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Secretary of State Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill provides for the election of a secretary of state in the 2028 regular general election and transfers most of the duties, currently assigned by statute to the lieutenant governor to the secretary of state.

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Highlighted Provisions:

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This bill:

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- defines terms;

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- provides for the election of a secretary of state;

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- transfers most of the duties currently assigned to the lieutenant governor to the secretary

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of state, including:

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- oversight of, and other duties relating to, elections;

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- duties relating to redistricting;

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- administrative duties relating to municipalities;

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- the keeping and regulation of the Great Seal of the State of Utah;

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- regulation of lobbyists and notaries public;

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- authentication of documents and gubernatorial acts; and

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- the keeping of certain records;

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- makes this bill effective contingent upon the passage of a constitutional amendment

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creating the office of secretary of state; and

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- makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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This bill provides a special effective date.

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Utah Code Sections Affected:

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AMENDS:

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20A-1-501 (Contingently Effective 05/06/26), as last amended by Laws of Utah 2025,

31 First Special Session, Chapter 16
32 **20A-1-504 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,
33 Chapter 90
34 **20A-6-110 (Contingently Effective 05/06/26)**, as renumbered and amended by Laws of
35 Utah 2025, Chapter 39
36 **20A-7-702 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2024,
37 Chapter 465
38 **20A-8-101 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,
39 First Special Session, Chapter 9
40 **20A-9-101 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2023,
41 Chapters 15, 45
42 **20A-9-201 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,
43 Second Special Session, Chapter 2
44 **20A-9-207 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,
45 Chapter 448
46 **20A-11-101 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,
47 Chapter 448
48 **41-1a-407 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,
49 First Special Session, Chapter 16
50 **41-6a-2002 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2024,
51 Chapter 251
52 **49-22-102 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,
53 Chapter 298
54 **52-7-102 (Contingently Effective 05/06/26)**, as renumbered and amended by Laws of
55 Utah 2008, Chapter 382
56 **53-2a-803 (Contingently Effective 05/06/26)**, as renumbered and amended by Laws of
57 Utah 2013, Chapter 295
58 **63A-3-110 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2020,
59 Chapters 360, 365
60 **63A-14-102 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2018,
61 Chapter 461
62 **63A-16-109 (Contingently Effective 05/06/26)**, as enacted by Laws of Utah 2024,
63 Chapter 508
64 **63A-19-101 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,

65 Chapter 475
 66 **63G-2-103 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2025,
 67 First Special Session, Chapter 17
 68 **67-1a-2 (Contingently Effective 01/01/29)**, as last amended by Laws of Utah 2025, First
 69 Special Session, Chapter 6
 70 **67-5-17 (Contingently Effective 01/01/29)**, as last amended by Laws of Utah 2024,
 71 Chapter 509
 72 **67-8-5 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2021,
 73 Chapter 344
 74 **67-9-1 (Contingently Effective 01/01/29)**, as last amended by Laws of Utah 2025,
 75 Chapters 76, 302
 76 **67-22-1 (Contingently Effective 05/06/26)**, as last amended by Laws of Utah 2020,
 77 Chapter 432
 78 **81-2-305 (Contingently Effective 01/01/29)**, as last amended by Laws of Utah 2025,
 79 First Special Session, Chapter 17

80 ENACTS:

81 **67-1c-101 (Contingently Effective 01/01/29)**, Utah Code Annotated 1953
 82 **67-1c-102 (Contingently Effective 01/01/29)**, Utah Code Annotated 1953
 83 **67-1c-201 (Contingently Effective 01/01/29)**, Utah Code Annotated 1953
 84 **67-1c-401 (Contingently Effective 01/01/29)**, Utah Code Annotated 1953

85 RENUMBERS AND AMENDS:

86 **67-1c-202 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-2.2, as last
 87 amended by Laws of Utah 2021, Chapters 162, 345)
 88 **67-1c-301 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-8, as enacted by
 89 Laws of Utah 1984, Chapter 68)
 90 **67-1c-302 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-7, as enacted by
 91 Laws of Utah 1984, Chapter 68)
 92 **67-1c-303 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-2.5, as last
 93 amended by Laws of Utah 2009, Chapter 183)
 94 **67-1c-304 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-12, as enacted
 95 by Laws of Utah 2008, Chapter 5)
 96 **67-1c-305 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-13, as enacted
 97 by Laws of Utah 2010, Chapter 333)
 98 **67-1c-402 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-6.5, as last

99 amended by Laws of Utah 2025, First Special Session, Chapter 17)
 100 **67-1c-403 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-6.7, as
 101 enacted by Laws of Utah 2009, Chapter 350)
 102 **67-1c-404 (Contingently Effective 01/01/29)**, (Renumbered from 67-1a-15, as last
 103 amended by Laws of Utah 2025, First Special Session, Chapter 17)

104 REPEALS:

105 **67-1a-6 (Contingently Effective 01/01/29)**, as enacted by Laws of Utah 1984, Chapter 68

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

108 Section 1. Section **20A-1-501** is amended to read:

109 **20A-1-501 (Contingently Effective 05/06/26). Candidate vacancies -- Procedure**
 110 **for filling.**

111 (1) As used in this section, "central committee" means:

112 (a) the state central committee of a political party, for a candidate for:

113 (i) United States senator, United States representative, governor, lieutenant governor,
 114 attorney general, secretary of state, state treasurer, or state auditor; or

115 (ii) state legislator if the legislative district encompasses all or a portion of more than
 116 one county; or

117 (b) the county central committee of a political party, for a party candidate seeking an
 118 office, other than an office described in Subsection (1)(a), elected at an election held
 119 in an even-numbered year.

120 (2) Except as provided in Subsection (6), the central committee may certify the name of
 121 another candidate to the appropriate election officer if:

122 (a) for a registered political party that will have a candidate on a ballot in a primary
 123 election:

124 (i) after the close of the period for filing a declaration of candidacy and continuing
 125 through the day before the day on which the lieutenant governor provides the list
 126 described in Subsection 20A-9-403(4)(a), only one or two candidates from that
 127 party have filed a declaration of candidacy for that office and one or both dies,
 128 resigns as a candidate, or is disqualified as a candidate; and

129 (ii) the central committee provides written certification of the replacement candidate
 130 to the appropriate election officer before the day on which the lieutenant governor
 131 provides the list described in Subsection 20A-9-403(4)(a);

132 (b) for a registered political party that does not have a candidate on the ballot in a

- 133 primary, but will have a candidate on the ballot for a regular general election:
- 134 (i) after the close of the period for filing a declaration of candidacy and continuing
135 through the day before the day on which the lieutenant governor makes the
136 certification described in Section 20A-5-409, the party's candidate dies, resigns as
137 a candidate, or is disqualified as a candidate; and
- 138 (ii) the central committee provides written certification of the replacement candidate
139 to the appropriate election officer before the day on which the lieutenant governor
140 makes the certification described in Section 20A-5-409; or
- 141 (c) for a registered political party with a candidate certified as winning a primary
142 election:
- 143 (i) after the close of the period for filing a declaration of candidacy and continuing
144 through the day before the day on which the lieutenant governor makes the
145 certification described in Section 20A-5-409, the party's candidate dies, resigns as
146 a candidate, or is disqualified as a candidate; and
- 147 (ii) the central committee provides written certification of the replacement candidate
148 to the appropriate election officer before the day on which the lieutenant governor
149 makes the certification described in Section 20A-5-409.
- 150 (3) If no more than two candidates from a political party have filed a declaration of
151 candidacy for an office elected at a regular general election and one resigns to become
152 the party candidate for another position, the central committee of that political party may
153 certify the name of another candidate to the appropriate election officer.
- 154 (4) Each replacement candidate shall file a declaration of candidacy as required by Chapter
155 9, Part 2, Candidate Qualifications and Declarations of Candidacy.
- 156 (5)(a) The name of a candidate who is certified under Subsection (2)(a) after the
157 deadline described in Subsection (2)(a)(ii) may not appear on the primary election
158 ballot.
- 159 (b) The name of a candidate who is certified under Subsection (2)(b) after the deadline
160 described in Subsection (2)(b)(ii) may not appear on the general election ballot.
- 161 (c) The name of a candidate who is certified under Subsection (2)(c) after the deadline
162 described in Subsection (2)(c)(ii) may not appear on the general election ballot.
- 163 (6) A political party may not replace a candidate who is disqualified for failure to timely
164 file a campaign disclosure financial report under Chapter 11, Campaign and Financial
165 Reporting Requirements, or Section 17-70-403.
- 166 (7) This section does not apply to a candidate vacancy for a nonpartisan office.

167 Section 2. Section **20A-1-504** is amended to read:

168 **20A-1-504 (Contingently Effective 05/06/26). Midterm vacancies in the offices of**
169 **attorney general, secretary of state, state treasurer, state auditor, State Board of**
170 **Education member, and lieutenant governor.**

171 (1)(a) When a vacancy occurs for any reason in the office of attorney general, secretary
172 of state, state treasurer, state auditor, or State Board of Education member, the
173 vacancy shall be filled for the unexpired term at the next regular general election.

