length of the initial term of each of the town officers, as
 1364 determined by the petition sponsors under Subsection **10-2a-305(2)(a)**.

1365 ~~[(b) The notice under Subsection (1)(a) shall be published:]~~

1366 (2) The county clerk shall publish the notice described in Subsection (1):

1367 (a) (i) in a newspaper of general circulation within the future town at least once a week
 1368 for two successive weeks; ~~[and]~~

1369 ~~[(ii) in accordance with Section **45-1-101** for two weeks.]~~

1370 ~~[(c)(i) In accordance with Subsection (1)(b)(i);]~~

1371 (ii) if there is no newspaper of general circulation within the future ~~[city]~~ town, the
 1372 county clerk shall post one notice, and at least one additional notice per ~~[1,000]~~ 250 population
 1373 ~~[in conspicuous places]~~ of the future town, in places within the future town that are most likely

1374 to give notice to the residents of the future town[-]; or

1375 ~~[(ii) The notice under Subsection (1)(c)(i) shall contain the information required under~~
1376 ~~Subsection (1)(a).]~~

1377 (iii) by mailing the notice to each residence in the future town;

1378 (b) on the Utah Public Notice Website, created in Section 63F-1-701, for two weeks;

1379 (c) in accordance with Section 45-1-101, for two weeks; and

1380 (d) on the county's website for two weeks.

1381 ~~[(iii)]~~ (3) The petition sponsors shall post the notices ~~[under]~~ described in Subsection
1382 ~~[(1)(c)(i)]~~ (2)(a)(ii) or mail the notices described in Subsection (2)(a)(iii) at least seven days
1383 before the day of the deadline for filing a declaration of candidacy under Subsection ~~[(2)]~~ (4).

1384 ~~[(2)]~~ (4) Notwithstanding Subsection 20A-9-203(3)(a) and the provisions of
1385 Subsection 20A-9-203(3)(b) that require a declaration of candidacy to be filed with the city
1386 recorder or town clerk, each individual seeking to become a candidate for mayor or town
1387 council of a town incorporating under this part shall, within 45 days after the day of the
1388 incorporation election under Section 10-2a-304, file a declaration of candidacy with the clerk
1389 of the county in which the future town is located.

1390 Section 21. Section 10-2a-305.2 is amended to read:

1391 **10-2a-305.2. Election of officers of new town -- Primary and final election dates --**
1392 **County clerk duties -- Candidate duties -- Occupation of office.**

1393 (1) For the election of town officers, the county legislative body shall:

1394 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
1395 election; and

1396 (b) hold a final election unless the election may be cancelled in accordance with
1397 Section 20A-1-206.

1398 (2) Each election under Subsection (1) shall be consistent with the petition sponsors'
1399 determination of the length of each council member's initial term.

1400 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall
1401 be held on one of the following election dates:

1402 (i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section
 1403 20A-1-201;

1404 (ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under
 1405 Subsection 20A-1-201.5(1);

1406 (iii) municipal primary election under Section 20A-9-404; or

1407 (iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under
 1408 Section 20A-1-202.

1409 (b) The county shall hold the primary election, if necessary, at the earliest of the next
 1410 election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:

1411 (i) 75 days after the incorporation election under Section 10-2a-304; and

1412 (ii) 65 days after the last day of the candidate filing period.

1413 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election under
 1414 Subsection (1)(b) on one of the following election dates:

1415 (i) regular general election under Section 20A-1-201;

1416 (ii) municipal primary election under Section 20A-9-404;

1417 (iii) municipal general election under Section 20A-1-202; or

1418 (iv) regular primary election under Section 20A-1-201.5.

1419 (b) The county shall hold the final election on the next earliest election date listed in
 1420 Subsection (4)(a)(i), (ii), (iii), or (iv):

1421 (i) that is after a primary election; or

1422 (ii) if there is no primary election, that is at least:

1423 (A) 75 days after the incorporation election under Section 10-2a-210; and

1424 (B) 65 days after the candidate filing period.

1425 (5) ~~(a)-(i)~~ The county clerk shall publish notice of an election under this section:

1426 ~~(A)~~ (a) (i) in accordance with Subsection (6), at least once a week for two successive
 1427 weeks before the election in a newspaper of general circulation within the future town; ~~and~~

1428 (ii) if there is no newspaper of general circulation in the future town, at least two weeks
 1429 before the day of the election, by posting one notice, and at least one additional notice per 100

1430 population of the future town, in places within the future town that are most likely to give
1431 notice to the voters in the future town; or

1432 (iii) at least two weeks before the day of the election, by mailing notice to each
1433 registered voter in the future town;

1434 (b) by posting notice on the Utah Public Notice Website, created in Section [63F-1-701](#),
1435 for two weeks before the day of the election;

1436 ~~[(B)]~~ (c) in accordance with Section [45-1-101](#), for two weeks[:] before the day of the
1437 election; and

1438 (d) on the county's website for two weeks before the day of the election.

1439 ~~[(ii)]~~ (6) The later notice under Subsection (5)(a)(i) shall be at least one day but no
1440 more than seven days before the day of the election.

1441 ~~[(b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general~~
1442 ~~circulation within the future town, the county clerk shall post at least one notice of the election~~
1443 ~~per 1,000 population in conspicuous places within the future town that are most likely to give~~
1444 ~~notice of the election to the voters.]~~

1445 ~~[(ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven~~
1446 ~~days before an election under Subsection (1)(a) or (b).]~~

1447 ~~[(6)]~~ (7) (a) Until the town is incorporated, the county clerk:

1448 (i) is the election officer for all purposes in an election of officers of the town approved
1449 at an incorporation election; and

1450 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
1451 that are not otherwise contrary to law.

1452 (b) The county clerk shall require and determine deadlines for the filing of campaign
1453 financial disclosures of town officer candidates in accordance with Section [10-3-208](#).

1454 (c) The county clerk is responsible to ensure that:

1455 (i) a primary or final election for the officials of a newly incorporated town is held on a
1456 date authorized by this section; and

1457 (ii) the ballot for the election includes each office that is required to be included in the

1458 election for officers of the newly incorporated town and the term of each office.

1459 ~~[(7)]~~ (8) A person who has filed as a candidate for an office described in this section
1460 shall comply with the campaign finance disclosure requirements of Section 10-3-208 and
1461 requirements and deadlines as lawfully set forth by the county clerk.

1462 ~~[(8)]~~ (9) Notwithstanding Section 10-3-201, the officers elected at a final election
1463 described in Subsection (4)(a) shall take office:

1464 (a) after taking the oath of office; and

1465 (b) at noon on the first Monday following the day on which the election official
1466 transmits a certificate of nomination or election under the officer's seal to each elected
1467 candidate in accordance with Subsection 20A-4-304~~[(2)(c)(ii)]~~(4)(b).

1468 Section 22. Section 10-7-19 is amended to read:

1469 **10-7-19. Election to authorize -- Notice -- Ballots.**

1470 (1) ~~[(The)]~~ Subject to Subsection (2), the board of commissioners or city council of any
1471 city, or the board of trustees of any incorporated town ~~[is authorized to],~~ may aid and
1472 encourage the building of railroads by granting to any railroad company, for depot or other
1473 railroad purposes, real property of ~~[such]~~ the city or incorporated town, not necessary for
1474 municipal or public purposes, upon ~~[such]~~ the limitations and conditions ~~[as]~~ established by the
1475 board of commissioners, city council, or board of trustees ~~[may prescribe; provided, however,~~
1476 ~~that no such grant shall be made to any railroad company unless the question of making it has~~
1477 ~~been submitted to the qualified electors].~~

1478 (2) A board of commissioners, city council, or board of trustees may not grant real
1479 property under Subsection (1) unless the grant is approved by the eligible voters of the city or
1480 town at the next municipal election, or at a special election [to be] called for that purpose by
1481 the board of commissioners, city council [or town board], or board of trustees.

1482 ~~[(2)]~~ (3) If the question is submitted at a special election, ~~[it]~~ the election shall be held
1483 as nearly as practicable in conformity with the general election laws of the state.

1484 ~~[(3) Notice of an election described in Subsection (2) shall be given by publication:]~~

1485 (4) The board of commissioners, city council, or board of trustees shall publish notice

1486 of an election described in Subsections (2) and (3):

1487 (a) (i) in a newspaper [~~published or having~~] of general circulation in the city or town
 1488 once a week for four weeks [~~prior to~~] before the election; [or]

1489 [~~(ii) if there is not a newspaper as described in Subsection (3)(a)(i), then by posting~~
 1490 ~~notices; and]~~

1491 (ii) if there is no newspaper of general circulation in the city or town, at least four
 1492 weeks before the day of the election, by posting one notice, and at least one additional notice
 1493 per 2,000 population of the city or town, in places within the city or town that are most likely to
 1494 give notice to the voters in the city or town; or

1495 (iii) at least four weeks before the day of the election, by mailing notice to each
 1496 registered voter in the city or town;

1497 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks
 1498 before the day of the election;

1499 [~~(b)~~] (c) in accordance with Section [45-1-101](#), for four weeks [~~prior to~~] before the day
 1500 of the election[-]; and

1501 (d) if the municipality has a website, on the municipality's website for at least four
 1502 weeks before the day of the election.

1503 [~~(4)~~] (5) The board of commissioners, city council [or town board], or board of trustees
 1504 shall cause ballots to be printed and [furnished to the qualified electors] provided to the eligible
 1505 voters, which shall read: "For the proposed grant for depot or other railroad purposes: Yes.
 1506 No."

1507 [~~(5)~~] (6) If a majority of the [qualified electors voting thereon shall have voted] votes
 1508 are cast in favor of [such] the grant, the board of commissioners, city council [or town board
 1509 shall then proceed to], or board of trustees shall convey the real property to the railroad
 1510 company.

1511 Section 23. Section **11-14-202** is amended to read:

1512 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

1513 (1) The governing body shall [~~ensure that~~] publish notice of the election [~~is provided~~]:

1514 (a) (i) once per week [during] for three consecutive weeks [by publication] before the
1515 election in a newspaper [having] of general circulation in the local political subdivision, in
1516 accordance with Section 11-14-316, the first publication occurring not less than 21, nor more
1517 than 35, days before the day of the election;

1518 ~~[(b) on a website, if available, in accordance with Section 45-1-101 for the three weeks~~
1519 ~~that immediately precede the election; and]~~

1520 ~~[(c) in a local political subdivision where there is no newspaper of general circulation,~~
1521 ~~by posting notice of the bond election in at least five public places in the local political~~
1522 ~~subdivision at least 21 days before the election.]~~

1523 (ii) if there is no newspaper of general circulation in the local political subdivision, at
1524 least 21 days before the day of the election, by posting one notice, and at least one additional
1525 notice per 2,000 population of the local political subdivision, in places within the local political
1526 subdivision that are most likely to give notice to the voters in the local political subdivision; or

1527 (iii) at least three weeks before the day of the election, by mailing notice to each
1528 registered voter in the local political subdivision;

1529 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
1530 before the day of the election;

1531 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;
1532 and

1533 (d) if the local political subdivision has a website, on the local political subdivision's
1534 website for at least three weeks before the day of the election.

1535 (2) When the debt service on the bonds to be issued will increase the property tax
1536 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
1537 per year, the governing body shall prepare and mail either a voter information pamphlet or a
1538 notification described in Subsection (8):

1539 (a) at least 15 days, but not more than 45 days, before the bond election;

1540 (b) to each household containing a registered voter who is eligible to vote on the
1541 bonds; and

- 1542 (c) that includes the information required by Subsections (4) and (5).
- 1543 (3) The election officer may change the location of, or establish an additional:
- 1544 (a) voting precinct polling place, in accordance with Subsection (6);
- 1545 (b) early voting polling place, in accordance with Subsection 20A-3-603(2); or
- 1546 (c) election day voting center, in accordance with Subsection 20A-3-703(2).
- 1547 (4) The notice described in Subsection (1) and the voter information pamphlet
- 1548 described in Subsection (2):
- 1549 (a) shall include, in the following order:
- 1550 (i) the date of the election;
- 1551 (ii) the hours during which the polls will be open;
- 1552 (iii) the address of the Statewide Electronic Voter Information Website and, if
- 1553 available, the address of the election officer's website, with a statement indicating that the
- 1554 election officer will post on the website the location of each polling place for each voting
- 1555 precinct, each early voting polling place, and each election day voting center, including any
- 1556 changes to the location of a polling place and the location of an additional polling place;
- 1557 (iv) a phone number that a voter may call to obtain information regarding the location
- 1558 of a polling place; and
- 1559 (v) the title and text of the ballot proposition, including the property tax cost of the
- 1560 bond described in Subsection 11-14-206(2)(a); and
- 1561 (b) may include the location of each polling place.
- 1562 (5) The voter information pamphlet required by this section shall include:
- 1563 (a) the information required under Subsection (4); and
- 1564 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
- 1565 which may be based on information the governing body determines to be useful, including:
- 1566 (i) expected debt service on the bonds to be issued;
- 1567 (ii) a description of the purpose, remaining principal balance, and maturity date of any
- 1568 outstanding general obligation bonds of the issuer;
- 1569 (iii) funds other than property taxes available to pay debt service on general obligation

1570 bonds;

1571 (iv) timing of expenditures of bond proceeds;

1572 (v) property values; and

1573 (vi) any additional information that the governing body determines may be useful to

1574 explain the property tax impact of issuance of the bonds.

1575 (6) (a) Except as provided in Section 20A-1-308, the election officer may, after the

1576 deadlines described in Subsections (1) and (2):

1577 (i) if necessary, change the location of a voting precinct polling place; or

1578 (ii) if the election officer determines that the number of voting precinct polling places

1579 is insufficient due to the number of registered voters who are voting, designate additional

1580 voting precinct polling places.

1581 (b) Except as provided in Section 20A-1-308, if an election officer changes the

1582 location of a voting precinct polling place or designates an additional voting precinct polling

1583 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,

1584 times, and location of a changed voting precinct polling place or an additional voting precinct

1585 polling place:

1586 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter

1587 Information Website;

1588 (ii) by posting the information on the website of the election officer, if available; and

1589 (iii) by posting notice:

1590 (A) of a change in the location of a voting precinct polling place, at the new location

1591 and, if possible, the old location; and

1592 (B) of an additional voting precinct polling place, at the additional voting precinct

1593 polling place.

1594 (7) The governing body shall pay the costs associated with the notice required by this

1595 section.

1596 (8) (a) The governing body may mail a notice printed on a postage prepaid,

1597 preaddressed return form that a person may use to request delivery of a voter information

1598 pamphlet by mail.

1599 (b) The notice described in Subsection (8)(a) shall include:

1600 (i) the website upon which the voter information pamphlet is available; and

1601 (ii) the phone number a voter may call to request delivery of a voter information

1602 pamphlet by mail.

1603 (9) A local school board shall comply with the voter information pamphlet

1604 requirements described in Section [53G-4-603](#).

1605 Section 24. Section **17B-1-303** is amended to read:

1606 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
1607 **of board member contact information.**

1608 (1) (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a
1609 board of trustees shall begin at noon on the January 1 following the member's election or
1610 appointment.

1611 (b) The term of each member of the initial board of trustees of a newly created local
1612 district shall begin:

1613 (i) upon appointment, for an appointed member; and

1614 (ii) upon the member taking the oath of office after the canvass of the election at which
1615 the member is elected, for an elected member.

1616 (c) The term of each water conservancy district board member appointed by the
1617 governor as provided in Subsection [17B-2a-1005\(2\)\(c\)](#) shall:

1618 (i) begin on the later of the following:

1619 (A) the date on which the Senate consents to the appointment; or

1620 (B) the expiration date of the prior term; and

1621 (ii) end on the February 1 that is approximately four years after the date described in
1622 Subsection (1)(c)(i)(A) or (B).

1623 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the
1624 term of each member of a board of trustees shall be four years, except that approximately half
1625 the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that

1626 the term of approximately half the board members expires every two years.

1627 (ii) (A) If the terms of members of the initial board of trustees of a newly created local
1628 district do not begin on January 1 because of application of Subsection (1)(b), the terms of
1629 those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in
1630 the terms of their successors complying with:

1631 (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following
1632 a member's election or appointment; and

1633 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

1634 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or
1635 subtract more than a year from a member's term.

1636 (b) Each board of trustees member shall serve until a successor is duly elected or
1637 appointed and qualified, unless the member earlier is removed from office or resigns or
1638 otherwise leaves office.

1639 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
1640 [17B-1-302](#)(1), (2), or (3), or if the member's term expires without a duly elected or appointed
1641 successor:

1642 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

1643 (ii) the member may continue to serve until a successor is duly elected or appointed
1644 and qualified.

1645 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
1646 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

1647 (ii) An oath of office may be administered by a judge, county clerk, notary public, or
1648 the local district clerk.

1649 (b) Each oath of office shall be filed with the clerk of the local district.

1650 (c) The failure of a board of trustees member to take the oath required by Subsection
1651 (3)(a) does not invalidate any official act of that member.

1652 (4) A board of trustees member is not limited in the number of terms the member may
1653 serve.

1654 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees
1655 position shall be filled as provided in Section [20A-1-512](#).

1656 (6) (a) For purposes of this Subsection (6):

1657 (i) "Appointed official" means a person who:

1658 (A) is appointed as a member of a local district board of trustees by a county or
1659 municipality entitled to appoint a member to the board; and

1660 (B) holds an elected position with the appointing county or municipality.

1661 (ii) "Appointing entity" means the county or municipality that appointed the appointed
1662 official to the board of trustees.

1663 (b) The board of trustees shall declare a midterm vacancy for the board position held
1664 by an appointed official if:

1665 (i) during the appointed official's term on the board of trustees, the appointed official
1666 ceases to hold the elected position with the appointing entity; and

1667 (ii) the appointing entity submits a written request to the board to declare the vacancy.

1668 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
1669 appointing entity shall appoint another person to fill the remaining unexpired term on the board
1670 of trustees.

1671 (7) (a) Each member of a board of trustees shall give a bond for the faithful
1672 performance of the member's duties, in the amount and with the sureties prescribed by the
1673 board of trustees.

1674 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

1675 (8) The lieutenant governor may extend the term of an elected district board member
1676 by one year in order to compensate for a change in the election year under Subsection
1677 [17B-1-306](#)~~(13)~~(14).

1678 (9) (a) A local district shall:

1679 (i) post on the Utah Public Notice Website created in Section [63F-1-701](#) the name,
1680 phone number, and email address of each member of the local district's board of trustees;

1681 (ii) update the information described in Subsection (9)(a)(i) when:

1682 (A) the membership of the board of trustees changes; or
1683 (B) a member of the board of trustees' phone number or email address changes; and
1684 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day
1685 on which the change requiring the update occurs.

1686 (b) This Subsection (9) applies regardless of whether the county or municipal
1687 legislative body also serves as the board of trustees of the local district.

1688 Section 25. Section **17B-1-306** is amended to read:

1689 **17B-1-306. Local district board -- Election procedures.**

1690 (1) Except as provided in Subsection [~~(11)~~] (12), each elected board member shall be
1691 selected as provided in this section.

1692 (2) (a) Each election of a local district board member shall be held:

1693 (i) at the same time as the municipal general election or the regular general election, as
1694 applicable; and

1695 (ii) at polling places designated by the local district board in consultation with the
1696 county clerk for each county in which the local district is located, which polling places shall
1697 coincide with municipal general election or regular general election polling places, as
1698 applicable, whenever feasible.

1699 (b) The local district board, in consultation with the county clerk, may consolidate two
1700 or more polling places to enable voters from more than one district to vote at one consolidated
1701 polling place.

1702 (c) (i) Subject to Subsections [~~(4)~~] (5)(h) and (i), the number of polling places under
1703 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
1704 polling place per division of the district, designated by the district board.

1705 (ii) Each polling place designated by an irrigation district board under Subsection
1706 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
1707 (2)(a)(ii).

1708 (3) [~~(a)~~] The clerk of each local district with a board member position to be filled at the
1709 next municipal general election or regular general election, as applicable, shall provide notice

1710 of:

1711 ~~[(i)]~~ (a) each elective position of the local district to be filled at the next municipal
1712 general election or regular general election, as applicable;

1713 ~~[(ii)]~~ (b) the constitutional and statutory qualifications for each position; and

1714 ~~[(iii)]~~ (c) the dates and times for filing a declaration of candidacy.

1715 ~~[(b) The notice required under Subsection (3)(a) shall be:]~~

1716 (4) The clerk of the local district shall publish the notice described in Subsection (3):

1717 (a) by posting the notice on the Utah Public Notice Website created in Section

1718 63F-1-701, for 10 days before the first day for filing a declaration of candidacy; and

1719 (b) (i) ~~[posted]~~ by posting the notice in at least five public places within the local
1720 district at least 10 days before the first day for filing a declaration of candidacy; or

1721 (ii) publishing the notice:

1722 (A) ~~[published]~~ in a newspaper of general circulation within the local district at least
1723 three but no more than 10 days before the first day for filing a declaration of candidacy; ~~[and]~~

1724 (B) ~~[published,]~~ in accordance with Section 45-1-101, for 10 days before the first day
1725 for filing a declaration of candidacy~~[-];~~ and

1726 (c) if the local district has a website, on the local district's website for 10 days before
1727 the first day for filing a declaration of candidacy.

1728 ~~[(4)]~~ (5) (a) Except as provided in Subsection ~~[(4)]~~ (5)(c), to become a candidate for an
1729 elective local district board position, an individual shall file a declaration of candidacy in
1730 person with an official designated by the local district, during office hours, within the candidate
1731 filing period for the applicable election year in which the election for the local district board is
1732 held.

1733 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
1734 filing time shall be extended until the close of normal office hours on the following regular
1735 business day.

1736 (c) Subject to Subsection ~~[(4)]~~ (5)(f), an individual may designate an agent to file a
1737 declaration of candidacy with the official designated by the local district if:

- 1738 (i) the individual is located outside of the state during the entire filing period;
- 1739 (ii) the designated agent appears in person before the official designated by the local
- 1740 district; and
- 1741 (iii) the individual communicates with the official designated by the local district using
- 1742 an electronic device that allows the individual and official to see and hear each other.
- 1743 (d) (i) Before the filing officer may accept any declaration of candidacy from an
- 1744 individual, the filing officer shall:
 - 1745 (A) read to the individual the constitutional and statutory qualification requirements for
 - 1746 the office that the individual is seeking; and
 - 1747 (B) require the individual to state whether the individual meets those requirements.
- 1748 (ii) If the individual does not meet the qualification requirements for the office, the
- 1749 filing officer may not accept the individual's declaration of candidacy.
- 1750 (iii) If it appears that the individual meets the requirements of candidacy, the filing
- 1751 officer shall accept the individual's declaration of candidacy.
- 1752 (e) The declaration of candidacy shall be in substantially the following form:
 - 1753 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
 - 1754 _____, City of _____, County of _____, state of Utah, (Zip
 - 1755 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
 - 1756 office of board of trustees member for _____ (state the name of the local
 - 1757 district); that I am a candidate for that office to be voted upon at the next election; and that, if
 - 1758 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
 - 1759 period, and I hereby request that my name be printed upon the official ballot for that election.
 - 1760 (Signed) _____
 - 1761 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
 - 1762 of _____, _____.
 - 1763 (Signed) _____
 - 1764 (Clerk or Notary Public)"
- 1765 (f) An agent designated under Subsection [~~(4)~~] (5)(c) may not sign the form described

1766 in Subsection [~~(4)~~] (5)(e).

1767 (g) Each individual wishing to become a valid write-in candidate for an elective local
1768 district board position is governed by Section 20A-9-601.

1769 (h) If at least one individual does not file a declaration of candidacy as required by this
1770 section, an individual shall be appointed to fill that board position in accordance with the
1771 appointment provisions of Section 20A-1-512.

1772 (i) If only one candidate files a declaration of candidacy and there is no write-in
1773 candidate who complies with Section 20A-9-601, the board, in accordance with Section
1774 20A-1-206, may:

1775 (i) consider the candidate to be elected to the position; and

1776 (ii) cancel the election.

1777 [~~(5)~~] (6) (a) A primary election may be held if:

1778 (i) the election is authorized by the local district board; and

1779 (ii) the number of candidates for a particular local board position or office exceeds
1780 twice the number of persons needed to fill that position or office.

1781 (b) The primary election shall be conducted:

1782 (i) on the same date as the municipal primary election or the regular primary election,
1783 as applicable; and

1784 (ii) according to the procedures for primary elections provided under Title 20A,
1785 Election Code.

1786 [~~(6)~~] (7) (a) Except as provided in Subsection [~~(6)~~] (7)(c), within one business day after
1787 the deadline for filing a declaration of candidacy, the local district clerk shall certify the
1788 candidate names to the clerk of each county in which the local district is located.

1789 (b) (i) Except as provided in Subsection [~~(6)~~] (7)(c) and in accordance with Section
1790 20A-6-305, the clerk of each county in which the local district is located and the local district
1791 clerk shall coordinate the placement of the name of each candidate for local district office in
1792 the nonpartisan section of the ballot with the appropriate election officer.

1793 (ii) If consolidation of the local district election ballot with the municipal general

1794 election ballot or the regular general election ballot, as applicable, is not feasible, the local
1795 district board of trustees, in consultation with the county clerk, shall provide for a separate
1796 local district election ballot to be administered by poll workers at polling locations designated
1797 under Subsection (2).

1798 (c) (i) Subsections [~~(6)~~] (7)(a) and (b) do not apply to an election of a member of the
1799 board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

1800 (ii) (A) Subject to Subsection [~~(6)~~] (7)(c)(ii)(B), the board of each irrigation district
1801 shall prescribe the form of the ballot for each board member election.

1802 (B) Each ballot for an election of an irrigation district board member shall be in a
1803 nonpartisan format.

1804 (C) The name of each candidate shall be placed on the ballot in the order specified
1805 under Section [20A-6-305](#).

1806 [~~(7)~~] (8) (a) Each voter at an election for a board of trustees member of a local district
1807 shall:

1808 (i) be a registered voter within the district, except for an election of:

1809 (A) an irrigation district board of trustees member; or

1810 (B) a basic local district board of trustees member who is elected by property owners;

1811 and

1812 (ii) meet the requirements to vote established by the district.

1813 (b) Each voter may vote for as many candidates as there are offices to be filled.

1814 (c) The candidates who receive the highest number of votes are elected.

1815 [~~(8)~~] (9) Except as otherwise provided by this section, the election of local district
1816 board members is governed by Title 20A, Election Code.

1817 [~~(9)~~] (10) (a) Except as provided in Subsection [17B-1-303](#)(8), a person elected to serve
1818 on a local district board shall serve a four-year term, beginning at noon on the January 1 after
1819 the person's election.

1820 (b) A person elected shall be sworn in as soon as practical after January 1.

1821 [~~(10)~~] (11) (a) Except as provided in Subsection [~~(10)~~] (11)(b), each local district shall

1822 reimburse the county or municipality holding an election under this section for the costs of the
1823 election attributable to that local district.

1824 (b) Each irrigation district shall bear its own costs of each election it holds under this
1825 section.

1826 ~~[(11)]~~ (12) This section does not apply to an improvement district that provides electric
1827 or gas service.

1828 ~~[(12)]~~ (13) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title
1829 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

1830 ~~[(13)]~~ (14) (a) As used in this Subsection ~~[(13)]~~ (14), "board" means:

1831 (i) a local district board; or

1832 (ii) the administrative control board of a special service district that has elected
1833 members on the board.

1834 (b) A board may hold elections for membership on the board at a regular general
1835 election instead of a municipal general election if the board submits an application to the
1836 lieutenant governor that:

1837 (i) requests permission to hold elections for membership on the board at a regular
1838 general election instead of a municipal general election; and

1839 (ii) indicates that holding elections at the time of the regular general election is
1840 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
1841 material reason.

1842 (c) Upon receipt of an application described in Subsection ~~[(13)]~~ (14)(b), the lieutenant
1843 governor may approve the application if the lieutenant governor concludes that holding the
1844 elections at the regular general election is beneficial based on the criteria described in
1845 Subsection ~~[(13)]~~ (14)(b)(ii).

1846 (d) If the lieutenant governor approves a board's application described in this section:

1847 (i) all future elections for membership on the board shall be held at the time of the
1848 regular general election; and

1849 (ii) the board may not hold elections at the time of a municipal general election unless

1850 the board receives permission from the lieutenant governor to hold all future elections for
1851 membership on the board at a municipal general election instead of a regular general election,
1852 under the same procedure, and by applying the same criteria, described in this Subsection
1853 [~~(13)~~] (14).

1854 Section 26. Section **17B-1-1001** is amended to read:

1855 **17B-1-1001. Provisions applicable to property tax levy.**

1856 (1) Each local district that levies and collects property taxes shall levy and collect them
1857 according to the provisions of Title 59, Chapter 2, Property Tax Act.

1858 (2) As used in this section:

1859 (a) "Appointed board of trustees" means a board of trustees of a local district that
1860 includes a member who is appointed to the board of trustees in accordance with Section
1861 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306~~(4)~~(5)(h), or any of the
1862 applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of
1863 Local Districts.

1864 (b) "Elected board of trustees" means a board of trustees of a local district that consists
1865 entirely of members who are elected to the board of trustees in accordance with Subsection (4),
1866 Section 17B-1-306, or any of the applicable provisions in Title 17B, Chapter 2a, Provisions
1867 Applicable to Different Types of Local Districts.

1868 (3) (a) For a taxable year beginning on or after January 1, 2018, a local district may not
1869 levy or collect property tax revenue that exceeds the certified tax rate unless:

1870 (i) to the extent that the revenue from the property tax was pledged before January 1,
1871 2018, the local district pledges the property tax revenue to pay for bonds or other obligations of
1872 the local district; or

1873 (ii) the proposed tax or increase in the property tax rate has been approved by:

1874 (A) an elected board of trustees;

1875 (B) subject to Subsection (3)(b), an appointed board of trustees;

1876 (C) a majority of the registered voters within the local district who vote in an election
1877 held for that purpose on a date specified in Section 20A-1-204;

1878 (D) the legislative body of the appointing authority; or

1879 (E) the legislative body of:

1880 (I) a majority of the municipalities partially or completely included within the
1881 boundary of the specified local district; or

1882 (II) the county in which the specified local district is located, if the county has some or
1883 all of its unincorporated area included within the boundary of the specified local district.

1884 (b) For a local district with an appointed board of trustees, each appointed member of
1885 the board of trustees shall comply with the trustee reporting requirements described in Section
1886 17B-1-1003 before the local district may impose a property tax levy that exceeds the certified
1887 tax rate.

1888 (4) (a) Notwithstanding provisions to the contrary in Title 17B, Chapter 2a, Provisions
1889 Applicable to Different Types of Local Districts, and subject to Subsection (4)(b), members of
1890 the board of trustees of a local district shall be elected, if:

1891 (i) two-thirds of all members of the board of trustees of the local district vote in favor
1892 of changing to an elected board of trustees; and

1893 (ii) the legislative body of each municipality or county that appoints a member to the
1894 board of trustees adopts a resolution approving the change to an elected board of trustees.

1895 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten
1896 the term of any member of the board of trustees serving at the time of the change.

1897 (5) Subsections (2), (3), and (4) do not apply to:

1898 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

1899 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

1900 (c) a local district in which:

1901 (i) the board of trustees consists solely of:

1902 (A) land owners or the land owners' agents; or

1903 (B) as described in Subsection 17B-1-302(3), land owners or the land owners' agents or
1904 officers; and

1905 (ii) there are no residents within the local district at the time a property tax is levied.

1906 Section 27. Section **17B-1-1003** is amended to read:

1907 **17B-1-1003. Trustee reporting requirement.**

1908 (1) As used in this section:

1909 (a) "Appointed board of trustees" means a board of trustees of a local district that
1910 includes a member who is appointed to the board of trustees in accordance with Section
1911 **17B-1-304**, Subsection **17B-1-303(5)**, Subsection **17B-1-306(4)(h)**, or any of the applicable
1912 provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local
1913 Districts.

1914 (b) "Legislative entity" means:

1915 (i) the member's appointing authority, if the appointing authority is a legislative body;

1916 or

1917 (ii) the member's nominating entity, if the appointing authority is not a legislative body.

1918 (c) (i) "Member" means an individual who is appointed to a board of trustees for a
1919 local district in accordance with Section **17B-1-304**, Subsection **17B-1-303(5)**, Subsection
1920 **17B-1-306**~~(4)~~(5)(h), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions
1921 Applicable to Different Types of Local Districts.

1922 (ii) "Member" includes a member of the board of trustees who holds an elected
1923 position with a municipality, county, or another local district that is partially or completely
1924 included within the boundaries of the local district.

1925 (d) "Nominating entity" means the legislative body that submits nominees for
1926 appointment to the board of trustees to an appointing authority.

1927 (e) "Property tax increase" means a property tax levy that exceeds the certified tax rate
1928 for the taxable year.

1929 (2) (a) If a local district board of trustees adopts a tentative budget that includes a
1930 property tax increase, each member shall report to the member's legislative entity on the
1931 property tax increase.

1932 (b) (i) The local district shall request that each of the legislative entities that appoint or
1933 nominate a member to the local district's board of trustees hear the report required by

1934 Subsection (2)(a) at a public meeting of each legislative entity.
1935 (ii) The request to make a report may be made by:
1936 (A) the member appointed or nominated by the legislative entity; or
1937 (B) another member of the board of trustees.
1938 (c) The member appointed or nominated by the legislative entity shall make the report
1939 required by Subsection (2)(a) at a public meeting that:
1940 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;
1941 (ii) includes the report as a separate agenda item; and
1942 (iii) is held within 40 days after the day on which the legislative entity receives a
1943 request to hear the report.
1944 (d) (i) If the legislative entity does not have a scheduled meeting within 40 days after
1945 the day on which the legislative entity receives a request to hear the report required by
1946 Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.
1947 (ii) If the legislative entity fails to hear the report at a public meeting that meets the
1948 criteria described in Subsection (2)(c), the trustee reporting requirements under this section
1949 shall be considered satisfied.
1950 (3) (a) A report on a property tax increase at a legislative entity's public meeting shall
1951 include:
1952 (i) a statement that the local district intends to levy a property tax at a rate that exceeds
1953 the certified tax rate for the taxable year;
1954 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would
1955 be generated by the proposed increase in the certified tax rate;
1956 (iii) the approximate percentage increase in ad valorem tax revenue for the local
1957 district based on the proposed property tax increase; and
1958 (iv) any other information requested by the legislative entity.
1959 (b) The legislative entity shall allow time during the meeting for comment from the
1960 legislative entity and members of the public on the property tax increase.
1961 (4) (a) If more than one member is appointed to the board of trustees by the same

1962 legislative entity, a majority of the members appointed or nominated by the legislative entity
1963 shall be present to provide the report required by Subsection (2) and described in Subsection
1964 (3).