174 (b) The governor shall fill the vacancy until the next regular general election by:

175 (i) appointing a person who meets the qualifications for the office from three persons
176 nominated by the state central committee of the same political party as the prior
177 officeholder; or

178 (ii) for a State Board of Education vacancy, if the individual who is being replaced:

179 (A) was elected at a nonpartisan State Board of Education election, by appointing,
180 with the advice and consent of the Senate, an individual who meets the
181 qualifications and residency requirements for filling the vacancy described in
182 Section 20A-14-103;

183 (B) was elected at a partisan State Board of Education election, but is not a
184 member of a political party, by appointing, with the advice and consent of the
185 Senate, an individual who meets the qualifications and residency requirements
186 for filling the vacancy described in Section 20A-14-103; or

187 (C) was elected at a partisan State Board of Education election, and is a member
188 of a political party, by appointing an individual who meets the qualifications
189 for the office from three persons nominated by the state central committee of
190 the same political party as the prior officeholder.

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

194 (3)(a) Except as provided in Subsection (3)(b), an individual seeking appointment to fill
195 a vacancy described in this section shall make a complete conflict of interest
196 disclosure on the website described in Section 20A-11-1602.5:

197 (i) for a vacancy in the office of lieutenant governor, attorney general, secretary of
198 state, state treasurer, or state auditor, no later than the deadline for the individual
199 to file an interim report under Subsection 20A-11-204(3)(a); or

200 (ii) for a vacancy in the office of State Board of Education member, no later than the

- 201 deadline for the individual to file an interim report under Subsection
 202 20A-11-1303(2)(a).
- 203 (b) An individual described in Subsection (3)(a) is not required to comply with
 204 Subsection (3)(a) if the individual:
- 205 (i) currently holds an office described in Subsection (1)(a) or (2);
 206 (ii) already, that same year, filed a conflict of interest disclosure for the office
 207 described in Subsection (3)(b)(i), in accordance with Section 20A-11-1604; and
 208 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written
 209 statement, that the conflict of interest disclosure described in Subsection (3)(b)(ii)
 210 is updated and accurate as of the date of the written statement.
- 211 (4) The lieutenant governor shall make each conflict of interest disclosure made by an
 212 individual described in Subsection (3)(a) available for public inspection in accordance
 213 with Subsection 20A-11-1603(4).
- 214 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the
 215 individual occupying the office:
- 216 (a) has left the office; or
 217 (b) submits an irrevocable letter of resignation to the governor.

218 Section 3. Section **20A-6-110** is amended to read:

219 **20A-6-110 (Contingently Effective 05/06/26). Master ballot position list --**
 220 **Random selection -- Procedures -- Publication -- Surname -- Exemptions -- Ballot order.**

- 221 (1) As used in this section, "master ballot position list" means an official list of the 26
 222 characters in the alphabet listed in random order and numbered from one to 26 as
 223 provided under Subsection (2).
- 224 (2) The lieutenant governor shall:
- 225 (a) within 30 calendar days after the day of the candidate filing deadline in each
 226 even-numbered year, conduct a random selection to create a master ballot position
 227 list for all elections in accordance with procedures established under Subsection (2)(c);
 228 (b) publish the master ballot position list on the lieutenant governor's election website no
 229 later than 15 calendar days after the day on which the lieutenant governor creates the
 230 list; and
 231 (c) establish written procedures for:
- 232 (i) the election official to use the master ballot position list; and
 233 (ii) the lieutenant governor in:
 234 (A) conducting the random selection in a fair manner; and

- 235 (B) providing a record of the random selection process used.
- 236 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
237 election officer shall use the master ballot position list for the current year to determine
238 the order in which to list candidates on the ballot for an election held during the year.
- 239 (4) To determine the order in which to list candidates on the ballot required under
240 Subsection (3), the election officer shall apply the randomized alphabet using:
- 241 (a) the candidate's surname;
- 242 (b) for candidates with a surname that has the same spelling:
- 243 (i) the candidate's legal first name; or
- 244 (ii) if the candidates also have a legal first name that has the same spelling, the
245 candidate's legal middle name; and
- 246 (c) the surname of the president and the surname of the governor for an election for the
247 offices of president and vice president and governor and lieutenant governor.
- 248 (5) Subsections (1) through (4) do not apply to:
- 249 (a) an election for an office for which only one candidate is listed on the ballot; or
- 250 (b) a judicial retention election under Section 20A-12-201.
- 251 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
252 appear separately, in the following order:
- 253 (a) for federal office:
- 254 (i) president and vice president of the United States;
- 255 (ii) United States Senate office; and
- 256 (iii) United States House of Representatives office;
- 257 (b) for state office:
- 258 (i) governor and lieutenant governor;
- 259 (ii) attorney general;
- 260 (iii) secretary of state;
- 261 [~~(iii)~~] (iv) state auditor;
- 262 [~~(iv)~~] (v) state treasurer;
- 263 [~~(v)~~] (vi) state Senate office;
- 264 [~~(vi)~~] (vii) state House of Representatives office; and
- 265 [~~(vii)~~] (viii) State Board of Education member;
- 266 (c) for county office:
- 267 (i) county executive office;
- 268 (ii) county legislative body member;

- 269 (iii) county assessor;
 270 (iv) county or district attorney;
 271 (v) county auditor;
 272 (vi) county clerk;
 273 (vii) county recorder;
 274 (viii) county sheriff;
 275 (ix) county surveyor;
 276 (x) county treasurer; and
 277 (xi) local school board member;
 278 (d) for municipal office:
 279 (i) mayor; and
 280 (ii) city or town council member;
 281 (e) elected planning and service district council member;
 282 (f) judicial retention questions; and
 283 (g) ballot propositions not described in Subsection (6)(f).

284 (7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of
 285 the earliest ballot ticket position that is reserved for an office that is subsumed in the
 286 combined office.

- 287 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
 288 (i) each candidate in accordance with Subsections (1) through (4); and
 289 (ii) except as otherwise provided in this title, the party name, initials, or title
 290 following each candidate's name.

291 Section 4. Section **20A-7-702** is amended to read:

292 **20A-7-702 (Contingently Effective 05/06/26). Voter information pamphlet --**
 293 **Form -- Contents.**

294 The voter information pamphlet shall contain the following items in this order:

- 295 (1) a cover title page;
 296 (2) an introduction to the pamphlet by the lieutenant governor;
 297 (3) a table of contents;
 298 (4) a list of all candidates for constitutional offices;
 299 (5) a list of candidates for each legislative district;
 300 (6) a 100-word statement of qualifications for each candidate for the office of governor,
 301 lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer,
 302 if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the first

- 303 business day in August before the date of the election;
- 304 (7) information pertaining to all measures to be submitted to the voters, beginning a new
305 page for each measure and containing, in the following order for each measure:
- 306 (a) a copy of the number and ballot title of the measure;
- 307 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by
308 the Legislature or by referendum;
- 309 (c)(i) for a measure other than a measure described in Section 20A-7-103, the
310 impartial analysis of the measure prepared by the Office of Legislative Research
311 and General Counsel; or
- 312 (ii) for a measure described in Section 20A-7-103, the analysis of the measure
313 prepared by the presiding officers;
- 314 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
315 measure, the arguments against the measure, and the rebuttal to the arguments against
316 the measure, with the name and title of the authors at the end of each argument or
317 rebuttal;
- 318 (e) for each constitutional amendment, a complete copy of the text of the constitutional
319 amendment, with all new language underlined, and all deleted language placed within
320 brackets;
- 321 (f) for each initiative qualified for the ballot:
- 322 (i) a copy of the initiative as certified by the lieutenant governor and a copy of the
323 initial fiscal impact statement prepared according to Section 20A-7-202.5; and
- 324 (ii) if the initiative proposes a tax increase, the following statement in bold type:
- 325 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
326 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
327 increase in the current tax rate."; and
- 328 (g) for each referendum qualified for the ballot, a complete copy of the text of the law
329 being submitted to the voters for their approval or rejection, with all new language
330 underlined and all deleted language placed within brackets, as applicable;
- 331 (8) a description provided by the Judicial Performance Evaluation Commission of the
332 selection and retention process for judges, including, in the following order:
- 333 (a) a description of the judicial selection process;
- 334 (b) a description of the judicial performance evaluation process;
- 335 (c) a description of the judicial retention election process;
- 336 (d) a list of the criteria of the judicial performance evaluation and the certification

- 337 standards;
- 338 (e) the names of the judges standing for retention election; and
- 339 (f) for each judge:
- 340 (i) a list of the counties in which the judge is subject to retention election;
- 341 (ii) a short biography of professional qualifications and a recent photograph;
- 342 (iii) a narrative concerning the judge's performance;
- 343 (iv) for each certification standard under Section 78A-12-205, a statement identifying
- 344 whether, under Section 78A-12-205, the judge met the standard and, if not, the
- 345 manner in which the judge failed to meet the standard;
- 346 (v) a statement that the Judicial Performance Evaluation Commission:
- 347 (A) has determined that the judge meets or exceeds minimum performance
- 348 standards;
- 349 (B) has determined that the judge does not meet or exceed minimum performance
- 350 standards; or
- 351 (C) has not made a determination regarding whether the judge meets or exceeds
- 352 minimum performance standards;
- 353 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge
- 354 whom the Judicial Performance Evaluation Commission determines does not meet
- 355 or exceed minimum performance standards;
- 356 (vii) in a bar graph, the average of responses to each survey category, displayed with
- 357 an identification of the minimum acceptable score as set by Section 78A-12-205
- 358 and the average score of all judges of the same court level; and
- 359 (viii) a website address that contains the Judicial Performance Evaluation
- 360 Commission's report on the judge's performance evaluation;
- 361 (9) for each judge, a statement provided by the Utah Supreme Court identifying the
- 362 cumulative number of informal reprimands, when consented to by the judge in
- 363 accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal
- 364 reprimands, and all orders of censure and suspension issued by the Utah Supreme Court
- 365 under Utah Constitution, Article VIII, Section 13, during the judge's current term and the
- 366 immediately preceding term, and a detailed summary of the supporting reasons for each
- 367 violation of the Code of Judicial Conduct that the judge has received;
- 368 (10) an explanation of ballot marking procedures prepared by the lieutenant governor,
- 369 indicating the ballot marking procedure used by each county and explaining how to
- 370 mark the ballot for each procedure;

- 371 (11) voter registration information, including information on how to obtain a ballot;
- 372 (12) a list of all county clerks' offices and phone numbers;
- 373 (13) the address of the Statewide Electronic Voter Information Website, with a statement
- 374 indicating that the election officer will post on the website any changes to the location of
- 375 a polling place and the location of any additional polling place;
- 376 (14) a phone number that a voter may call to obtain information regarding the location of a
- 377 polling place; and
- 378 (15) on the back cover page, a printed copy of the following statement signed by the lieutenant
- 379 governor:

380 "I, _____ (print name), Lieutenant Governor of Utah, certify that the

381 measures contained in this pamphlet will be submitted to the voters of Utah at the election to

382 be held throughout the state on ____ (date of election), and that this pamphlet is complete and

383 correct according to law.

384 SEAL

385 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day

386 of ____ (month), ____ (year)

387

(signed) _____

Lieutenant Governor".

388

389 Section 5. Section **20A-8-101** is amended to read:

390 **20A-8-101 (Contingently Effective 05/06/26). Definitions.**

391 As used in this chapter:

- 392 (1) "Continuing political party" means an organization of voters that:
- 393 (a) participated in the last regular general election; and
- 394 (b) in at least one of the last two regular general elections, polled a total vote for any of
- 395 the political party's candidates for any office equal to 2% or more of the total votes
- 396 cast for all candidates for the United States House of Representatives in the same
- 397 regular general election.
- 398 (2) "County political party" means, for each registered political party, all of the persons
- 399 within a single county who, under definitions established by the county political party,
- 400 are members of the registered political party.
- 401 (3) "Institution of higher education" means the same as that term is defined in Section
- 402 53H-1-101.

- 403 (4) "Legislative office" means the office of state senator or state representative.
- 404 (5) "Newly registered political party" means a statewide organization of voters that has
405 complied with the petition and organizing procedures of this chapter to become a
406 registered political party.
- 407 (6) "Registered political party" means an organization of voters that:
408 (a)(i) participated in the last regular general election; and
409 (ii) in at least one of the last two regular general elections, polled a total vote for any
410 of [its] the organization's candidates for any office equal to 2% or more of the total
411 votes cast for all candidates for the United States House of Representatives in the
412 same regular general election; or
413 (b) has complied with the petition and organizing procedures of this chapter.
- 414 (7) "State office" means the office of governor, lieutenant governor, attorney general,
415 secretary of state, state auditor, state treasurer, or state school board member.
- 416 (8) "State political party" means, for each registered political party, all of the persons in
417 Utah who, under definitions established by the state political party, are members of the
418 registered political party.
- 419 Section 6. Section **20A-9-101** is amended to read:
420 **20A-9-101 (Contingently Effective 05/06/26). Definitions.**
421 As used in this chapter:
- 422 (1)(a) "Candidates for elective office" means persons who file a declaration of candidacy
423 under Section 20A-9-202 to run in a regular general election for a federal office,
424 constitutional office, multicounty office, or county office.
- 425 (b) "Candidates for elective office" does not mean candidates for:
426 (i) justice or judge of court of record or not of record;
427 (ii) presidential elector;
428 (iii) any political party offices; and
429 (iv) municipal or special district offices.
- 430 (2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney
431 general, secretary of state, state auditor, and state treasurer.
- 432 (3) "Continuing political party" means the same as that term is defined in Section
433 20A-8-101.
- 434 (4)(a) "County office" means an elective office where the officeholder is selected by
435 voters entirely within one county.
- 436 (b) "County office" does not mean:

- 437 (i) the office of justice or judge of any court of record or not of record;
438 (ii) the office of presidential elector;
439 (iii) any political party offices;
440 (iv) any municipal or special district offices; and
441 (v) the office of United States Senator and United States Representative.
- 442 (5) "Electronic candidate qualification process" means:
443 (a) as it relates to a registered political party that is not a qualified political party, the
444 process for gathering signatures electronically to seek the nomination of a registered
445 political party, described in:
446 (i) Section 20A-9-403;
447 (ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and
448 (iii) Section 20A-21-201; and
449 (b) as it relates to a qualified political party, the process, for gathering signatures
450 electronically to seek the nomination of a registered political party, described in:
451 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);
452 (ii) Section 20A-9-408; and
453 (iii) Section 20A-21-201.
- 454 (6) "Federal office" means an elective office for United States Senator and United States
455 Representative.
- 456 (7) "Filing officer" means:
457 (a) the lieutenant governor, for:
458 (i) the office of United States Senator and United States Representative; and
459 (ii) all constitutional offices;
460 (b) for the office of a state senator, state representative, or the state school board, the
461 lieutenant governor or the applicable clerk described in Subsection (7)(c) or (d);
462 (c) the county clerk, for county offices and local school district offices;
463 (d) the county clerk in the filer's county of residence, for multicounty offices;
464 (e) the city or town clerk, for municipal offices; or
465 (f) the special district clerk, for special district offices.
- 466 (8) "Local government office" includes county offices, municipal offices, and special
467 district offices and other elective offices selected by the voters from a political division
468 entirely within one county.
- 469 (9) "Manual candidate qualification process" means the process for gathering signatures to
470 seek the nomination of a registered political party, using paper signature packets that a

- 471 signer physically signs.
- 472 (10)(a) "Multicounty office" means an elective office where the officeholder is selected
473 by the voters from more than one county.
- 474 (b) "Multicounty office" does not mean:
- 475 (i) a county office;
- 476 (ii) a federal office;
- 477 (iii) the office of justice or judge of any court of record or not of record;
- 478 (iv) the office of presidential elector;
- 479 (v) any political party offices; or
- 480 (vi) any municipal or special district offices.
- 481 (11) "Municipal office" means an elective office in a municipality.
- 482 (12)(a) "Political division" means a geographic unit from which an officeholder is
483 elected and that an officeholder represents.
- 484 (b) "Political division" includes a county, a city, a town, a special district, a school
485 district, a legislative district, and a county prosecution district.
- 486 (13) "Qualified political party" means a registered political party that:
- 487 (a)(i) permits a delegate for the registered political party to vote on a candidate
488 nomination in the registered political party's convention remotely; or
- 489 (ii) provides a procedure for designating an alternate delegate if a delegate is not
490 present at the registered political party's convention;
- 491 (b) does not hold the registered political party's convention before the fourth Saturday in
492 March of an even-numbered year;
- 493 (c) permits a member of the registered political party to seek the registered political
494 party's nomination for any elective office by the member choosing to seek the
495 nomination by either or both of the following methods:
- 496 (i) seeking the nomination through the registered political party's convention process,
497 in accordance with the provisions of Section 20A-9-407; or
- 498 (ii) seeking the nomination by collecting signatures, in accordance with the
499 provisions of Section 20A-9-408; and
- 500 (d)(i) if the registered political party is a continuing political party, no later than 5
501 p.m. on the first Monday of October of an odd-numbered year, certifies to the
502 lieutenant governor that, for the election in the following year, the registered
503 political party intends to nominate the registered political party's candidates in
504 accordance with the provisions of Section 20A-9-406; or

505 (ii) if the registered political party is not a continuing political party, certifies at the
 506 time that the registered political party files the petition described in Section
 507 20A-8-103 that, for the next election, the registered political party intends to
 508 nominate the registered political party's candidates in accordance with the
 509 provisions of Section 20A-9-406.

510 (14) "Signature," as it relates to a petition for a candidate to seek the nomination of a
 511 registered political party, means:

512 (a) when using the manual candidate qualification process, a holographic signature
 513 collected physically on a nomination petition described in Subsection 20A-9-405(3);

514 or

515 (b) when using the electronic candidate qualification process:

516 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

517 (ii) a holographic signature collected electronically under Subsection
 518 20A-21-201(6)(c)(ii)(B).

519 (15) "Special district office" means an elected office in a special district.

520 Section 7. Section **20A-9-201** is amended to read:

521 **20A-9-201 (Contingently Effective 05/06/26). Declarations of candidacy --**
 522 **Candidacy for more than one office or of more than one political party prohibited with**
 523 **exceptions -- General filing and form requirements -- Affidavit of impecuniosity.**

524 (1) Before filing a declaration of candidacy for election to any office, an individual shall:

525 (a) be a United States citizen;

526 (b) meet the legal requirements of that office; and

527 (c) if seeking a registered political party's nomination as a candidate for elective office,
 528 state:

529 (i) the registered political party of which the individual is a member; or

530 (ii) that the individual is not a member of a registered political party.