1965 (b) The chair of the board of trustees shall appoint another member of the board of
1966 trustees to provide the report described in Subsection (3) to the legislative entity if:

1967 (i) the member appointed or nominated by the legislative entity is unable or unwilling
1968 to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

1969 (ii) the absence of the member appointed or nominated by the legislative entity results
1970 in:

1971 (A) no member who was appointed or nominated by the legislative entity being present
1972 to provide the report; or

1973 (B) an inability to comply with Subsection (4)(a).

1974 (5) A local district board of trustees may approve a property tax increase only after the
1975 conditions of this section have been satisfied or considered satisfied for each member of the
1976 board of trustees.

1977 Section 28. Section **17B-2a-705** is amended to read:

1978 **17B-2a-705. Taxation -- Additional levy -- Election.**

1979 (1) If a mosquito abatement district board of trustees determines that the funds required
1980 during the next ensuing fiscal year will exceed the maximum amount that the district is
1981 authorized to levy under Subsection **17B-1-103(2)(g)**, the board of trustees may call an election
1982 on a date specified in Section **20A-1-204** and submit to district voters the question of whether
1983 the district should be authorized to impose an additional tax to raise the necessary additional
1984 funds.

1985 [~~(2) The board shall, for at least four weeks before the election:]~~

1986 [~~(a) publish notice of the election in a daily or weekly newspaper published in the~~
1987 ~~district, or]~~

1988 [~~(b) if there is no daily or weekly newspaper published in the district, post notice of the~~
1989 ~~election in three public places in the district.]~~

1990 (2) The board shall publish notice of the election:

1991 (a) (i) in a newspaper of general circulation within the district at least once, no later
1992 than four weeks before the day of the election;

1993 (ii) if there is no newspaper of general circulation in the district, at least four weeks
1994 before the day of the election, by posting one notice, and at least one additional notice per
1995 2,000 population of the district, in places within the district that are most likely to give notice
1996 to the voters in the district; or

1997 (iii) at least four weeks before the day of the election, by mailing notice to each
1998 registered voter in the district;

1999 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
2000 before the day of the election;

2001 (c) in accordance with Section 45-1-101, for four weeks before the day of the election;
2002 and

2003 (d) if the district has a website, on the district's website for four weeks before the day
2004 of the election.

2005 (3) No particular form of ballot is required, and no informalities in conducting the
2006 election may invalidate the election, if it is otherwise fairly conducted.

2007 (4) At the election each ballot shall contain the words, "Shall the district be authorized
2008 to impose an additional tax to raise the additional sum of \$ ____?"

2009 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
2010 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an
2011 additional levy to raise the additional amount of money required.

2012 Section 29. Section 17D-3-305 is amended to read:

2013 **17D-3-305. Setting the date of an election of the board of supervisors -- Notice of**
2014 **the election.**

2015 (1) The commission shall~~[:-(a)]~~ set the date of the election of members of the board of
2016 supervisors of a conservation district~~[;-and]~~.

2017 ~~[(b)]~~ (2) The commission shall publish notice of the election described in Subsection

2018 (1):
2019 ~~[(i) in a newspaper or other media outlet method with general circulation within the~~
2020 ~~conservation district, and]~~
2021 ~~[(ii) as required in Section [45-1-101](#).]~~
2022 (a) (i) in a newspaper of general circulation within the conservation district at least
2023 once, no later than four weeks before the day of the election;
2024 (ii) if there is no newspaper of general circulation in the conservation district, at least
2025 four weeks before the day of the election, by posting one notice, and at least one additional
2026 notice per 2,000 population of the conservation district, in places within the conservation
2027 district that are most likely to give notice to the voters in the conservation district; or
2028 (iii) at least four weeks before the day of the election, by mailing notice to each
2029 registered voter in the conservation district;
2030 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks
2031 before the day of the election;
2032 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;
2033 and
2034 (d) if the conservation district has a website, on the conservation district's website for
2035 four weeks before the day of the election.
2036 ~~[(2)]~~ (3) The date set for an election under Subsection (1)~~[(a)]~~ may not be later than six
2037 weeks after the date set by the commission for the close of nominations.
2038 ~~[(3)]~~ (4) The notice required under Subsection ~~[(1)(b)]~~ (2) shall:
2039 (a) state:
2040 (i) the date of the election;
2041 (ii) the names of all candidates; and
2042 (iii) that a ballot request form for the election may be obtained from the commission
2043 office or from any other place that the commission designates; and
2044 (b) specify the address of the commission office or other place where a ballot request
2045 form may be obtained.

2046 Section 30. Section **20A-1-104**, which is renumbered from Section 20A-1-401 is
2047 renumbered and amended to read:

2048 ~~[20A-1-401]~~. **20A-1-104. Computation of time.**

2049 ~~[(1) Courts and election officers shall construe the provisions of this title liberally to~~
2050 ~~carry out the intent of this title.]~~

2051 (1) (a) Except as provided in Subsection (1)(b), unless expressly provided otherwise in
2052 this title, if a person is required to complete an action on a certain day, on or before a certain
2053 day, or within one day or a period of days, the person may complete the action anytime before
2054 midnight on the final day.

2055 (b) If a person is required to complete an action in relation to a court proceeding, the
2056 rules of the court govern the requirements regarding the time of deadlines.

2057 (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be
2058 included in all computations of days made under ~~[the provisions of]~~ this title.

2059 (3) (a) Saturdays, Sundays, and holidays are not included in computations of days if
2060 the days are specified in this title as business days or working days.

2061 (b) Unless otherwise ~~[specifically]~~ expressly provided for ~~[under]~~ in this title:

2062 ~~[(a)]~~ (i) when computing any number of days before or after a specified date or event
2063 ~~[under this title]~~, the specified date or day of the event is not included in the count; ~~[and]~~

2064 ~~[(b) (i)]~~ (ii) if the commencement date of a time period preceding a specified date or
2065 event falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;

2066 ~~[(ii)]~~ (iii) if the last day of a time period following a specified date or event falls on a
2067 Saturday, Sunday, or legal holiday, the time period ~~[shall be]~~ is extended to the following
2068 business day; and

2069 ~~[(iii)]~~ (iv) if a deadline that falls before or after a specified date or event falls on a
2070 Saturday, Sunday, or legal holiday, the deadline shall be considered to fall on the following
2071 business day.

2072 Section 31. Section **20A-1-206** is amended to read:

2073 **20A-1-206. Cancellation of local election -- Municipalities -- Local districts --**

2074 **Notice.**

2075 (1) A municipal legislative body may cancel a local election if:

2076 (a) (i) (A) all municipal officers are elected in an at-large election under Subsection
2077 10-3-205.5(1); and

2078 (B) the number of municipal officer candidates, including any eligible write-in
2079 candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the
2080 number of open at-large municipal offices for which the candidates have filed; or

2081 (ii) (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);

2082 (B) the number of municipal officer candidates, including any eligible write-in
2083 candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed
2084 the number of open at-large municipal offices for which the candidates have filed; and

2085 (C) each municipal officer candidate, including any eligible write-in candidates under
2086 Section 20A-9-601, in each district is unopposed;

2087 (b) there are no other municipal ballot propositions; and

2088 (c) the municipal legislative body passes, no later than 20 days before the day of the
2089 scheduled election, a resolution that cancels the election and certifies that:

2090 (i) each municipal officer candidate is:

2091 (A) unopposed; or

2092 (B) a candidate for an at-large municipal office for which the number of candidates
2093 does not exceed the number of open at-large municipal offices; and

2094 (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.

2095 (2) A municipal legislative body that cancels a local election in accordance with
2096 Subsection (1) shall give notice that the election is cancelled by [~~posting notice~~]:

2097 (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter
2098 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day
2099 of the scheduled election;

2100 (b) if the municipality has a public website, posting notice on the municipality's public
2101 website for 15 days before the day of the scheduled election;

2102 (c) if the municipality publishes a newsletter or other periodical, publishing notice in
2103 the next scheduled newsletter or other periodical published before the day of the scheduled
2104 election; [~~and~~]

2105 (d) (i) publishing notice at least twice in a newspaper of general circulation [~~within~~] in
2106 the municipality before the day of the scheduled election; [~~or~~]

2107 (ii) if there is no newspaper of general circulation [~~within~~] in the municipality, [~~in at~~
2108 ~~least three conspicuous places within the boundaries of the municipality~~] at least 10 days before
2109 the day of the scheduled election[-], by posting one notice, and at least one additional notice per
2110 2,000 population within the municipality, in places within the municipality that are most likely
2111 to give notice to the voters in the municipality; or

2112 (iii) at least 10 days before the day of the scheduled election, mailing notice to each
2113 registered voter in the municipality; and

2114 (e) in accordance with Section 45-1-101, publishing notice for at least 10 days before
2115 the day of the scheduled election.

2116 (3) A local district board may cancel an election as described in Section 17B-1-306 if:

2117 (a) (i) (A) any local district officers are elected in an at-large election; and

2118 (B) the number of local district officer candidates for the at-large local district offices,
2119 including any eligible write-in candidates under Section 20A-9-601, does not exceed the
2120 number of open at-large local district offices for which the candidates have filed; or

2121 (ii) (A) the local district has divided the local district into divisions under Section
2122 17B-1-306.5;

2123 (B) the number of local district officer candidates, including any eligible write-in
2124 candidates under Section 20A-9-601, for the at-large local district offices within the local
2125 district, if any, does not exceed the number of open at-large local district offices for which the
2126 candidates have filed; and

2127 (C) each local district officer candidate, including any eligible write-in candidates
2128 under Section 20A-9-601, in each division of the local district is unopposed;

2129 (b) there are no other local district ballot propositions; and

2130 (c) the local district governing body, no later than 20 days before the day of the
2131 scheduled election, adopts a resolution that cancels the election and certifies that:
2132 (i) each local district officer candidate is:
2133 (A) unopposed; or
2134 (B) a candidate for an at-large local district office for which the number of candidates
2135 does not exceed the number of open at-large local district offices; and
2136 (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.
2137 (4) A local district that cancels a local election in accordance with Subsection (3) shall
2138 ~~[give]~~ publish notice that the election is cancelled ~~[by posting notice]~~:
2139 (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter
2140 Information Website as described in Section [20A-7-801](#), for 15 consecutive days before the day
2141 of the scheduled election;
2142 (b) if the local district has a public website, by posting notice on the local district's
2143 public website for 15 days before the day of the scheduled election;
2144 (c) if the local district publishes a newsletter or other periodical, by publishing notice
2145 in the next scheduled newsletter or other periodical published before the day of the scheduled
2146 election; ~~[and]~~
2147 (d) (i) at least twice in a newspaper of general circulation ~~[within]~~ in the local district
2148 before ~~[the day of]~~ the scheduled election; ~~[or]~~
2149 (ii) if there is no newspaper of general circulation ~~[within]~~ in the local district, ~~[in at~~
2150 ~~least three conspicuous places within the boundaries of the local district]~~ at least 10 days before
2151 the day of the scheduled election~~[-]~~, by posting one notice, and at least one additional notice per
2152 2,000 population of the local district, in places within the local district that are most likely to
2153 give notice to the voters in the local district; or
2154 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each
2155 registered voter in the local district; and
2156 (e) in accordance with Section [45-1-101](#), for at least 10 days before the day of the
2157 scheduled election.

2158 (5) A municipal legislative body that posts a notice in accordance with Subsection
2159 (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for
2160 a notice that fails to post due to technical or other error by the publisher of the Statewide
2161 Electronic Voter Information Website.

2162 Section 32. Section **20A-1-503** is amended to read:

2163 **20A-1-503. Midterm vacancies in the Legislature.**

2164 (1) As used in this section:

2165 (a) "Filing deadline" means the final date for filing:

2166 (i) a declaration of candidacy as provided in Section [20A-9-202](#); and

2167 (ii) a certificate of nomination as provided in Section [20A-9-503](#).

2168 (b) "Party liaison" means the political party officer designated to serve as a liaison with
2169 the lieutenant governor on all matters relating to the political party's relationship with the state
2170 as required by Section [20A-8-401](#).

2171 (2) When a vacancy occurs for any reason in the office of representative in the
2172 Legislature, the governor shall fill the vacancy by immediately appointing the person whose
2173 name was submitted by the party liaison of the same political party as the prior representative.

2174 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
2175 the office of senator in the Legislature, it shall be filled for the unexpired term at the next
2176 regular general election.

2177 (b) The governor shall fill the vacancy until the next regular general election by
2178 immediately appointing the person whose name was submitted by the party liaison of the same
2179 political party as the prior senator.

2180 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
2181 before August 31 of an even-numbered year in which the term of office does not expire, the
2182 lieutenant governor shall:

2183 (i) establish a date and time, which is before the date for a candidate to be certified for
2184 the ballot under Section [20A-9-701](#) and no later than 21 days after the day on which the
2185 vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant

2186 office shall file:

2187 (A) a declaration of candidacy; or

2188 (B) a certificate of nomination; and

2189 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):

2190 (A) on the lieutenant governor's website; and

2191 (B) to each registered political party.

2192 (b) A person intending to obtain a position on the ballot for the vacant office shall:

2193 (i) [~~by~~] before the date and time specified in Subsection (4)(a)(i), file a declaration of

2194 candidacy or certificate of nomination according to the procedures and requirements of Chapter

2195 9, Candidate Qualifications and Nominating Procedures; and

2196 (ii) run in the regular general election if:

2197 (A) nominated as a party candidate; or

2198 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate

2199 Qualifications and Nominating Procedures.

2200 (c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after

2201 the third Saturday in April and before August 31 of an even-numbered year in which the term

2202 of office does not expire, a party liaison from each registered political party may submit a name

2203 of a person described in Subsection (4)(b) to the lieutenant governor [~~by~~] before 5 p.m. no later

2204 than August 30 for placement on the regular general election ballot.

2205 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an

2206 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the

2207 unexpired term by immediately appointing the person whose name was submitted by the party

2208 liaison of the same political party as the prior senator.

2209 Section 33. Section **20A-1-508** is amended to read:

2210 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager --**

2211 **Interim replacement.**

2212 (1) As used in this section:

2213 (a) (i) "County offices" includes the county executive, members of the county

2214 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,
2215 the county recorder, the county surveyor, and the county assessor.

2216 (ii) "County offices" does not include the office of county attorney, district attorney, or
2217 judge.

2218 (b) "Party liaison" means the political party officer designated to serve as a liaison with
2219 each county legislative body on all matters relating to the political party's relationship with a
2220 county as required by Section [20A-8-401](#).

2221 (2) (a) Until a county legislative body appoints an interim replacement to fill a vacant
2222 county office under Subsection (3), the following shall temporarily fill the county office as a
2223 temporary manager:

2224 (i) for a county office with one chief deputy, the chief deputy;

2225 (ii) for a county office with more than one chief deputy:

2226 (A) the chief deputy with the most cumulative time served as a chief deputy for the
2227 county office; or

2228 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
2229 vacates the office, the county officer files with the county clerk a written statement designating
2230 one of the county officer's chief deputies to discharge the duties of the county office in the
2231 event the county officer vacates the office, the designated chief deputy; or

2232 (iii) for a county office without a chief deputy:

2233 (A) if one management-level employee serving under the county office has a
2234 higher-seniority management level than any other employee serving under the county office,
2235 that management-level employee;

2236 (B) if two or more management-level employees serving under the county office have
2237 the same and highest-seniority management level, the highest-seniority management-level
2238 employee with the most cumulative time served in the employee's current position; or

2239 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
2240 officer vacates the office, the county officer files with the county clerk a written statement
2241 designating one of the county officer's employees to discharge the county officer's duties in the

2242 event the county officer vacates the office, the designated employee.

2243 (b) Except as provided in Subsection (2)(c), a temporary manager described in
2244 Subsection (2)(a) who temporarily fills a county office holds the powers and duties of the
2245 county office until the county legislative body appoints an interim replacement under
2246 Subsection (3).

2247 (c) The temporary manager described in Subsection (2)(a) who temporarily fills a
2248 county office:

2249 (i) may not take an oath of office for the county office as a temporary manager;

2250 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
2251 Counties, and the county's budget ordinances and policies;

2252 (iii) unless approved by the county legislative body, may not change the compensation
2253 of an employee;

2254 (iv) unless approved by the county legislative body, may not promote or demote an
2255 employee or change an employee's job title;

2256 (v) may terminate an employee only if the termination is conducted in accordance with:

2257 (A) personnel rules described in Subsection 17-33-5(3) that are approved by the county
2258 legislative body; and

2259 (B) applicable law;

2260 (vi) unless approved by the county legislative body, may not exceed by more than 5%
2261 an expenditure that was planned before the county office that the temporary manager fills was
2262 vacated;

2263 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
2264 compensation; and

2265 (viii) if approved by the county legislative body, may receive a performance award
2266 after:

2267 (A) the county legislative body appoints an interim replacement under Subsection (3);

2268 and

2269 (B) the interim replacement is sworn into office.

2270 (3) (a) Until a replacement is selected as provided in this section and has qualified, the
2271 county legislative body shall appoint an interim replacement to fill the vacant office by
2272 following the procedures and requirements of this Subsection (3).

2273 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
2274 of the vacancy to the party liaison of the same political party of the prior office holder and
2275 invite that party liaison to submit the name of a person to fill the vacancy.

2276 (ii) That party liaison shall, before 5 p.m., within 30 days after the day on which the
2277 county legislative body gives the notice described in Subsection (3)(b)(i), submit the name of
2278 the person selected in accordance with the party constitution or bylaws as described in Section
2279 [20A-8-401](#) for the interim replacement to the county legislative body.

2280 (iii) The county legislative body shall no later than five days after the day on which a
2281 party liaison submits the name of the person for the interim replacement appoint the person to
2282 serve out the unexpired term.

2283 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
2284 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall send to the governor a
2285 letter that:

2286 (A) informs the governor that the county legislative body has failed to appoint a
2287 replacement within the statutory time period; and

2288 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2289 (ii) The governor shall appoint the person named by the party liaison as an interim
2290 replacement to fill the vacancy within 30 days after [~~receipt of~~] the day on which the governor
2291 receives the letter.

2292 (d) A person appointed as interim replacement under this Subsection (3) shall hold
2293 office until their successor is elected and has qualified.

2294 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
2295 vacant if:

2296 (i) the vacant office has an unexpired term of two years or more; and

2297 (ii) the vacancy occurs after the election at which the person was elected but before

2298 April 10 of the next even-numbered year.

2299 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
2300 shall notify the public and each registered political party that the vacancy exists.

2301 (ii) An individual intending to become a candidate for the vacant office shall file a
2302 declaration of candidacy in accordance with:

2303 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2304 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
2305 applicable.

2306 (iii) An individual who is nominated as a party candidate for the vacant office or
2307 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation
2308 and Procedures, for the vacant office shall run in the regular general election.

2309 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
2310 vacant if:

2311 (i) the vacant office has an unexpired term of two years or more; and

2312 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75
2313 days before the regular primary election.

2314 (b) (i) When the conditions established in Subsection (5)(a) are met, the county clerk
2315 shall notify the public and each registered political party that:

2316 (A) the vacancy exists; and

2317 (B) identifies the date and time by which a person interested in becoming a candidate
2318 shall file a declaration of candidacy.

2319 (ii) An individual intending to become a candidate for a vacant office shall, within five
2320 days after the date that the notice is made, ending at the close of normal office hours on the
2321 fifth day, file a declaration of candidacy for the vacant office in accordance with:

2322 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2323 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
2324 applicable.

2325 (iii) The county central committee of each party shall:

2326 (A) select a candidate or candidates from among those qualified candidates who have
2327 filed declarations of candidacy; and

2328 (B) certify the name of the candidate or candidates to the county clerk [~~at least~~] before
2329 5 p.m. no later than 60 days before the day of the regular primary election.

2330 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
2331 vacant:

2332 (i) if the vacant office has an unexpired term of two years or more; and

2333 (ii) when 75 days or less remain before the day of the regular primary election but more
2334 than 65 days remain before the day of the regular general election.

2335 (b) When the conditions established in Subsection (6)(a) are met, the county central
2336 committees of each political party registered under this title that wishes to submit a candidate
2337 for the office shall summarily certify the name of one candidate to the county clerk for
2338 placement on the regular general election ballot.

2339 (7) (a) The requirements of this Subsection (7) apply to all county offices that become
2340 vacant:

2341 (i) if the vacant office has an unexpired term of less than two years; or

2342 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
2343 remain before the day of the next regular general election.

2344 (b) (i) When the conditions established in Subsection (7)(a) are met, the county
2345 legislative body shall give notice of the vacancy to the party liaison of the same political party
2346 as the prior office holder and invite that party liaison to submit the name of a person to fill the
2347 vacancy.

2348 (ii) That party liaison shall, before 5 p.m., within 30 days after the day on which the
2349 county legislative body gives the notice described in Subsection (7)(b)(i), submit the name of
2350 the person to fill the vacancy to the county legislative body.

2351 (iii) The county legislative body shall no later than five days after the day on which a
2352 party liaison submits the name of the person to fill the vacancy appoint the person to serve out
2353 the unexpired term.

2354 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in
2355 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

2356 (A) informs the governor that the county legislative body has failed to appoint a person
2357 to fill the vacancy within the statutory time period; and

2358 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2359 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy
2360 within 30 days after ~~[receipt of]~~ the day on which the governor receives the letter.

2361 (d) A person appointed to fill the vacancy under this Subsection (7) shall hold office
2362 until their successor is elected and has qualified.

2363 (8) Except as otherwise provided by law, the county legislative body may appoint
2364 replacements to fill all vacancies that occur in those offices filled by appointment of the county
2365 legislative body.

2366 (9) Nothing in this section prevents or prohibits independent candidates from filing a
2367 declaration of candidacy for the office within the same time limits.

2368 (10) (a) Each person elected under Subsection (4), (5), or (6) to fill a vacancy in a
2369 county office shall serve for the remainder of the unexpired term of the person who created the
2370 vacancy and until a successor is elected and qualified.

2371 (b) Nothing in this section may be construed to contradict or alter the provisions of
2372 Section [17-16-6](#).

2373 Section 34. Section **20A-1-509.1** is amended to read:

2374 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
2375 **or more attorneys.**

2376 (1) When a vacancy occurs in the office of county or district attorney in a county or
2377 district having 15 or more attorneys who are licensed active members in good standing with the
2378 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

2379 (2) (a) The requirements of this Subsection (2) apply when the office of county
2380 attorney or district attorney becomes vacant and:

2381 (i) the vacant office has an unexpired term of two years or more; and

2382 (ii) the vacancy occurs before the third Thursday in March of the even-numbered year.

2383 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
2384 notify the public and each registered political party that the vacancy exists.

2385 (c) All persons intending to become candidates for the vacant office shall:

2386 (i) file a declaration of candidacy according to the procedures and requirements of
2387 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

2388 (ii) if nominated as a party candidate or qualified as an independent or write-in
2389 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the
2390 regular general election; and

2391 (iii) if elected, complete the unexpired term of the person who created the vacancy.

2392 (d) If the vacancy occurs after the second Friday in March and before the third
2393 Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202
2394 shall be extended until 5 p.m. seven days after the county clerk gives notice under Subsection
2395 (2)(b), but no later than 5 p.m. the fourth Thursday in March.

2396 (3) (a) The requirements of this Subsection (3) apply when the office of county
2397 attorney or district attorney becomes vacant and:

2398 (i) the vacant office has an unexpired term of two years or more; and

2399 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
2400 but more than 75 days before the regular primary election.

2401 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
2402 shall:

2403 (i) notify the public and each registered political party that the vacancy exists; and

2404 (ii) identify the date and time by which a person interested in becoming a candidate
2405 shall file a declaration of candidacy.

2406 (c) All persons intending to become candidates for the vacant office shall:

2407 (i) before 5 p.m. within five days after the [~~date that the notice is made, ending at the~~
2408 ~~close of normal office hours on the fifth day~~] day on which the county clerk gives the notice
2409 described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as

2410 required by Chapter 9, Part 2, Candidate Qualifications and Declaration of Candidacy; and

2411 (ii) if elected, complete the unexpired term of the person who created the vacancy.

2412 (d) The county central committee of each party shall:

2413 (i) select a candidate or candidates from among those qualified candidates who have

2414 filed declarations of candidacy; and

2415 (ii) certify the name of the candidate or candidates to the county clerk [~~at least~~]:

2416 (A) before 5 p.m. no later than 60 days before the day of the regular primary

2417 election[-]; or

2418 (B) electronically, before midnight no later than 60 days before the day of the regular

2419 primary election.

2420 (4) (a) The requirements of this Subsection (4) apply when the office of county

2421 attorney or district attorney becomes vacant and:

2422 (i) the vacant office has an unexpired term of two years or more; and

2423 (ii) 75 days or less remain before the regular primary election but more than 65 days

2424 remain before the regular general election.

2425 (b) When the conditions established in Subsection (4)(a) are met, the county central

2426 committees of each registered political party that wish to submit a candidate for the office shall

2427 [summarily], not later than five days after the day on which the vacancy occurs, certify the

2428 name of one candidate to the county clerk for placement on the regular general election ballot.

2429 (c) The candidate elected shall complete the unexpired term of the person who created

2430 the vacancy.

2431 (5) (a) The requirements of this Subsection (5) apply when the office of county

2432 attorney or district attorney becomes vacant and:

2433 (i) the vacant office has an unexpired term of less than two years; or

2434 (ii) the vacant office has an unexpired term of two years or more but 65 days or less

2435 remain before the next regular general election.

2436 (b) When the conditions established in Subsection (5)(a) are met, the county legislative

2437 body shall give notice of the vacancy to the county central committee of the same political

2438 party of the prior officeholder and invite that committee to submit the names of three nominees
2439 to fill the vacancy.

2440 (c) That county central committee shall, within 30 days [~~of receiving notice from~~] after
2441 the day on which the county legislative body gives the notice described in Subsection (5)(b),
2442 submit to the county legislative body the names of three nominees to fill the vacancy.

2443 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
2444 one of those nominees to serve out the unexpired term.

2445 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
2446 days, the county clerk shall send to the governor a letter that:

2447 (i) informs the governor that the county legislative body has failed to appoint a person
2448 to fill the vacancy within the statutory time period; and

2449 (ii) contains the list of nominees submitted by the party central committee.

2450 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
2451 within 30 days after receipt of the letter.

2452 (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the
2453 unexpired term of the person who created the vacancy.

2454 (6) Nothing in this section prevents or prohibits independent candidates from filing a
2455 declaration of candidacy for the office within the required time limits.

2456 Section 35. Section **20A-1-509.2** is amended to read:

2457 **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than**
2458 **15 attorneys.**

2459 (1) When a vacancy occurs in the office of county or district attorney, including a
2460 vacancy created by the failure of a person to file as a candidate for the office of county or
2461 district attorney in an election, in a county or district having fewer than 15 attorneys who are
2462 licensed, active members in good standing with the Utah State Bar and registered voters, the
2463 vacancy shall be filled as provided in this section.

2464 (2) The county clerk shall send a letter to each attorney residing in the county or district
2465 who is a licensed, active member in good standing with the Utah State Bar and a registered

2466 voter that:

2467 (a) informs the attorney of the vacancy;

2468 (b) invites the attorney to apply for the vacancy; and

2469 (c) informs the attorney that if the attorney has not responded before 5 p.m. within 10
2470 calendar days [~~from the date that the letter was mailed~~] after the day on which the county clerk
2471 sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

2472 (3) (a) (i) If, [~~after 10 calendar days from the date the letter was mailed~~] before the
2473 deadline described in Subsection (2)(c), more than three attorneys who are licensed, active
2474 members in good standing with the Utah State Bar and registered voters in the county or
2475 district have applied for the vacancy, the county clerk shall, except as provided in Subsection
2476 (3)(a)(ii), submit the applications to the county central committee of the same political party of
2477 the prior officeholder.

2478 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the
2479 county central committee of each county within the prosecution district.

2480 (b) The central committee shall nominate three of the applicants and forward the
2481 applicants' names to the county legislative body before 5 p.m. within 20 days after the [~~date~~]
2482 day on which the county clerk [~~submitted~~] submits the applicants' names under Subsection
2483 (3)(a).

2484 (c) The county legislative body shall appoint one of the nominees to fill the vacant
2485 position.

2486 (d) If the central committee of the political party fails to submit at least three names to
2487 the county legislative body [~~within 20 days after the date the county clerk submitted the~~
2488 ~~applicants' names~~] before the deadline described in Subsection (3)(b), the county legislative
2489 body shall appoint one of the applicants to fill the vacant position.

2490 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120
2491 days after the day on which the vacancy occurs, the county clerk shall mail to the governor:

2492 (i) a letter informing the governor that the county legislative body has failed to appoint
2493 a person to fill the vacancy; and

2494 (ii) (A) the list of nominees, if any, submitted by the central committee of the political
2495 party; or

2496 (B) if the party central committee has not submitted a list of at least three nominees
2497 within the required time, the names of the persons who submitted applications for the vacant
2498 position to the county clerk.

2499 (f) The governor shall appoint, within 30 days after ~~[receipt of]~~ the day on which the
2500 governor receives the letter, a person from the list to fill the vacancy.

2501 (4) (a) If, ~~[after 10 calendar days from the date the letter was mailed]~~ before the
2502 deadline described in Subsection (2)(c), three or fewer attorneys who are licensed, active
2503 members in good standing with the Utah State Bar and registered voters in the county or
2504 district have applied for the vacancy, the county legislative body may:

2505 (i) appoint one of them to be county or district attorney; or

2506 (ii) solicit additional applicants and appoint a county or district attorney as provided in
2507 Subsection (4)(b).

2508 (b) (i) If three or fewer attorneys who are licensed members in good standing of the
2509 Utah State Bar and registered voters in the county or district submit applications, the county
2510 legislative body may publicly solicit and accept additional applications for the position from
2511 licensed, active members in good standing of the Utah State Bar who are not residents of the
2512 county or prosecution district.

2513 (ii) The county legislative body shall consider the applications submitted by the
2514 attorneys who are residents of and registered voters in the county or prosecution district and the
2515 applications submitted by the attorneys who are not residents of the county or prosecution
2516 district and shall appoint one of the applicants to be county attorney or district attorney.

2517 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days
2518 after the day on which the vacancy occurs, the county clerk shall:

2519 (i) notify the governor that the legislative body has failed to fill the vacancy within the
2520 required time period; and

2521 (ii) provide the governor with a list of all the applicants.

2522 (d) The governor shall appoint a person to fill the vacancy within 30 days after the day
2523 on which the governor receives the notification.

2524 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the
2525 person who created the vacancy.

2526 Section 36. Section **20A-1-511** is amended to read:

2527 **20A-1-511. Midterm vacancies on local school boards.**

2528 (1) (a) A local school board shall fill vacancies on the board by appointment, except as
2529 otherwise provided in Subsection (2).

2530 (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the
2531 county legislative body, or municipal legislative body in a city district, shall fill the vacancy by
2532 appointment.

2533 (c) A member appointed and qualified under this Subsection (1) shall serve until a
2534 successor is elected or appointed and qualified.

2535 (2) (a) A vacancy on the board shall be filled by an interim appointment, followed by
2536 an election to fill a two-year term if:

2537 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
2538 at least 14 days before the deadline for filing a declaration of candidacy; and

2539 (ii) two years of the vacated term will remain after the first Monday of January
2540 following the next school board election.

2541 (b) Members elected under this Subsection (2) shall serve for the remaining two years
2542 of the vacated term and until a successor is elected and qualified.

2543 (3) Before appointing an individual to fill a vacancy under this section, the local school
2544 board shall:

2545 (a) give public notice of the vacancy at least two weeks before the local school board
2546 meets to fill the vacancy;

2547 (b) identify, in the notice:

2548 (i) the date, time, and place of the meeting where the vacancy will be filled; and

2549 (ii) the person to whom and the date [by] and time before which an individual

2550 interested in being appointed to fill the vacancy may submit the individual's name for
2551 consideration; and

2552 (c) in an open meeting, interview each individual whose name is submitted for
2553 consideration and who meets the qualifications for office, regarding the individual's
2554 qualifications.

2555 (4) (a) Subject to Subsection (4)(b), a local school board may appoint an individual to
2556 fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the
2557 local school board submits a letter of resignation.

2558 (b) An individual appointed under Subsection (4)(a) may not take office until on or
2559 after the day on which the vacancy occurs for which the individual is appointed.

2560 (c) A member of a local school board who submits a letter of resignation under
2561 Subsection (4)(a) may not rescind the resignation after the local school board makes an
2562 appointment to fill the vacancy created by the resignation.

2563 Section 37. Section **20A-1-513** is amended to read:

2564 **20A-1-513. Temporary absence in elected office of a political subdivision for**
2565 **military service.**

2566 (1) As used in this section:

2567 (a) "Armed forces" means:

2568 (i) the Army of the United States;

2569 (ii) the United States Navy;

2570 (iii) the United States Air Force;

2571 (iv) the Marine Corps;

2572 (v) the Coast Guard;

2573 (vi) the National Guard; or

2574 (vii) a reserve or auxiliary of an entity listed in Subsections (1)(a)(i) through (vi).