531 (2)(a) Except as provided in Subsection (2)(b), an individual may not:

532 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
 533 Utah during any election year;

534 (ii) appear on the ballot as the candidate of more than one political party; or

535 (iii) file a declaration of candidacy for a registered political party of which the
 536 individual is not a member, except to the extent that the registered political party
 537 permits otherwise in the registered political party's bylaws.

538 (b)(i) An individual may file a declaration of candidacy for, or be a candidate for,

539 president or vice president of the United States and another office, if the
540 individual resigns the individual's candidacy for the other office after the
541 individual is officially nominated for president or vice president of the United
542 States.

543 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
544 than one justice court judge office.

545 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
546 the individual filed a declaration of candidacy for another office in the same
547 election year if the individual withdraws as a candidate for the other office in
548 accordance with Subsection 20A-9-202(6) before filing the declaration of
549 candidacy for lieutenant governor.

550 (iv) For the 2026 election year only, an individual who files a declaration of
551 candidacy to seek the nomination of a qualified political party for constitutional
552 office, multicounty office, or county office:

553 (A) may also be a candidate for United States representative;

554 (B) may, if the individual desires to use the signature-gathering process to qualify
555 for the primary election ballot for the office of United States representative, file
556 a notice of intent to gather signatures for, and gather signatures for, that office;
557 and

558 (C) shall, before filing a declaration of candidacy for the office of United States
559 representative, withdraw as a candidate for the constitutional office,
560 multicounty office, or county office for which the individual filed a declaration
561 of candidacy.

562 (3)(a) Except for a candidate for president or vice president of the United States, before
563 the filing officer may accept any declaration of candidacy, the filing officer shall:

564 (i) read to the individual the constitutional and statutory qualification requirements
565 for the office that the individual is seeking;

566 (ii) require the individual to state whether the individual meets the requirements
567 described in Subsection (3)(a)(i);

568 (iii) if the declaration of candidacy is for a county office, inform the individual that
569 an individual who holds a county elected office may not, at the same time, hold a
570 municipal elected office; and

571 (iv) if the declaration of candidacy is for a legislative office, inform the individual
572 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a

573 public office of profit or trust, under authority of the United States or Utah, from
574 being a member of the Legislature.

575 (b)(i) Before accepting a declaration of candidacy for the office of county attorney,
576 the county clerk shall ensure that the individual filing that declaration of
577 candidacy is:

578 (A) a United States citizen;

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

581 (C) a registered voter in the county in which the individual is seeking office; and

582 (D) a current resident of the county in which the individual is seeking office and
583 either has been a resident of that county for at least one year before the date of
584 the election or was appointed and is currently serving as county attorney and
585 became a resident of the county within 30 calendar days after appointment to
586 the office.

587 (ii) An individual filing a declaration of candidacy for the office of county attorney
588 shall submit with the individual's declaration:

589 (A) a letter from the Utah Supreme Court, affirming that the individual is an
590 attorney in good standing;

591 (B) proof of the individual's application with the Utah State Bar, with an affidavit
592 describing the status of the individual's application; or

593 (C) an affidavit describing how the individual intends to comply with the
594 requirements for office of county attorney described in Subsection (3)(b)(i), [
595 ~~prior to~~] before taking office.

596 (iii) In addition to the requirements described in Subsection (3)(b)(ii), an individual
597 shall also provide the filing officer with the individual's license number with:

598 (A) the Utah State Bar, if the individual is a member; or

599 (B) any other state bar association, if the individual is a member.

600 (c)(i) Before accepting a declaration of candidacy for the office of district attorney,
601 the county clerk shall ensure that, as of the date of the election, the individual
602 filing that declaration of candidacy is:

603 (A) a United States citizen;

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

606 (C) a registered voter in the prosecution district in which the individual is seeking

- 607 office; and
- 608 (D) a current resident of the prosecution district in which the individual is seeking
609 office and either will have been a resident of that prosecution district for at
610 least one year before the date of the election or was appointed and is currently
611 serving as district attorney or county attorney and became a resident of the
612 prosecution district within 30 calendar days after receiving appointment to the
613 office.
- 614 (ii) An individual filing a declaration of candidacy for the office of district attorney
615 shall submit with the individual's declaration:
- 616 (A) a letter from the Utah Supreme Court, affirming that the individual is an
617 attorney in good standing;
- 618 (B) proof of the individual's application with the Utah State Bar, with an affidavit
619 describing the status of the individual's application; or
- 620 (C) an affidavit describing how the individual intends to comply with the
621 requirements for office of district attorney described in Subsection (3)(c)(i), [
622 ~~prior to~~] before taking office.
- 623 (iii) In addition to the requirements described in Subsection (3)(c)(ii), an individual
624 shall also provide the filing officer with the individual's license number with:
- 625 (A) the Utah State Bar, if the individual is a member; or
626 (B) any other state bar association, if the individual is a member.
- 627 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
628 county clerk shall ensure that the individual filing the declaration:
- 629 (i) is a United States citizen;
- 630 (ii) is a registered voter in the county in which the individual seeks office;
- 631 (iii)(A) has successfully met the standards and training requirements established
632 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
633 Training and Certification Act; or
634 (B) has met the waiver requirements in Section 53-6-206;
- 635 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
636 53-13-103; and
- 637 (v) before the date of the election, will have been a resident of the county in which
638 the individual seeks office for at least one year.
- 639 (e)(i) An individual filing a declaration of candidacy for the office of attorney general
640 shall submit with the individual's declaration:

- 641 (A) a letter from the Utah Supreme Court, affirming that the individual is an
642 attorney in good standing;
- 643 (B) proof of the individual's application with the Utah State Bar, with an affidavit
644 describing the status of the individual's application; or
- 645 (C) an affidavit describing how the individual intends to comply with the
646 requirements for office of attorney general, described in Utah Constitution,
647 Article VII, Sec. 3, [~~Utah Constitution, prior to~~] before taking office.
- 648 (ii) In addition to the requirements described in Subsection (3)(e)(i), an individual
649 shall also provide the filing officer with the individual's license number with:
- 650 (A) the Utah State Bar, if the individual is a member; or
651 (B) any other state bar association, if the individual is a member.
- 652 (iii) An individual filing the declaration of candidacy for the office of attorney
653 general shall also make the conflict of interest disclosure described in Section
654 20A-11-1603.
- 655 (f) Before accepting a declaration of candidacy for the office of governor, lieutenant
656 governor, secretary of state, state auditor, state treasurer, state legislator, or State
657 Board of Education member, the filing officer shall ensure that the individual filing
658 the declaration of candidacy also makes the conflict of interest disclosure described
659 in Section 20A-11-1603.
- 660 (4) If an individual who files a declaration of candidacy does not meet the qualification
661 requirements for the office the individual is seeking, the filing officer may not accept the
662 individual's declaration of candidacy.
- 663 (5) If an individual who files a declaration of candidacy meets the requirements described
664 in Subsection (3), the filing officer shall:
- 665 (a) inform the individual that:
- 666 (i) subject to Section 20A-6-109, the individual's name will appear on the ballot as
667 the individual's name is written on the individual's declaration of candidacy;
- 668 (ii) the individual may be required to comply with state or local campaign finance
669 disclosure laws; and
- 670 (iii) the individual is required to file a financial statement before the individual's
671 political convention under:
- 672 (A) Section 20A-11-204 for a candidate for constitutional office;
- 673 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 674 (C) local campaign finance disclosure laws, if applicable;

- 675 (b) except for a presidential candidate, provide the individual with a copy of the current
676 campaign financial disclosure laws for the office the individual is seeking and inform
677 the individual that failure to comply will result in disqualification as a candidate and
678 removal of the individual's name from the ballot;
- 679 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the
680 Statewide Electronic Voter Information Website Program and inform the
681 individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 682 (ii) inform the individual that the individual must provide the filing officer with an
683 email address that the individual actively monitors:
- 684 (A) to receive a communication from a filing officer or an election officer; and
685 (B) if the individual wishes to display a candidate profile on the Statewide
686 Electronic Voter Information Website, to submit to the website the
687 biographical and other information described in Subsection 20A-7-801(4)(a)(ii);
- 688 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
689 not a record under Title 63G, Chapter 2, Government Records Access and
690 Management Act; and
- 691 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 692 (d) provide the candidate with a copy of the pledge of fair campaign practices described
693 under Section 20A-9-206 and inform the candidate that:
- 694 (i) signing the pledge is voluntary; and
695 (ii) signed pledges shall be filed with the filing officer;
- 696 (e) accept the individual's declaration of candidacy; and
697 (f) if the individual has filed for a partisan office, provide a certified copy of the
698 declaration of candidacy to the chair of the county or state political party of which the
699 individual is a member.
- 700 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
701 shall:
- 702 (a) accept the candidate's pledge; and
703 (b) if the candidate has filed for a partisan office, provide a certified copy of the
704 candidate's pledge to the chair of the county or state political party of which the
705 candidate is a member.
- 706 (7)(a) Except for a candidate for president or vice president of the United States, the
707 form of the declaration of candidacy shall:
- 708 (i) be substantially as follows:

709 "State of Utah, County of ____
 710 I, _____, declare my candidacy for the office of ____, seeking the
 711 nomination of the ____ party. I do solemnly swear, under penalty of perjury, that: I will meet
 712 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at
 713 _____ in the City or Town of ____, Utah, Zip Code ____ Phone No. ____; I will not
 714 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
 715 I will be out of the state of Utah during the entire candidate filing period; I will file all
 716 campaign financial disclosure reports as required by law; and I understand that failure to do so
 717 will result in my disqualification as a candidate for this office and removal of my name from
 718 the ballot. The mailing address that I designate for receiving official election notices is
 719 _____.