2575 (b) (i) "Elected official" is a person who holds an office of a political subdivision that
2576 is required by law to be filled by an election.

2577 (ii) "Elected official" includes a person who is appointed to fill a vacancy in an office

2578 described in Subsection (1)(b)(i).

2579 (c) (i) "Military leave" means the temporary absence from an office:

2580 (A) by an elected official called to active, full-time duty in the armed forces; and

2581 (B) for a period of time that exceeds 30 days and does not exceed 400 days.

2582 (ii) "Military leave" includes the time a person described in Subsection (1)(c)(i) spends

2583 for:

2584 (A) out processing;

2585 (B) an administrative delay;

2586 (C) accrued leave; and

2587 (D) on rest and recuperation leave program of the armed forces.

2588 (d) "Political subdivision's governing body" means:

2589 (i) for a county, city, or town, the legislative body of the county, city, or town;

2590 (ii) for a local district, the board of trustees of the local district;

2591 (iii) for a local school district, the local school board;

2592 (iv) for a special service district:

2593 (A) the legislative body of the county, city, or town that established the special service
2594 district, if no administrative control board has been appointed under Section 17D-1-301; or

2595 (B) the administrative control board of the special service district, if an administrative
2596 control board has been appointed under Section 17D-1-301; and

2597 (v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body
2598 that governs the affairs of the political subdivision.

2599 (e) "Temporary replacement" means the person appointed by the political subdivision's
2600 governing body in accordance with this section to exercise the powers and duties of the office
2601 of the elected official who takes military leave.

2602 (2) [~~Except as provided by Subsection (8), an~~] An elected official creates a vacancy in
2603 the elected official's office if the elected official is called to active, full-time duty in the armed
2604 forces unless the elected official takes military leave as provided by this section.

2605 (3) [~~Except as provided by Subsection (8), an~~] An elected official may take military

2606 leave if the elected official submits to the political subdivision's governing body written notice
2607 of the intent to take military leave and the expected duration of the military leave, by the later
2608 of:

2609 (a) 21 days before the military leave begins; or

2610 (b) the next business day after which the elected official receives an order from the
2611 armed forces calling the elected official to active, full-time duty.

2612 (4) An elected official's military leave:

2613 (a) begins the day on which the elected official begins active, full-time duty in the
2614 armed forces; and

2615 (b) ends the sooner of:

2616 (i) the expiration of the elected official's term of office; or

2617 (ii) the day on which the elected official ends active, full-time duty in the armed forces.

2618 (5) A temporary replacement shall:

2619 (a) meet the qualifications required to hold the office; and

2620 (b) be appointed:

2621 (i) before the day on which the military leave begins; and

2622 (ii) (A) in the same manner as provided by this part for a midterm vacancy if a

2623 registered political party nominated the elected official who takes military leave as a candidate
2624 for the office; or

2625 (B) by the political subdivision's governing body after submitting an application in
2626 accordance with Subsection (7)(b) if a registered political party did not nominate the elected
2627 official who takes military leave as a candidate for office.

2628 (6) (a) A temporary replacement shall exercise the powers and duties of the office for
2629 which the temporary replacement is appointed for the duration of the elected official's military
2630 leave.

2631 (b) An elected official may not exercise the powers or duties of the office while on
2632 military leave.

2633 (c) If a temporary replacement is not appointed before the day on which the military

2634 leave begins as required by Subsection (5)(b)(i), no person may exercise the powers and duties
2635 of the elected official's office during the elected official's military leave.

2636 (7) The political subdivision's governing body shall establish:

2637 (a) the distribution of the emoluments of the office between the elected official and the
2638 temporary replacement; and

2639 (b) an application form and the date ~~[by]~~ and time before which a person shall submit
2640 the application to be considered by the political subdivision's governing body for appointment
2641 as a temporary replacement.

2642 ~~[(8) An elected official who is called to active, full-time duty in the armed forces
2643 before March 16, 2011 is on military leave.]~~

2644 Section 38. Section **20A-2-202** is amended to read:

2645 **20A-2-202. Registration by mail.**

2646 (1) (a) A citizen who will be qualified to vote at the next election may register by mail.

2647 (b) To register by mail, a citizen shall complete and sign the by-mail registration form
2648 and mail or deliver it to the county clerk of the county in which the citizen resides.

2649 (c) In order to register to vote in a particular election, the citizen shall:

2650 (i) address the by-mail voter registration form to the county clerk; and

2651 (ii) ensure that the by-mail voter registration form is postmarked on or before the voter
2652 registration deadline or is otherwise marked by the post office as received by the post office on
2653 or before the voter registration deadline.

2654 (d) The citizen has effectively registered to vote under this section only when the
2655 county clerk's office has received a correctly completed by-mail voter registration form.

2656 (2) Upon receipt of a correctly completed by-mail voter registration form, the county
2657 clerk shall, unless the individual named in the form is preregistering to vote:

2658 (a) enter the applicant's name on the list of registered voters for the voting precinct in
2659 which the applicant resides; and

2660 (b) mail confirmation of registration to the newly registered voter after entering the
2661 applicant's voting precinct number on that copy.

2662 (3) If the county clerk receives a correctly completed by-mail voter registration form
2663 that is postmarked after the voter registration deadline, and is not otherwise marked by the post
2664 office as received by the post office before the voter registration deadline, the county clerk
2665 shall:

2666 (a) if the individual named in the form is preregistering to vote, comply with Section
2667 [20A-2-101.1](#); or

2668 (b) (i) unless the individual timely registers to vote in the current election in a manner
2669 that permits registration after the voter registration deadline, register the individual after the
2670 next election; and

2671 (ii) if possible, promptly mail a notice to, or otherwise notify, the individual before the
2672 election, informing the individual:

2673 (A) of each manner still available to the individual to timely register to vote in the
2674 current election; and

2675 (B) that, if the individual does not timely register in a manner described in Subsection
2676 (3)(b)(ii)(A), the individual's registration will not be effective until after the election.

2677 (4) When the county clerk receives a correctly completed by-mail voter registration
2678 form [~~at least~~] before 5 p.m. no later than seven days before an election that is postmarked on
2679 or before the date of the voter registration deadline, or is otherwise marked by the post office as
2680 received by the post office on or before the voter registration deadline, the county clerk shall:

2681 (a) process the by-mail voter registration form; and

2682 (b) record the new voter in the official register.

2683 (5) If the county clerk determines that a registration form received by mail or otherwise
2684 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to
2685 the person attempting to register or preregister, stating that the person has not been registered
2686 or preregistered because of an error or because the form is incomplete.

2687 Section 39. Section **20A-2-204** is amended to read:

2688 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

2689 (1) As used in this section, "voter registration form" means, when an individual named

2690 on a qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described
2691 in Subsection 20A-2-108(2)(a), the information on the qualifying form that can be used for
2692 voter registration purposes.

2693 (2) A citizen who is qualified to vote may register to vote, and a citizen who is
2694 qualified to preregister to vote may preregister to vote, by answering "yes" to the question
2695 described in Subsection 20A-2-108(2)(a) and completing the voter registration form.

2696 (3) The Driver License Division shall:

2697 (a) assist an individual in completing the voter registration form unless the individual
2698 refuses assistance;

2699 (b) electronically transmit each address change to the lieutenant governor within five
2700 days after the day on which the division receives the address change; and

2701 (c) within five days after the day on which the division receives a voter registration
2702 form, electronically transmit the form to the Office of the Lieutenant Governor, including the
2703 following for the individual named on the form:

2704 (i) the name, date of birth, driver license or state identification card number, last four
2705 digits of the social security number, Utah residential address, place of birth, and signature;

2706 (ii) a mailing address, if different from the individual's Utah residential address;

2707 (iii) an email address and phone number, if available;

2708 (iv) the desired political affiliation, if indicated; and

2709 (v) an indication of whether the individual requested that the individual's voter
2710 registration record be classified as a private record under Subsection 20A-2-108(2)(c).

2711 (4) Upon receipt of an individual's voter registration form from the Driver License
2712 Division under Subsection (3), the lieutenant governor shall:

2713 (a) enter the information into the statewide voter registration database; and

2714 (b) if the individual requests on the individual's voter registration form that the
2715 individual's voter registration record be classified as a private record, classify the individual's
2716 voter registration record as a private record.

2717 (5) The county clerk of an individual whose information is entered into the statewide

2718 voter registration database under Subsection (4) shall:

2719 (a) ensure that the individual meets the qualifications to be registered or preregistered
2720 to vote; and

2721 (b) (i) if the individual meets the qualifications to be registered to vote:

2722 (A) ensure that the individual is assigned to the proper voting precinct; and

2723 (B) send the individual the notice described in Section 20A-2-304; or

2724 (ii) if the individual meets the qualifications to be preregistered to vote, process the
2725 form in accordance with the requirements of Section 20A-2-101.1.

2726 (6) (a) When the county clerk receives a correctly completed voter registration form
2727 under this section, the clerk shall:

2728 (i) comply with the applicable provisions of this Subsection (6); or

2729 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

2730 (b) If the county clerk receives a correctly completed voter registration form under this
2731 section during the period beginning on the date after the voter registration deadline and ending
2732 at 5 p.m. on the date that is 15 calendar days before the date of an election, the county clerk
2733 shall:

2734 (i) accept the voter registration form; and

2735 (ii) unless the individual is preregistering to vote, inform the individual that the
2736 individual is registered to vote in the pending election.

2737 (c) If the county clerk receives a correctly completed voter registration form under this
2738 section during the period beginning on the date that is 14 calendar days before the election and
2739 ending at 5 p.m. on the date that is seven calendar days before the election, the county clerk
2740 shall:

2741 (i) accept the voter registration form; and

2742 (ii) unless the individual is preregistering to vote, inform the individual that:

2743 (A) the individual is registered to vote in the pending election; and

2744 (B) for the pending election, the individual must vote on the day of the election or by
2745 provisional ballot, under Section 20A-2-207, during the early voting period described in

2746 Section 20A-3-601 because the individual registered late.

2747 (d) If the county clerk receives a correctly completed voter registration form under this
2748 section during the six calendar days before an election, the county clerk shall:

2749 (i) accept the application for registration of the individual; and

2750 (ii) unless the individual is preregistering to vote, inform the individual:

2751 (A) of each manner still available to the individual to timely register to vote in the
2752 current election; and

2753 (B) that, if the individual does not timely register in a manner described in Subsection
2754 (7)(d)(ii)(A), the individual is registered to vote but may not vote in the pending election
2755 because the individual registered late.

2756 (7) (a) If the county clerk determines that an individual's voter registration form
2757 received from the Driver License Division is incorrect because of an error, because the form is
2758 incomplete, or because the individual does not meet the qualifications to be registered to vote,
2759 the county clerk shall mail notice to the individual stating that the individual has not been
2760 registered or preregistered because of an error, because the form is incomplete, or because the
2761 individual does not meet the qualifications to be registered to vote.

2762 (b) If a county clerk believes, based upon a review of a voter registration form, that an
2763 individual, who knows that the individual is not legally entitled to register or preregister to
2764 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer
2765 the form to the county attorney for investigation and possible prosecution.

2766 Section 40. Section 20A-2-205 is amended to read:

2767 **20A-2-205. Registration at voter registration agencies.**

2768 (1) As used in this section:

2769 (a) "Discretionary voter registration agency" means the same as that term is defined in
2770 Section 20A-2-300.5.

2771 (b) "Public assistance agency" means each office in Utah that provides:

2772 (i) public assistance; or

2773 (ii) state funded programs primarily engaged in providing services to people with

2774 disabilities.

2775 (2) An individual may obtain and complete a by-mail registration form at a public
2776 assistance agency or discretionary voter registration agency.

2777 (3) Each public assistance agency and discretionary voter registration agency shall
2778 provide, either as part of existing forms or on a separate form, the following information in
2779 substantially the following form:

2780 "REGISTERING TO VOTE

2781 If you are not registered to vote where you live now, would you like to apply to register
2782 or preregister to vote here today? (The decision of whether to register or preregister to vote will
2783 not affect the amount of assistance that you will be provided by this agency.) Yes____ No____

2784 IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE
2785 DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you
2786 would like help in filling out the voter registration form, we will help you. The decision about
2787 whether to seek or accept help is yours. You may fill out the application form in private. If
2788 you believe that someone has interfered with your right to register or preregister or to decline to
2789 register or preregister to vote, your right to privacy in deciding whether to register or
2790 preregister, or in applying to register or preregister to vote, or your right to choose your own
2791 political party or other political preference, you may file a complaint with the Office of the
2792 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number
2793 of the Office of the Lieutenant Governor)."

2794 (4) Unless a person applying for service or assistance from a public assistance agency
2795 or discretionary voter registration agency declines, in writing, to register or preregister to vote,
2796 each public assistance agency and discretionary voter registration agency shall:

2797 (a) distribute a by-mail voter registration form with each application for service or
2798 assistance provided by the agency or office;

2799 (b) assist applicants in completing the voter registration form unless the applicant
2800 refuses assistance;

2801 (c) accept completed forms for transmittal to the appropriate election official; and

2802 (d) transmit a copy of each voter registration form to the appropriate election official
2803 within five days after it is received by the division.

2804 (5) A person in a public assistance agency or a discretionary voter registration agency
2805 that helps a person complete the voter registration form may not:

2806 (a) seek to influence an applicant's political preference or party registration;

2807 (b) display any political preference or party allegiance;

2808 (c) make any statement to an applicant or take any action that has the purpose or effect
2809 of discouraging the applicant from registering to vote; or

2810 (d) make any statement to an applicant or take any action that has the purpose or effect
2811 of leading the applicant to believe that a decision of whether to register or preregister has any
2812 bearing upon the availability of services or benefits.

2813 (6) Upon receipt of a correctly completed voter registration form, the county clerk
2814 shall, unless the individual named in the form is preregistering to vote:

2815 (a) enter the applicant's name on the list of registered voters for the voting precinct in
2816 which the applicant resides; and

2817 (b) notify the applicant of registration.

2818 (7) If the county clerk receives a correctly completed voter registration form that is
2819 dated after the voter registration deadline, the county clerk shall:

2820 (a) if the individual named in the form is preregistering to vote, comply with Section
2821 [20A-2-101.1](#); or

2822 (b) (i) unless the individual timely registers to vote in the current election in a manner
2823 that permits registration after the voter registration deadline, register the individual after the
2824 next election; and

2825 (ii) if possible, promptly phone or mail a notice to the individual before the election,
2826 informing the individual:

2827 (A) of each manner still available to the individual to timely register to vote in the
2828 current election; and

2829 (B) that, if the individual does not timely register in a manner described in Subsection

2830 (7)(b)(ii)(A), the individual's registration will not be effective until after the election.

2831 (8) When the county clerk receives a correctly completed voter registration form before
2832 5 p.m. at least seven days before an election that is dated on or before the voter registration
2833 deadline, the county clerk shall:

2834 (a) process the voter registration form; and

2835 (b) record the new voter in the official register.

2836 (9) If the county clerk determines that a voter registration form received from a public
2837 assistance agency or discretionary voter registration agency is incorrect because of an error or
2838 because it is incomplete, the county clerk shall mail notice to the individual attempting to
2839 register or preregister to vote, stating that the individual has not been registered or preregistered
2840 to vote because of an error or because the form is incomplete.

2841 Section 41. Section **20A-2-301** is amended to read:

2842 **20A-2-301. County clerk responsibilities -- Voter registration forms.**

2843 (1) Each county clerk shall provide book voter registration forms and by-mail voter
2844 registration forms for use in the voter registration process.

2845 (2) (a) Each county clerk shall:

2846 (i) designate certain offices within the county to provide by-mail voter registration
2847 forms to the public; and

2848 (ii) provide by-mail voter registration forms to each public assistance agency and
2849 discretionary voter registration agency.

2850 (b) Each county clerk may provide copies of by-mail voter registration forms to public
2851 school districts and nonpublic schools as provided in Section [20A-2-302](#).

2852 (3) Each regular general election year, the county clerk shall provide by-mail voter
2853 registration forms to the political parties in a quantity requested by the political parties, as
2854 needed.

2855 (4) Candidates, parties, organizations, and interested persons may purchase by-mail
2856 voter registration forms from the county clerk or from the printer.

2857 (5) (a) The clerk shall make book voter registration forms available to interested

2858 organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

2859 (b) Interested organizations that receive book voter registration forms from the county
2860 clerk shall return ~~them~~ the forms to the county clerk ~~on or~~ before 5 p.m. on the day of the
2861 voter registration deadline.

2862 (6) The county clerk may not refuse to register any person to vote for failing to provide
2863 a telephone number on the voter registration form.

2864 (7) (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter
2865 registration forms, obtained as provided in this section, to the county clerk.

2866 (b) A person who violates this Subsection (7) is guilty of a class B misdemeanor.

2867 Section 42. Section **20A-2-306** is amended to read:

2868 **20A-2-306. Removing names from the official register -- Determining and**
2869 **confirming change of residence.**

2870 (1) A county clerk may not remove a voter's name from the official register on the
2871 grounds that the voter has changed residence unless the voter:

2872 (a) confirms in writing that the voter has changed residence to a place outside the
2873 county; or

2874 (b) (i) has not voted in an election during the period beginning on the date of the notice
2875 required by Subsection (3), and ending on the day after the date of the second regular general
2876 election occurring after the date of the notice; and

2877 (ii) has failed to respond to the notice required by Subsection (3).

2878 (2) (a) When a county clerk obtains information that a voter's address has changed and
2879 it appears that the voter still resides within the same county, the county clerk shall:

2880 (i) change the official register to show the voter's new address; and

2881 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)
2882 printed on a postage prepaid, preaddressed return form.

2883 (b) When a county clerk obtains information that a voter's address has changed and it
2884 appears that the voter now resides in a different county, the county clerk shall verify the
2885 changed residence by sending to the voter, by forwardable mail, the notice required by

2886 Subsection (3) printed on a postage prepaid, preaddressed return form.

2887 (3) Each county clerk shall use substantially the following form to notify voters whose
2888 addresses have changed:

2889 "VOTER REGISTRATION NOTICE

2890 We have been notified that your residence has changed. Please read, complete, and
2891 return this form so that we can update our voter registration records. What is your current
2892 street address?

2893 _____
2894 Street City County State Zip

2895 If you have not changed your residence or have moved but stayed within the same
2896 county, you must complete and return this form to the county clerk so that it is received by the
2897 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to
2898 return this form within that time:

2899 - you may be required to show evidence of your address to the poll worker before being
2900 allowed to vote in either of the next two regular general elections; or

2901 - if you fail to vote at least once from the date this notice was mailed until the passing
2902 of two regular general elections, you will no longer be registered to vote. If you have changed
2903 your residence and have moved to a different county in Utah, you may register to vote by
2904 contacting the county clerk in your county.

2905 _____
2906 Signature of Voter"

2907 "The portion of your voter registration form that lists your driver license or
2908 identification card number, social security number, email address, and the day of your month of
2909 birth is a private record. The portion of your voter registration form that lists your month and
2910 year of birth is a private record, the use of which is restricted to government officials,
2911 government employees, political parties, or certain other persons.

2912 You may apply to the lieutenant governor or your county clerk to have your entire voter
2913 registration record classified as private."

2914 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the
2915 names of any voters from the official register during the 90 days before a regular primary
2916 election and the 90 days before a regular general election.

2917 (b) The county clerk may remove the names of voters from the official register during
2918 the 90 days before a regular primary election and the 90 days before a regular general election
2919 if:

2920 (i) the voter requests, in writing, that the voter's name be removed; or

2921 (ii) the voter has died.

2922 (c) (i) After a county clerk mails a notice as required in this section, the county clerk
2923 may list that voter as inactive.

2924 (ii) If a county clerk receives a returned voter identification card, determines that there
2925 was no clerical error causing the card to be returned, and has no further information to contact
2926 the voter, the county clerk may list that voter as inactive.

2927 (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other
2928 privileges of a registered voter.

2929 (iv) A county is not required to send routine mailings to an inactive voter and is not
2930 required to count inactive voters when dividing precincts and preparing supplies.

2931 Section 43. Section **20A-3-302** is amended to read:

2932 **20A-3-302. Conducting election by absentee ballot.**

2933 (1) (a) Notwithstanding Section **17B-1-306**, an election officer may administer an
2934 election by absentee ballot under this section.

2935 (b) An election officer who administers an election by absentee ballot, except for an
2936 election conducted under Section **20A-7-609.5**, shall, before the following dates, notify the
2937 lieutenant governor that the election will be administered by absentee ballot:

2938 (i) February 1 of an even-numbered year if the election is a regular general election; or

2939 (ii) May 1 of an odd-numbered year if the election is a municipal general election.

2940 (2) An election officer who administers an election by absentee ballot:

2941 (a) shall mail to each active voter within a voting precinct:

- 2942 (i) an absentee ballot;
- 2943 (ii) for an election administered by a county clerk, information regarding the location
2944 and hours of operation of any election day voting center at which the voter may vote;
- 2945 (iii) a courtesy reply mail envelope;
- 2946 (iv) instructions for returning the ballot that include an express notice about any
2947 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
- 2948 (v) for an election administered by an election officer other than a county clerk, if the
2949 election officer does not operate a polling location or an election day voting center, a warning,
2950 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
2951 the instructions included with the absentee ballot, the voter will be unable to vote in that
2952 election because there will be no polling place in the voting precinct on the day of the election;
2953 and
- 2954 (b) may not mail an absentee ballot under this section to:
- 2955 (i) an inactive voter; or
- 2956 (ii) a voter whom the election officer is prohibited from sending an absentee ballot
2957 under Subsection (8)(c)(ii).
- 2958 (3) A voter who votes by absentee ballot under this section is not required to apply for
2959 an absentee ballot as required by this part.
- 2960 (4) An election officer who administers an election by absentee ballot shall:
- 2961 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
2962 the election; or
- 2963 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
2964 and
- 2965 (b) maintain the signatures on file in the election officer's office.
- 2966 (5) Upon receipt of a returned absentee ballot, the election officer shall review and
2967 process the ballot under Section [20A-3-308](#).
- 2968 (6) A county that administers an election by absentee ballot:
- 2969 (a) shall provide at least one election day voting center in accordance with ~~[Title 20A,]~~

2970 Chapter 3, Part 7, Election Day Voting Center, for every 5,000 active voters in the county who
2971 will not receive an absentee ballot, but not fewer than one election day voting center;

2972 (b) shall ensure that each election day voting center operated by the county has at least
2973 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
2974 Pub. L. No. 107-252, for individuals with disabilities;

2975 (c) may reduce the early voting period described in Section 20A-6-301, if:

2976 (i) the county clerk conducts early voting on at least four days;

2977 (ii) the early voting days are within the period beginning on the date that is 14 days
2978 before the date of the election and ending on the day before the election; and

2979 (iii) the county clerk provides notice of the reduced early voting period in accordance
2980 with Section 20A-3-604;

2981 (d) is not required to pay return postage for an absentee ballot; and

2982 (e) is subject to an audit conducted under Subsection (7).

2983 (7) (a) The lieutenant governor shall:

2984 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
2985 an election conducted under this section; and

2986 (ii) after each primary, general, or special election conducted under this section, select
2987 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
2988 developed under Subsection (7)(a)(i).

2989 (b) The lieutenant governor shall post the results of an audit conducted under this
2990 Subsection (7) on the lieutenant governor's website.

2991 (8) (a) An individual in a jurisdiction that conducts an election by absentee ballot may
2992 request that the election officer not send the individual a ballot by mail in the next and
2993 subsequent elections by submitting a written request to the election officer.

2994 (b) An individual shall submit the request described in Subsection (8)(a) to the election
2995 officer [~~at least~~] before 5 p.m. no later than 60 days before an election if the individual does not
2996 wish to receive an absentee ballot in that election.

2997 (c) An election officer who receives a request from an individual under Subsection

2998 (8)(a):
2999 (i) shall remove the individual's name from the list of voters who will receive an
3000 absentee ballot; and
3001 (ii) may not send the individual an absentee ballot for:
3002 (A) the next election, if the individual submits the request described in Subsection
3003 (8)(a) before the deadline described in Subsection (8)(b); or
3004 (B) an election after the election described in Subsection (8)(c)(ii)(A).
3005 (d) An individual who submits a request under Subsection (8)(a) may resume the
3006 individual's receipt of an absentee ballot in an election conducted under this section by filing an
3007 absentee ballot request under Section [20A-3-304](#).

3008 Section 44. Section **20A-3-304** is amended to read:

3009 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

3010 (1) (a) A registered voter who wishes to vote an absentee ballot may file an absentee
3011 ballot application:

3012 (i) on the electronic system maintained by the lieutenant governor under Section
3013 [20A-2-206](#);

3014 (ii) with the appropriate election officer for an official absentee ballot as provided in
3015 this section; or

3016 (iii) by answering "yes" to the question described in Subsection [20A-2-108\(2\)\(a\)](#) when
3017 registering to vote while filing a driver license or state identification card application.

3018 (b) An absentee voter may vote in person at the office of the appropriate election
3019 officer as provided in Section [20A-3-306](#).

3020 (c) A person that collects a completed absentee ballot application from a registered
3021 voter shall file the completed absentee ballot application with the appropriate election official
3022 before 5 p.m. no later than the earlier of:

3023 (i) 14 days after the day on which the registered voter signed the absentee ballot form;

3024 or

3025 (ii) the Tuesday before the next election.

3026 (2) As it relates to an absentee ballot application to be filled out entirely by the voter:

3027 (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer
3028 shall approve an application form for absentee ballot applications:

3029 (i) in substantially the following form:

3030 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
3031 apply for an official absentee ballot to be voted by me at the election.

3032 Date _____ (month\day\year) Signed _____

3033 _____
Voter"; and

3034 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
3035 status:

3036 (A) until the voter requests otherwise at a future date; or

3037 (B) until a date specified by the voter in the application form; and

3038 (b) the lieutenant governor or election officer shall approve an application form for
3039 regular primary elections and for the Western States Presidential Primary:

3040 (i) in substantially the following form:

3041 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
3042 apply for an official absentee ballot for the _____ political party to be voted by me
3043 at the primary election.

3044 I understand that I must be affiliated with or authorized to vote the political party's
3045 ballot that I request.

3046 Dated _____ (month\day\year) _____ Signed _____

3047 _____
Voter"; and

3048 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
3049 status:

3050 (A) until the voter requests otherwise at a future date; or

3051 (B) until a date specified by the voter in the application form.

3052 (3) If requested by the applicant, the election officer shall:

3053 (a) mail or fax the application form to the absentee voter; or

3054 (b) deliver the application form to any voter who personally applies for [it] the form at
3055 the office of the election officer.

3056 (4) As it relates to an absentee ballot application to be filled out for, and finished and
3057 signed by, a voter:

3058 (a) except as provided in Subsection (4)(b), the lieutenant governor or election officer
3059 shall approve an application form for absentee ballot applications:

3060 (i) in substantially the following form:

3061 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
3062 apply for an official absentee ballot to be voted by me at the election.

3063 I understand that a person that collects this absentee ballot application is required to file
3064 it with the appropriate election official before 5 p.m. no later than the earlier of fourteen days
3065 after the day on which I sign the application or the Tuesday before the next election.

3066 This form is provided by (insert name of person or organization).

3067 I have verified that the information on this application is correct.

3068 I understand that I will receive a ballot at the following address: (insert address and an
3069 adjacent check box);

3070 OR

3071 I request that the ballot be mailed to the following address: (insert blank space for an
3072 address and an adjacent check box).

3073 Date _____ (month\day\year) Signed _____

3074 Voter"; and

3075 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
3076 status:

3077 (A) until the voter requests otherwise at a future date; or

3078 (B) until a date specified by the voter in the application form; and

3079 (b) the lieutenant governor or election officer shall approve an application form for
3080 regular primary elections and for the Western States Presidential Primary:

3081 (i) in substantially the following form:

3082 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
3083 apply for an official absentee ballot for the _____ political party to be voted by me
3084 at the primary election.

3085 I understand that I must be affiliated with or authorized to vote the political party's
3086 ballot that I request. I understand that a person that collects this absentee ballot application is
3087 required to file it with the appropriate election official before 5 p.m. no later than the earlier of
3088 fourteen days after the day on which I sign the application or the Tuesday before the next
3089 primary election.

3090 This form is provided by (insert name of person or organization).

3091 I have verified that the information on this application is correct.

3092 I understand that I will receive a ballot at the following address: (insert address and an
3093 adjacent check box);

3094 OR

3095 I request that the ballot be mailed to the following address: (insert blank space for an
3096 address and an adjacent check box).

3097 Dated _____ (month\day\year) _____ Signed _____

3098 Voter"; and

3099 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
3100 status:

3101 (A) until the voter requests otherwise at a future date; or

3102 (B) until a date specified by the voter in the application form.

3103 (5) The forms described in Subsections (2) and (4) shall contain instructions on how a
3104 voter may cancel an absentee ballot application.

3105 (6) Except as provided in Subsection [20A-3-306\(2\)\(a\)](#), a voter who wishes to vote by
3106 absentee ballot shall file the application for an absentee ballot with the lieutenant governor or
3107 appropriate election officer before 5 p.m. no later than the Tuesday before election day.

3108 (7) (a) A county clerk shall establish an absentee voter list containing the name of each
3109 voter who:

- 3110 (i) requests absentee voter status; and
3111 (ii) meets the requirements of this section.
- 3112 (b) A county clerk may not remove a voter's name from the list described in Subsection
3113 (7)(a) unless:
- 3114 (i) the voter is no longer listed in the official register;
3115 (ii) the voter cancels the voter's absentee status;
3116 (iii) the voter's name is removed on the date specified by the voter on the absentee
3117 ballot application form; or
3118 (iv) the county clerk is required to remove the voter's name from the list under
3119 Subsection (7)(c) or [20A-3-302\(8\)\(c\)\(ii\)](#).
- 3120 (c) A county clerk shall remove a voter's name from the list described in Subsection
3121 (7)(a) if the voter fails to vote in two consecutive regular general elections.
- 3122 (d) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is on
3123 the absentee voter list.
- 3124 (ii) The questionnaire shall allow the voter to:
3125 (A) verify the voter's residence; or
3126 (B) cancel the voter's absentee status.
- 3127 (e) The clerk shall provide a copy of the absentee voter list to election officers for use
3128 in elections.
- 3129 Section 45. Section **20A-3-305** is amended to read:
- 3130 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**
3131 **Affidavit.**
- 3132 (1) (a) Upon timely receipt of an absentee voter application properly filled out and
3133 signed less than 30 days before the election, the election officer shall either:
- 3134 (i) give the applicant an official absentee ballot and envelope to vote in the office; or
3135 (ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an
3136 envelope printed as required in Subsection (2).
- 3137 (b) No sooner than 21 days before election day, and no later than [21] 14 days before

3138 election day, the election officer shall mail an official absentee ballot, postage paid, to all
3139 absentee voters, other than to a uniformed-service voter or an overseas voter, who have
3140 submitted a properly filled out and signed absentee voter application before the day on which
3141 the ballots are mailed and enclose an envelope printed as required by Subsection (2).

3142 (2) The election officer shall ensure that:

3143 (a) the name, official title, and post office address of the election officer is printed on
3144 the front of the envelope;

3145 (b) the return envelope includes a space where a voter may write an email address and
3146 phone number by which the election officer may contact the voter if the voter's ballot is
3147 rejected; and

3148 (c) the following is printed on the back of the envelope:

3149 (i) a printed affidavit in substantially the following form:

3150 "County of _____ State of _____

3151 I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct
3152 in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election.
3153 I am not a convicted felon currently incarcerated for commission of a felony.

3154 _____
3155 Signature of Absentee Voter"; and

3156 (ii) a warning that the affidavit must be signed by the individual to whom the ballot
3157 was sent and that the ballot will not be counted if the signature on the affidavit does not match
3158 the signature on file with the election officer of the individual to whom the ballot was sent.

3159 (3) If the election officer determines that the absentee voter is required to show valid
3160 voter identification, the election officer shall:

3161 (a) issue the voter a provisional ballot in accordance with Section [20A-3-105.5](#);

3162 (b) instruct the voter to include a copy of the voter's valid voter identification with the
3163 return ballot;

3164 (c) provide the voter clear instructions on how to vote a provisional ballot; and

3165 (d) comply with the requirements of Subsection (2).

3166 Section 46. Section **20A-3-306** is amended to read:

3167 **20A-3-306. Voting ballot -- Returning ballot.**

3168 (1) (a) Except as provided by Section **20A-1-308**, to vote a mail-in absentee ballot, the
3169 absentee voter shall:

3170 (i) complete and sign the affidavit on the envelope;

3171 (ii) mark the votes on the absentee ballot;

3172 (iii) place the voted absentee ballot in the envelope;

3173 (iv) securely seal the envelope; and

3174 (v) attach postage, unless voting in accordance with Section **20A-3-302**, and deposit

3175 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
3176 obtained.

3177 (b) Except as provided by Section **20A-1-308**, to vote an absentee ballot in person at
3178 the office of the election officer, the absent voter shall:

3179 (i) complete and sign the affidavit on the envelope;

3180 (ii) mark the votes on the absent-voter ballot;

3181 (iii) place the voted absent-voter ballot in the envelope;

3182 (iv) securely seal the envelope; and

3183 (v) give the ballot and envelope to the election officer.

3184 (2) Except as provided by Section **20A-1-308**, an absentee ballot is not valid unless:

3185 (a) in the case of an absentee ballot that is voted in person, the ballot is:

3186 (i) applied for and cast in person at the office of the appropriate election officer before
3187 5 p.m. no later than the Tuesday before election day; or

3188 (ii) submitted on election day at a polling location in the political subdivision where
3189 the absentee voter resides;

3190 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:

3191 (i) clearly postmarked before election day, or otherwise clearly marked by the post
3192 office as received by the post office before election day; and

3193 (ii) received in the office of the election officer before noon on the day of the official

3194 canvass following the election; or

3195 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with
3196 Section 20A-16-404.

3197 (3) An absentee voter may submit a completed absentee ballot at a polling location in a
3198 political subdivision holding the election, if the absentee voter resides in the political
3199 subdivision.

3200 (4) An absentee voter may submit an incomplete absentee ballot at a polling location
3201 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and
3202 vote in person.

3203 Section 47. Section 20A-3-306.5 is amended to read:

3204 **20A-3-306.5. Emergency absentee ballots.**

3205 (1) As used in this section, "hospitalized voter" means a registered voter who is
3206 hospitalized or otherwise confined to a medical or long-term care institution after the deadline
3207 for filing an application for an absentee ballot established in Section 20A-3-304.

3208 (2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an
3209 absentee ballot and vote on election day by following the procedures and requirements of this
3210 section.

3211 (3) (a) Any [~~person~~] individual may obtain an absentee ballot application, an absentee
3212 ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized
3213 voter by requesting a ballot and application in person at the election officer's office during
3214 business hours.

3215 (b) The election officer shall require the [~~person~~] individual to sign a statement
3216 identifying [~~himself~~] the individual and the hospitalized voter.

3217 (4) To vote, the hospitalized voter shall complete the absentee ballot application,
3218 complete and sign the application on the absentee ballot envelope, mark [~~his~~] the voter's votes
3219 on the absentee ballot, place the absentee ballot into the envelope, and seal the envelope unless
3220 a different method is authorized under Section 20A-1-308.

3221 (5) To be counted, the absentee voter application and the sealed absentee ballot

3222 envelope must be returned to the election officer's office before the polls close on election day
3223 unless a different time is authorized under Section 20A-1-308.

3224 Section 48. Section 20A-3-604 is amended to read:

3225 **20A-3-604. Notice of time and place of early voting.**

3226 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3-603(2), the election
3227 officer shall, at least 19 days before the date of the election, ~~[give]~~ publish notice of the dates,
3228 times, and locations of early voting ~~[by]~~:

3229 ~~[(a) publishing the notice:]~~

3230 (a) (i) in one issue of a newspaper of general circulation in the county; ~~[and]~~

3231 ~~[(ii) in accordance with Section 45-1-101; and]~~

3232 (ii) if there is no newspaper of general circulation in the county, in addition to posting
3233 the notice described in Subsection (1)(b), by posting one notice, and at least one additional
3234 notice per 2,000 population of the county, in places within the county that are most likely to
3235 give notice to the residents in the county; or

3236 (iii) by mailing notice to each registered voter in the county;

3237 (b) by posting the notice at each early voting polling place[-];

3238 (c) on the Utah Public Notice Website created in Section 63F-1-701, for 19 days before
3239 the day of the election;

3240 (d) in accordance with Section 45-1-101, for 19 days before the date of the election;

3241 and

3242 (e) on the county's website for 19 days before the day of the election.

3243 (2) Instead of publishing all dates, times, and locations of early voting under
3244 Subsection (1), the election officer may publish a statement that specifies the following sources
3245 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

3246 (a) the county's website;

3247 (b) the physical address of the county's offices; and

3248 (c) a mailing address and telephone number.

3249 ~~[(2)]~~ (3) The election officer shall include in the notice described in Subsection

3250 (1)~~(a)~~:

3251 (a) the address of the Statewide Electronic Voter Information Website and, if available,
3252 the address of the election officer's website, with a statement indicating that the election officer
3253 will post on the website the location of each early voting polling place, including any changes
3254 to the location of an early voting polling place and the location of additional early voting
3255 polling places; and

3256 (b) a phone number that a voter may call to obtain information regarding the location
3257 of an early voting polling place.

3258 Section 49. Section **20A-4-104** is amended to read:

3259 **20A-4-104. Counting ballots electronically.**

3260 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
3261 election officer shall test the automatic tabulating equipment to ensure that it will accurately
3262 count the votes cast for all offices and all measures.

3263 (b) The election officer shall publish public notice of the time and place of the test:

3264 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of
3265 general circulation [~~published~~] in the county, municipality, or jurisdiction where the equipment
3266 is used[-];

3267 (B) if there is no daily or weekly newspaper of general circulation in the county,
3268 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the
3269 test, by posting one notice, and at least one additional notice per 2,000 population of the
3270 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction
3271 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

3272 (C) at least 10 days before the day of the test, by mailing notice to each registered voter
3273 in the county, municipality, or jurisdiction where the equipment is used;

3274 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks
3275 before the day of the test;

3276 (iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the test;
3277 and

3278 (iv) if the county, municipality, or jurisdiction has a website, on the website for four
3279 weeks before the day of the test.

3280 (c) The election officer shall conduct the test by processing a preaudited group of
3281 ballots.

3282 (d) The election officer shall ensure that:

3283 (i) a predetermined number of valid votes for each candidate and measure are recorded
3284 on the ballots;

3285 (ii) for each office, one or more ballot sheets have votes in excess of the number
3286 allowed by law in order to test the ability of the automatic tabulating equipment to reject those
3287 votes; and

3288 (iii) a different number of valid votes are assigned to each candidate for an office, and
3289 for and against each measure.

3290 (e) If any error is detected, the election officer shall determine the cause of the error
3291 and correct it.

3292 (f) The election officer shall ensure that:

3293 (i) the automatic tabulating equipment produces an errorless count before beginning
3294 the actual counting; and

3295 (ii) the automatic tabulating equipment passes the same test at the end of the count
3296 before the election returns are approved as official.

3297 (2) (a) The election officer or the election officer's designee shall supervise and direct
3298 all proceedings at the counting center.

3299 (b) (i) Proceedings at the counting center are public and may be observed by interested
3300 persons.

3301 (ii) Only those persons authorized to participate in the count may touch any ballot or
3302 return.

3303 (c) The election officer shall deputize and administer an oath or affirmation to all
3304 persons who are engaged in processing and counting the ballots that they will faithfully
3305 perform their assigned duties.

3306 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
3307 automatic tabulating equipment, the election officer shall ensure that two counting judges
3308 jointly:

- 3309 (a) create a true duplicate copy of the ballot with an identifying serial number;
- 3310 (b) substitute the duplicate ballot for the damaged or defective ballot;
- 3311 (c) label the duplicate ballot "duplicate"; and
- 3312 (d) record the duplicate ballot's serial number on the damaged or defective ballot.

3313 (4) The election officer may:

- 3314 (a) conduct an unofficial count before conducting the official count in order to provide
3315 early unofficial returns to the public;
- 3316 (b) release unofficial returns from time to time after the polls close; and
- 3317 (c) report the progress of the count for each candidate during the actual counting of
3318 ballots.

3319 (5) The election officer shall review and evaluate the provisional ballot envelopes and
3320 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

3321 (6) (a) The election officer or the election officer's designee shall:

- 3322 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 3323 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

3324 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
3325 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
3326 count the valid write-in vote as being the obvious intent of the voter.

3327 (7) (a) The election officer shall certify the return printed by the automatic tabulating
3328 equipment, to which have been added write-in and absentee votes, as the official return of each
3329 voting precinct.

3330 (b) Upon completion of the count, the election officer shall make official returns open
3331 to the public.

3332 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
3333 tabulating equipment, the election officer may direct that they be counted manually according

3334 to the procedures and requirements of this part.

3335 (9) After the count is completed, the election officer shall seal and retain the programs,
3336 test materials, and ballots as provided in Section 20A-4-202.

3337 Section 50. Section 20A-4-107 is amended to read:

3338 **20A-4-107. Review and disposition of provisional ballot envelopes.**

3339 (1) As used in this section, a person is "legally entitled to vote" if:

3340 (a) the person:

3341 (i) is registered to vote in the state;

3342 (ii) votes the ballot for the voting precinct in which the person resides; and

3343 (iii) provides valid voter identification to the poll worker;

3344 (b) the person:

3345 (i) is registered to vote in the state;

3346 (ii) (A) provided valid voter identification to the poll worker; or

3347 (B) either failed to provide valid voter identification or the documents provided as
3348 valid voter identification were inadequate and the poll worker recorded that fact in the official
3349 register but the county clerk verifies the person's identity and residence through some other
3350 means; and

3351 (iii) did not vote in the person's precinct of residence, but the ballot that the person
3352 voted was from the person's county of residence and includes one or more candidates or ballot
3353 propositions on the ballot voted in the person's precinct of residence; or

3354 (c) the person:

3355 (i) is registered to vote in the state;

3356 (ii) either failed to provide valid voter identification or the documents provided as
3357 valid voter identification were inadequate and the poll worker recorded that fact in the official
3358 register; and

3359 (iii) (A) the county clerk verifies the person's identity and residence through some other
3360 means as reliable as photo identification; or

3361 (B) the person provides valid voter identification to the county clerk or an election

3362 officer who is administering the election by the close of normal office hours on Monday after
3363 the date of the election.

3364 (2) (a) Upon receipt of a provisional ballot form, the election officer shall review the
3365 affirmation on the provisional ballot form and determine if the person signing the affirmation
3366 is:

3367 (i) registered to vote in this state; and

3368 (ii) legally entitled to vote:

3369 (A) the ballot that the person voted; or

3370 (B) if the ballot is from the person's county of residence, for at least one ballot
3371 proposition or candidate on the ballot that the person voted.

3372 (b) Except as provided in Section 20A-2-207, if the election officer determines that the
3373 person is not registered to vote in this state or is not legally entitled to vote in the county or for
3374 any of the ballot propositions or candidates on the ballot that the person voted, the election
3375 officer shall retain the ballot form, uncounted, for the period specified in Section 20A-4-202
3376 unless ordered by a court to produce or count it.

3377 (c) If the election officer determines that the person is registered to vote in this state
3378 and is legally entitled to vote in the county and for at least one of the ballot propositions or
3379 candidates on the ballot that the person voted, the election officer shall place the provisional
3380 ballot with the absentee ballots to be counted with those ballots at the canvass.

3381 (d) The election officer may not count, or allow to be counted a provisional ballot
3382 unless the person's identity and residence is established by a preponderance of the evidence.

3383 (3) If the election officer determines that the person is registered to vote in this state, or
3384 if the voter registers to vote in accordance with Section 20A-2-207, the election officer shall
3385 ensure that the voter registration records are updated to reflect the information provided on the
3386 provisional ballot form.

3387 (4) Except as provided in Section 20A-2-207, if the election officer determines that the
3388 person is not registered to vote in this state and the information on the provisional ballot form
3389 is complete, the election officer shall:

3390 (a) consider the provisional ballot form a voter registration form for the person's county
3391 of residence; and

3392 (b) (i) register the person if the voter's county of residence is within the county; or

3393 (ii) forward the voter registration form to the election officer of the person's county of
3394 residence, which election officer shall register the person.

3395 (5) Notwithstanding any provision of this section, the election officer shall place a
3396 provisional ballot with the absentee ballots to be counted with those ballots at the canvass, if:

3397 (a) (i) the election officer determines, in accordance with the provisions of this section,
3398 that the sole reason a provisional ballot may not otherwise be counted is because the voter
3399 registration was filed less than seven days before the election;

3400 (ii) seven or more days before the election, the individual who cast the provisional
3401 ballot:

3402 (A) completed and signed the voter registration; and

3403 (B) provided the voter registration to another person to file;

3404 (iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B)
3405 filing the voter registration [~~less than seven days before the election~~] late; and

3406 (iv) the election officer receives the voter registration before 5 p.m. no later than one
3407 day before the day of the election; or

3408 (b) the provisional ballot is cast on or before election day and is not otherwise
3409 prohibited from being counted under the provisions of this chapter.

3410 Section 51. Section **20A-4-201** is amended to read:

3411 **20A-4-201. Delivery of election returns.**

3412 (1) [~~One poll worker~~] At least two poll workers shall deliver the ballot box, the lock,
3413 and the key to:

3414 (a) the election officer; or

3415 (b) the location directed by the election officer.

3416 (2) (a) Before they adjourn, the poll workers shall choose [~~one~~] two or more of their
3417 number to deliver the election returns to the election officer.

3418 (b) [~~That poll worker or those~~] The poll workers shall:
3419 (i) deliver the unopened envelopes or pouches to the election officer or counting center
3420 immediately but no later than 24 hours after the polls close; or
3421 (ii) if the polling place is 15 miles or more from the county seat, mail the election
3422 returns to the election officer by registered mail from the post office most convenient to the
3423 polling place within 24 hours after the polls close.

3424 (3) The election officer shall pay each poll worker reasonable compensation for travel
3425 that is necessary to deliver the election returns and to return to the polling place.

3426 (4) The requirements of this section do not prohibit transmission of the unofficial vote
3427 count to the counting center via electronic means, provided that reasonable security measures
3428 are taken to preserve the integrity and privacy of the transmission.

3429 Section 52. Section **20A-4-202** is amended to read:

3430 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**
3431 **provisional ballots cast.**

3432 (1) Upon receipt of the election returns from [~~a poll worker~~] the poll workers, the
3433 election officer shall:

3434 (a) ensure that the poll [~~worker has~~] workers have provided all of the ballots and
3435 election returns;

3436 (b) inspect the ballots and election returns to ensure that they are sealed;

3437 (c) (i) for paper ballots, deposit and lock the ballots and election returns in a safe and
3438 secure place; or

3439 (ii) for punch card ballots:

3440 (A) count the ballots; and

3441 (B) deposit and lock the ballots and election returns in a safe and secure place; and

3442 (d) for bond elections, provide a copy of the election results to the board of canvassers
3443 of the local political subdivision that called the bond election.

3444 (2) Each election officer shall:

3445 (a) [~~no later than~~] before 5 p.m. on the day after the date of the election, determine the

3446 number of provisional ballots cast within the election officer's jurisdiction and make that
3447 number available to the public;

3448 (b) preserve ballots for 22 months after the election or until the time has expired during
3449 which the ballots could be used in an election contest;

3450 (c) package and seal a true copy of the ballot label used in each voting precinct;

3451 (d) preserve all other official election returns for at least 22 months after an election;

3452 and

3453 (e) after that time, destroy them without opening or examining them.

3454 (3) (a) The election officer shall package and retain all tabulating cards and other
3455 materials used in the programming of the automatic tabulating equipment.

3456 (b) The election officer:

3457 (i) may access these tabulating cards and other materials;

3458 (ii) may make copies of these materials and make changes to the copies;

3459 (iii) may not alter or make changes to the materials themselves; and

3460 (iv) within 22 months after the election in which they were used, may dispose of those
3461 materials or retain them.

3462 (4) (a) If an election contest is begun within 12 months, the election officer shall:

3463 (i) keep the ballots and election returns unopened and unaltered until the contest is
3464 complete; or

3465 (ii) surrender the ballots and election returns to the custody of the court having
3466 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

3467 (b) When all election contests arising from an election are complete, the election
3468 officer shall either:

3469 (i) retain the ballots and election returns until the time for preserving them under this
3470 section has run; or

3471 (ii) destroy the ballots and election returns remaining in the election officer's custody
3472 without opening or examining them if the time for preserving them under this section has run.

3473 Section 53. Section **20A-4-304** is amended to read:

3474 **20A-4-304. Declaration of results -- Canvassers' report.**

3475 (1) Each board of canvassers shall:

3476 (a) except as provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting
3477 Methods Pilot Project, declare "elected" or "nominated" those persons who:

3478 (i) had the highest number of votes; and

3479 (ii) sought election or nomination to an office completely within the board's
3480 jurisdiction;

3481 (b) declare:

3482 (i) "approved" those ballot propositions that:

3483 (A) had more "yes" votes than "no" votes; and

3484 (B) were submitted only to the voters within the board's jurisdiction;

3485 (ii) "rejected" those ballot propositions that:

3486 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
3487 votes; and

3488 (B) were submitted only to the voters within the board's jurisdiction;

3489 (c) certify the vote totals for persons and for and against ballot propositions that were
3490 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
3491 the lieutenant governor; and

3492 (d) if applicable, certify the results of each local district election to the local district
3493 clerk.

3494 (2) [~~(a)~~] As soon as the result is declared, the election officer shall prepare a report of
3495 the result, which shall contain:

3496 [~~(i)~~] (a) the total number of votes cast in the board's jurisdiction;

3497 [~~(ii)~~] (b) the names of each candidate whose name appeared on the ballot;

3498 [~~(iii)~~] (c) the title of each ballot proposition that appeared on the ballot;

3499 [~~(iv)~~] (d) each office that appeared on the ballot;

3500 [~~(v)~~] (e) from each voting precinct:

3501 [~~(A)~~] (i) the number of votes for each candidate;

3502 ~~[(B)]~~ (ii) for each race conducted by instant runoff voting under ~~[Title 20A,]~~ Chapter 4,
3503 Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for
3504 each candidate for each potential ballot-counting phase and the name of the candidate excluded
3505 in each canvassing phase; and

3506 ~~[(C)]~~ (iii) the number of votes for and against each ballot proposition;

3507 ~~[(vi)]~~ (f) the total number of votes given in the board's jurisdiction to each candidate,
3508 and for and against each ballot proposition;

3509 ~~[(vii)]~~ (g) the number of ballots that were rejected; and

3510 ~~[(viii)]~~ (h) a statement certifying that the information contained in the report is
3511 accurate.

3512 ~~[(b)]~~ (3) The election officer and the board of canvassers shall:

3513 ~~[(i)]~~ (a) review the report to ensure that it is correct; and

3514 ~~[(ii)]~~ (b) sign the report.

3515 ~~[(c)]~~ (4) The election officer shall:

3516 ~~[(i)]~~ (a) record or file the certified report in a book kept for that purpose;

3517 ~~[(ii)]~~ (b) prepare and transmit a certificate of nomination or election under the officer's
3518 seal to each nominated or elected candidate;

3519 ~~[(iii)]~~ (c) publish a copy of the certified report~~[-]~~ in accordance with Subsection (5);

3520 and

3521 ~~[(A) in one or more conspicuous places within the jurisdiction;]~~

3522 ~~[(B) in a conspicuous place on the county's website; and]~~

3523 ~~[(C) in a newspaper with general circulation in the board's jurisdiction; and]~~

3524 ~~[(iv)]~~ (d) file a copy of the certified report with the lieutenant governor.

3525 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
3526 days after the day on which the board of canvassers declares the election results, publish the

3527 certified report described in Subsection (2):

3528 (a) (i) at least once in a newspaper of general circulation within the jurisdiction;

3529 (ii) if there is no newspaper of general circulation within the jurisdiction, by posting

3530 one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places
3531 within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or

3532 (iii) by mailing notice to each residence within the jurisdiction;

3533 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for one week;

3534 (c) in accordance with Section [45-1-101](#), for one week; and

3535 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.

3536 (6) Instead of publishing the entire certified report under Subsection (5), the election
3537 officer may publish a statement that:

3538 (a) includes the following: "The Board of Canvassers for [indicate name of
3539 jurisdiction] has prepared a report of the election results for the [indicate type and date of
3540 election]."; and

3541 (b) specifies the following sources where an individual may view or obtain a copy of
3542 the entire certified report:

3543 (i) if the jurisdiction has a website, the jurisdiction's website;

3544 (ii) the physical address for the jurisdiction; and

3545 (iii) a mailing address and telephone number.

3546 ~~[(3)]~~ (7) When there has been a regular general or a statewide special election for
3547 statewide officers, for officers that appear on the ballot in more than one county, or for a
3548 statewide or two or more county ballot proposition, each board of canvassers shall:

3549 (a) prepare a separate report detailing the number of votes for each candidate and the
3550 number of votes for and against each ballot proposition; and

3551 (b) transmit [it] the separate report by registered mail to the lieutenant governor.

3552 ~~[(4)]~~ (8) In each county election, municipal election, school election, local district
3553 election, and local special election, the election officer shall transmit the reports to the
3554 lieutenant governor within 14 days after the date of the election.

3555 ~~[(5)]~~ (9) In regular primary elections and in the Western States Presidential Primary,
3556 the board shall transmit to the lieutenant governor:

3557 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant

3558 governor:

3559 (i) not later than the second Tuesday after the primary election for the regular primary
3560 election; and

3561 (ii) not later than the Tuesday following the election for the Western States Presidential
3562 Primary; and

3563 (b) a complete tabulation showing voting totals for all primary races, precinct by
3564 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
3565 primary election.

3566 Section 54. Section **20A-4-401** is amended to read:

3567 **20A-4-401. Recounts -- Procedure.**

3568 (1) (a) This section does not apply to a race conducted by instant runoff voting under
3569 [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

3570 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the
3571 difference between the number of votes cast for a winning candidate in the race and a losing
3572 candidate in the race is equal to or less than .25% of the total number of votes cast for all
3573 candidates in the race, that losing candidate may file a request for a recount in accordance with
3574 Subsection (1)(d).

3575 (c) For a race between candidates where the total of all votes cast in the race is 400 or
3576 less, if the difference between the number of votes cast for a winning candidate in the race and
3577 a losing candidate in the race is one vote, that losing candidate may file a request for a recount
3578 in accordance with Subsection (1)(d).

3579 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall
3580 file the request:

3581 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within
3582 three days after the canvass; or

3583 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

3584 (A) the municipal clerk, if the election is a municipal general election;

3585 (B) the local district clerk, if the election is a local district election;

- 3586 (C) the county clerk, for races voted on entirely within a single county; or
- 3587 (D) the lieutenant governor, for statewide races and multicounty races.
- 3588 (e) The election officer shall:
- 3589 (i) supervise the recount;
- 3590 (ii) recount all ballots cast for that race;
- 3591 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
- 3592 3, Absentee Voting;
- 3593 (iv) for a race where only one candidate may win, declare elected the candidate who
- 3594 receives the highest number of votes on the recount; and
- 3595 (v) for a race where multiple candidates may win, declare elected the applicable
- 3596 number of candidates who receive the highest number of votes on the recount.
- 3597 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
- 3598 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
- 3599 the total votes cast for or against the proposition, any 10 voters who voted in the election where
- 3600 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
- 3601 days ~~of~~ after the day of the canvass with the person described in Subsection (2)(c).
- 3602 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
- 3603 against the proposition is 400 or less, if the difference between the number of votes cast for the
- 3604 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
- 3605 voted in the election where the proposition was on the ballot may file a request for a recount
- 3606 before 5 p.m. within seven days ~~of~~ after the day of the canvass with the person described in
- 3607 Subsection (2)(c).
- 3608 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
- 3609 file the request with:
- 3610 (i) the municipal clerk, if the election is a municipal election;
- 3611 (ii) the local district clerk, if the election is a local district election;
- 3612 (iii) the county clerk, for propositions voted on entirely within a single county; or
- 3613 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

3614 (d) The election officer shall:
3615 (i) supervise the recount;
3616 (ii) recount all ballots cast for that ballot proposition or bond proposition;
3617 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
3618 3, Absentee Voting; and
3619 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
3620 based upon the results of the recount.
3621 (e) Proponents and opponents of the ballot proposition or bond proposition may
3622 designate representatives to witness the recount.
3623 (f) The voters requesting the recount shall pay the costs of the recount.
3624 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
3625 person requesting the recount.
3626 (4) (a) Upon completion of the recount, the election officer shall immediately convene
3627 the board of canvassers.
3628 (b) The board of canvassers shall:
3629 (i) canvass the election returns for the race or proposition that was the subject of the
3630 recount; and
3631 (ii) with the assistance of the election officer, prepare and sign the report required by
3632 Section 20A-4-304 or [Section] 20A-4-306.
3633 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
3634 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
3635 governor as required by Subsection 20A-4-304~~(3)~~ (7).
3636 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
3637 result of the race or proposition that is the subject of the recount.
3638 Section 55. Section 20A-5-101 is amended to read:
3639 **20A-5-101. Notice of election.**
3640 (1) On or before November 15 in the year before each regular general election year, the
3641 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

3642 (a) designates the offices to be filled at the next year's regular general election;

3643 (b) identifies the dates for filing a declaration of candidacy, and for submitting and

3644 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),

3645 and [20A-9-408](#) for those offices; and

3646 (c) contains a description of any ballot propositions to be decided by the voters that

3647 have qualified for the ballot as of that date.

3648 (2) ~~[(a)]~~ No later than seven business days after the day on which the lieutenant

3649 governor transmits the written notice described in Subsection (1), each county clerk shall

3650 publish notice, in accordance with Subsection (3):

3651 ~~[(i) publish a notice:]~~

3652 ~~[(A) once in a newspaper published in that county; and]~~

3653 ~~[(B) as required in Section [45-1-101](#); or]~~

3654 ~~[(ii) (A) cause a copy of the notice to be posted]~~

3655 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in

3656 each voting precinct within the county; and

3657 ~~[(B)]~~ (ii) prepare an affidavit of [that] the posting, showing a copy of the notice and the

3658 places where the notice was posted[-];

3659 (b) (i) in a newspaper of general circulation in the county;

3660 (ii) if there is no newspaper of general circulation within the county, in addition to the

3661 notice described in Subsection (2)(a), by posting one notice, and at least one additional notice

3662 per 2,000 population of the county, in places within the county that are most likely to give

3663 notice of the election to the voters in the county; or

3664 (iii) by mailing notice to each registered voter in the county;

3665 (c) on the Utah Public Notice Website created in Section [63F-1-701](#), for seven days

3666 before the day of the election;

3667 (d) in accordance with Section [45-1-101](#), for seven days before the day of the election;

3668 and

3669 (e) on the county's website for seven days before the day of the election.

3670 ~~[(b)]~~ (3) The notice ~~[required by]~~ described in Subsection (2)~~[(a)]~~ shall:

3671 (i) designate the offices to be voted on in that election; and

3672 (ii) identify the dates for filing a declaration of candidacy for those offices.

3673 ~~[(3) Before]~~ (4) Except as provided in Subsection (6), before each election, the

3674 election officer shall give printed notice of the following information~~[, or printed notice of a~~

3675 ~~website where the following information can be obtained]~~:

3676 (a) the date of election;

3677 (b) the hours during which the polls will be open;

3678 (c) the polling places for each voting precinct, early voting polling place, and election

3679 day voting center;

3680 (d) the address of the Statewide Electronic Voter Information Website and, if available,

3681 the address of the election officer's website, with a statement indicating that the election officer

3682 will post on the website any changes to the location of a polling place and the location of any

3683 additional polling place;

3684 (e) a phone number that a voter may call to obtain information regarding the location of

3685 a polling place; and

3686 (f) the qualifications for persons to vote in the election.

3687 ~~[(4)]~~ (5) To provide the printed notice described in Subsection ~~[(3)]~~ (4), the election

3688 officer shall publish the notice:

3689 ~~[(a) publish the notice at least two days before election day:]~~

3690 (a) (i) in a newspaper of general circulation ~~[common to the area]~~ in the jurisdiction to

3691 which the election pertains at least two days before the day of the election; ~~[and]~~

3692 ~~[(ii) as required in Section 45-1-101; or]~~

3693 (ii) if there is no newspaper of general circulation in the jurisdiction to which the

3694 election pertains, at least two days before the day of the election, by posting one notice, and at

3695 least one additional notice per 2,000 population of the jurisdiction, in places within the

3696 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

3697 ~~[(b) mail]~~ (iii) by mailing the notice to each registered voter who resides in the ~~[area]~~

3698 jurisdiction to which the election pertains at least five days before [~~election day~~] the day of the
3699 election;

3700 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for two days
3701 before the day of the election;

3702 (c) in accordance with Section [45-1-101](#), for two days before the day of the election;
3703 and

3704 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before
3705 the day of the election.

3706 (6) Instead of including the information described in Subsection (4) in the notice, the
3707 election officer may give printed notice that:

3708 (a) is entitled "Notice of Election";

3709 (b) includes the following: "A [indicate election type] will be held in [indicate the
3710 jurisdiction] on [indicate date of election]. Information relating to the election, including
3711 polling places, polling place hours, and qualifications of voters may be obtained from the
3712 following sources:"; and

3713 (c) specifies the following sources where an individual may view or obtain the
3714 information described in Subsection (4):

3715 (i) if the jurisdiction has a website, the jurisdiction's website;

3716 (ii) the physical address of the jurisdiction offices; and

3717 (iii) a mailing address and telephone number.

3718 Section 56. Section **20A-5-405** is amended to read:

3719 **20A-5-405. Election officer to provide ballots.**

3720 (1) In jurisdictions using paper ballots, each election officer shall:

3721 (a) provide printed official paper ballots and absentee ballots for every election of
3722 public officers in which the voters, or any of the voters, within the election officer's jurisdiction
3723 participate;

3724 (b) cause the name of every candidate whose nomination has been certified to or filed
3725 with the election officer in the manner provided by law to be printed on each official paper

3726 ballot and absentee ballot;

3727 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
3728 be printed on each official paper ballot and absentee ballot;

3729 (d) ensure that the official paper ballots are printed and in the possession of the election
3730 officer before commencement of voting;

3731 (e) ensure that the absentee ballots are printed and in the possession of the election
3732 officer with sufficient time before commencement of voting;

3733 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
3734 be printed on each official paper ballot and absentee ballot;

3735 (g) allow candidates and their agents and the sponsors of ballot propositions that have
3736 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

3737 (h) cause sample ballots to be printed that are in the same form as official paper ballots
3738 and that contain the same information as official paper ballots but that are printed on different
3739 colored paper than official paper ballots;

3740 (i) ensure that the sample ballots are printed and in the possession of the election
3741 officer at least seven days before commencement of voting;

3742 (j) make the sample ballots available for public inspection by:

3743 (i) posting a copy of the sample ballot in [~~his~~] the election officer's office at least seven
3744 days before commencement of voting;

3745 (ii) mailing a copy of the sample ballot to:

3746 (A) each candidate listed on the ballot; and

3747 (B) the lieutenant governor; [~~and~~]

3748 (iii) publishing a copy of the sample ballot [~~immediately before the election~~]:

3749 (A) [~~in at least one~~] except as provided in Subsection (5), at least seven days before the
3750 day of the election in a newspaper of general circulation in the jurisdiction holding the election;

3751 [~~and~~]

3752 [~~(B) as required in Section 45-1-101;~~]

3753 (B) if there is no newspaper of general circulation in the jurisdiction holding the

3754 election, at least seven days before the day of the election, by posting one copy of the sample
3755 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
3756 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
3757 the jurisdiction; or

3758 (C) at least 10 days before the day of the election, by mailing a copy of the sample
3759 ballot to each registered voter who resides in the jurisdiction holding the election;

3760 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
3761 in Section 63F-1-701, for seven days before the day of the election;

3762 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
3763 least seven days before the day of the election; and

3764 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
3765 seven days before the day of the election;

3766 (k) deliver at least five copies of the sample ballot to poll workers for each polling
3767 place and direct them to post the sample ballots as required by Section 20A-5-102; and

3768 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
3769 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
3770 demands of the qualified voters in each voting precinct.

3771 (2) In jurisdictions using a punch card ballot, each election officer shall:

3772 (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot
3773 labels for every election of public officers in which the voters, or any of the voters, within the
3774 election officer's jurisdiction participate;

3775 (b) cause the name of every candidate who filed with the election officer in the manner
3776 provided by law or whose nomination has been certified to the election officer to be printed on
3777 each official ballot label;

3778 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
3779 be printed on each official ballot label;

3780 (d) ensure that the official ballot labels are printed and in the possession of the election
3781 officer before the commencement of voting;

3782 (e) ensure that the absentee ballots are printed and in the possession of the election
3783 officer with sufficient time before commencement of voting;

3784 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
3785 be printed on each official ballot label and absentee ballot;

3786 (g) allow candidates and their agents and the sponsors of ballot propositions that have
3787 qualified for the official sample ballot to inspect the official sample ballot;

3788 (h) cause sample ballots to be printed that contain the same information as official
3789 ballot labels but that are distinguishable from official ballot labels;

3790 (i) ensure that the sample ballots are printed and in the possession of the election
3791 officer at least seven days before commencement of voting;

3792 (j) make the sample ballots available for public inspection by:

3793 (i) posting a copy of the sample ballot in his office at least seven days before
3794 commencement of voting;

3795 (ii) mailing a copy of the sample ballot to:

3796 (A) each candidate listed on the ballot; and

3797 (B) the lieutenant governor; [~~and~~]

3798 (iii) publishing a copy of the sample ballot [~~immediately before the election~~]:

3799 (A) [~~in at least one~~] except as provided in Subsection (5), at least seven days before the
3800 day of the election in a newspaper of general circulation in the jurisdiction holding the election;

3801 [~~and~~]

3802 [~~(B) as required in Section 45-1-101;~~]

3803 (B) if there is no newspaper of general circulation in the jurisdiction holding the
3804 election, at least seven days before the day of the election, by posting one copy of the sample
3805 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
3806 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
3807 the jurisdiction; or

3808 (C) at least 10 days before the day of the election, by mailing a copy of the sample
3809 ballot to each registered voter who resides in the jurisdiction holding the election;

3810 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
3811 in Section 63F-1-701, for seven days before the day of the election;

3812 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
3813 least seven days before the day of the election; and

3814 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
3815 seven days before the day of the election;

3816 (k) deliver at least five copies of the sample ballot to poll workers for each polling
3817 place and direct them to post the sample ballots as required by Section 20A-5-102; and

3818 (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and
3819 instruction cards at the expense of the jurisdiction conducting the election.