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

722

Notary Public (or other officer qualified to administer oath)."; and

723 (ii) require the candidate to state, in the sworn statement described in Subsection

724 (7)(a)(i):

725 (A) the registered political party of which the candidate is a member; or

726 (B) that the candidate is not a member of a registered political party.

727 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
 728 candidacy may not sign the form described in Subsection (7)(a) or Section
 729 20A-9-408.5.

730 (8)(a) Except for a candidate for president or vice president of the United States, the fee
 731 for filing a declaration of candidacy is:

732 (i) \$50 for candidates for the local school district board; and

733 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
 734 person holding the office for all other federal, state, and county offices.

735 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any
 736 candidate:

737 (i) who is disqualified; or

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

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

741 (ii) The lieutenant governor shall:

- 742 (A) apportion to and pay to the county treasurers of the various counties all fees
- 743 received for filing of nomination certificates or acceptances; and
- 744 (B) ensure that each county receives that proportion of the total amount paid to the
- 745 lieutenant governor from the congressional district that the total vote of that
- 746 county for all candidates for representative in Congress bears to the total vote
- 747 of all counties within the congressional district for all candidates for
- 748 representative in Congress.

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

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

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

759 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
 760 considered an offense under this title for the purposes of assessing the penalties
 761 provided in Subsection 20A-1-609(2).

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

764 "Affidavit of Impecuniosity

765 Individual Name

766 _____Address_____

767 Phone Number _____

768 I, _____(name), do solemnly [swear] [affirm], under penalty of
 769 law for false statements, that, owing to my poverty, I am unable to pay the filing fee required
 770 by law.

771 Date _____

772 Signature_____ Affiant

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

774

775

(signature)

776

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

777

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

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

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- (vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (8)(d) file a financial statement on a form prepared by the election official.

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- (9) An individual who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.

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- (10) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

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Section 8. Section **20A-9-207** is amended to read:

791

20A-9-207 (Contingently Effective 05/06/26). Withdrawal of candidacy -- Notice.

792

As used in this section:

793

- (1) "Public office" means the offices of governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, state senator, state representative, state school board, or an elective office of a local political subdivision.

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- (2) "Public office candidate" means a person who files a declaration of candidacy for a public office.

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- (3) If a public office candidate withdraws as a candidate, an election officer shall:

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- (a) no later than two business days after the day on which the election officer receives notice of the withdrawal, notify every opposing candidate for the public office that the public office candidate has withdrawn;

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- (b) subject to Subsection (4), upon notice of a withdrawal that occurs 65 or fewer calendar days before the date of the election, send an email notification to each voter who is eligible to vote in the public office race for whom the election officer has an email address informing the voter:

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805

- (i) that the public office candidate has withdrawn; and

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807

- (ii) that a vote cast for the public office candidate will not be counted, regardless of

- 808 whether the public office candidate's name appears on the ballot;
- 809 (c) post notice of the withdrawal on a public website; and
- 810 (d) if practicable, include with the ballot, including a military or overseas ballot, a
- 811 written notice that:
- 812 (i) contains the information described in Subsections (3)(b)(i) and (ii); or
- 813 (ii) directs the voter to a public website to inform the voter whether a candidate on
- 814 the ballot has withdrawn.
- 815 (4) An election officer shall send the email notification described in Subsection (3)(b) on or
- 816 before the earlier of:
- 817 (a) the next day on which the election officer mails ballots in accordance with Section
- 818 20A-3a-202; or
- 819 (b) two business days before the date of the election.
- 820 Section 9. Section **20A-11-101** is amended to read:
- 821 **20A-11-101 (Contingently Effective 05/06/26). Definitions.**
- 822 As used in this chapter:
- 823 (1)(a) "Address" means the number and street where an individual resides or where a
- 824 reporting entity has its principal office.
- 825 (b) "Address" does not include a post office box.
- 826 (2) "Agent of a reporting entity" means:
- 827 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;
- 828 (b) a person employed by a reporting entity in the reporting entity's capacity as a
- 829 reporting entity;
- 830 (c) the personal campaign committee of a candidate or officeholder;
- 831 (d) a member of the personal campaign committee of a candidate or officeholder in the
- 832 member's capacity as a member of the personal campaign committee of the candidate
- 833 or officeholder; or
- 834 (e) a political consultant of a reporting entity.
- 835 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
- 836 amendments, and any other ballot propositions submitted to the voters that are
- 837 authorized by the Utah Code Annotated 1953.
- 838 (4) "Candidate" means any person who:
- 839 (a) files a declaration of candidacy for a public office; or
- 840 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 841 receive contributions or make expenditures to bring about the person's nomination or

- 842 election to a public office.
- 843 (5) "Chief election officer" means:
- 844 (a) the lieutenant governor for state office candidates, legislative office candidates,
845 officeholders, political parties, political action committees, corporations, political
846 issues committees, state school board candidates, judges, and labor organizations, as
847 defined in Section 20A-11-1501; and
- 848 (b) the county clerk for local school board candidates.
- 849 (6)(a) "Contribution" means any of the following when done for political purposes:
- 850 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
851 value given to the filing entity;
- 852 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
853 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
854 money or anything of value to the filing entity;
- 855 (iii) any transfer of funds from another reporting entity to the filing entity;
- 856 (iv) compensation paid by any person or reporting entity other than the filing entity
857 for personal services provided without charge to the filing entity;
- 858 (v) remuneration from:
- 859 (A) any organization or its directly affiliated organization that has a registered
860 lobbyist; or
- 861 (B) any agency or subdivision of the state, including school districts;
- 862 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 863 (vii) in-kind contributions.
- 864 (b) "Contribution" does not include:
- 865 (i) services provided by individuals volunteering a portion or all of their time on
866 behalf of the filing entity if the services are provided without compensation by the
867 filing entity or any other person;
- 868 (ii) money lent to the filing entity by a financial institution in the ordinary course of
869 business;
- 870 (iii) goods or services provided for the benefit of a political entity at less than fair
871 market value that are not authorized by or coordinated with the political entity; or
- 872 (iv) data or information described in Subsection (24)(b).
- 873 (7) "Coordinated with" means that goods or services provided for the benefit of a political
874 entity are provided:
- 875 (a) with the political entity's prior knowledge, if the political entity does not object;

- 876 (b) by agreement with the political entity;
- 877 (c) in coordination with the political entity; or
- 878 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 879 (8)(a) "Corporation" means a domestic or foreign, profit or nonprofit, business
880 organization that is registered as a corporation or is authorized to do business in a
881 state and makes any expenditure from corporate funds for:
- 882 (i) the purpose of expressly advocating for political purposes; or
- 883 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
884 proposition.
- 885 (b) "Corporation" does not mean:
- 886 (i) a business organization's political action committee or political issues committee;
887 or
- 888 (ii) a business entity organized as a partnership or a sole proprietorship.
- 889 (9) "County political party" means, for each registered political party, all of the persons
890 within a single county who, under definitions established by the political party, are
891 members of the registered political party.
- 892 (10) "County political party officer" means a person whose name is required to be
893 submitted by a county political party to the lieutenant governor in accordance with
894 Section 20A-8-402.
- 895 (11) "Detailed listing" means:
- 896 (a) for each contribution or public service assistance:
- 897 (i) the name and address of the individual or source making the contribution or public
898 service assistance, except to the extent that the name or address of the individual
899 or source is unknown;
- 900 (ii) the amount or value of the contribution or public service assistance; and
- 901 (iii) the date the contribution or public service assistance was made; and
- 902 (b) for each expenditure:
- 903 (i) the amount of the expenditure;
- 904 (ii) the goods or services acquired by the expenditure; and
- 905 (iii) the date the expenditure was made.
- 906 (12)(a) "Donor" means a person that gives money, including a fee, due, or assessment
907 for membership in the corporation, to a corporation without receiving full and
908 adequate consideration for the money.
- 909 (b) "Donor" does not include a person that signs a statement that the corporation may not

910 use the money for an expenditure or political issues expenditure.

911 (13) "Election" means each:

912 (a) regular general election;

913 (b) regular primary election; and

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

915 (14) "Electioneering communication" means a communication that:

916 (a) has at least a value of \$10,000;

917 (b) clearly identifies a candidate or judge; and

918 (c) is disseminated through the [~~Internet~~] internet, newspaper, magazine, outdoor
919 advertising facility, direct mailing, broadcast, cable, or satellite provider within 45
920 calendar days before the clearly identified candidate's or judge's election date.

921 (15)(a) "Expenditure" means any of the following made by a reporting entity or an agent
922 of a reporting entity on behalf of the reporting entity:

923 (i) any disbursement from contributions, receipts, or from the separate bank account
924 required by this chapter;

925 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
926 or anything of value made for political purposes;

927 (iii) an express, legally enforceable contract, promise, or agreement to make any
928 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
929 or anything of value for political purposes;

930 (iv) compensation paid by a filing entity for personal services rendered by a person
931 without charge to a reporting entity;

932 (v) a transfer of funds between the filing entity and a candidate's personal campaign
933 committee;

934 (vi) goods or services provided by the filing entity to or for the benefit of another
935 reporting entity for political purposes at less than fair market value; or

936 (vii) an independent expenditure, as defined in Section 20A-11-1702.