3820 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer
3821 shall:

3822 (a) provide official ballot sheets and absentee ballot sheets for every election of public
3823 officers in which the voters, or any of the voters, within the election officer's jurisdiction
3824 participate;

3825 (b) cause the name of every candidate who filed with the election officer in the manner
3826 provided by law or whose nomination has been certified to or filed with the election officer to
3827 be printed on each official ballot and absentee ballot;

3828 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
3829 be printed on each official ballot and absentee ballot;

3830 (d) ensure that the official ballots are printed and in the possession of the election
3831 officer before commencement of voting;

3832 (e) ensure that the absentee ballots are printed and in the possession of the election
3833 officer with sufficient time before commencement of voting;

3834 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
3835 be printed on each official ballot and absentee ballot;

3836 (g) allow candidates and their agents and the sponsors of ballot propositions that have
3837 qualified for the official sample ballot to inspect the official sample ballot;

- 3838 (h) cause sample ballots to be printed that contain the same information as official
3839 ballots but that are distinguishable from the official ballots;
- 3840 (i) ensure that the sample ballots are printed and in the possession of the election
3841 officer at least seven days before commencement of voting;
- 3842 (j) make the sample ballots available for public inspection by:
- 3843 (i) posting a copy of the sample ballot in the election officer's office at least seven days
3844 before commencement of voting;
- 3845 (ii) mailing a copy of the sample ballot to:
- 3846 (A) each candidate listed on the ballot; and
- 3847 (B) the lieutenant governor; [~~and~~]
- 3848 (iii) publishing a copy of the sample ballot [~~immediately before the election~~]:
- 3849 (A) [~~in at least one~~] except as provided in Subsection (5), at least seven days before the
3850 day of the election in a newspaper of general circulation in the jurisdiction holding the election;
3851 [~~and~~]
- 3852 [~~(B) as required in Section 45-1-101;~~]
- 3853 (B) if there is no newspaper of general circulation in the jurisdiction holding the
3854 election, at least seven days before the day of the election, by posting one copy of the sample
3855 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
3856 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
3857 the jurisdiction; or
- 3858 (C) at least 10 days before the day of the election, by mailing a copy of the sample
3859 ballot to each registered voter who resides in the jurisdiction holding the election;
- 3860 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
3861 in Section 63F-1-701, for seven days before the day of the election;
- 3862 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
3863 least seven days before the day of the election; and
- 3864 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
3865 seven days before the day of the election;

3866 (k) deliver at least five copies of the sample ballot to poll workers for each polling
3867 place and direct them to post the sample ballots as required by Section 20A-5-102; and

3868 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
3869 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
3870 demands of the qualified voters in each voting precinct.

3871 (4) In jurisdictions using electronic ballots, each election officer shall:

3872 (a) provide official ballots for every election of public officers in which the voters, or
3873 any of the voters, within the election officer's jurisdiction participate;

3874 (b) cause the name of every candidate who filed with the election officer in the manner
3875 provided by law or whose nomination has been certified to the election officer to be displayed
3876 on each official ballot;

3877 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
3878 be displayed on each official ballot;

3879 (d) ensure that the official ballots are prepared and in the possession of the election
3880 officer before commencement of voting;

3881 (e) ensure that the absentee ballots are prepared and in the possession of the election
3882 officer with sufficient time before commencement of voting;

3883 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
3884 be printed on each official ballot and absentee ballot;

3885 (g) allow candidates and their agents and the sponsors of ballot propositions that have
3886 qualified for the official sample ballot to inspect the official sample ballot;

3887 (h) cause sample ballots to be printed that contain the same information as official
3888 ballots but that are distinguishable from official ballots;

3889 (i) ensure that the sample ballots are printed and in the possession of the election
3890 officer at least seven days before commencement of voting;

3891 (j) make the sample ballots available for public inspection by:

3892 (i) posting a copy of the sample ballot in the election officer's office at least seven days
3893 before commencement of voting;

- 3894 (ii) mailing a copy of the sample ballot to:
- 3895 (A) each candidate listed on the ballot; and
- 3896 (B) the lieutenant governor; [~~and~~]
- 3897 (iii) publishing a copy of the sample ballot immediately before the election:
- 3898 (A) [~~in at least one~~] except as provided in Subsection (5), at least seven days before the
- 3899 day of the election in a newspaper of general circulation in the jurisdiction holding the election;
- 3900 [~~and~~]
- 3901 [~~(B) as required in Section 45-1-101;~~]
- 3902 (B) if there is no newspaper of general circulation in the jurisdiction holding the
- 3903 election, at least seven days before the day of the election, by posting one copy of the sample
- 3904 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
- 3905 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
- 3906 the jurisdiction; or
- 3907 (C) at least 10 days before the day of the election, by mailing a copy of the sample
- 3908 ballot to each registered voter who resides in the jurisdiction holding the election;
- 3909 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
- 3910 in Section 63F-1-701, for seven days before the day of the election;
- 3911 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
- 3912 least seven days before the day of the election; and
- 3913 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
- 3914 seven days before the day of the election;
- 3915 (k) deliver at least five copies of the sample ballot to poll workers for each polling
- 3916 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 3917 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the
- 3918 expense of the jurisdiction conducting the election.
- 3919 (5) Instead of publishing the entire sample ballot under Subsection (1)(j)(iii)(A),
- 3920 (2)(j)(iii)(A), (3)(j)(iii)(A), or (4)(j)(iii)(A), the election officer may publish a statement that:
- 3921 (a) is entitled, "sample ballot";

3922 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
3923 upcoming [indicate type and date of election] may be obtained from the following sources:";
3924 and

3925 (c) specifies the following sources where an individual may view or obtain a copy of
3926 the sample ballot:

3927 (i) if the jurisdiction has a website, the jurisdiction's website;

3928 (ii) the physical address of the jurisdiction's offices; and

3929 (iii) a mailing address and telephone number.

3930 ~~(5)~~ (6) (a) Each election officer shall, without delay, correct any error discovered in
3931 any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the
3932 correction can be made without interfering with the timely distribution of the paper ballots,
3933 ballot labels, ballot sheets, or electronic ballots.

3934 (b) (i) If the election officer discovers an error or omission in a paper ballot, ballot
3935 label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the
3936 paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to
3937 make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets
3938 before they are distributed at the polls.

3939 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
3940 not possible to correct the error or omission by revising the electronic ballot, the election
3941 officer shall direct the poll workers to post notice of each error or omission with instructions on
3942 how to correct each error or omission in a prominent position at each polling booth.

3943 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper
3944 ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may
3945 file a verified petition with the district court asserting that:

3946 (A) an error or omission has occurred in:

3947 (I) the publication of the name or description of a candidate;

3948 (II) the preparation or display of an electronic ballot; or

3949 (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets;

3950 and

3951 (B) the election officer has failed to correct or provide for the correction of the error or
3952 omission.

3953 (ii) The district court shall issue an order requiring correction of any error in a paper
3954 ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error
3955 should not be corrected if it appears to the court that the error or omission has occurred and the
3956 election officer has failed to correct it or failed to provide for its correction.

3957 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
3958 Supreme Court within five days after the decision of the district court.

3959 Section 57. Section **20A-5-604** is amended to read:

3960 **20A-5-604. Receipt of ballots by poll workers.**

3961 (1) The poll [~~worker who receives~~] workers who receive official or substitute ballots
3962 from the election officer shall:

3963 (a) sign a receipt for [~~them~~] the ballots and file [~~it~~] the receipt with the election officer;
3964 and

3965 (b) produce the packages in the proper polling place with the seals unbroken.

3966 (2) If the poll [~~worker receives~~] workers receive packages of substitute ballots
3967 accompanied by a written and sworn statement of the election officer that the ballots are
3968 substitute ballots because the original ballots were not received, were destroyed, or were stolen,
3969 the poll worker shall produce the packages of substitute ballots in the proper polling place with
3970 the seals unbroken.

3971 Section 58. Section **20A-5-605** is amended to read:

3972 **20A-5-605. Duties of poll workers.**

3973 (1) Poll workers shall:

3974 (a) arrive at the polling place at a time determined by the election officer; and

3975 (b) remain until the official election returns are prepared for delivery.

3976 (2) The election officer may designate:

3977 (a) certain poll workers to act as election judges;

- 3978 (b) an election judge to act as the presiding election judge; and
3979 (c) certain poll workers to act as clerks.
- 3980 (3) Upon their arrival to open the polls, the poll workers shall:
- 3981 (a) if the election officer has not designated which poll workers at a polling place are
3982 assigned to act as election judges, as presiding election judge, or as clerks:
- 3983 (i) designate two poll workers to act as election judges as necessary;
3984 (ii) determine which election judge shall preside as necessary; and
3985 (iii) determine which poll workers shall act as clerks as necessary;
- 3986 (b) select [~~one~~] two or more of their number to deliver the election returns to the
3987 election officer or to the place that the election officer designates;
- 3988 (c) display the United States flag;
- 3989 (d) examine the voting devices to see that they are in proper working order and that
3990 security devices have not been tampered with;
- 3991 (e) place the voting devices, voting booths, and the ballot box in plain view of those
3992 poll workers and watchers that are present;
- 3993 (f) for paper ballots and ballot sheets, open the ballot packages in the presence of all
3994 the poll workers;
- 3995 (g) check the ballots, supplies, records, and forms;
- 3996 (h) if directed to do so by the election officer:
- 3997 (i) make any necessary corrections to the official ballots before they are distributed at
3998 the polls; and
- 3999 (ii) post any necessary notice of errors in electronic ballots before voting commences;
- 4000 (i) post the sample ballots, instructions to voters, and constitutional amendments, if
4001 any; and
- 4002 (j) open the ballot box in the presence of those assembled, turn it upside down to empty
4003 it of anything, and then, immediately before polls open, lock it, or if locks and keys are not
4004 available, tape it securely.
- 4005 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or

4006 refuses to act:

4007 (i) at least six qualified electors from the voting precinct who are present at the polling
4008 place at the hour designated by law for the opening of the polls shall fill the vacancy by
4009 appointing another qualified person from the voting precinct who is a member of the same
4010 political party as the poll worker who is being replaced to act as a poll worker; or

4011 (ii) the election officer shall appoint a qualified person to act as a poll worker.

4012 (b) If a majority of the poll workers are present, they shall open the polls, even though
4013 a poll worker has not arrived.

4014 (5) (a) If it is impossible or inconvenient to hold an election at the polling place
4015 designated, the poll workers, after having assembled at or as near as practicable to the
4016 designated place, and before receiving any vote, may move to the nearest convenient place for
4017 holding the election.

4018 (b) If the poll workers move to a new polling place, they shall display a proclamation
4019 of the change and station a peace officer or some other proper person at the original polling
4020 place to notify voters of the location of the new polling place.

4021 (6) If the poll [~~worker who received~~] workers who receive delivery of the ballots
4022 [~~produces~~] produce packages of substitute ballots accompanied by a written and sworn
4023 statement of the election officer that the ballots are substitute ballots because the original
4024 ballots were not received, were destroyed, or were stolen, the poll workers shall use those
4025 substitute ballots as the official election ballots.

4026 (7) If, for any reason, none of the official or substitute ballots are ready for distribution
4027 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll
4028 workers may use unofficial ballots, made as nearly as possible in the form of the official ballot,
4029 until substitutes prepared by the election officer are printed and delivered.

4030 (8) When it is time to open the polls, one of the poll workers shall announce that the
4031 polls are open as required by Section [20A-1-302](#), or in the case of early voting, Section
4032 [20A-3-602](#).

4033 (9) (a) The poll workers shall comply with the voting procedures and requirements of

4034 [~~Title 20A,~~] Chapter 3, Voting, in allowing people to vote.

4035 (b) The poll workers may not allow any person, other than election officials and those
4036 admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

4037 (c) Besides the poll workers and watchers, the poll workers may not allow more than
4038 four voters in excess of the number of voting booths provided within six feet of voting devices,
4039 voting booths, and the ballot box.

4040 (d) If necessary, the poll workers shall instruct each voter about how to operate the
4041 voting device before the voter enters the voting booth.

4042 (e) (i) If the voter requests additional instructions after entering the voting booth, two
4043 poll workers may, if necessary, enter the booth and give the voter additional instructions.

4044 (ii) In regular general elections and regular primary elections, the two poll workers who
4045 enter the voting booth to assist the voter shall be of different political parties.

4046 Section 59. Section **20A-6-106** is amended to read:

4047 **20A-6-106. Deadline for submission of ballot titles.**

4048 Unless otherwise specifically provided for by statute, the certified ballot title of each
4049 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer
4050 before 5 p.m. no later than 65 days before the date of the election at which the matter will be
4051 submitted to the voters.

4052 Section 60. Section **20A-6-302** is amended to read:

4053 **20A-6-302. Paper ballots -- Placement of candidates' names.**

4054 (1) Each election officer shall ensure, for paper ballots in regular general elections,
4055 that:

4056 (a) each candidate is listed by party, if nominated by a registered political party under
4057 Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#);

4058 (b) candidates' surnames are listed in alphabetical order on the ballots when two or
4059 more candidates' names are required to be listed on a ticket under the title of an office; and

4060 (c) the names of candidates are placed on the ballot in the order specified under Section
4061 [20A-6-305](#).

4062 (2) (a) When there is only one candidate for county attorney at the regular general
4063 election in counties that have three or fewer registered voters of the county who are licensed
4064 active members in good standing of the Utah State Bar, the county clerk shall cause that
4065 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
4066 with the following question: "Shall (name of candidate) be elected to the office of county
4067 attorney? Yes ____ No ____."

4068 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
4069 elected to the office of county attorney.

4070 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
4071 elected and may not take office, nor may the candidate continue in the office past the end of the
4072 term resulting from any prior election or appointment.

4073 (d) When the name of only one candidate for county attorney is printed on the ballot
4074 under authority of this Subsection (2), the county clerk may not count any write-in votes
4075 received for the office of county attorney.

4076 (e) If no qualified person files for the office of county attorney or if the candidate is not
4077 elected by the voters, the county legislative body shall appoint the county attorney as provided
4078 in Section [20A-1-509.2](#).

4079 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
4080 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
4081 two consecutive terms immediately preceding the term for which the candidate is seeking
4082 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
4083 unopposed candidate the same as any other unopposed candidate for another office, unless a
4084 petition is filed with the county clerk before ~~[the date of]~~ 5 p.m. no later than one day before
4085 that year's primary election that:

4086 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

4087 (ii) contains the signatures of registered voters in the county representing in number at
4088 least 25% of all votes cast in the county for all candidates for governor at the last election at
4089 which a governor was elected.

4090 (3) (a) When there is only one candidate for district attorney at the regular general
4091 election in a prosecution district that has three or fewer registered voters of the district who are
4092 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
4093 that candidate's name and party affiliation, if any, to be placed on a separate section of the
4094 ballot with the following question: "Shall (name of candidate) be elected to the office of district
4095 attorney? Yes ____ No ____."

4096 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
4097 elected to the office of district attorney.

4098 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
4099 elected and may not take office, nor may the candidate continue in the office past the end of the
4100 term resulting from any prior election or appointment.

4101 (d) When the name of only one candidate for district attorney is printed on the ballot
4102 under authority of this Subsection (3), the county clerk may not count any write-in votes
4103 received for the office of district attorney.

4104 (e) If no qualified person files for the office of district attorney, or if the only candidate
4105 is not elected by the voters under this subsection, the county legislative body shall appoint a
4106 new district attorney for a four-year term as provided in Section [20A-1-509.2](#).

4107 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
4108 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
4109 two consecutive terms immediately preceding the term for which the candidate is seeking
4110 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an
4111 unopposed candidate the same as any other unopposed candidate for another office, unless a
4112 petition is filed with the county clerk before ~~[the date of]~~ 5 p.m. no later than one day before
4113 that year's primary election that:

4114 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

4115 (ii) contains the signatures of registered voters in the county representing in number at
4116 least 25% of all votes cast in the county for all candidates for governor at the last election at
4117 which a governor was elected.

4118 Section 61. Section **20A-7-202.5** is amended to read:

4119 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
4120 **to estimate.**

4121 (1) Within three working days [~~of receipt of~~] after the day on which the lieutenant
4122 governor receives an application for an initiative petition, the lieutenant governor shall submit
4123 a copy of the application to the Governor's Office of Management and Budget.

4124 (2) (a) The Governor's Office of Management and Budget shall prepare an unbiased,
4125 good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

4126 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

4127 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing
4128 the total estimated increase or decrease for each type of tax affected under the proposed law
4129 and a dollar amount representing the total estimated increase or decrease in taxes under the
4130 proposed law;

4131 (iii) if the proposed law would increase taxes, the tax percentage difference and the tax
4132 percentage increase;

4133 (iv) if the proposed law would result in the issuance or a change in the status of bonds,
4134 notes, or other debt instruments, a dollar amount representing the total estimated increase or
4135 decrease in public debt under the proposed law;

4136 (v) a listing of all sources of funding for the estimated costs associated with the
4137 proposed law showing each source of funding and the percentage of total funding provided
4138 from each source;

4139 (vi) a dollar amount representing the estimated costs or savings, if any, to state and
4140 local government entities under the proposed law; and

4141 (vii) a concise explanation, not exceeding 100 words, of the above information and of
4142 the estimated fiscal impact, if any, under the proposed law.

4143 (b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office
4144 of Management and Budget shall include a summary statement in the initial fiscal impact
4145 statement in substantially the following form:

4146 "The Governor's Office of Management and Budget estimates that the law proposed by
4147 this initiative would have no significant fiscal impact and would not result in either an increase
4148 or decrease in taxes or debt."

4149 (ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of
4150 Management and Budget shall include a summary statement in the initial fiscal impact estimate
4151 in substantially the following form:

4152 "The Governor's Office of Management and Budget estimates that the law proposed by
4153 this initiative would result in a total fiscal expense/savings of \$_____, which includes a (type
4154 of tax or taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in state
4155 debt."

4156 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise
4157 difficult to reasonably express in a summary statement, the Governor's Office of Management
4158 and Budget may include in the summary statement a brief explanation that identifies those
4159 factors affecting the variability or difficulty of the estimate.

4160 (iv) If the proposed law imposes a tax increase, the Governor's Office of Management
4161 and Budget shall include a summary statement in the initial fiscal impact estimate in
4162 substantially the following form:

4163 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
4164 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
4165 percent increase in the current tax rate."

4166 (3) The Governor's Office of Management and Budget shall prepare an unbiased, good
4167 faith estimate of the cost of printing and distributing information related to the initiative
4168 petition in:

4169 (a) the voter information pamphlet as required by [~~Title 20A,~~] Chapter 7, Part 7, Voter
4170 Information Pamphlet; or

4171 (b) the newspaper, as required by Section 20A-7-702.

4172 (4) Within 25 calendar days [~~from the date that~~] after the day on which the lieutenant
4173 governor delivers a copy of the application, the Governor's Office of Management and Budget

4174 shall:

4175 (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's
4176 office; and

4177 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in
4178 the initiative application.

4179 (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days
4180 ~~[of the date of delivery of]~~ after the day on which the Governor's Office of Management and
4181 Budget delivers the initial fiscal impact estimate to the lieutenant governor's office, file a
4182 petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a
4183 whole, is an inaccurate estimate of the fiscal impact of the initiative.

4184 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
4185 to send notice of the petition to:

4186 (A) any person or group that has filed an argument with the lieutenant governor's office
4187 for or against the measure that is the subject of the challenge; and

4188 (B) any political issues committee established under Section [20A-11-801](#) that has filed
4189 written or electronic notice with the lieutenant governor that identifies the name, mailing or
4190 email address, and telephone number of the person designated to receive notice about any
4191 issues relating to the initiative.

4192 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the
4193 Governor's Office of Management and Budget is based upon reasonable assumptions, uses
4194 reasonable data, and applies accepted analytical methods to present the estimated fiscal impact
4195 of the initiative.

4196 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the
4197 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing
4198 evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate
4199 statement of the estimated fiscal impact of the initiative.

4200 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate
4201 to a master to examine the issue and make a report in accordance with Utah Rules of Civil

4202 Procedure, Rule 53.

4203 (c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate
4204 for the measure that meets the requirements of this section.

4205 Section 62. Section **20A-7-204.1** is amended to read:

4206 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**
4207 **Changes to an initiative and initial fiscal impact estimate.**

4208 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of
4209 Management and Budget and before circulating initiative petitions for signature statewide,
4210 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as
4211 follows:

4212 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

4213 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
4214 County;

4215 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

4216 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
4217 County;

4218 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

4219 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

4220 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
4221 County.

4222 (b) Of the seven meetings, at least two of the meetings shall be held in a first or second
4223 class county, but not in the same county.

4224 (2) [~~At least three calendar days before the date of the public hearing, the~~] The
4225 sponsors shall:

4226 (a) before 5 p.m. at least three calendar days before the date of the public hearing,
4227 provide written notice of the public hearing to:

4228 (i) the lieutenant governor for posting on the state's website; and

4229 (ii) each state senator, state representative, and county commission or county council

4230 member who is elected in whole or in part from the region where the public hearing will be
4231 held; and

4232 (b) publish written notice of the public hearing [~~detailing its~~], including the time, date,
4233 and location of the public hearing, in each county in the region where the public hearing will be
4234 held:

4235 [~~(i) in at least one newspaper of general circulation in each county in the region where~~
4236 ~~the public hearing will be held; and]~~

4237 (i) (A) at least three calendar days before the day of the public hearing, in a newspaper
4238 of general circulation in the county;

4239 (B) if there is no newspaper of general circulation in the county, at least three calendar
4240 days before the day of the public hearing, by posting one copy of the notice, and at least one
4241 additional copy of the notice per 2,000 population of the county, in places within the county
4242 that are most likely to give notice to the residents of the county; or

4243 (C) at least seven days before the day of the public hearing, by mailing notice to each
4244 residence in the county;

4245 (ii) on the Utah Public Notice Website created in Section 63F-1-701[-], for at least
4246 three calendar days before the day of the public hearing;

4247 (iii) in accordance with Section 45-1-101, for at least three calendar days before the
4248 day of the public hearing; and

4249 (iv) on the county's website for at least three calendar days before the day of the public
4250 hearing.

4251 (3) If the initiative petition proposes a tax increase, the written notice described in
4252 Subsection (2) shall include the following statement, in bold, in the same font and point size as
4253 the largest font and point size appearing in the notice:

4254 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
4255 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
4256 percent increase in the current tax rate."

4257 (4) (a) During the public hearing, the sponsors shall either:

4258 (i) video tape or audio tape the public hearing and, when the hearing is complete,
4259 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

4260 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
4261 each speaker and summarizing each speaker's comments.

4262 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
4263 public.

4264 (5) (a) [~~Within~~] Before 5 p.m. within 14 days after [conducting] the day of the seventh
4265 public hearing required by Subsection (1)(a) and before circulating an initiative petition for
4266 signatures, the sponsors of the initiative petition may change the text of the proposed law if:

4267 (i) a change to the text is:

4268 (A) germane to the text of the proposed law filed with the lieutenant governor under
4269 Section [20A-7-202](#); and

4270 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and

4271 (ii) each sponsor signs, attested to by a notary public, an application addendum to
4272 change the text of the proposed law.

4273 (b) (i) Within three working days of receipt of an application addendum to change the
4274 text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of
4275 the application addendum to the Governor's Office of Management and Budget.

4276 (ii) The Governor's Office of Management and Budget shall update the initial fiscal
4277 impact estimate by following the procedures and requirements of Section [20A-7-202.5](#) to
4278 reflect a change to the text of the proposed law.

4279 Section 63. Section [20A-7-205](#) is amended to read:

4280 **[20A-7-205. Obtaining signatures -- Verification -- Removal of signature.](#)**

4281 (1) A Utah voter may sign an initiative petition if the voter is a legal voter.

4282 (2) (a) The sponsors shall ensure that the person in whose presence each signature
4283 sheet was signed:

4284 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);
4285 and

4286 (ii) verifies each signature sheet by completing the verification printed on the last page
4287 of each initiative packet.

4288 (b) A person may not sign the verification printed on the last page of the initiative
4289 packet if the person signed a signature sheet in the initiative packet.

4290 (3) (a) A voter who has signed an initiative petition may have the voter's signature
4291 removed from the petition by submitting to the county clerk a statement requesting that the
4292 voter's signature be removed.

4293 (b) The statement shall include:

4294 (i) the name of the voter;

4295 (ii) the resident address at which the voter is registered to vote;

4296 (iii) the last four digits of the voter's Social Security number;

4297 (iv) the driver license or identification card number; and

4298 (v) the signature of the voter.

4299 (c) A voter may not submit a statement by email or other electronic means.

4300 (d) In order for the signature to be removed, the statement must be received by the
4301 county clerk before ~~May 15~~ 5 p.m. no later than May 14.

4302 (e) The county clerk shall deliver all statements received under this Subsection (3):

4303 (i) with the initiative petition packets delivered to the lieutenant governor; or

4304 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted
4305 after the county clerk delivered the initiative packets.

4306 (f) A person may only remove a signature from an initiative petition in accordance with
4307 this Subsection (3).

4308 Section 64. Section **20A-7-206** is amended to read:

4309 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**
4310 **county clerks -- Transfer to lieutenant governor.**

4311 (1) (a) In order to qualify an initiative petition for placement on the regular general
4312 election ballot, the sponsors shall deliver each signed and verified initiative packet to the
4313 county clerk of the county in which the packet was circulated ~~[on or before]~~ before 5 p.m. no

4314 later than the sooner of:

4315 (i) 316 days after the day on which the application is filed; or

4316 (ii) the April 15 immediately before the next regular general election immediately after
4317 the application is filed under Section 20A-7-202.

4318 (b) A sponsor may not submit an initiative packet after the deadline established in this
4319 Subsection (1).

4320 (2) (a) No later than May 1 before the regular general election, the county clerk shall:

4321 (i) check the names of all persons completing the verification for the initiative packet
4322 to determine whether those persons are residents of Utah and are at least 18 years old; and

4323 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4324 at least 18 years old to the attorney general and county attorney.

4325 (b) The county clerk may not certify a signature under Subsection (3) on an initiative
4326 packet that is not verified in accordance with Section 20A-7-205.

4327 (3) No later than May 15 before the regular general election, the county clerk shall:

4328 (a) determine whether each signer is a registered voter according to the requirements of
4329 Section 20A-7-206.3;

4330 (b) certify on the petition whether each name is that of a registered voter; and

4331 (c) deliver all of the verified initiative packets to the lieutenant governor.

4332 (4) Upon receipt of an initiative packet under Subsection (3) and any statement
4333 submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the
4334 initiative petition a voter's signature if the voter has requested the removal in accordance with
4335 Subsection 20A-7-205(3).

4336 (5) In order to qualify an initiative petition for submission to the Legislature, the
4337 sponsors shall deliver each signed and verified initiative packet to the county clerk of the
4338 county in which the packet was circulated [by] before 5 p.m. no later than the November 15
4339 before the next annual general session of the Legislature immediately after the application is
4340 filed under Section 20A-7-202.

4341 (6) (a) No later than December 1 before the annual general session of the Legislature,

4342 the county clerk shall:

4343 (i) check the names of all persons completing the verification for the initiative packet
4344 to determine whether those persons are Utah residents and are at least 18 years old; and

4345 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4346 at least 18 years old to the attorney general and county attorney.

4347 (b) The county clerk may not certify a signature under Subsection (7) on an initiative
4348 packet that is not verified in accordance with Section 20A-7-205.

4349 (7) No later than December 15 before the annual general session of the Legislature, the
4350 county clerk shall:

4351 (a) determine whether each signer is a registered voter according to the requirements of
4352 Section 20A-7-206.3;

4353 (b) certify on the petition whether each name is that of a registered voter; and

4354 (c) deliver all of the verified initiative packets to the lieutenant governor.

4355 (8) The sponsor or their representatives may not retrieve initiative packets from the
4356 county clerks once they have submitted them.

4357 Section 65. Section 20A-7-302 is amended to read:

4358 **20A-7-302. Referendum process -- Application procedures.**

4359 (1) Persons wishing to circulate a referendum petition shall file an application with the
4360 lieutenant governor before 5 p.m. within five calendar days after the end of the legislative
4361 session at which the law passed.

4362 (2) The application shall contain:

4363 (a) the name and residence address of at least five sponsors of the referendum petition;

4364 (b) a certification indicating that each of the sponsors:

4365 (i) is a voter; and

4366 (ii) has voted in a regular general election in Utah within the last three years;

4367 (c) the signature of each of the sponsors, attested to by a notary public; and

4368 (d) a copy of the law.

4369 Section 66. Section 20A-7-305 is amended to read:

- 4370 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**
- 4371 (1) A Utah voter may sign a referendum petition if the voter is a legal voter.
- 4372 (2) (a) The sponsors shall ensure that the person in whose presence each signature
- 4373 sheet was signed:
- 4374 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);
- 4375 and
- 4376 (ii) verifies each signature sheet by completing the verification printed on the last page
- 4377 of each referendum packet.
- 4378 (b) A person may not sign the verification printed on the last page of the referendum
- 4379 packet if the person signed a signature sheet in the referendum packet.
- 4380 (3) (a) ~~[(†)]~~ A voter who has signed a referendum petition may have the voter's
- 4381 signature removed from the petition by submitting to the county clerk a statement requesting
- 4382 that the voter's signature be removed.
- 4383 (b) The statement shall include:
- 4384 (i) the name of the voter;
- 4385 (ii) the resident address at which the voter is registered to vote;
- 4386 (iii) the last four digits of the voter's Social Security number;
- 4387 (iv) the driver license or identification card number; and
- 4388 (v) the signature of the voter.
- 4389 (c) A voter may not submit a statement by email or other electronic means.
- 4390 (d) In order for the signature to be removed, the statement must be received by the
- 4391 county clerk before ~~[the day which is 55 days after the end of the]~~ 5 p.m. no later than 55 days
- 4392 after the day on which the legislative session at which the law passed ends.
- 4393 (e) The county clerk shall deliver all statements received under this Subsection (3):
- 4394 (i) with the referendum petition packets to the lieutenant governor; or
- 4395 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted
- 4396 after the county clerk delivered the referendum petition packets.
- 4397 (f) A person may only remove a signature from a referendum petition in accordance

4398 with this Subsection (3).

4399 Section 67. Section **20A-7-306** is amended to read:

4400 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
4401 **the county clerks -- Transfer to lieutenant governor.**

4402 (1) (a) ~~Not~~ Before 5 p.m. no later than 40 days after the ~~end of~~ day on which the
4403 legislative session at which the law passed ends, the sponsors shall deliver each signed and
4404 verified referendum packet to the county clerk of the county in which the packet was
4405 circulated.

4406 (b) A sponsor may not submit a referendum packet after the deadline established in this
4407 Subsection (1).

4408 (2) (a) No later than 55 days after the end of the legislative session at which the law
4409 passed, the county clerk shall:

4410 (i) check the names of all persons completing the verification on the last page of each
4411 referendum packet to determine whether or not those persons are Utah residents and are at least
4412 18 years old; and

4413 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4414 at least 18 years old to the attorney general and county attorney.

4415 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
4416 packet that is not verified in accordance with Section [20A-7-305](#).

4417 (3) No later than 55 days after the end of the legislative session at which the law
4418 passed, the county clerk shall:

4419 (a) determine whether each signer is a registered voter according to the requirements of
4420 Section [20A-7-306.3](#);

4421 (b) certify on the referendum petition whether each name is that of a registered voter;
4422 and

4423 (c) deliver all of the verified referendum packets to the lieutenant governor.

4424 (4) Upon receipt of a referendum packet under Subsection (3) and any statement
4425 submitted under Subsection [20A-7-305](#)(3), the lieutenant governor shall remove from the

4426 referendum petition a voter's signature if the voter has requested the removal in accordance
4427 with Subsection 20A-7-305(3).

4428 Section 68. Section 20A-7-402 is amended to read:

4429 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
4430 **Preparation -- Statement on front cover.**

4431 (1) The county or municipality that is subject to a ballot proposition shall prepare a
4432 local voter information pamphlet that complies with the requirements of this part.

4433 (2) The arguments for or against a ballot proposition shall conform to the requirements
4434 of this section.

4435 (3) (a) Within the time requirements described in Subsection (3)(c)(i), a municipality
4436 that is subject to a ballot proposition shall provide a notice that complies with the requirements
4437 of Subsection (3)(c)(ii) to the municipality's residents by:

4438 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
4439 municipality's residents, including the notice with a newsletter, utility bill, or other material;

4440 (ii) posting the notice, until after the deadline described in Subsection (3)(d) has
4441 passed, on:

4442 (A) the Utah Public Notice Website created in Section 63F-1-701; and

4443 (B) the home page of the municipality's website, if the municipality has a website; and

4444 (iii) sending the notice electronically to each individual in the municipality for whom
4445 the municipality has an email address.

4446 (b) A county that is subject to a ballot proposition shall:

4447 (i) send an electronic notice that complies with the requirements of Subsection

4448 (3)(c)(ii) to each individual in the county for whom the county has an email address; or

4449 (ii) until after the deadline described in Subsection (3)(d) has passed, post a notice that
4450 complies with the requirements of Subsection (3)(c)(ii) on:

4451 (A) the Utah Public Notice Website created in Section 63F-1-701; and

4452 (B) the home page of the county's website.

4453 (c) A municipality or county that mails, sends, or posts a notice under Subsection (3)(a)

4454 or (b) shall:

4455 (i) mail, send, or post the notice:

4456 (A) not less than 90 days before the date of the election at which a ballot proposition
4457 will be voted upon; or

4458 (B) if the requirements of Subsection (3)(c)(i)(A) cannot be met, as soon as practicable
4459 after the ballot proposition is approved to be voted upon in an election; and

4460 (ii) ensure that the notice contains:

4461 (A) the ballot title for the ballot proposition;

4462 (B) instructions on how to file a request under Subsection (3)(d); and

4463 (C) the deadline described in Subsection (3)(d).

4464 (d) To prepare an argument for or against a ballot proposition, an eligible voter shall
4465 file a request with the election officer [~~at least 65~~] before 5 p.m. no later than 55 days before
4466 the day of the election at which the ballot proposition is to be voted on.

4467 (e) If more than one eligible voter requests the opportunity to prepare an argument for
4468 or against a ballot proposition, the election officer shall make the final designation according to
4469 the following criteria:

4470 (i) sponsors have priority in preparing an argument regarding a ballot proposition; and

4471 (ii) members of the local legislative body have priority over others.

4472 (f) The election officer shall grant a request described in Subsection (3)(d) or (e) no
4473 later than 67 days before the day of the election at which the ballot proposition is to be voted
4474 on.

4475 [~~(f)~~] (g) (i) Except as provided in Subsection (3)[~~(g)~~](h), a sponsor of a ballot
4476 proposition may prepare an argument in favor of the ballot proposition.

4477 (ii) Except as provided in Subsection (3)[~~(g)~~](h), and subject to Subsection (3)(e), an
4478 eligible voter opposed to the ballot proposition who submits a request under Subsection (3)(d)
4479 may prepare an argument against the ballot proposition.

4480 [~~(g)~~] (h) (i) For a referendum, subject to Subsection (3)(e), an eligible voter who is in
4481 favor of a law that is referred to the voters and who submits a request under Subsection (3)(d)

4482 may prepare an argument for adoption of the law.

4483 (ii) The sponsors of a referendum may prepare an argument against the adoption of a
4484 law that is referred to the voters.

4485 ~~[(h)]~~ (i) An eligible voter who submits an argument under this section shall:

4486 (i) ensure that the argument does not exceed 500 words in length, not counting the
4487 information described in Subsection (3)(i)(ii) or (iv);

4488 (ii) ~~[ensure that the argument does not]~~ list, at the end of the argument, at least one, but
4489 no more than five, names as sponsors;

4490 (iii) submit the argument to the election officer before 5 p.m. no later than 60 days
4491 before the election day on which the ballot proposition will be submitted to the voters; ~~[and]~~

4492 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
4493 residential address; and

4494 ~~[(iv)]~~ (v) ~~[include]~~ submit with the argument the eligible voter's name, residential
4495 address, postal address, email address if available, and phone number.

4496 ~~[(i)]~~ (j) An election officer shall refuse to accept and publish an argument ~~[that is]~~
4497 submitted after the deadline described in Subsection (3)~~[(h)]~~(i)(iii).

4498 (4) (a) An election officer who timely receives the arguments in favor of and against a
4499 ballot proposition shall, within one business day after the day on which the election office
4500 receives both arguments, send, via mail or email:

4501 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who
4502 submitted the argument against the ballot proposition; and

4503 (ii) a copy of the argument against the ballot proposition to the eligible voter who
4504 submitted the argument in favor of the ballot proposition.

4505 (b) The eligible voter who submitted a timely argument in favor of the ballot
4506 proposition:

4507 (i) may submit to the election officer a rebuttal argument of the argument against the
4508 ballot proposition;

4509 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length, not

4510 counting the information described in Subsection (3)(i)(ii) or (iv); and

4511 (iii) shall submit the rebuttal argument before 5 p.m. no later than 45 days before the
4512 election day on which the ballot proposition will be submitted to the voters.

4513 (c) The eligible voter who submitted a timely argument against the ballot proposition:

4514 (i) may submit to the election officer a rebuttal argument of the argument in favor of
4515 the ballot proposition;

4516 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length, not
4517 counting the information described in Subsection (3)(i)(ii) or (iv); and

4518 (iii) shall submit the rebuttal argument before 5 p.m. no later than 45 days before the
4519 election day on which the ballot proposition will be submitted to the voters.

4520 (d) An election officer shall refuse to accept and publish a rebuttal argument that is
4521 submitted after the deadline described in Subsection (4)(b)(iii) or (4)(c)(iii).

4522 (5) (a) Except as provided in Subsection (5)(b):

4523 (i) an eligible voter may not modify an argument or rebuttal argument after the eligible
4524 voter submits the argument or rebuttal argument to the election officer; and

4525 (ii) a person other than the eligible voter described in Subsection (5)(a)(i) may not
4526 modify an argument or rebuttal argument.

4527 (b) The election officer, and the eligible voter who submits an argument or rebuttal
4528 argument, may jointly agree to modify an argument or rebuttal argument in order to:

4529 (i) correct factual, grammatical, or spelling errors; and

4530 (ii) reduce the number of words to come into compliance with the requirements of this
4531 section.

4532 (c) An election officer shall refuse to accept and publish an argument or rebuttal
4533 argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate,
4534 in good faith, to modify the argument or rebuttal argument in accordance with Subsection
4535 (5)(b).

4536 (6) An election officer may designate another eligible voter to take the place of an
4537 eligible voter described in this section if the original eligible voter is, due to injury, illness,

4538 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter
4539 described in this section.

4540 (7) (a) The local voter information pamphlet shall include a copy of the initial fiscal
4541 impact estimate prepared for each initiative under Section [20A-7-502.5](#).

4542 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
4543 include the following statement in bold type:

4544 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
4545 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
4546 increase in the current tax rate."

4547 (8) (a) In preparing the local voter information pamphlet, the election officer shall:

4548 (i) ensure that the arguments are printed on the same sheet of paper upon which the
4549 ballot proposition is also printed;

4550 (ii) ensure that the following statement is printed on the front cover or the heading of
4551 the first page of the printed arguments:

4552 "The arguments for or against a ballot proposition are the opinions of the authors.";

4553 (iii) pay for the printing and binding of the local voter information pamphlet; and

4554 (iv) not less than 15 days before, but not more than 45 days before, the election at
4555 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
4556 voter entitled to vote on the ballot proposition:

4557 (A) a voter information pamphlet; or

4558 (B) the notice described in Subsection (8)(c).

4559 (b) (i) If the proposed measure exceeds 500 words in length, the election officer may
4560 summarize the measure in 500 words or less.

4561 (ii) The summary shall state where a complete copy of the ballot proposition is
4562 available for public review.

4563 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
4564 preaddressed return form that a person may use to request delivery of a voter information
4565 pamphlet by mail.

4566 (ii) The notice described in Subsection (8)(c)(i) shall include:

4567 (A) the address of the Statewide Electronic Voter Information Website authorized by
4568 Section 20A-7-801; and

4569 (B) the phone number a voter may call to request delivery of a voter information
4570 pamphlet by mail or carrier.

4571 Section 69. Section 20A-7-506 is amended to read:

4572 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
4573 **county clerks -- Transfer to local clerk.**

4574 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
4575 county clerk of the county in which the packet was circulated [~~on or~~] before [~~the sooner~~] 5 p.m.
4576 the earlier of:

4577 (i) for county initiatives:

4578 (A) 316 days after the day on which the application is filed; or

4579 (B) the April 15 immediately before the next regular general election immediately after
4580 the application is filed under Section 20A-7-502; or

4581 (ii) for municipal initiatives:

4582 (A) 316 days after the day on which the application is filed; or

4583 (B) the April 15 immediately before the next municipal general election immediately
4584 after the application is filed under Section 20A-7-502.

4585 (b) A sponsor may not submit an initiative packet after the deadline established in this
4586 Subsection (1).

4587 (2) (a) No later than May 1, the county clerk shall:

4588 (i) check the names of all persons completing the verification on the last page of each
4589 initiative packet to determine whether those persons are residents of Utah and are at least 18
4590 years old; and

4591 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4592 at least 18 years old to the attorney general and county attorney.

4593 (b) The county clerk may not certify a signature under Subsection (3) on an initiative

4594 packet that is not verified in accordance with Section 20A-7-505.

4595 (3) No later than May 15, the county clerk shall:

4596 (a) determine whether or not each signer is a voter according to the requirements of
4597 Section 20A-7-506.3;

4598 (b) certify on the petition whether or not each name is that of a voter; and

4599 (c) deliver all of the verified packets to the local clerk.

4600 Section 70. Section 20A-7-601 is amended to read:

4601 **20A-7-601. Referenda -- General signature requirements -- Signature**
4602 **requirements for land use laws and jurisdictional laws -- Time requirements.**

4603 (1) Except as provided in Subsection (2) or (3), a person seeking to have a local law
4604 passed by the local legislative body submitted to a vote of the people shall obtain legal
4605 signatures equal to:

4606 (a) 10% of all the votes cast in the county, city, or town for all candidates for president
4607 of the United States at the last election at which a president of the United States was elected if
4608 the total number of votes exceeds 25,000;

4609 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
4610 president of the United States at the last election at which a president of the United States was
4611 elected if the total number of votes does not exceed 25,000 but is more than 10,000;

4612 (c) 15% of all the votes cast in the county, city, or town for all candidates for president
4613 of the United States at the last election at which a president of the United States was elected if
4614 the total number of votes does not exceed 10,000 but is more than 2,500;

4615 (d) 20% of all the votes cast in the county, city, or town for all candidates for president
4616 of the United States at the last election at which a president of the United States was elected if
4617 the total number of votes does not exceed 2,500 but is more than 500;

4618 (e) 25% of all the votes cast in the county, city, or town for all candidates for president
4619 of the United States at the last election at which a president of the United States was elected if
4620 the total number of votes does not exceed 500 but is more than 250; and

4621 (f) 30% of all the votes cast in the county, city, or town for all candidates for president

4622 of the United States at the last election at which a president of the United States was elected if
4623 the total number of votes does not exceed 250.

4624 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
4625 code, an annexation ordinance, and comprehensive zoning ordinances.

4626 (b) Except as provided in Subsection (3), a person seeking to have a land use law or
4627 local obligation law passed by the local legislative body submitted to a vote of the people shall
4628 obtain legal signatures equal to:

4629 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
4630 county or city for all candidates for president of the United States at the last election at which a
4631 president of the United States was elected; and

4632 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
4633 city or town for all candidates for president of the United States at the last election at which a
4634 president of the United States was elected.

4635 (3) (a) As used in this Subsection (3):

4636 (i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
4637 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

4638 (ii) "Subjurisdictional law" means a local law or local obligation law passed by a local
4639 legislative body that imposes a tax or other payment obligation on property in an area that does
4640 not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

4641 (b) A person seeking to have a subjurisdictional law passed by the local legislative
4642 body submitted to a vote of the people shall obtain legal signatures of the residents in the
4643 subjurisdiction equal to:

4644 (i) 10% of the total votes cast in the subjurisdiction for all candidates for president of
4645 the United States at the last election at which a president of the United States was elected if the
4646 total number of votes exceeds 25,000;

4647 (ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president
4648 of the United States at the last election at which a president of the United States was elected if
4649 the total number of votes does not exceed 25,000 but is more than 10,000;

4650 (iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of
4651 the United States at the last election at which a president of the United States was elected if the
4652 total number of votes does not exceed 10,000 but is more than 2,500;

4653 (iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of
4654 the United States at the last election at which a president of the United States was elected if the
4655 total number of votes does not exceed 2,500 but is more than 500;

4656 (v) 25% of all the votes cast in the subjurisdiction for all candidates for president of the
4657 United States at the last election at which a president of the United States was elected if the
4658 total number of votes does not exceed 500 but is more than 250; and

4659 (vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of
4660 the United States at the last election at which a president of the United States was elected if the
4661 total number of votes does not exceed 250.

4662 (4) (a) Sponsors of any referendum petition challenging, under Subsection (1), (2), or
4663 (3) any local law passed by a local legislative body shall file the application before 5 p.m.
4664 within five days after the ~~[passage of]~~ day on which the local law passed.

4665 (b) Except as provided in Subsection (4)(c), when a referendum petition has been
4666 declared sufficient, the local law that is the subject of the petition does not take effect unless
4667 and until the local law is approved by a vote of the people.

4668 (c) When a referendum petition challenging a subjurisdictional law has been declared
4669 sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless
4670 and until the subjurisdictional law is approved by a vote of the people who reside in the
4671 subjurisdiction.

4672 (5) If the referendum passes, the local law that was challenged by the referendum is
4673 repealed as of the date of the election.

4674 (6) Nothing in this section authorizes a local legislative body to impose a tax or other
4675 payment obligation on a subjurisdiction in order to benefit an area outside of the
4676 subjurisdiction.

4677 Section 71. Section **20A-7-606** is amended to read:

4678 **20A-7-606. Submitting the referendum petition -- Certification of signatures by**
4679 **the county clerks -- Transfer to local clerk.**

4680 (1) (a) The sponsors shall deliver each signed and verified referendum packet to the
4681 county clerk of the county in which the packet was circulated before 5 p.m. no later than 45
4682 days after the day on which the sponsors receive the items described in Subsection
4683 [20A-7-604\(2\)](#) from the local clerk.

4684 (b) A sponsor may not submit a referendum packet after the deadline established in this
4685 Subsection (1).

4686 (2) (a) No later than 15 days after the day on which a county clerk receives a
4687 referendum packet under Subsection (1)(a), the county clerk shall:

4688 (i) check the names of all persons completing the verification on the last page of each
4689 referendum packet to determine whether those persons are Utah residents and are at least 18
4690 years old; and

4691 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4692 at least 18 years old to the attorney general and county attorney.

4693 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
4694 packet that is not verified in accordance with Section [20A-7-605](#).

4695 (3) No later than 30 days after the day on which a county clerk receives a referendum
4696 packet under Subsection (1)(a), the county clerk shall:

4697 (a) determine whether each signer is a registered voter according to the requirements of
4698 Section [20A-7-606.3](#);

4699 (b) certify on the referendum petition whether each name is that of a registered voter;
4700 and

4701 (c) deliver all of the verified referendum packets to the local clerk.

4702 Section 72. Section **20A-7-613** is amended to read:

4703 **20A-7-613. Property tax referendum petition.**

4704 (1) As used in this section, "certified tax rate" means the same as that term is defined in
4705 Section [59-2-924](#).

4706 (2) Except as provided in this section, the requirements of this part apply to a
4707 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
4708 exceeds the certified tax rate.

4709 (3) Notwithstanding Subsection 20A-7-604(5), the local clerk shall number each of the
4710 referendum packets and return them to the sponsors within two working days.

4711 (4) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed
4712 and verified referendum packet to the county clerk of the county in which the packet was
4713 circulated before 5 p.m. no later than 40 days after the day on which the local clerk complies
4714 with Subsection (3).

4715 (5) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the
4716 actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on
4717 which the county clerk receives the signed and verified referendum packet as described in
4718 Subsection (4).

4719 (6) The local clerk shall take the actions required by Section 20A-7-607 within two
4720 working days after the day on which the local clerk receives the referendum packets from the
4721 county clerk.

4722 (7) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the
4723 ballot title within two working days after the day on which the referendum petition is declared
4724 sufficient for submission to a vote of the people.

4725 (8) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the
4726 ballot under this section shall appear on the ballot for the earlier of the next regular general
4727 election or the next municipal general election unless a special election is called.

4728 (9) Notwithstanding the requirements related to absentee ballots under this title:

4729 (a) the election officer shall prepare absentee ballots for those voters who have
4730 requested an absentee ballot as soon as possible after the ballot title is prepared as described in
4731 Subsection (7); and

4732 (b) the election officer shall mail absentee ballots on a referendum under this section
4733 the later of:

4734 (i) the time provided in Section 20A-3-305 or 20A-16-403; or
4735 (ii) the time that absentee ballots are prepared for mailing under this section.
4736 (10) Section 20A-7-402 does not apply to a referendum described in this section.
4737 (11) (a) If a majority of voters does not vote against imposing the tax at a rate
4738 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
4739 entity's legislative body:
4740 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
4741 is its most recent certified tax rate; and
4742 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
4743 for the fiscal year after the fiscal year described in Subsection (11)(a)(i) are the proposed
4744 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
4745 before the filing of the referendum petition.
4746 (b) If a majority of voters votes against imposing a tax at the rate established by the
4747 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
4748 taxing entity's most recent certified tax rate.
4749 (c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a taxing entity is not
4750 required to comply with the notice and public hearing requirements of Section 59-2-919 if the
4751 taxing entity complies with those notice and public hearing requirements before the referendum
4752 petition is filed.
4753 (12) The ballot title shall, at a minimum, include in substantially this form the
4754 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
4755 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
4756 budgeted, adopted, and approved by the [name of the taxing entity]".
4757 (13) A taxing entity shall pay the county the costs incurred by the county that are
4758 directly related to meeting the requirements of this section and that the county would not have
4759 incurred but for compliance with this section.
4760 (14) (a) An election officer shall include on a ballot a referendum that has not yet
4761 qualified for placement on the ballot, if:

- 4762 (i) sponsors file an application for a referendum described in this section;
- 4763 (ii) the ballot will be used for the election for which the sponsors are attempting to
- 4764 qualify the referendum; and
- 4765 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
- 4766 the day on which the ballot will be printed.

4767 (b) If an election officer includes on a ballot a referendum described in Subsection
 4768 (14)(a), the ballot title shall comply with Subsection (12).

4769 (c) If an election officer includes on a ballot a referendum described in Subsection
 4770 (14)(a) that does not qualify for placement on the ballot, the election officer shall inform the
 4771 voters by any practicable method that the referendum has not qualified for the ballot and that
 4772 votes cast in relation to the referendum will not be counted.

4773 Section 73. Section **20A-7-704** is amended to read:

4774 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests**
 4775 **for argument -- Ballot arguments.**

4776 (1) (a) ~~[(i) (A) By July 10]~~ Before 5 p.m. no later than July 1 of the regular general
 4777 election year, ~~[the sponsors]~~ a sponsor of any initiative petition that has been declared
 4778 sufficient by the lieutenant governor may deliver to the lieutenant governor ~~[an]~~ a written
 4779 notice that the sponsor intends to submit a written argument for ~~[the]~~ adoption of the measure.

4780 ~~[(B)]~~ (b) If two or more sponsors ~~[wish to submit arguments for the measure]~~ timely
 4781 submit a notice described in Subsection (1)(a), the lieutenant governor shall designate one of
 4782 the sponsors to submit the argument for the sponsor's side of the measure.

4783 ~~[(ii) (A) Any member of the Legislature may request permission to submit an argument~~
 4784 ~~against the adoption of the measure.]~~

4785 (2) (a) Before 5 p.m. no later than July 1 of the regular general election year, a member
 4786 of the Legislature may deliver to the speaker of the House and the president of the Senate a
 4787 written notice that the legislator intends to submit a written argument against adoption of an
 4788 initiative petition that has been declared sufficient by the lieutenant governor.

4789 ~~[(B)]~~ (b) If two or more legislators ~~[wish to submit an argument against the measure,~~

4790 ~~the presiding officers of the Senate and House of Representatives shall~~ timely submit a notice
4791 described in Subsection (2)(a), the speaker of the House and the president of the Senate shall,
4792 no later than July 5, jointly designate one of the legislators to submit the argument to the
4793 lieutenant governor.

4794 ~~(b)~~ (3) The sponsors and the legislators submitting arguments shall ensure that each
4795 argument:

4796 ~~(i)~~ (a) does not exceed 500 words in length, not counting the information described in
4797 Subsection (5); and

4798 ~~(ii)~~ (b) is delivered ~~by~~ to the lieutenant governor before 5 p.m. no later than July 10.

4799 ~~(2)~~ (4) (a) If an argument for or against a measure to be submitted to the voters by
4800 initiative petition has not been filed within the time required under Subsection ~~(1)~~ (3)(b):

4801 (i) the Office of the Lieutenant Governor shall immediately:

4802 (A) send an electronic notice that complies with the requirements of Subsection ~~(2)~~
4803 (4)(b) to each individual in the state for whom the Office of the Lieutenant Governor has an
4804 email address; or

4805 (B) post a notice that complies with the requirements of Subsection ~~(2)~~ (4)(b) on the
4806 home page of the lieutenant governor's website;

4807 (ii) any voter may ~~request the lieutenant governor for permission to prepare an~~, before
4808 5 p.m. no later than July 15, deliver written notice to the lieutenant governor that the voter
4809 intends to submit a written argument for the side on which no argument has been filed; and

4810 (iii) if two or more voters ~~request permission to submit arguments on~~ timely submit
4811 the notice described in Subsection (4)(a)(ii) in relation to the same side of a measure, the
4812 lieutenant governor shall designate one of the voters to write the argument.

4813 (b) A notice described in Subsection ~~(2)~~ (4)(a)(i) shall contain:

4814 (i) the ballot title for the measure;

4815 (ii) instructions on how to submit a request under Subsection ~~(2)~~ (4)(a)(ii); and

4816 (iii) the ~~deadline~~ deadlines described in ~~Subsection (2)~~ Subsections (4)(a)(ii) and
4817 (4)(c).

4818 (c) Any argument prepared under this Subsection [~~(2)~~] (4) shall be submitted to the
4819 lieutenant governor [by] before 5 p.m. no later than July 20.

4820 [~~(3)~~] (5) The lieutenant governor may not accept a ballot argument submitted under
4821 this section unless [~~it is accompanied by~~] the argument lists:

4822 (a) the name and address of the [~~person submitting it, if it~~] individual submitting the
4823 argument, if the argument is submitted by an individual voter; or

4824 (b) the name and address of the organization and the names and addresses of at least
4825 two of [~~its~~] the organization's principal officers, if [~~it~~] the argument is submitted on behalf of
4826 an organization.

4827 [~~(4)~~] (6) (a) Except as provided in Subsection [~~(4)~~] (6)(c), the authors may not amend
4828 or change the arguments after they are submitted to the lieutenant governor.

4829 (b) Except as provided in Subsection [~~(4)~~] (6)(c), the lieutenant governor may not alter
4830 the arguments in any way.

4831 (c) The lieutenant governor and the authors of an argument may jointly modify an
4832 argument after it is submitted if:

4833 (i) they jointly agree that changes to the argument must be made to correct spelling or
4834 grammatical errors; and

4835 (ii) the argument has not yet been submitted for typesetting.

4836 Section 74. Section **20A-7-705** is amended to read:

4837 **20A-7-705. Measures to be submitted to voters and referendum measures --**

4838 **Preparation of argument of adoption.**

4839 (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act
4840 of the Legislature is referred to the voters by referendum petition, the presiding officer of the
4841 house of origin of the measure shall appoint the sponsor of the measure or act and one member
4842 of either house who voted with the majority to pass the act or submit the measure to draft an
4843 argument for the adoption of the measure.

4844 (b) (i) The argument may not exceed 500 words in length, not counting the information
4845 described in Subsection (4)(e).

4846 (ii) If the sponsor of the measure or act desires separate arguments to be written in
4847 favor by each person appointed, separate arguments may be written but the combined length of
4848 the two arguments may not exceed 500 words, not counting the information described in
4849 Subsection (4)(e).

4850 (2) (a) If a measure or act submitted to the voters by the Legislature or by referendum
4851 petition was not adopted unanimously by the Legislature, the presiding officer of each house
4852 shall, at the same time as appointments to an argument in its favor are made, appoint one
4853 member who voted against the measure or act from their house to write an argument against
4854 the measure or act.

4855 (b) (i) The argument may not exceed 500 words, not counting the information
4856 described in Subsection (4)(e).

4857 (ii) If those members appointed to write an argument against the measure or act desire
4858 separate arguments to be written in opposition to the measure or act by each person appointed,
4859 separate arguments may be written, but the combined length of the two arguments may not
4860 exceed 500 words, not counting the information described in Subsection (4)(e).

4861 (3) (a) The legislators appointed by the presiding officer of the Senate or House of
4862 Representatives to submit arguments shall submit [~~them~~] the arguments to the lieutenant
4863 governor not later than the day that falls 150 days before the date of the election.

4864 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
4865 arguments after they are submitted to the lieutenant governor.

4866 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
4867 arguments in any way.

4868 (d) The lieutenant governor and the authors of an argument may jointly modify an
4869 argument after it is submitted if:

4870 (i) they jointly agree that changes to the argument must be made to correct spelling or
4871 grammatical errors; and

4872 (ii) the argument has not yet been submitted for typesetting.

4873 (4) (a) If an argument for or an argument against a measure submitted to the voters by

4874 the Legislature or by referendum petition has not been filed by a member of the Legislature
4875 within the time required by this section:

4876 (i) the ~~[Office of the Lieutenant Governor]~~ lieutenant governor shall immediately:

4877 (A) send an electronic notice that complies with the requirements of Subsection (4)(b)
4878 to each individual in the state for whom the Office of the Lieutenant Governor has an email
4879 address; or

4880 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home
4881 page of the lieutenant governor's website; and

4882 (ii) any voter may, before 5 p.m. no later than seven days after the day on which the
4883 lieutenant governor provides the notice described in Subsection (4)(a)(i), submit a written
4884 request to the presiding officer of the house in which the measure originated for permission to
4885 prepare and file an argument for the side on which no argument has been filed by a member of
4886 the Legislature.

4887 (b) A notice described in Subsection (4)(a)(i) shall contain:

4888 (i) the ballot title for the measure;

4889 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and

4890 (iii) the ~~[deadline]~~ deadlines described in ~~[Subsection]~~ Subsections (4)(a)(ii) and
4891 (4)(d).

4892 (c) (i) The presiding officer of the house of origin shall grant permission unless two or
4893 more voters timely request permission to submit arguments on the same side of a measure.

4894 (ii) If two or more voters timely request permission to submit arguments on the same
4895 side of a measure, the presiding officer shall, no later than four calendar days after the day of
4896 the deadline described in Subsection (4)(a)(ii), designate one of the voters to write the
4897 argument.

4898 (d) Any argument prepared under this Subsection (4) shall be submitted to the
4899 lieutenant governor ~~[not]~~ before 5 p.m. no later than [135 days before the date of the election]
4900 seven days after the day on which the presiding officer grants permission to submit the
4901 argument.

4902 (e) The lieutenant governor may not accept a ballot argument submitted under this
4903 section unless ~~[it is accompanied by]~~ the argument lists:

4904 (i) the name and address of the ~~[person submitting it, if it]~~ individual submitting the
4905 argument, if the argument is submitted by an individual voter; or

4906 (ii) the name and address of the organization and the names and addresses of at least
4907 two of ~~[its]~~ the organization's principal officers, if ~~[it]~~ the argument is submitted on behalf of
4908 an organization.

4909 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the
4910 arguments after they are submitted to the lieutenant governor.

4911 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the
4912 arguments in any way.

4913 (h) The lieutenant governor and the authors of an argument may jointly modify an
4914 argument after it is submitted if:

4915 (i) they jointly agree that changes to the argument must be made to correct spelling or
4916 grammatical errors; and

4917 (ii) the argument has not yet been submitted for typesetting.

4918 Section 75. Section **20A-7-706** is amended to read:

4919 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal**
4920 **arguments.**

4921 (1) When the lieutenant governor has received the arguments for and against a measure
4922 to be submitted to the voters, the lieutenant governor shall immediately send copies of the
4923 arguments in favor of the measure to the authors of the arguments against and copies of the
4924 arguments against to the authors of the arguments in favor.

4925 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words,
4926 not counting the information described in Subsection 20A-7-705(4)(e).

4927 (3) (a) The rebuttal arguments shall be filed with the lieutenant governor:

4928 (i) for constitutional amendments and referendum petitions, ~~[not later than the day that~~
4929 ~~falls]~~ before 5 p.m. no later than 120 days before the date of the election; and

- 4930 (ii) for initiatives, [~~not~~] before 5 p.m. no later than July 30.
- 4931 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
- 4932 rebuttal arguments after they are submitted to the lieutenant governor.
- 4933 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
- 4934 arguments in any way.
- 4935 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify
- 4936 a rebuttal argument after it is submitted if:
- 4937 (i) they jointly agree that changes to the rebuttal argument must be made to correct
- 4938 spelling or grammatical errors; and
- 4939 (ii) the rebuttal argument has not yet been submitted for typesetting.
- 4940 (4) The lieutenant governor shall ensure that:
- 4941 (a) rebuttal arguments are printed in the same manner as the direct arguments; and
- 4942 (b) each rebuttal argument follows immediately after the direct argument which it
- 4943 seeks to rebut.

4944 Section 76. Section **20A-7-801** is amended to read:

4945 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**

4946 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**

4947 **Frequently asked voter questions -- Other elections.**

4948 (1) There is established the Statewide Electronic Voter Information Website Program

4949 administered by the lieutenant governor in cooperation with the county clerks for general

4950 elections and municipal authorities for municipal elections.

4951 (2) In accordance with this section, and as resources become available, the lieutenant

4952 governor, in cooperation with county clerks, shall develop, establish, and maintain a

4953 state-provided Internet website designed to help inform the voters of the state of:

- 4954 (a) the offices and candidates up for election; and
- 4955 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
- 4956 of ballot propositions submitted to the voters.

4957 (3) Except as provided under Subsection (6), the website shall include:

4958 (a) all information currently provided in the Utah voter information pamphlet under
4959 [~~Title 20A,~~] Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
4960 analyzed, and submitted by the Judicial Council describing the judicial selection and retention
4961 process;

4962 (b) all information submitted by election officers under Subsection (4) on local office
4963 races, local office candidates, and local ballot propositions;

4964 (c) a list that contains the name of a political subdivision that operates an election day
4965 voting center under Section 20A-3-703 and the location of the election day voting center;

4966 (d) other information determined appropriate by the lieutenant governor that is
4967 currently being provided by law, rule, or ordinance in relation to candidates and ballot
4968 questions; and

4969 (e) any differences in voting method, time, or location designated by the lieutenant
4970 governor under Subsection 20A-1-308(2).

4971 (4) (a) An election official shall submit the following information for each ballot label
4972 under the election official's direct responsibility under this title:

4973 (i) a list of all candidates for each office;

4974 (ii) if submitted by the candidate to the election official's office [~~at~~] before 5 p.m. [~~at~~
4975 ~~least~~] no later than 45 days before the primary election [~~and~~] or before 5 p.m. no later than 60
4976 days before the general election:

4977 (A) a statement of qualifications, not exceeding 200 words in length, for each
4978 candidate;

4979 (B) the following current biographical information if desired by the candidate, current:

4980 (I) age;

4981 (II) occupation;

4982 (III) city of residence;

4983 (IV) years of residence in current city; and

4984 (V) email address; and

4985 (C) a single web address where voters may access more information about the

4986 candidate and the candidate's views; and
4987 (iii) factual information pertaining to all ballot propositions submitted to the voters,
4988 including:
4989 (A) a copy of the number and ballot title of each ballot proposition;
4990 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
4991 vote was required to place the ballot proposition on the ballot;
4992 (C) a complete copy of the text of each ballot proposition, with all new language
4993 underlined and all deleted language placed within brackets; and
4994 (D) other factual information determined helpful by the election official.
4995 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
4996 governor no later than one business day after the deadline under Subsection (4)(a) for each
4997 general election year and each municipal election year.
4998 (c) The lieutenant governor shall:
4999 (i) review the information submitted under this section, to determine compliance under
5000 this section, prior to placing it on the website;
5001 (ii) refuse to post information submitted under this section on the website if it is not in
5002 compliance with the provisions of this section; and
5003 (iii) organize, format, and arrange the information submitted under this section for the
5004 website.
5005 (d) The lieutenant governor may refuse to include information the lieutenant governor
5006 determines is not in keeping with:
5007 (i) Utah voter needs;
5008 (ii) public decency; or
5009 (iii) the purposes, organization, or uniformity of the website.
5010 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
5011 Subsection (5).
5012 (5) (a) A person whose information is refused under Subsection (4), and who is
5013 aggrieved by the determination, may appeal by submitting a written notice of appeal to the

5014 lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

5015 A notice of appeal submitted under this Subsection (5)(a) shall contain:

5016 (i) a listing of each objection to the lieutenant governor's determination; and

5017 (ii) the basis for each objection.

5018 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
5019 response within 10 business days after the day on which the notice of appeal is submitted.

5020 (c) An appeal of the response of the lieutenant governor shall be made to the district
5021 court, which shall review the matter de novo.

5022 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
5023 enter the voter's address information on the website to retrieve information on which offices,
5024 candidates, and ballot propositions will be on the voter's ballot at the next general election or
5025 municipal election.

5026 (b) The information on the website will anticipate and answer frequent voter questions
5027 including the following:

5028 (i) what offices are up in the current year for which the voter may cast a vote;

5029 (ii) who is running for what office and who is the incumbent, if any;

5030 (iii) what address each candidate may be reached at and how the candidate may be
5031 contacted;

5032 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

5033 (v) what qualifications have been submitted by each candidate;

5034 (vi) where additional information on each candidate may be obtained;

5035 (vii) what ballot propositions will be on the ballot; and

5036 (viii) what judges are up for retention election.

5037 (7) As resources are made available and in cooperation with the county clerks, the
5038 lieutenant governor may expand the electronic voter information website program to include
5039 the same information as provided under this section for special elections and primary elections.

5040 Section 77. Section **20A-8-103** is amended to read:

5041 **20A-8-103. Petition procedures -- Criminal penalty.**

5042 (1) As used in this section, the proposed name or emblem of a registered political party
5043 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
5044 difference between the proposed name or emblem and any name or emblem currently being
5045 used by another registered political party.

5046 (2) To become a registered political party, an organization of registered voters that is
5047 not a continuing political party shall:

5048 (a) circulate a petition seeking registered political party status beginning no earlier than
5049 the date of the statewide canvass held after the last regular general election and ending before 5
5050 p.m. no later than November 30 of the year before the year in which the next regular general
5051 election will be held;

5052 (b) file a petition with the lieutenant governor that is signed, with a holographic
5053 signature, by at least 2,000 registered voters [~~on or before~~] before 5 p.m. no later than
5054 November 30 of the year in which a regular general election will be held; and

5055 (c) file, with the petition described in Subsection (2)(b), a document certifying:

5056 (i) the identity of one or more registered political parties whose members may vote for
5057 the organization's candidates;

5058 (ii) whether unaffiliated voters may vote for the organization's candidates; and

5059 (iii) whether, for the next election, the organization intends to nominate the
5060 organization's candidates in accordance with the provisions of Section [20A-9-406](#).