937 (b) "Expenditure" does not include:

938 (i) services provided without compensation by individuals volunteering a portion or
939 all of their time on behalf of a reporting entity;

940 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
941 business; or

942 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
943 candidates for office or officeholders in states other than Utah.

- 944 (16) "Federal office" means the office of president of the United States, United States
945 Senator, or United States Representative.
- 946 (17) "Filing entity" means the reporting entity that is required to file a financial statement
947 required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 948 (18) "Financial statement" includes any summary report, interim report, verified financial
949 statement, or other statement disclosing contributions, expenditures, receipts, donations,
950 or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention
951 Elections.
- 952 (19) "Governing board" means the individual or group of individuals that determine the
953 candidates and committees that will receive expenditures from a political action
954 committee, political party, or corporation.
- 955 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
956 Incorporation, by which a geographical area becomes legally recognized as a city or
957 town.
- 958 (21) "Incorporation election" means the election conducted under Section 10-2a-210.
- 959 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 960 (23) "Individual" means a natural person.
- 961 (24)(a) "In-kind contribution" means anything of value, other than money, that is
962 accepted by or coordinated with a filing entity.
- 963 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
964 information, demographic data, voting trend data, or other information that:
- 965 (i) is not commissioned for the benefit of a particular candidate or officeholder; and
966 (ii) is offered at no cost to a candidate or officeholder.
- 967 (25) "Interim report" means a report identifying the contributions received and expenditures
968 made since the last report.
- 969 (26) "Legislative office" means the office of state senator, state representative, speaker of
970 the House of Representatives, president of the Senate, and the leader, whip, and assistant
971 whip of any party caucus in either house of the Legislature.
- 972 (27) "Legislative office candidate" means a person who:
- 973 (a) files a declaration of candidacy for the office of state senator or state representative;
974 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
975 speaker of the House of Representatives, president of the Senate, or the leader, whip,
976 and assistant whip of any party caucus in either house of the Legislature; or
977 (c) receives contributions, makes expenditures, or gives consent for any other person to

- 978 receive contributions or make expenditures to bring about the person's nomination,
979 election, or appointment to a legislative office.
- 980 (28) "Loan" means any of the following provided by a person that benefits a filing entity if
981 the person expects repayment or reimbursement:
982 (a) an expenditure made using any form of payment;
983 (b) money or funds received by the filing entity;
984 (c) the provision of a good or service with an agreement or understanding that payment
985 or reimbursement will be delayed; or
986 (d) use of any line of credit.
- 987 (29) "Major political party" means either of the two registered political parties that have the
988 greatest number of members elected to the two houses of the Legislature.
- 989 (30) "Officeholder" means a person who holds a public office.
- 990 (31) "Party committee" means any committee organized by or authorized by the governing
991 board of a registered political party.
- 992 (32) "Person" means both natural and legal persons, including individuals, business
993 organizations, personal campaign committees, party committees, political action
994 committees, political issues committees, and labor organizations, as defined in Section
995 20A-11-1501.
- 996 (33) "Personal campaign committee" means the committee appointed by a candidate to act
997 for the candidate as provided in this chapter.
- 998 (34) "Personal use expenditure" has the same meaning as provided under Section
999 20A-11-104.
- 1000 (35)(a) "Political action committee" means an entity, or any group of individuals or
1001 entities within or outside this state, a major purpose of which is to:
1002 (i) solicit or receive contributions from any other person, group, or entity for political
1003 purposes; or
1004 (ii) make expenditures to expressly advocate for any person to refrain from voting or
1005 to vote for or against any candidate or person seeking election to a municipal or
1006 county office.
- 1007 (b) "Political action committee" includes groups affiliated with a registered political
1008 party but not authorized or organized by the governing board of the registered
1009 political party that receive contributions or makes expenditures for political purposes.
- 1010 (c) "Political action committee" does not mean:
1011 (i) a party committee;

- 1012 (ii) any entity that provides goods or services to a candidate or committee in the
1013 regular course of its business at the same price that would be provided to the
1014 general public;
- 1015 (iii) an individual;
- 1016 (iv) individuals who are related and who make contributions from a joint checking
1017 account;
- 1018 (v) a corporation, except a corporation a major purpose of which is to act as a
1019 political action committee; or
- 1020 (vi) a personal campaign committee.
- 1021 (36)(a) "Political consultant" means a person who is paid by a reporting entity, or paid
1022 by another person on behalf of and with the knowledge of the reporting entity, to
1023 provide political advice to the reporting entity.
- 1024 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where
1025 the person:
- 1026 (i) has already been paid, with money or other consideration;
- 1027 (ii) expects to be paid in the future, with money or other consideration; or
- 1028 (iii) understands that the person may, in the discretion of the reporting entity or
1029 another person on behalf of and with the knowledge of the reporting entity, be
1030 paid in the future, with money or other consideration.
- 1031 (37) "Political convention" means a county or state political convention held by a registered
1032 political party to select candidates.
- 1033 (38) "Political entity" means a candidate, a political party, a political action committee, or a
1034 political issues committee.
- 1035 (39)(a) "Political issues committee" means an entity, or any group of individuals or
1036 entities within or outside this state, a major purpose of which is to:
- 1037 (i) solicit or receive donations from any other person, group, or entity to assist in
1038 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off
1039 the ballot, or to advocate that a voter refrain from voting or vote for or vote
1040 against any ballot proposition;
- 1041 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1042 ballot proposition or incorporation petition or refrain from voting, vote for, or vote
1043 against any proposed ballot proposition or an incorporation in an incorporation
1044 election; or
- 1045 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the

1046 ballot or to assist in keeping a ballot proposition off the ballot.

1047 (b) "Political issues committee" does not mean:

1048 (i) a registered political party or a party committee;

1049 (ii) any entity that provides goods or services to an individual or committee in the
1050 regular course of its business at the same price that would be provided to the
1051 general public;

1052 (iii) an individual;

1053 (iv) individuals who are related and who make contributions from a joint checking
1054 account;

1055 (v) a corporation, except a corporation a major purpose of which is to act as a
1056 political issues committee; or

1057 (vi) a group of individuals who:

1058 (A) associate together for the purpose of challenging or supporting a single ballot
1059 proposition, ordinance, or other governmental action by a county, city, town,
1060 special district, special service district, or other local political subdivision of
1061 the state;

1062 (B) have a common liberty, property, or financial interest that is directly impacted
1063 by the ballot proposition, ordinance, or other governmental action;

1064 (C) do not associate together, for the purpose described in Subsection
1065 (39)(b)(vi)(A), via a legal entity;

1066 (D) do not receive funds for challenging or supporting the ballot proposition,
1067 ordinance, or other governmental action from a person other than an individual
1068 in the group; and

1069 (E) do not expend a total of more than \$5,000 for the purpose described in
1070 Subsection (39)(b)(vi)(A).

1071 (40)(a) "Political issues contribution" means any of the following:

1072 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money
1073 or anything of value given to a political issues committee;

1074 (ii) an express, legally enforceable contract, promise, or agreement to make a
1075 political issues donation to influence the approval or defeat of any ballot
1076 proposition;

1077 (iii) any transfer of funds received by a political issues committee from a reporting
1078 entity;

1079 (iv) compensation paid by another reporting entity for personal services rendered

- 1080 without charge to a political issues committee; and
- 1081 (v) goods or services provided to or for the benefit of a political issues committee at
- 1082 less than fair market value.
- 1083 (b) "Political issues contribution" does not include:
- 1084 (i) services provided without compensation by individuals volunteering a portion or
- 1085 all of their time on behalf of a political issues committee; or
- 1086 (ii) money lent to a political issues committee by a financial institution in the
- 1087 ordinary course of business.
- 1088 (41)(a) "Political issues expenditure" means any of the following when made by a
- 1089 political issues committee or on behalf of a political issues committee by an agent of
- 1090 the reporting entity:
- 1091 (i) any payment from political issues contributions made for the purpose of
- 1092 influencing the approval or the defeat of:
- 1093 (A) a ballot proposition; or
- 1094 (B) an incorporation petition or incorporation election;
- 1095 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made
- 1096 for the express purpose of influencing the approval or the defeat of:
- 1097 (A) a ballot proposition; or
- 1098 (B) an incorporation petition or incorporation election;
- 1099 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1100 political issues expenditure;
- 1101 (iv) compensation paid by a reporting entity for personal services rendered by a
- 1102 person without charge to a political issues committee; or
- 1103 (v) goods or services provided to or for the benefit of another reporting entity at less
- 1104 than fair market value.
- 1105 (b) "Political issues expenditure" does not include:
- 1106 (i) services provided without compensation by individuals volunteering a portion or
- 1107 all of their time on behalf of a political issues committee; or
- 1108 (ii) money lent to a political issues committee by a financial institution in the
- 1109 ordinary course of business.
- 1110 (42) "Political purposes" means an act done with the intent or in a way to influence or tend
- 1111 to influence, directly or indirectly, any person to refrain from voting or to vote for or
- 1112 against any:
- 1113 (a) candidate or a person seeking a municipal or county office at any caucus, political