5061 (3) The petition shall:

5062 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

5063 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
5064 blank for the purpose of binding;

5065 (c) contain the name of the political party and the words "Political Party Registration
5066 Petition" printed directly below the horizontal line;

5067 (d) contain the word "Warning" printed directly under the words described in
5068 Subsection (3)(c);

5069 (e) contain, to the right of the word "Warning," the following statement printed in not

5070 less than eight-point, single leaded type:

5071 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
5072 petition signature sheet with any name other than the individual's own name or more than once
5073 for the same party or if the individual is not registered to vote in this state and does not intend
5074 to become registered to vote in this state before the petition is submitted to the lieutenant
5075 governor.";

5076 (f) contain the following statement directly under the statement described in Subsection
5077 (3)(e):

5078 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
5079 Lieutenant Governor:

5080 We, the undersigned citizens of Utah, seek registered political party status for _____
5081 (name);

5082 Each signer says:

5083 I have personally signed this petition with a holographic signature;

5084 I am registered to vote in Utah or will register to vote in Utah before the petition is
5085 submitted to the lieutenant governor;

5086 I am or desire to become a member of the political party; and

5087 My street address is written correctly after my name."; [and]

5088 (g) be vertically divided into columns as follows:

5089 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
5090 headed with "For Office Use Only," and be subdivided with a light vertical line down the
5091 middle;

5092 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
5093 Name (must be legible to be counted)";

5094 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
5095 Registered Voter";

5096 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

5097 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip

5098 Code"; and

5099 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
5100 information is not required, but it may be used to verify your identity with voter registration
5101 records. If you choose not to provide it, your signature may not be certified as a valid signature
5102 if you change your address before petition signatures are certified or if the information you
5103 provide does not match your voter registration records.";

5104 (h) have a final page bound to one or more signature sheets that are bound together that
5105 contains the following printed statement:

5106 "Verification
5107 State of Utah, County of _____

5108 I, _____, of _____, hereby state that:

5109 I am a Utah resident and am at least 18 years old;

5110 All the names that appear on the signature sheets bound to this page were signed by
5111 individuals who professed to be the individuals whose names appear on the signature sheets,
5112 and each individual signed the individual's name on the signature sheets in my presence;

5113 I believe that each individual has printed and signed the individual's name and written
5114 the individual's street address correctly, and that each individual is registered to vote in Utah or
5115 will register to vote in Utah before the petition is submitted to the lieutenant governor.

5116 _____
5117 (Signature) (Residence Address) (Date)"; and

5118 (i) be bound to a cover sheet that:

5119 (i) identifies the political party's name, which may not exceed four words, and the
5120 emblem of the party;

5121 (ii) states the process that the organization will follow to organize and adopt a
5122 constitution and bylaws; and

5123 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
5124 the organization.

5125 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual

5126 in whose presence each signature sheet is signed:

5127 (a) is at least 18 years old;

5128 (b) meets the residency requirements of Section 20A-2-105; and

5129 (c) verifies each signature sheet by completing the verification bound to one or more
5130 signature sheets that are bound together.

5131 (5) An individual may not sign the verification if the individual signed a signature
5132 sheet bound to the verification.

5133 (6) The lieutenant governor shall:

5134 (a) determine whether the required number of voters appears on the petition;

5135 (b) review the proposed name and emblem to determine if they are "distinguishable"
5136 from the names and emblems of other registered political parties; and

5137 (c) certify the lieutenant governor's findings to the filing officer described in
5138 Subsection (3)(i)(iii) within 30 days of the filing of the petition.

5139 (7) (a) If the lieutenant governor determines that the petition meets the requirements of
5140 this section, and that the proposed name and emblem are distinguishable, the lieutenant
5141 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the
5142 prospective political party.

5143 (b) If the lieutenant governor finds that the name, emblem, or both are not
5144 distinguishable from the names and emblems of other registered political parties, the lieutenant
5145 governor shall notify the filing officer that the filing officer has seven days to submit a new
5146 name or emblem to the lieutenant governor.

5147 (8) A registered political party may not change its name or emblem during the regular
5148 general election cycle.

5149 (9) (a) It is unlawful for an individual to:

5150 (i) knowingly sign a political party registration petition:

5151 (A) with any name other than the individual's own name;

5152 (B) more than once for the same political party; or

5153 (C) if the individual is not registered to vote in this state and does not intend to become

5154 registered to vote in this state before the petition is submitted to the lieutenant governor; or

5155 (ii) sign the verification of a political party registration petition signature sheet if the
5156 individual:

5157 (A) does not meet the residency requirements of Section 20A-2-105;

5158 (B) has not witnessed the signing by those individuals whose names appear on the
5159 political party registration petition signature sheet; or

5160 (C) knows that an individual whose signature appears on the political party registration
5161 petition signature sheet is not registered to vote in this state and does not intend to become
5162 registered to vote in this state.

5163 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

5164 Section 78. Section 20A-8-106 is amended to read:

5165 **20A-8-106. Organization as a political party -- Certification procedures.**

5166 (1) [~~On or before~~] Before 5 p.m. no later than March 1 of the regular general election
5167 year, the prospective political party's officers or governing board shall file the names of the
5168 party officers or governing board with the lieutenant governor.

5169 (2) After reviewing the information and determining that all proper procedures have
5170 been completed, the lieutenant governor shall:

5171 (a) issue a certificate naming the organization as a registered political party in Utah and
5172 designating its official name; and

5173 (b) inform each county clerk that the organization is a registered political party in Utah.

5174 (3) All election officers and state officials shall consider the organization to be and
5175 shall treat the organization as a registered political party.

5176 (4) The newly registered political party shall comply with all the provisions of Utah
5177 law governing political parties.

5178 (5) (a) If the newly registered political party does not hold a national party convention,
5179 the governing board of the political party may designate the names of the party's candidates for
5180 the offices of President and Vice President of the United States and the names of the party's
5181 presidential electors to the lieutenant governor [~~by~~] before 5 p.m. no later than August 15.

5182 (b) If the party chooses to designate names, the governing board shall certify those
5183 names.

5184 Section 79. Section **20A-8-401** is amended to read:

5185 **20A-8-401. Registered political parties -- Bylaws -- Report name of midterm**
5186 **vacancy candidate.**

5187 [~~(1) (a) Each registered state political party shall file a copy of its constitution and~~
5188 ~~bylaws with the lieutenant governor by January 1, 1995.~~]

5189 [~~(b)~~] (1) (a) Each new or unregistered state political party that seeks to become a
5190 registered political party under the authority of this chapter shall file a copy of [~~its~~] the party's
5191 proposed constitution and bylaws at the time [~~it~~] the party files [~~its~~] the party's registration
5192 information.

5193 [~~(c)~~] (b) Each registered state political party shall file revised copies of [~~its~~] the party's
5194 constitution or bylaws with the lieutenant governor before 5 p.m. within 15 days after the day
5195 on which the constitution or bylaws are adopted or amended.

5196 (2) Each state political party, each new political party seeking registration, and each
5197 unregistered political party seeking registration shall ensure that [~~its~~] the party's constitution or
5198 bylaws contain:

5199 (a) provisions establishing party organization, structure, membership, and governance
5200 that include:

5201 (i) a description of the position, selection process, qualifications, duties, and terms of
5202 each party officer and committees defined by constitution and bylaws;

5203 (ii) a provision requiring a designated party officer to serve as liaison with:

5204 (A) the lieutenant governor on all matters relating to the political party's relationship
5205 with the state; and

5206 (B) each county legislative body on matters relating to the political party's relationship
5207 with a county;

5208 (iii) a description of the requirements for participation in party processes;

5209 (iv) the dates, times, and quorum of any regularly scheduled party meetings,

5210 conventions, or other conclaves; and

5211 (v) a mechanism for making the names of delegates, candidates, and elected party

5212 officers available to the public shortly after they are selected;

5213 (b) a procedure for selecting party officers that allows active participation by party

5214 members;

5215 (c) a procedure for selecting party candidates at the federal, state, and county levels that

5216 allows active participation by party members;

5217 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the

5218 electoral college for the party's candidates for president and vice president of the United States;

5219 and

5220 (ii) a procedure for filling vacancies in the office of presidential elector because of

5221 death, refusal to act, failure to attend, ineligibility, or any other cause;

5222 (e) a procedure for filling vacancies in the office of representative or senator or a

5223 county office, as described in Section [20A-1-508](#), because of death, resignation, or ineligibility;

5224 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;

5225 (g) a procedure for replacing party candidates who die, acquire a disability that

5226 prevents the candidate from continuing the candidacy, or are disqualified before a primary or

5227 regular general election;

5228 (h) provisions governing the deposit and expenditure of party funds, and governing the

5229 accounting for, reporting, and audit of party financial transactions;

5230 (i) provisions governing access to party records;

5231 (j) a procedure for amending the constitution or bylaws that allows active participation

5232 by party members or their representatives;

5233 (k) a process for resolving grievances against the political party; and

5234 (l) if desired by the political party, a process for consulting with, and obtaining the

5235 opinion of, the political party's Utah Senate and Utah House members about:

5236 (i) the performance of the two United States Senators from Utah, including

5237 specifically:

5238 (A) their views and actions regarding the defense of state's rights and federalism; and

5239 (B) their performance in representing Utah's interests;

5240 (ii) the members' opinion about, or rating of, and support or opposition to the policy

5241 positions of any candidates for United States Senate from Utah, including incumbents,

5242 including specifically:

5243 (A) their views and actions regarding the defense of state's rights and federalism; and

5244 (B) their performance in representing Utah's interests; and

5245 (iii) the members' collective or individual endorsement or rating of a particular

5246 candidate for United States Senate from Utah.

5247 (3) If, in accordance with a political party's constitution or bylaws, a person files a

5248 declaration or otherwise notifies the party of the person's candidacy as a legislative office

5249 candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a

5250 midterm vacancy in the office of representative or senator in the Legislature, as described in

5251 Section 20A-1-503, or in a state office as described in Section 20A-1-504, the party shall

5252 forward a copy of that declaration or notification to the lieutenant governor [~~no later than~~]

5253 before 5 p.m. [of] no later than the day following the day on which the party receives the

5254 declaration or notification.

5255 Section 80. Section 20A-8-402 is amended to read:

5256 **20A-8-402. Political party officers -- Submission of names of officers to the**

5257 **lieutenant governor.**

5258 (1) Each state political party shall:

5259 (a) designate a party officer to act as liaison with:

5260 (i) the lieutenant governor's office; and

5261 (ii) each county legislative body; and

5262 (b) [~~within seven days of any~~] before 5 p.m. no later than seven days after the day on

5263 which the party makes a change in the party liaison, submit the name of the new liaison to the

5264 lieutenant governor.

5265 (2) Each state political party and each county political party shall:

5266 (a) submit the name, address, and phone number of each officer to the lieutenant
5267 governor within seven days after the officers are selected; and

5268 (b) [~~within seven days of any~~] before 5 p.m. no later than seven days after the day on
5269 which the party makes a change in party officers, submit the name, address, and phone number
5270 of each new officer to the lieutenant governor.

5271 Section 81. Section **20A-8-402.5** is amended to read:

5272 **20A-8-402.5. Notification of political convention dates.**

5273 (1) [~~On or before~~] Before 5 p.m. no later than February 15 of each even-numbered
5274 year, a registered political party shall notify the lieutenant governor of the dates of each
5275 political convention that will be held by the registered political party that year.

5276 (2) If, after providing the notice described in Subsection (1), a registered political party
5277 changes the date of a political convention, the registered political party shall notify the
5278 lieutenant governor of the change [~~within~~] before 5 p.m. no later than one business day after the
5279 day on which the registered political party makes the change.

5280 Section 82. Section **20A-8-404** is amended to read:

5281 **20A-8-404. Use of public meeting buildings by political parties.**

5282 (1) The legislative body of a county, municipality, or school district shall make all
5283 meeting facilities in buildings under its control available to registered political parties, without
5284 discrimination, to be used for political party activities if:

5285 (a) the political party requests the use of the meeting facility [~~at least~~] before 5 p.m. no
5286 later than 30 calendar days before the day on which the use by the political party will take
5287 place; and

5288 (b) the meeting facility is not already scheduled for another purpose at the time of the
5289 proposed use.

5290 (2) Subject to the requirements of Subsection (3), when a legislative body makes a
5291 meeting facility available under Subsection (1), it may establish terms and conditions for use of
5292 that meeting facility.

5293 (3) The charge imposed for the use of a meeting facility described in Subsection (1) by

5294 a registered political party may not exceed the actual cost of:

5295 (a) custodial services for cleaning the meeting facility after the use by the political
5296 party; and

5297 (b) any service requested by the political party and provided by the meeting facility.

5298 (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling
5299 an event in a government building for the same evening as an announced party caucus meeting.

5300 (5) This section does not apply to a publicly owned or operated convention center,
5301 sports arena, or other facility at which conventions, conferences, and other gatherings are held
5302 and whose primary business or function is to host such conventions, conferences, and other
5303 gatherings.

5304 Section 83. Section **20A-9-202** is amended to read:

5305 **20A-9-202. Declarations of candidacy for regular general elections.**

5306 (1) (a) An individual seeking to become a candidate for an elective office that is to be
5307 filled at the next regular general election shall:

5308 (i) except as provided in Subsection (1)(b), file a declaration of candidacy in person
5309 with the filing officer on or after January 1 of the regular general election year, and, if
5310 applicable, before the individual circulates nomination petitions under Section **20A-9-405**; and

5311 (ii) pay the filing fee.

5312 (b) Subject to Subsection **20A-9-201(7)(b)**, an individual may designate an agent to file
5313 a declaration of candidacy with the filing officer if:

5314 (i) the individual is located outside of the state during the entire filing period;

5315 (ii) the designated agent appears in person before the filing officer;

5316 (iii) the individual communicates with the filing officer using an electronic device that
5317 allows the individual and filing officer to see and hear each other; and

5318 (iv) the individual provides the filing officer with an email address to which the filing
5319 officer may send the individual the copies described in Subsection **20A-9-201(5)**.

5320 (c) Each county clerk who receives a declaration of candidacy from a candidate for
5321 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of

5322 candidacy to the lieutenant governor within one business day after the candidate files the
5323 declaration of candidacy.

5324 (d) Each day during the filing period, each county clerk shall notify the lieutenant
5325 governor electronically or by telephone of candidates who have filed a declaration of candidacy
5326 with the county clerk.

5327 (e) Each individual seeking the office of lieutenant governor, the office of district
5328 attorney, or the office of president or vice president of the United States shall comply with the
5329 specific declaration of candidacy requirements established by this section.

5330 (2) (a) Each individual intending to become a candidate for the office of district
5331 attorney within a multicounty prosecution district that is to be filled at the next regular general
5332 election shall:

5333 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
5334 creating the prosecution district on or after January 1 of the regular general election year, and
5335 before the individual circulates nomination petitions under Section 20A-9-405; and

5336 (ii) pay the filing fee.

5337 (b) The designated clerk shall provide to the county clerk of each county in the
5338 prosecution district a certified copy of each declaration of candidacy filed for the office of
5339 district attorney.

5340 (3) (a) [~~On or before~~] Before 5 p.m. [~~on~~] no later than the first Monday after the third
5341 Saturday in April, each lieutenant governor candidate shall:

5342 (i) file a declaration of candidacy with the lieutenant governor;

5343 (ii) pay the filing fee; and

5344 (iii) submit a letter from a candidate for governor who has received certification for the
5345 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
5346 as a joint-ticket running mate.

5347 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

5348 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
5349 replace the disqualified candidate.

5350 (4) [~~On or before~~] Before 5 p.m. no later than August 31, each registered political party
5351 shall:

5352 (a) certify the names of the political party's candidates for president and vice president
5353 of the United States to the lieutenant governor; or

5354 (b) provide written authorization for the lieutenant governor to accept the certification
5355 of candidates for president and vice president of the United States from the national office of
5356 the registered political party.

5357 (5) (a) A declaration of candidacy filed under this section is valid unless a written
5358 objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the
5359 last day for filing.

5360 (b) If an objection is made, the clerk or lieutenant governor shall:

5361 (i) mail or personally deliver notice of the objection to the affected candidate
5362 immediately; and

5363 (ii) decide any objection within 48 hours after it is filed.

5364 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
5365 problem by amending the declaration or petition before 5 p.m. within three days after the day
5366 on which the objection is sustained or by filing a new declaration before 5 p.m. within three
5367 days after the day on which the objection is sustained.

5368 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

5369 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
5370 by a district court if prompt application is made to the court.

5371 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
5372 of its discretion, agrees to review the lower court decision.

5373 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
5374 filing a written affidavit with the clerk.

5375 (7) (a) Except for a candidate who is certified by a registered political party under
5376 Subsection (4), and except as provided in Section 20A-9-504, [~~on or before~~] before 5 p.m. no
5377 later than August 31 of a general election year, each individual running as a candidate for vice

5378 president of the United States shall:

5379 (i) file a declaration of candidacy, in person or via a designated agent, on a form
5380 developed by the lieutenant governor, that:

5381 (A) contains the individual's name, address, and telephone number;

5382 (B) states that the individual meets the qualifications for the office of vice president of
5383 the United States;

5384 (C) names the presidential candidate, who has qualified for the general election ballot,
5385 with which the individual is running as a joint-ticket running mate;

5386 (D) states that the individual agrees to be the running mate of the presidential candidate
5387 described in Subsection (7)(a)(i)(C); and

5388 (E) contains any other necessary information identified by the lieutenant governor;

5389 (ii) pay the filing fee, if applicable; and

5390 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)
5391 that names the individual as a joint-ticket running mate as a vice presidential candidate.

5392 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
5393 candidacy.

5394 (c) A vice presidential candidate who fails to meet the requirements described in this
5395 Subsection (7) may not appear on the general election ballot.

5396 Section 84. Section **20A-9-203** is amended to read:

5397 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5398 (1) An individual may become a candidate for any municipal office if:

5399 (a) the individual is a registered voter; and

5400 (b) (i) the individual has resided within the municipality in which the individual seeks
5401 to hold elective office for the 12 consecutive months immediately before the date of the
5402 election; or

5403 (ii) the territory in which the individual resides was annexed into the municipality, the
5404 individual has resided within the annexed territory or the municipality the 12 consecutive
5405 months immediately before the date of the election.

5406 (2) (a) For purposes of determining whether an individual meets the residency
5407 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
5408 before the election, the municipality is considered to have been incorporated 12 months before
5409 the date of the election.

5410 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
5411 council position shall, if elected from a district, be a resident of the council district from which
5412 the candidate is elected.

5413 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
5414 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
5415 against the elective franchise may not hold office in this state until the right to hold elective
5416 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

5417 (3) (a) An individual seeking to become a candidate for a municipal office shall,
5418 regardless of the nomination method by which the individual is seeking to become a candidate:

5419 (i) except as provided in Subsection (3)(b), file a declaration of candidacy, in person
5420 with the city recorder or town clerk, during the office hours described in Section [10-3-301](#) and
5421 not later than the close of those office hours, between June 1 and June 7 of any odd-numbered
5422 year; and

5423 (ii) pay the filing fee, if one is required by municipal ordinance.

5424 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
5425 declaration of candidacy with the city recorder or town clerk if:

5426 (i) the individual is located outside of the state during the entire filing period;

5427 (ii) the designated agent appears in person before the city recorder or town clerk;

5428 (iii) the individual communicates with the city recorder or town clerk using an
5429 electronic device that allows the individual and city recorder or town clerk to see and hear each
5430 other; and

5431 (iv) the individual provides the city recorder or town clerk with an email address to
5432 which the city recorder or town clerk may send the individual the copies described in
5433 Subsection (4).

5434 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5435 (i) filing a nomination petition with the city recorder or town clerk during the office
5436 hours described in Section 10-3-301 and not later than the close of those office hours, between
5437 June 1 and June 7 of any odd-numbered year; and

5438 (ii) paying the filing fee, if one is required by municipal ordinance.

5439 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
5440 petition, the filing officer shall:

5441 (i) read to the prospective candidate or individual filing the petition the constitutional
5442 and statutory qualification requirements for the office that the candidate is seeking; and

5443 (ii) require the candidate or individual filing the petition to state whether the candidate
5444 meets those requirements.

5445 (b) If the prospective candidate does not meet the qualification requirements for the
5446 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5447 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
5448 filing officer shall:

5449 (i) inform the candidate that the candidate's name will appear on the ballot as it is
5450 written on the declaration of candidacy;

5451 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
5452 for the office the candidate is seeking and inform the candidate that failure to comply will
5453 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5454 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
5455 Electronic Voter Information Website Program and inform the candidate of the submission
5456 deadline under Subsection 20A-7-801(4)(a);

5457 (iv) provide the candidate with a copy of the pledge of fair campaign practices
5458 described under Section 20A-9-206 and inform the candidate that:

5459 (A) signing the pledge is voluntary; and

5460 (B) signed pledges shall be filed with the filing officer; and

5461 (v) accept the declaration of candidacy or nomination petition.

5462 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
5463 officer shall:

5464 (i) accept the candidate's pledge; and

5465 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
5466 candidate's pledge to the chair of the county or state political party of which the candidate is a
5467 member.

5468 (5) (a) The declaration of candidacy shall be in substantially the following form:

5469 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,
5470 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
5471 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
5472 the legal qualifications required of candidates for this office. If filing via a designated agent, I
5473 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
5474 all campaign financial disclosure reports as required by law and I understand that failure to do
5475 so will result in my disqualification as a candidate for this office and removal of my name from
5476 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

5477 _____

5478 Subscribed and sworn to (or affirmed) before me by _____ on this
5479 _____ (month\day\year).

5480 (Signed) _____ (Clerk or other officer qualified to administer oath)".

5481 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
5482 not sign the form described in Subsection (5)(a).

5483 (6) If the declaration of candidacy or nomination petition fails to state whether the
5484 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
5485 for the four-year term.

5486 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
5487 voters.

5488 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
5489 print the candidate's name on the ballot.

5490 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
5491 clerk shall:

5492 (a) ~~cause~~ publish a list of the names of the candidates as they will appear on the ballot
5493 ~~[to be published]~~:

5494 (i) (A) in at least two successive publications of a newspaper ~~[with]~~ of general
5495 circulation in the municipality; ~~[and]~~

5496 (B) if there is no newspaper of general circulation in the municipality, by posting one
5497 copy of the list, and at least one additional copy of the list per 2,000 population of the
5498 municipality, in places within the municipality that are most likely to give notice to the voters
5499 in the municipality; or

5500 (C) by mailing notice to each registered voter in the municipality;

5501 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for seven days;

5502 ~~[(ii) as required]~~ (iii) in accordance with Section [45-1-101](#), for seven days; and

5503 (iv) if the municipality has a website, on the municipality's website for seven days; and

5504 (b) notify the lieutenant governor of the names of the candidates as they will appear on
5505 the ballot.

5506 (9) Except as provided in Subsection (10)(c), an individual may not amend a
5507 declaration of candidacy or nomination petition filed under this section after the candidate
5508 filing period ends.

5509 (10) (a) A declaration of candidacy or nomination petition that an individual files under
5510 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
5511 five days after the last day for filing.

5512 (b) If a person files an objection, the clerk shall:

5513 (i) mail or personally deliver notice of the objection to the affected candidate
5514 immediately; and

5515 (ii) decide any objection within 48 hours after the objection is filed.

5516 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
5517 days after the day on which the clerk sustains the objection, correct the problem for which the

5518 objection is sustained by amending the candidate's declaration of candidacy or nomination
5519 petition, or by filing a new declaration of candidacy.

5520 (d) (i) The clerk's decision upon objections to form is final.

5521 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
5522 prompt application is made to the district court.

5523 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
5524 of its discretion, agrees to review the lower court decision.

5525 (11) A candidate who qualifies for the ballot under this section may withdraw as a
5526 candidate by filing a written affidavit with the municipal clerk.

5527 Section 85. Section **20A-9-404** is amended to read:

5528 **20A-9-404. Municipal primary elections.**

5529 (1) (a) Except as otherwise provided in this section or [~~Title 20A,~~] Chapter 4, Part 6,
5530 Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all
5531 municipalities shall be nominated at a municipal primary election.

5532 (b) Municipal primary elections shall be held:

5533 (i) consistent with Section [20A-1-201.5](#), on the second Tuesday following the first
5534 Monday in the August before the regular municipal election; and

5535 (ii) whenever possible, at the same polling places as the regular municipal election.

5536 (2) Except as otherwise provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate
5537 Voting Methods Pilot Project, if the number of candidates for a particular municipal office
5538 does not exceed twice the number of individuals needed to fill that office, a primary election
5539 for that office may not be held and the candidates are considered nominated.

5540 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
5541 of voters or delegates.

5542 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
5543 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
5544 by providing that the nomination of candidates for municipal office to be voted upon at a
5545 municipal election be nominated by a political party convention or committee.

5546 (ii) Any primary election exemption ordinance adopted under the authority of this
5547 Subsection (3) remains in effect until repealed by ordinance.

5548 (c) (i) A convention or committee may not nominate:

5549 (A) an individual who has not submitted a declaration of candidacy, or has not been
5550 nominated by a nomination petition, under Section 20A-9-203; or

5551 (B) more than one group of candidates, or have placed on the ballot more than one
5552 group of candidates, for the municipal offices to be voted upon at the municipal election.

5553 (ii) A convention or committee may nominate an individual who has been nominated
5554 by a different convention or committee.

5555 (iii) A political party may not have more than one group of candidates placed upon the
5556 ballot and may not group the same candidates on different tickets by the same party under a
5557 different name or emblem.

5558 (d) (i) The convention or committee shall prepare a certificate of nomination for each
5559 individual nominated.

5560 (ii) The certificate of nomination shall:

5561 (A) contain the name of the office for which each individual is nominated, the name,
5562 post office address, and, if in a city, the street number of residence and place of business, if
5563 any, of each individual nominated;

5564 (B) designate in not more than five words the political party that the convention or
5565 committee represents;

5566 (C) contain a copy of the resolution passed at the convention that authorized the
5567 committee to make the nomination;

5568 (D) contain a statement certifying that the name of the candidate nominated by the
5569 political party will not appear on the ballot as a candidate for any other political party;

5570 (E) be signed by the presiding officer and secretary of the convention or committee;
5571 and

5572 (F) contain a statement identifying the residence and post office address of the
5573 presiding officer and secretary and certifying that the presiding officer and secretary were

5574 officers of the convention or committee and that the certificates are true to the best of their
5575 knowledge and belief.

5576 (iii) Certificates of nomination shall be filed with the clerk [~~not~~] before 5 p.m. no later
5577 than 80 days before the municipal general election.

5578 (e) A committee appointed at a convention, if authorized by an enabling resolution,
5579 may also make nominations or fill vacancies in nominations made at a convention.

5580 (f) The election ballot shall substantially comply with the form prescribed in [~~Title~~
5581 ~~20A,~~] Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name
5582 shall be included with the candidate's name.

5583 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
5584 that falls before the regular municipal election that:

5585 (i) exempts the city from the other methods of nominating candidates to municipal
5586 office provided in this section; and

5587 (ii) provides for a partisan primary election method of nominating candidates as
5588 provided in this Subsection (4).

5589 (b) (i) Any party that was a registered political party at the last regular general election
5590 or regular municipal election is a municipal political party under this section.

5591 (ii) Any political party may qualify as a municipal political party by presenting a
5592 petition to the city recorder that:

5593 (A) is signed, with a holographic signature, by registered voters within the municipality
5594 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
5595 municipal election at which a mayor was elected;

5596 (B) is filed with the city recorder [~~by~~] before 5 p.m. no later than May 31 of any
5597 odd-numbered year;

5598 (C) is substantially similar to the form of the signature sheets described in Section
5599 [20A-7-303](#); and

5600 (D) contains the name of the municipal political party using not more than five words.

5601 (c) (i) If the number of candidates for a particular office does not exceed twice the

5602 number of offices to be filled at the regular municipal election, no partisan primary election for
5603 that office shall be held and the candidates are considered to be nominated.

5604 (ii) If the number of candidates for a particular office exceeds twice the number of
5605 offices to be filled at the regular municipal election, those candidates for municipal office shall
5606 be nominated at a partisan primary election.

5607 (d) The clerk shall ensure that:

5608 (i) the partisan municipal primary ballot is similar to the ballot forms required by
5609 Sections 20A-6-401 and 20A-6-401.1;

5610 (ii) the candidates for each municipal political party are listed in one or more columns
5611 under their party name and emblem;

5612 (iii) the names of candidates of all parties are printed on the same ballot, but under
5613 their party designation; and

5614 (iv) every ballot separates the candidates of one party from those of the other parties.

5615 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
5616 blank ballot box.

5617 (f) Immediately after the canvass, the election judges shall, without examination,
5618 destroy the tickets deposited in the blank ballot box.

5619 Section 86. Section 20A-9-407 is amended to read:

5620 **20A-9-407. Convention process to seek the nomination of a qualified political**
5621 **party.**

5622 (1) This section describes the requirements for a member of a qualified political party
5623 who is seeking the nomination of a qualified political party for an elective office through the
5624 qualified political party's convention process.

5625 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
5626 candidacy for a member of a qualified political party who is nominated by, or who is seeking
5627 the nomination of, the qualified political party under this section shall be substantially as
5628 described in Section 20A-9-408.5.

5629 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection

5630 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
5631 nomination of the qualified political party for an elective office that is to be filled at the next
5632 general election, shall:

5633 (a) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy
5634 in person with the filing officer on or after the second Friday in March and before 5 p.m. on the
5635 third Thursday in March before the next regular general election; and

5636 (b) pay the filing fee.

5637 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
5638 party who, under this section, is seeking the nomination of the qualified political party for the
5639 office of district attorney within a multicounty prosecution district that is to be filled at the next
5640 general election shall:

5641 (a) file a declaration of candidacy with the county clerk designated in the interlocal
5642 agreement creating the prosecution district on or after the second Friday in March and before 5
5643 p.m. on the third Thursday in March before the next regular general election; and

5644 (b) pay the filing fee.

5645 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
5646 who files as the joint-ticket running mate of an individual who is nominated by a qualified
5647 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
5648 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
5649 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
5650 running mate.

5651 (6) (a) A qualified political party that nominates a candidate under this section shall
5652 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday
5653 after the [~~fourth~~] third Saturday in April.

5654 (b) The lieutenant governor shall include, in the primary ballot certification or, for a
5655 race where a primary is not held because the candidate is unopposed, in the general election
5656 ballot certification, the name of each candidate nominated by a qualified political party under
5657 this section.

5658 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
5659 is nominated by a qualified political party under this section, designate the qualified political
5660 party that nominated the candidate.

5661 Section 87. Section 20A-9-408 is amended to read:

5662 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
5663 **political party.**

5664 (1) This section describes the requirements for a member of a qualified political party
5665 who is seeking the nomination of the qualified political party for an elective office through the
5666 signature-gathering process described in this section.

5667 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
5668 candidacy for a member of a qualified political party who is nominated by, or who is seeking
5669 the nomination of, the qualified political party under this section shall be substantially as
5670 described in Section 20A-9-408.5.

5671 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
5672 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
5673 nomination of the qualified political party for an elective office that is to be filled at the next
5674 general election shall:

5675 (a) within the period beginning on January 1 before the next regular general election
5676 and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering
5677 signatures under this section, file with the filing officer on a form approved by the lieutenant
5678 governor a notice of intent to gather signatures for candidacy that includes:

5679 (i) the name of the member who will attempt to become a candidate for a registered
5680 political party under this section;

5681 (ii) the name of the registered political party for which the member is seeking
5682 nomination;

5683 (iii) the office for which the member is seeking to become a candidate;

5684 (iv) the address and telephone number of the member; and

5685 (v) other information required by the lieutenant governor;

5686 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,
5687 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
5688 the third Thursday in March before the next regular general election; and

5689 (c) pay the filing fee.

5690 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
5691 party who, under this section, is seeking the nomination of the qualified political party for the
5692 office of district attorney within a multicounty prosecution district that is to be filled at the next
5693 general election shall:

5694 (a) on or after January 1 before the next regular general election, and before gathering
5695 signatures under this section, file with the filing officer on a form approved by the lieutenant
5696 governor a notice of intent to gather signatures for candidacy that includes:

5697 (i) the name of the member who will attempt to become a candidate for a registered
5698 political party under this section;

5699 (ii) the name of the registered political party for which the member is seeking
5700 nomination;

5701 (iii) the office for which the member is seeking to become a candidate;

5702 (iv) the address and telephone number of the member; and

5703 (v) other information required by the lieutenant governor;

5704 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,
5705 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
5706 the third Thursday in March before the next regular general election; and

5707 (c) pay the filing fee.

5708 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
5709 who files as the joint-ticket running mate of an individual who is nominated by a qualified
5710 political party, under this section, for the office of governor shall, ~~[on or]~~ before 5 p.m. ~~[on]~~ no
5711 later than the first Monday after the third Saturday in April, file a declaration of candidacy and
5712 submit a letter from the candidate for governor that names the lieutenant governor candidate as
5713 a joint-ticket running mate.

5714 (6) The lieutenant governor shall ensure that the certification described in Subsection
5715 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
5716 under this section.

5717 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
5718 is nominated by a qualified political party under this section, designate the qualified political
5719 party that nominated the candidate.

5720 (8) A member of a qualified political party may seek the nomination of the qualified
5721 political party for an elective office by:

5722 (a) complying with the requirements described in this section; and

5723 (b) collecting signatures, on a form approved by the lieutenant governor, during the
5724 period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before
5725 the day on which the qualified political party's convention for the office is held, in the
5726 following amounts:

5727 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
5728 permitted by the qualified political party to vote for the qualified political party's candidates in
5729 a primary election;

5730 (ii) for a congressional district race, 7,000 signatures of registered voters who are
5731 residents of the congressional district and are permitted by the qualified political party to vote
5732 for the qualified political party's candidates in a primary election;

5733 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
5734 residents of the state Senate district and are permitted by the qualified political party to vote for
5735 the qualified political party's candidates in a primary election;

5736 (iv) for a state House district race, 1,000 signatures of registered voters who are
5737 residents of the state House district and are permitted by the qualified political party to vote for
5738 the qualified political party's candidates in a primary election;

5739 (v) for a State Board of Education race, the lesser of:

5740 (A) 2,000 signatures of registered voters who are residents of the State Board of
5741 Education district and are permitted by the qualified political party to vote for the qualified

5742 political party's candidates in a primary election; or

5743 (B) 3% of the registered voters of the qualified political party who are residents of the
5744 applicable State Board of Education district; and

5745 (vi) for a county office race, signatures of 3% of the registered voters who are residents
5746 of the area permitted to vote for the county office and are permitted by the qualified political
5747 party to vote for the qualified political party's candidates in a primary election.