- 1114 convention, or election; or
- 1115 (b) judge standing for retention at any election.
- 1116 (43)(a) "Poll" means the survey of a person regarding the person's opinion or knowledge
- 1117 of an individual who has filed a declaration of candidacy for public office, or of a
- 1118 ballot proposition that has legally qualified for placement on the ballot, which is
- 1119 conducted in person or by telephone, facsimile, Internet, postal mail, or email.
- 1120 (b) "Poll" does not include:
- 1121 (i) a ballot; or
- 1122 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 1123 (A) the focus group consists of more than three, and less than thirteen, individuals;
- 1124 and
- 1125 (B) all individuals in the focus group are present during the interview.
- 1126 (44) "Primary election" means any regular primary election held under the election laws.
- 1127 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
- 1128 sharing a common occupation, interest, or association that contribute to a political action
- 1129 committee or political issues committee and whose names can be obtained by contacting
- 1130 the political action committee or political issues committee upon whose financial
- 1131 statement the individuals are listed.
- 1132 (46) "Public office" means the office of governor, lieutenant governor, state auditor, state
- 1133 treasurer, attorney general, secretary of state, state school board member, state senator,
- 1134 state representative, speaker of the House of Representatives, president of the Senate,
- 1135 and the leader, whip, and assistant whip of any party caucus in either house of the
- 1136 Legislature.
- 1137 (47)(a) "Public service assistance" means the following when given or provided to an
- 1138 officeholder to defray the costs of functioning in a public office or aid the
- 1139 officeholder to communicate with the officeholder's constituents:
- 1140 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
- 1141 of money or anything of value to an officeholder; or
- 1142 (ii) goods or services provided at less than fair market value to or for the benefit of
- 1143 the officeholder.
- 1144 (b) "Public service assistance" does not include:
- 1145 (i) anything provided by the state;
- 1146 (ii) services provided without compensation by individuals volunteering a portion or
- 1147 all of their time on behalf of an officeholder;

- 1148 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1149 business;
- 1150 (iv) news coverage or any publication by the news media; or
- 1151 (v) any article, story, or other coverage as part of any regular publication of any
1152 organization unless substantially all the publication is devoted to information
1153 about the officeholder.
- 1154 (48) "Receipts" means contributions and public service assistance.
- 1155 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist
1156 Disclosure and Regulation Act.
- 1157 (50) "Registered political action committee" means any political action committee that is
1158 required by this chapter to file a statement of organization with the Office of the
1159 Lieutenant Governor.
- 1160 (51) "Registered political issues committee" means any political issues committee that is
1161 required by this chapter to file a statement of organization with the Office of the
1162 Lieutenant Governor.
- 1163 (52) "Registered political party" means an organization of voters that:
- 1164 (a) participated in the last regular general election and polled a total vote equal to 2% or
1165 more of the total votes cast for all candidates for the United States House of
1166 Representatives for any of its candidates for any office; or
- 1167 (b) has complied with the petition and organizing procedures of Chapter 8, Political
1168 Party Formation and Procedures.
- 1169 (53)(a) "Remuneration" means a payment:
- 1170 (i) made to a legislator for the period the Legislature is in session; and
- 1171 (ii) that is approximately equivalent to an amount a legislator would have earned
1172 during the period the Legislature is in session in the legislator's ordinary course of
1173 business.
- 1174 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 1175 (i) the legislator's primary employer in the ordinary course of business; or
- 1176 (ii) a person or entity in the ordinary course of business:
- 1177 (A) because of the legislator's ownership interest in the entity; or
- 1178 (B) for services rendered by the legislator on behalf of the person or entity.
- 1179 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a
1180 judge, a judge's personal campaign committee, an officeholder, a party committee, a
1181 political action committee, a political issues committee, a corporation, or a labor

- 1182 organization, as defined in Section 20A-11-1501.
- 1183 (55) "School board office" means the office of state school board.
- 1184 (56)(a) "Source" means the person or entity that is the legal owner of the tangible or
1185 intangible asset that comprises the contribution.
- 1186 (b) "Source" means, for political action committees and corporations, the political action
1187 committee and the corporation as entities, not the contributors to the political action
1188 committee or the owners or shareholders of the corporation.
- 1189 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
1190 secretary of state, state auditor, and state treasurer.
- 1191 (58) "State office candidate" means a person who:
- 1192 (a) files a declaration of candidacy for a state office; or
- 1193 (b) receives contributions, makes expenditures, or gives consent for any other person to
1194 receive contributions or make expenditures to bring about the person's nomination,
1195 election, or appointment to a state office.
- 1196 (59) "Summary report" means the year end report containing the summary of a reporting
1197 entity's contributions and expenditures.
- 1198 (60) "Supervisory board" means the individual or group of individuals that allocate
1199 expenditures from a political issues committee.
- 1200 Section 10. Section **41-1a-407** is amended to read:
- 1201 **41-1a-407 (Contingently Effective 05/06/26). Plates issued to political**
1202 **subdivisions or state -- Use of "EX" letters -- Confidential information.**
- 1203 (1) Except as provided in Subsection (2), each municipality, board of education, school
1204 district, state institution of learning, county, other governmental division, subdivision, or
1205 district, and the state shall:
- 1206 (a) place a license plate displaying the letters, "EX" on every vehicle owned and
1207 operated by it or leased for its exclusive use; and
- 1208 (b) display an identification mark designating the vehicle as the property of the entity in
1209 a conspicuous place on both sides of the vehicle.
- 1210 (2) The entity need not display the "EX" license plate or the identification mark required by
1211 Subsection (1) if:
- 1212 (a) the vehicle is in the direct service of the governor, lieutenant governor, attorney
1213 general, secretary of state, state auditor, or state treasurer of Utah;
- 1214 (b) the vehicle is used in official investigative work where secrecy is essential;
- 1215 (c) the vehicle is used in an organized Utah Highway Patrol operation that is:

- 1216 (i) conducted within a county of the first or second class as classified under Section
 1217 17-60-104, unless no more than one unmarked vehicle is used for the operation;
 1218 (ii) approved by the [~~Commissioner of Public Safety~~] commissioner of public safety;
 1219 (iii) of a duration of 14 consecutive days or less; and
 1220 (iv) targeted toward careless driving, aggressive driving, and accidents involving:
 1221 (A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and
 1222 Reckless Driving;
 1223 (B) speeding violations for exceeding the posted speed limit by 21 or more miles
 1224 per hour;
 1225 (C) speeding violations in a reduced speed school zone under Section 41-6a-604;
 1226 (D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or
 1227 (E) violations of Section 41-6a-702 related to lane restrictions;
 1228 (d) the vehicle is provided to an official of the entity as part of a compensation package
 1229 allowing unlimited personal use of that vehicle;
 1230 (e) the personal security of the occupants of the vehicle would be jeopardized if the
 1231 "EX" license plate were in place; or
 1232 (f) the vehicle is used in routine enforcement on a state highway with four or more lanes
 1233 involving:
 1234 (i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a
 1235 roadway;
 1236 (ii) violations of Section 41-6a-702 related to left lane restrictions;
 1237 (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles
 1238 proceeding in the same direction;
 1239 (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance;
 1240 and
 1241 (v) violations of Section 41-6a-804 related to turning and changing lanes.
 1242 (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a
 1243 beehive logo, and the call number of the trooper to whom the vehicle is issued.
 1244 (4)(a) The commission shall issue "EX" and "UHP" plates.
 1245 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 1246 commission shall make rules establishing the procedure for application for and
 1247 distribution of the plates.
 1248 (5) For a vehicle that qualifies for an "EX" or "UHP" license plate, the entity is not required
 1249 to display the month or year registration decal described in Section 41-1a-402.

- 1250 (6)(a) Information shall be confidential for vehicles that are not required to display the
 1251 "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and
 1252 (e).
- 1253 (b)(i) If a law enforcement officer's identity must be kept secret, the law enforcement
 1254 officer's agency head may request in writing that the division remove the license
 1255 plate information of the officer's personal vehicles from all public access files and
 1256 place it in a confidential file until the assignment is completed.
- 1257 (ii) The agency head shall notify the division when the assignment is completed.
- 1258 (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a
 1259 uniform clearly identifying the law enforcement agency the peace officer is representing
 1260 during the operation.

1261 Section 11. Section **41-6a-2002** is amended to read:

1262 **41-6a-2002 (Contingently Effective 05/06/26). Definitions.**

1263 As used in this chapter:

- 1264 (1) "Active criminal investigation" means an officer has documented reasonable suspicion
 1265 that a crime is being or has been committed, and believes the suspected criminal activity
 1266 may be connected to a vehicle, a registered owner of a vehicle, or an occupant of a
 1267 vehicle.
- 1268 (2) "Automatic license plate reader system" means a system of one or more mobile or fixed
 1269 automated high-speed cameras used in combination with computer algorithms to convert
 1270 an image of a license plate into computer-readable data.
- 1271 (3) "Captured plate data" means the global positioning system coordinates, date and time,
 1272 photograph, license plate number, and any other data captured by or derived from an
 1273 automatic license plate reader system.
- 1274 (4)(a) "Governmental entity" means:
- 1275 (i) executive department agencies of the state;
- 1276 (ii) the offices of the governor, the lieutenant governor, the state auditor, the attorney
 1277 general, the secretary of state, and the state treasurer;
- 1278 (iii) the Board of Pardons and Parole;
- 1279 (iv) the Board of Examiners;
- 1280 (v) the National Guard;
- 1281 (vi) the Career Service Review Office;
- 1282 (vii) the State Board of Education;
- 1283 (viii) the Utah Board of Higher Education;

- 1284 (ix) the State Archives;
- 1285 (x) the Office of the Legislative Auditor General;
- 1286 (xi) the Office of the Legislative Fiscal Analyst;
- 1287 (xii) the Office of Legislative Research and General Counsel;
- 1288 (xiii) the Legislature;
- 1289 (xiv) legislative committees, except any political party, group, caucus, or rules or
- 1290 sifting committee of the Legislature;
- 1291 (xv) courts, the Judicial Council, the Administrative Office of the Courts, and similar
- 1292 administrative units in the judicial branch;
- 1293 (xvi) any state-funded institution of higher education or public education;
- 1294 (xvii) any political subdivision of the state; or
- 1295 (xviii) a law enforcement agency.