5748 (9) (a) In order for a member of the qualified political party to qualify as a candidate
5749 for the qualified political party's nomination for an elective office under this section, the
5750 member shall:

5751 (i) collect the signatures on a form approved by the lieutenant governor, using the same
5752 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

5753 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days
5754 before the day on which the qualified political party holds ~~[its]~~ the party's convention to select
5755 candidates, for the elective office, for the qualified political party's nomination.

5756 (b) An individual may not gather signatures under this section until after the individual
5757 files a notice of intent to gather signatures for candidacy described in this section.

5758 (c) An individual who files a notice of intent to gather signatures for candidacy,
5759 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
5760 the notice of intent to gather signatures for candidacy:

5761 (i) required to comply with the reporting requirements that a candidate for office is
5762 required to comply with; and

5763 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
5764 apply to a candidate for office in relation to the reporting requirements described in Subsection
5765 (9)(c)(i).

5766 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
5767 election officer shall, no later than one day before the day on which the qualified political party
5768 holds the convention to select a nominee for the elective office to which the signature packets
5769 relate:

5770 (i) check the name of each individual who completes the verification for a signature
5771 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

5772 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
5773 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

5774 (iii) determine whether each signer is a registered voter who is qualified to sign the
5775 petition, using the same method, described in Section 20A-7-206.3, used to verify a signature
5776 on a petition;

5777 (iv) certify whether each name is that of a registered voter who is qualified to sign the
5778 signature packet; and

5779 (v) notify the qualified political party and the lieutenant governor of the name of each
5780 member of the qualified political party who qualifies as a nominee of the qualified political
5781 party, under this section, for the elective office to which the convention relates.

5782 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
5783 this section, the lieutenant governor shall post the notice of intent to gather signatures for
5784 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
5785 posts a declaration of candidacy.

5786 Section 88. Section 20A-9-504 is amended to read:

5787 **20A-9-504. Unaffiliated candidates -- Governor and president of the United**
5788 **States.**

5789 (1) (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than July 1
5790 of the regular general election year, select a running mate to file as an unaffiliated candidate for
5791 the office of lieutenant governor.

5792 (b) The unaffiliated lieutenant governor candidate shall, [~~by~~] before 5 p.m. no later
5793 than July 1 of the regular general election year, file as an unaffiliated candidate by following
5794 the procedures and requirements of this part.

5795 (2) (a) Each unaffiliated candidate for president of the United States shall, before 5
5796 p.m. [~~on~~] no later than August 15 of a regular general election year, select a running mate to
5797 file as an unaffiliated candidate for the office of vice president of the United States.

5798 (b) Before 5 p.m. ~~[on]~~ no later than August 15 of a regular general election year, the
 5799 unaffiliated candidate for vice president of the United States described in Subsection (2)(a)
 5800 shall comply with the requirements of Subsection 20A-9-202(7).

5801 Section 89. Section 20A-9-601 is amended to read:

5802 **20A-9-601. Qualifying as a write-in candidate.**

5803 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a
 5804 valid write-in candidate shall file a declaration of candidacy in person, or through a designated
 5805 agent for a candidate for president or vice president of the United States, with the appropriate
 5806 filing officer ~~[not]~~ before 5 p.m. no later than 60 days before the regular general election or a
 5807 municipal general election in which the individual intends to be a write-in candidate.

5808 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
 5809 declaration of candidacy for president of the United States.

5810 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
 5811 declaration of candidacy with the appropriate filing officer if:

5812 (A) the individual is located outside of the state during the entire filing period;

5813 (B) the designated agent appears in person before the filing officer; and

5814 (C) the individual communicates with the filing officer using an electronic device that
 5815 allows the individual and filing officer to see and hear each other.

5816 (2) (a) The form of the declaration of candidacy for all offices, except president or vice
 5817 president of the United States, is substantially as follows:

5818 "State of Utah, County of ____

5819 I, _____, declare my intention of becoming a candidate for the office of

5820 ____ for the ____ district (if applicable). I do solemnly swear that: I will meet the

5821 qualifications to hold the office, both legally and constitutionally, if selected; I reside at

5822 _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will

5823 not knowingly violate any law governing campaigns and elections; if filing via a designated

5824 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all

5825 campaign financial disclosure reports as required by law; and I understand that failure to do so

5826 will result in my disqualification as a candidate for this office and rejection of any votes cast
5827 for me. The mailing address that I designate for receiving official election notices is
5828 _____.

5829 _____
5830 Subscribed and sworn before me this _____(month\day\year).

5831 Notary Public (or other officer qualified to administer oath)."

5832 (b) The form of the declaration of candidacy for president of the United States is
5833 substantially as follows:

5834 "State of Utah, County of _____

5835 I, _____, declare my intention of becoming a candidate for the office of the
5836 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
5837 the office, both legally and constitutionally, if selected; I reside at _____ in the City
5838 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
5839 any law governing campaigns and elections. The mailing address that I designate for receiving
5840 official election notices is _____. I designate _____ as
5841 my vice presidential candidate.

5842 _____
5843 Subscribed and sworn before me this _____(month\day\year).

5844 Notary Public (or other officer qualified to administer oath[-:])."

5845 (c) A declaration of candidacy for a write-in candidate for vice president of the United
5846 States shall be in substantially the same form as a declaration of candidacy described in
5847 Subsection [20A-9-202\(7\)](#).

5848 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
5849 Subsection (2)(a) or (b).

5850 (3) (a) The filing officer shall:

- 5851 (i) read to the candidate the constitutional and statutory requirements for the office; and
- 5852 (ii) ask the candidate whether or not the candidate meets the requirements.

5853 (b) If the candidate cannot meet the requirements of office, the filing officer may not

5854 accept the write-in candidate's declaration of candidacy.

5855 (4) By November 1 of each regular general election year, the lieutenant governor shall
5856 certify to each county clerk the names of all write-in candidates who filed their declaration of
5857 candidacy with the lieutenant governor.

5858 Section 90. Section **20A-11-105** is amended to read:

5859 **20A-11-105. Deadline for payment of fine.**

5860 A person against whom the lieutenant governor imposes a fine under this chapter shall
5861 pay the fine before 5 p.m. within 30 days after the day on which the lieutenant governor
5862 imposes the fine.

5863 Section 91. Section **20A-11-601** is amended to read:

5864 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
5865 **providing false information or accepting unlawful contribution.**

5866 (1) (a) ~~[Each] Unless the political action committee has filed a notice of dissolution~~
5867 ~~under Subsection (4), each political action committee shall file a statement of organization with~~
5868 ~~the lieutenant governor's office [by January 10 of each year, unless the political action~~
5869 ~~committee has filed a notice of dissolution under Subsection (4).];~~

5870 (i) before 5 p.m. on January 10 of each year; or

5871 (ii) electronically, before midnight on January 10 of each year.

5872 (b) If a political action committee is organized after the ~~[January 10 filing date]~~ filing
5873 deadline described in Subsection (1)(a), the political action committee shall file an initial
5874 statement of organization no later than seven days after:

5875 (i) receiving contributions totaling at least \$750; or

5876 (ii) distributing expenditures for political purposes totaling at least \$750.

5877 (c) Each political action committee shall deposit each contribution received in one or
5878 more separate accounts in a financial institution that are dedicated only to that purpose.

5879 (2) (a) Each political action committee shall designate two officers who have primary
5880 decision-making authority for the political action committee.

5881 (b) A person may not exercise primary decision-making authority for a political action

5882 committee who is not designated under Subsection (2)(a).

5883 (3) The statement of organization shall include:

5884 (a) the name and address of the political action committee;

5885 (b) the name, street address, phone number, occupation, and title of the two primary
5886 officers designated under Subsection (2)(a);

5887 (c) the name, street address, occupation, and title of all other officers of the political
5888 action committee;

5889 (d) the name and street address of the organization, individual corporation, association,
5890 unit of government, or union that the political action committee represents, if any;

5891 (e) the name and street address of all affiliated or connected organizations and their
5892 relationships to the political action committee;

5893 (f) the name, street address, business address, occupation, and phone number of the
5894 committee's treasurer or chief financial officer; and

5895 (g) the name, street address, and occupation of each member of the governing and
5896 advisory boards, if any.

5897 (4) (a) Any registered political action committee that intends to permanently cease
5898 operations shall file a notice of dissolution with the lieutenant governor's office.

5899 (b) Any notice of dissolution filed by a political action committee does not exempt that
5900 political action committee from complying with the financial reporting requirements of this
5901 chapter.

5902 (5) (a) Unless the political action committee has filed a notice of dissolution under
5903 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
5904 notice of any change of an officer described in Subsection (2)(a).

5905 (b) ~~[Notice]~~ A political action committee shall file a notice of a change of a primary
5906 officer described in Subsection (2)(a) ~~[shall]:~~

5907 (i) ~~[be filed within 10 days of the date of the change]~~ before 5 p.m. within 10 days after
5908 the day on which the change occurs; and

5909 (ii) ~~[contain]~~ that includes the name and title of the officer being replaced, and the

5910 name, street address, occupation, and title of the new officer.

5911 (6) (a) A person is guilty of providing false information in relation to a political action
5912 committee if the person intentionally or knowingly gives false or misleading material
5913 information in the statement of organization or the notice of change of primary officer.

5914 (b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an
5915 unlawful contribution if the political action committee knowingly or recklessly accepts a
5916 contribution from a corporation that:

5917 (i) was organized less than 90 days before the date of the general election; and

5918 (ii) at the time the political action committee accepts the contribution, has failed to file
5919 a statement of organization with the lieutenant governor's office as required by Section
5920 [20A-11-704](#).

5921 (c) A violation of this Subsection (6) is a third degree felony.

5922 Section 92. Section **20A-11-801** is amended to read:

5923 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
5924 **providing false information or accepting unlawful contribution.**

5925 (1) (a) ~~[Each]~~ Unless the political issues committee has filed a notice of dissolution
5926 under Subsection (4), each political issues committee shall file a statement of organization with
5927 the lieutenant governor's office ~~[by January 10 of each year, unless the political issues~~
5928 ~~committee has filed a notice of dissolution under Subsection (4).]~~;

5929 (i) before 5 p.m. on January 10 of each year; or

5930 (ii) electronically, before midnight on January 10 of each year.

5931 (b) If a political issues committee is organized after the ~~[January 10 filing date]~~ filing
5932 deadline described in Subsection (1)(a), the political issues committee shall file an initial
5933 statement of organization no later than seven days after:

5934 (i) receiving political issues contributions totaling at least \$750; or

5935 (ii) disbursing political issues expenditures totaling at least \$750.

5936 (c) Each political issues committee shall deposit each contribution received into one or
5937 more separate accounts in a financial institution that are dedicated only to that purpose.

5938 (2) Each political issues committee shall designate two officers that have primary
5939 decision-making authority for the political issues committee.

5940 (3) The statement of organization shall include:

5941 (a) the name and street address of the political issues committee;

5942 (b) the name, street address, phone number, occupation, and title of the two primary
5943 officers designated under Subsection (2);

5944 (c) the name, street address, occupation, and title of all other officers of the political
5945 issues committee;

5946 (d) the name and street address of the organization, individual, corporation,
5947 association, unit of government, or union that the political issues committee represents, if any;

5948 (e) the name and street address of all affiliated or connected organizations and their
5949 relationships to the political issues committee;

5950 (f) the name, street address, business address, occupation, and phone number of the
5951 committee's treasurer or chief financial officer;

5952 (g) the name, street address, and occupation of each member of the supervisory and
5953 advisory boards, if any; and

5954 (h) the ballot proposition whose outcome they wish to affect, and whether they support
5955 or oppose it.

5956 (4) (a) Any registered political issues committee that intends to permanently cease
5957 operations during a calendar year shall:

5958 (i) dispose of all remaining funds by returning the funds to donors or donating the
5959 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),
5960 Internal Revenue Code; and

5961 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
5962 lieutenant governor's office.

5963 (b) Any notice of dissolution filed by a political issues committee does not exempt that
5964 political issues committee from complying with the financial reporting requirements of this
5965 chapter.

5966 (5) (a) Unless the political issues committee has filed a notice of dissolution under
5967 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
5968 notice of any change of an officer described in Subsection (2).

5969 (b) ~~[Notice]~~ A political issues committee shall file a notice of a change of a primary
5970 officer described in Subsection (2) ~~[shall]~~:

5971 (i) ~~[be filed within 10 days of the date of the change]~~ before 5 p.m. within 10 days after
5972 the day on which the change occurs; and

5973 (ii) ~~[contain]~~ that includes the name and title of the officer being replaced and the
5974 name, street address, occupation, and title of the new officer.

5975 (6) (a) A person is guilty of providing false information in relation to a political issues
5976 committee if the person intentionally or knowingly gives false or misleading material
5977 information in the statement of organization or the notice of change of primary officer.

5978 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
5979 contribution if the political issues committee knowingly or recklessly accepts a contribution
5980 from a corporation that:

5981 (i) was organized less than 90 days before the date of the general election; and

5982 (ii) at the time the political issues committee accepts the contribution, has failed to file
5983 a statement of organization with the lieutenant governor's office as required by Section
5984 [20A-11-704](#).

5985 (c) A violation of this Subsection (6) is a third degree felony.

5986 Section 93. Section **20A-12-305** is amended to read:

5987 **20A-12-305. Judicial retention election candidates -- Financial reporting**
5988 **requirements -- Interim report.**

5989 (1) The judge's personal campaign committee shall file an interim report with the
5990 lieutenant governor ~~[before the close of regular office hours]~~ on the date seven days before the
5991 regular general election date.

5992 (2) Each interim report shall include the following information:

5993 (a) a detailed listing of each contribution received since the last financial statement;

5994 (b) for each nonmonetary contribution, the fair market value of the contribution;
5995 (c) a detailed listing of each expenditure made since the last summary report;
5996 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
5997 (e) a net balance for the year consisting of all contributions since the last summary
5998 report minus all expenditures since the last summary report.

5999 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be
6000 reported without separate detailed listings.

6001 (b) Two or more contributions from the same source that have an aggregate total of
6002 more than \$50 may not be reported in the aggregate, but shall be reported separately.

6003 (4) In preparing each interim report, all contributions and expenditures shall be
6004 reported as of five days before the required filing date of the report.

6005 (5) A negotiable instrument or check received by a judge or the judge's personal
6006 campaign committee more than five days before the required filing date of a report required by
6007 this section shall be included in the interim report.

6008 Section 94. Section **20A-13-301** is amended to read:

6009 **20A-13-301. Presidential elections -- Effect of vote.**

6010 (1) (a) Each registered political party shall choose persons to act as presidential electors
6011 and to fill vacancies in the office of presidential electors for their party's candidates for
6012 President and Vice President according to the procedures established in their bylaws.

6013 (b) Each registered political party shall certify to the lieutenant governor the names and
6014 addresses of the persons selected by the political party as the party's presidential electors [by]
6015 before 5 p.m. no later than August 31.

6016 (2) The highest number of votes cast for a political party's president and vice president
6017 candidates elects the presidential electors selected by that political party.

6018 Section 95. Section **20A-14-202** is amended to read:

6019 **20A-14-202. Local boards of education -- Membership -- When elected --**
6020 **Qualifications -- Avoiding conflicts of interest.**

6021 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school

6022 district with a student population of up to 24,000 students shall consist of five members.

6023 (b) The board of education of a school district with a student population of more than
6024 10,000 students but fewer than 24,000 students shall increase from five to seven members
6025 beginning with the 2004 regular general election.

6026 (c) The board of education of a school district with a student population of 24,000 or
6027 more students shall consist of seven members.

6028 (d) Student population is based on the October 1 student count submitted by districts to
6029 the State Board of Education.

6030 (e) If the number of members of a local school board is required to change under
6031 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
6032 Sections [20A-14-201](#) and [20A-14-203](#).

6033 (f) A school district which now has or increases to a seven-member board shall
6034 maintain a seven-member board regardless of subsequent changes in student population.

6035 (g) (i) Members of a local board of education shall be elected at each regular general
6036 election.

6037 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local
6038 board of education may be elected to a five-member board, nor more than four members
6039 elected to a seven-member board, in any election year.

6040 (iii) More than three members of a local board of education may be elected to a
6041 five-member board and more than four members elected to a seven-member board in any
6042 election year only when required by reapportionment or to fill a vacancy or to implement
6043 Subsection (1)(b).

6044 (h) One member of the local board of education shall be elected from each local school
6045 board district.

6046 (2) (a) [~~For an election held after the 2008 general election, a person~~] An individual
6047 seeking election to a local school board shall have been a resident of the local school board
6048 district in which the person is seeking election for at least one year [~~as of the date~~] immediately
6049 preceding the day of the general election at which the board position will be filled.

6050 (b) A person who has resided within the local school board district, as the boundaries
6051 of the district exist on the date of the general election, for one year immediately preceding the
6052 date of the election shall be considered to have met the requirements of this Subsection (2).

6053 (3) A member of a local school board shall:

6054 (a) be and remain a registered voter in the local school board district from which the
6055 member is elected or appointed; and

6056 (b) maintain the member's primary residence within the local school board district from
6057 which the member is elected or appointed during the member's term of office.

6058 (4) A member of a local school board may not, during the member's term in office, also
6059 serve as an employee of that board.

6060 Section 96. Section **20A-15-103** is amended to read:

6061 **20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures.**

6062 (1) Candidates for the office of delegate to the ratification convention shall be citizens,
6063 residents of Utah, and at least 21 years old.

6064 (2) Persons wishing to be delegates to the ratification convention shall:

6065 (a) circulate a nominating petition meeting the requirements of this section; and

6066 (b) obtain the signature of at least 100 registered voters.

6067 (3) (a) A single nominating petition may nominate any number of candidates up to 21,
6068 the total number of delegates to be elected.

6069 (b) Nominating petitions may not contain anything identifying a candidate's party or
6070 political affiliation.

6071 (c) Each nominating petition shall contain a written statement signed by each nominee,
6072 indicating either that the candidate will:

6073 (i) vote for ratification of the proposed amendment; or

6074 (ii) vote against ratification of the proposed amendment.

6075 (d) A nominating petition containing the names of more than one nominee may not
6076 contain the name of any nominee whose stated position in the nominating petition is
6077 inconsistent with that of any other nominee listed in the petition.

6078 (4) (a) Candidates shall file their nominating petitions with the lieutenant governor [at
6079 ~~least~~] before 5 p.m. no later than 40 days before the proclaimed date of the election.

6080 (b) Within 10 days after the last day for filing the petitions, the lieutenant governor
6081 shall:

6082 (i) declare nominated the 21 nominees in favor of ratification and the 21 nominees
6083 against ratification whose nominating petitions have been signed by the largest number of
6084 registered voters;

6085 (ii) decide any ties by lot drawn by the lieutenant governor; and

6086 (iii) certify the nominated candidates of each group to the county clerk of each county
6087 within the state.

6088 Section 97. Section **20A-16-403** is amended to read:

6089 **20A-16-403. Transmission of unvoted ballots.**

6090 (1) For an election for which the state has not received a waiver pursuant to the
6091 Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later
6092 than 45 days before the election or, notwithstanding Section [~~20A-1-401~~] 20A-1-104, if the
6093 45th day before the election is a weekend or holiday, not later than the business day preceding
6094 the 45th day, the election official in each jurisdiction charged with distributing a ballot and
6095 balloting materials shall transmit a ballot and balloting materials to all covered voters who by
6096 that date submit a valid military-overseas ballot application.

6097 (2) (a) A covered voter who requests that a ballot and balloting materials be sent to the
6098 voter by electronic transmission may choose:

6099 (i) facsimile transmission;

6100 (ii) email delivery; or

6101 (iii) if offered by the voter's jurisdiction, Internet delivery.

6102 (b) The election official in each jurisdiction charged with distributing a ballot and
6103 balloting materials shall transmit the ballot and balloting materials to the voter using the means
6104 of transmission chosen by the voter.

6105 (3) If a ballot application from a covered voter arrives after the jurisdiction begins

6106 transmitting ballots and balloting materials to voters, the official charged with distributing a
6107 ballot and balloting materials shall transmit them to the voter not later than two business days
6108 after the application arrives.

6109 Section 98. Section **62A-5-202.5** is amended to read:

6110 **62A-5-202.5. Utah State Developmental Center Board -- Creation -- Membership**
6111 **-- Duties -- Powers.**

6112 (1) There is created the Utah State Developmental Center Board within the Department
6113 of Human Services.

6114 (2) The board is composed of nine members as follows:

6115 (a) the director of the division or the director's designee;

6116 (b) the superintendent of the developmental center or the superintendent's designee;

6117 (c) the executive director of the Department of Human Services or the executive
6118 director's designee;

6119 (d) a resident of the developmental center selected by the superintendent; and

6120 (e) five members appointed by the governor with the advice and consent of the Senate
6121 as follows:

6122 (i) three members of the general public; and

6123 (ii) two members who are parents or guardians of individuals who receive services at
6124 the developmental center.

6125 (3) In making appointments to the board, the governor shall ensure that:

6126 (a) no more than three members have immediate family residing at the developmental
6127 center; and

6128 (b) members represent a variety of geographic areas and economic interests of the state.

6129 (4) (a) The governor shall appoint each member described in Subsection (2)(e) for a
6130 term of four years.

6131 (b) An appointed member may not serve more than two full consecutive terms unless
6132 the governor determines that an additional term is in the best interest of the state.

6133 (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,

6134 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
6135 of appointed members are staggered so that approximately half of the appointed members are
6136 appointed every two years.

6137 (d) Appointed members shall continue in office until the expiration of their terms and
6138 until their successors are appointed, which may not exceed 120 days after the formal expiration
6139 of a term.

6140 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
6141 appointed for the unexpired term.

6142 (5) (a) The director shall serve as the chair.

6143 (b) The board shall appoint a member to serve as vice chair.

6144 (c) The board shall hold meetings quarterly or as needed.

6145 (d) Five members are necessary to constitute a quorum at any meeting, and, if a
6146 quorum exists, the action of the majority of members present shall be the action of the board.

6147 (e) The chair shall be a non-voting member except that the chair may vote to break a tie
6148 vote between the voting members.

6149 (6) An appointed member may not receive compensation or benefits for the member's
6150 service, but, at the executive director's discretion, may receive per diem and travel expenses in
6151 accordance with:

6152 (a) Section [63A-3-106](#);

6153 (b) Section [63A-3-107](#); and

6154 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
6155 [63A-3-107](#).

6156 (7) (a) The board shall adopt bylaws governing the board's activities.

6157 (b) Bylaws shall include procedures for removal of a member who is unable or
6158 unwilling to fulfill the requirements of the member's appointment.

6159 (8) The board shall:

6160 (a) act for the benefit of the developmental center and the division;

6161 (b) advise and assist the division with the division's functions, operations, and duties

6162 related to the developmental center, described in Sections 62A-5-102, 62A-5-103, 62A-5-201,
6163 62A-5-203, and 62A-5-206;

6164 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as
6165 described in Section 62A-5-206.5;

6166 (d) administer the Utah State Developmental Center Land Fund, as described in
6167 Section 62A-5-206.6;

6168 (e) approve the sale, lease, or other disposition of real property or water rights
6169 associated with the developmental center, as described in Subsection 62A-5-206.6(5); and

6170 (f) within 21 days after the day on which the board receives the notice required under
6171 Subsection 10-2-419~~(2)~~(3)(d), provide a written opinion regarding the proposed boundary
6172 adjustment to:

- 6173 (i) the director of the Division of Facilities and Construction Management; and
- 6174 (ii) the Legislative Management Committee.

6175 Section 99. Section 63A-5-204 is amended to read:

6176 **63A-5-204. Specific powers and duties of director.**

6177 (1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the
6178 same meaning as provided in Section 63C-9-102.

6179 (2) (a) The director shall:

6180 (i) recommend rules to the executive director for the use and management of facilities
6181 and grounds owned or occupied by the state for the use of its departments and agencies;

6182 (ii) supervise and control the allocation of space, in accordance with legislative
6183 directive through annual appropriations acts or other specific legislation, to the various
6184 departments, commissions, institutions, and agencies in all buildings or space owned, leased, or
6185 rented by or to the state, except capitol hill facilities and capitol hill grounds and except as
6186 otherwise provided by law;

6187 (iii) comply with the procedures and requirements of Title 63A, Chapter 5, Part 3,
6188 Division of Facilities Construction and Management Leasing;

6189 (iv) except as provided in Subsection (2)(b), acquire, as authorized by the Legislature

6190 through the appropriations act or other specific legislation, and hold title to, in the name of the
6191 division, all real property, buildings, fixtures, or appurtenances owned by the state or any of its
6192 agencies;

6193 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing
6194 title to or interest in property belonging to the state or any of its departments, except
6195 institutions of higher education and the School and Institutional Trust Lands Administration;

6196 (vi) report all properties acquired by the state, except those acquired by institutions of
6197 higher education, to the director of the Division of Finance for inclusion in the state's financial
6198 records;

6199 (vii) before charging a rate, fee, or other amount for services provided by the division's
6200 internal service fund to an executive branch agency, or to a subscriber of services other than an
6201 executive branch agency:

6202 (A) submit the proposed rates, fees, and cost analysis to the Rate Committee
6203 established in Section 63A-1-114; and

6204 (B) obtain the approval of the Legislature as required by Section 63J-1-410;

6205 (viii) conduct a market analysis by July 1, 2005, and periodically thereafter, of
6206 proposed rates and fees, which analysis shall include a comparison of the division's rates and
6207 fees with the fees of other public or private sector providers where comparable services and
6208 rates are reasonably available;

6209 (ix) implement the State Building Energy Efficiency Program under Section
6210 63A-5-701;

6211 (x) convey, lease, or dispose of the real property or water rights associated with the
6212 Utah State Developmental Center according to the Utah State Developmental Center Board's
6213 determination, as described in Subsection 62A-5-206.6(5);

6214 (xi) after receiving the notice required under Subsection 10-2-419[(2)](3)(d), file a
6215 written protest at or before the public hearing required under Subsection
6216 10-2-419[(2)(b)](3)(d), if:

6217 (A) it is in the best interest of the state to protest the boundary adjustment; or

6218 (B) the Legislature instructs the director to protest the boundary adjustment; and
6219 (xii) take all other action necessary for carrying out the purposes of this chapter.

6220 (b) Legislative approval is not required for acquisitions by the division that cost less
6221 than \$250,000.

6222 (3) (a) The director shall direct or delegate maintenance and operations, preventive
6223 maintenance, and facilities inspection programs and activities for any agency, except:

6224 (i) the State Capitol Preservation Board; and

6225 (ii) state institutions of higher education.

6226 (b) The director may choose to delegate responsibility for these functions only when
6227 the director determines that:

6228 (i) the agency has requested the responsibility;

6229 (ii) the agency has the necessary resources and skills to comply with facility
6230 maintenance standards approved by the State Building Board; and

6231 (iii) the delegation would result in net cost savings to the state as a whole.

6232 (c) The State Capitol Preservation Board and state institutions of higher education are
6233 exempt from Division of Facilities Construction and Management oversight.

6234 (d) Each state institution of higher education shall comply with the facility
6235 maintenance standards approved by the State Building Board.

6236 (e) Except for the State Capitol Preservation Board, agencies and institutions that are
6237 exempt from division oversight shall annually report their compliance with the facility
6238 maintenance standards to the division in the format required by the division.

6239 (f) The division shall:

6240 (i) prescribe a standard format for reporting compliance with the facility maintenance
6241 standards;

6242 (ii) report agency compliance or noncompliance with the standards to the Legislature;
6243 and

6244 (iii) conduct periodic audits of exempt agencies and institutions to ensure that they are
6245 complying with the standards.

- 6246 (4) (a) In making any allocations of space under Subsection (2), the director shall:
6247 (i) conduct studies to determine the actual needs of each agency; and
6248 (ii) comply with the restrictions contained in this Subsection (4).
6249 (b) The supervision and control of the legislative area is reserved to the Legislature.
6250 (c) The supervision and control of the judicial area is reserved to the judiciary for trial
6251 courts only.
6252 (d) The director may not supervise or control the allocation of space for entities in the
6253 public and higher education systems.
6254 (e) The supervision and control of capitol hill facilities and capitol hill grounds is
6255 reserved to the State Capitol Preservation Board.
6256 (5) The director may:
6257 (a) hire or otherwise procure assistance and services, professional, skilled, or
6258 otherwise, that are necessary to carry out the director's responsibilities, and may expend funds
6259 provided for that purpose either through annual operating budget appropriations or from
6260 nonlapsing project funds;
6261 (b) sue and be sued in the name of the division; and
6262 (c) hold, buy, lease, and acquire by exchange or otherwise, as authorized by the
6263 Legislature, whatever real or personal property that is necessary for the discharge of the
6264 director's duties.
6265 (6) Notwithstanding the provisions of Subsection (2)(a)(iv), the following entities may
6266 hold title to any real property, buildings, fixtures, and appurtenances held by them for purposes
6267 other than administration that are under their control and management:
6268 (a) the Office of Trust Administrator;
6269 (b) the Department of Transportation;
6270 (c) the Division of Forestry, Fire, and State Lands;
6271 (d) the Department of Natural Resources;
6272 (e) the Utah National Guard;
6273 (f) any area vocational center or other institution administered by the State Board of

6274 Education;

6275 (g) any institution of higher education; and

6276 (h) the Utah Science Technology and Research Governing Authority.

6277 (7) The director shall ensure that any firm performing testing and inspection work

6278 governed by the American Society for Testing Materials Standard E-329 on public buildings

6279 under the director's supervision shall:

6280 (a) fully comply with the American Society for Testing Materials standard

6281 specifications for agencies engaged in the testing and inspection of materials known as ASTM

6282 E-329; and

6283 (b) carry a minimum of \$1,000,000 of errors and omissions insurance.

6284 (8) Notwithstanding Subsections (2)(a)(iii) and (iv), the School and Institutional Trust

6285 Lands Administration may hold title to any real property, buildings, fixtures, and appurtenances

6286 held by it that are under its control.

6287 Section 100. Section **63I-2-210** is amended to read:

6288 **63I-2-210. Repeal dates -- Title 10.**

6289 (1) On July 1, 2018, the following are repealed:

6290 (a) in Subsection 10-2-403(5), the language that states "10-2a-302 or";

6291 (b) in Subsection 10-2-403(5)(b), the language that states "10-2a-302 or";

6292 (c) in Subsection 10-2a-106(2), the language that states "10-2a-302 or";

6293 (d) Section 10-2a-302;

6294 (e) Subsection 10-2a-302.5(2)(a);

6295 (f) in Subsection 10-2a-303(1), the language that states "10-2a-302 or";

6296 (g) in Subsection 10-2a-303[~~(4)~~](5), the language that states "10-2a-302(7)(b)(v) or"

6297 and "10-2a-302(7)(b)(iv) or";

6298 (h) in Subsection 10-2a-304(1)(a), the language that states "10-2a-302 or"; and

6299 (i) in Subsection 10-2a-304(1)(a)(ii), the language that states "Subsection 10-2a-302(5)

6300 or".

6301 (2) Subsection 10-9a-304(2) is repealed June 1, 2020.

6302 (3) When repealing Subsection 10-9a-304(2), the Office of Legislative Research and
6303 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
6304 necessary changes to subsection numbering and cross references.

6305 Section 101. Section 63I-2-220 is amended to read:

6306 **63I-2-220. Repeal dates -- Title 20A.**

6307 (1) Subsection 20A-5-803(8) is repealed July 1, 2023.

6308 (2) Section 20A-5-804 is repealed July 1, 2023.

6309 (3) On January 1, 2019, Subsections 20A-6-107(2) and (4) are repealed and the
6310 remaining subsections, and references to those subsections, are renumbered accordingly.

6311 (4) On July 1, 2018, in Subsection 20A-11-101(21), the language that states "
6312 10-2a-302," is repealed.

6313 (5) On January 1, 2026:

6314 (a) In Subsection 20A-1-102(23)(a), the language that states "or Title 20A, Chapter 4,
6315 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

6316 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as
6317 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
6318 repealed.

6319 (c) In Section 20A-1-304, the language that states "Except for a race conducted by
6320 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
6321 Pilot Project," is repealed.

6322 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
6323 Subsection (5)," is repealed.

6324 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
6325 as provided in Subsections (5) and (6)," is repealed.

6326 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states
6327 "Subject to Subsection (5)," is repealed.

6328 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section
6329 20A-3-105 are renumbered accordingly.

6330 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in
6331 Subsection (2)(f)," is repealed.

6332 (i) Subsection 20A-4-101(2)(f) is repealed.

6333 (j) Subsection 20A-4-101(4) is repealed and replaced with the following:

6334 "(4) To resolve questions that arise during the counting of ballots, a counting judge
6335 shall apply the standards and requirements of Section 20A-4-105."

6336 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under
6337 Subsection 20A-4-101(2)(f)(i)" is repealed.

6338 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

6339 "(b) To resolve questions that arise during the counting of ballots, a counting judge
6340 shall apply the standards and requirements of Section 20A-4-105."

6341 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
6342 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made
6343 under Subsection 20A-4-101(2)(f)(i)" is repealed.

6344 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
6345 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
6346 repealed.

6347 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or
6348 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

6349 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
6350 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
6351 Project," is repealed.

6352 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter
6353 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

6354 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
6355 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

6356 (s) Subsection 20A-4-304[(2)(a)(v)](2)(e) is repealed and replaced with the following:
6357 "(v) from each voting precinct:

- 6358 (A) the number of votes for each candidate; and
6359 (B) the number of votes for and against each ballot proposition;".
6360 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
6361 are renumbered accordingly, and the cross-references to those subsections are renumbered
6362 accordingly.
6363 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
6364 repealed.
6365 (v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
6366 Subsection (3) are renumbered accordingly.
6367 (w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
6368 Subsection (4) are renumbered accordingly.
6369 (x) Section 20A-6-203.5 is repealed.
6370 (y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
6371 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
6372 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.
6373 (z) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
6374 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
6375 (aa) In Subsection 20A-9-404(2), the language that states "Except as otherwise
6376 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
6377 repealed.