1296 (b) "Governmental entity" includes:

- 1297 (i) every office, agency, board, bureau, committee, department, advisory board, or
- 1298 commission of an entity listed in Subsections (4)(a)(i) through (xviii) that is
- 1299 funded or established by the government to carry out the public's business; or
- 1300 (ii) a person acting as an agent of a governmental entity or acting on behalf of a
- 1301 governmental entity.

1302 (5) "Nongovernmental entity" means a person that is not a governmental entity.

1303 (6) "Secured area" means an area, enclosed by clear boundaries, to which access is limited

1304 and not open to the public and entry is only obtainable through specific access-control

1305 points.

1306 Section 12. Section **49-22-102** is amended to read:

1307 **49-22-102 (Contingently Effective 05/06/26). Definitions.**

1308 As used in this chapter:

1309 (1) "Benefits normally provided" means the same as that term is defined in Section

1310 49-12-102.

1311 (2)(a) "Compensation" means the total amount of payments made by a participating

1312 employer to a member of this system for services rendered to the participating

1313 employer, including:

1314 (i) bonuses;

1315 (ii) cost-of-living adjustments;

1316 (iii) other payments currently includable in gross income and that are subject to social

1317 security deductions, including any payments in excess of the maximum amount

- 1318 subject to deduction under social security law;
- 1319 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral
- 1320 or other benefits authorized by federal law; and
- 1321 (v) member contributions.
- 1322 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed
- 1323 under Internal Revenue Code, Section 401(a)(17).
- 1324 (c) "Compensation" does not include:
- 1325 (i) the monetary value of remuneration paid in kind, including a residence or use of
- 1326 equipment;
- 1327 (ii) the cost of any employment benefits paid for by the participating employer;
- 1328 (iii) compensation paid to a temporary employee or an employee otherwise ineligible
- 1329 for service credit;
- 1330 (iv) any payments upon termination, including accumulated vacation, sick leave
- 1331 payments, severance payments, compensatory time payments, or any other special
- 1332 payments;
- 1333 (v) any allowances or payments to a member for costs or expenses paid by the
- 1334 participating employer, including automobile costs, uniform costs, travel costs,
- 1335 tuition costs, housing costs, insurance costs, equipment costs, and dependent care
- 1336 costs; or
- 1337 (vi) a teacher salary bonus described in Section 53F-2-513.
- 1338 (d) The executive director may determine if a payment not listed under this Subsection
- 1339 (2) falls within the definition of compensation.
- 1340 (3) "Corresponding Tier I system" means the system or plan that would have covered the
- 1341 member if the member had initially entered employment before July 1, 2011.
- 1342 (4)(a) "Final average salary" means the amount calculated by averaging the highest five
- 1343 years of annual compensation preceding retirement subject to Subsections (4)(b), (c),
- 1344 (d), (e), and (f).
- 1345 (b) Except as provided in Subsection (4)(c), the percentage increase in annual
- 1346 compensation in any one of the years used may not exceed the previous year's
- 1347 compensation by more than 10% plus a cost-of-living adjustment equal to the
- 1348 decrease in the purchasing power of the dollar during the previous year, as measured
- 1349 by a United States Bureau of Labor Statistics Consumer Price Index average as
- 1350 determined by the board.
- 1351 (c) In cases where the participating employer provides acceptable documentation to the

- 1352 office, the limitation in Subsection (4)(b) may be exceeded if:
- 1353 (i) the member has transferred from another agency; or
- 1354 (ii) the member has been promoted to a new position.
- 1355 (d) If the member retires more than six months from the date of termination of
- 1356 employment, the member is considered to have been in service at the member's last
- 1357 rate of pay from the date of the termination of employment to the effective date of
- 1358 retirement for purposes of computing the member's final average salary only.
- 1359 (e) If the member has less than five years of service credit in this system, final average
- 1360 salary means the average annual compensation paid to the member during the full
- 1361 period of service credit.
- 1362 (f) The annual compensation used to calculate final average salary shall be based on a
- 1363 period, as determined by the board, consistent with the period used to determine
- 1364 years of service credit in accordance with Subsection (8).
- 1365 (5) "Participating employer" means an employer that meets the participation requirements
- 1366 of:
- 1367 (a) Sections 49-12-201 and 49-12-202;
- 1368 (b) Sections 49-13-201 and 49-13-202;
- 1369 (c) Section 49-19-201; or
- 1370 (d) Section 49-22-201 or 49-22-202.
- 1371 (6)(a) "Regular full-time employee" means an employee:
- 1372 (i) whose term of employment for a participating employer contemplates continued
- 1373 employment during a fiscal or calendar year;
- 1374 (ii) whose employment normally requires an average of 20 hours or more per week,
- 1375 except as modified by the board; and
- 1376 (iii) who receives benefits normally provided by the participating employer.
- 1377 (b) "Regular full-time employee" includes:
- 1378 (i) a teacher whose term of employment for a participating employer contemplates
- 1379 continued employment during a school year and who teaches half time or more;
- 1380 (ii) an education support professional:
- 1381 (A) who is hired before July 1, 2013; and
- 1382 (B) whose employment normally requires an average of 20 hours per week or
- 1383 more for a participating employer, regardless of benefits provided;
- 1384 (iii) an appointive officer whose appointed position is full time as certified by the
- 1385 participating employer;

- 1386 (iv) the governor, the lieutenant governor, the state auditor, the state treasurer, the
1387 attorney general, the secretary of state, and a state legislator;
- 1388 (v) an elected official not included under Subsection (6)(b)(iv) whose elected position
1389 is full time as certified by the participating employer;
- 1390 (vi) a faculty member or employee of an institution of higher education who is
1391 considered full time by that institution of higher education; and
- 1392 (vii) an individual who otherwise meets the definition of this Subsection (6) who
1393 performs services for a participating employer through a professional employer
1394 organization or similar arrangement.
- 1395 (c) "Regular full-time employee" does not include:
- 1396 (i) a firefighter service employee as defined in Section 49-23-102;
- 1397 (ii) a public safety service employee as defined in Section 49-23-102;
- 1398 (iii) an education support professional:
- 1399 (A) who is hired on or after July 1, 2013; and
- 1400 (B) who does not receive benefits normally provided by the participating
1401 employer even if the employment normally requires an average of 20 hours per
1402 week or more for a participating employer; or
- 1403 (iv) an education support professional:
- 1404 (A) who is hired before July 1, 2013;
- 1405 (B) who did not qualify as a regular full-time employee before July 1, 2013;
- 1406 (C) who does not receive benefits normally provided by the participating
1407 employer; and
- 1408 (D) whose employment hours are increased on or after July 1, 2013, to require an
1409 average of 20 hours per week or more for a participating employer; or
- 1410 (E) who is a person working on a contract:
- 1411 (I) for the purposes of vocational rehabilitation and the employment and
1412 training of people with significant disabilities; and
- 1413 (II) that has been set aside from procurement requirements by the state
1414 pursuant to Section 63G-6a-805 or the federal government pursuant to 41
1415 U.S.C. Sec. 8501 et seq.
- 1416 (7) "System" means the New Public Employees' Tier II Contributory Retirement System
1417 created under this chapter.
- 1418 (8) "Years of service credit" means:
- 1419 (a) a period consisting of 12 full months as determined by the board;

- 1420 (b) a period determined by the board, whether consecutive or not, during which a regular
 1421 full-time employee performed services for a participating employer, including any
 1422 time the regular full-time employee was absent on a paid leave of absence granted by
 1423 a participating employer or was absent in the service of the United States government
 1424 on military duty as provided by this chapter; or
 1425 (c) the regular school year consisting of not less than eight months of full-time service
 1426 for a regular full-time employee of an educational institution.

1427 Section 13. Section **52-7-102** is amended to read:

1428 **52-7-102 (Contingently Effective 05/06/26). "Public officer" defined.**

1429 As used in this chapter[?],

1430 ["Public] "public officer" means a member of the [~~Utah State~~]Senate, a member of the [~~Utah State~~]
 -1431 House of Representatives, the governor, lieutenant governor, state auditor, state
 1432 treasurer, attorney general, secretary of state, or any justice or judge of a court of record.

1433 Section 14. Section **53-2a-803** is amended to read:

1434 **53-2a-803 (Contingently Effective 05/06/26). Emergency interim successor to**
 1435 **office of governor.**

1436 (1) If the governor is unavailable, and if the lieutenant governor, president of the Senate,
 1437 and the speaker of the House of Representatives are unavailable to exercise the powers
 1438 and duties of the office of governor, the attorney general, the secretary of state, the state
 1439 auditor, or the state treasurer shall, in the order named, exercise the powers and duties of
 1440 the office of governor until:

- 1441 (a) the governor, lieutenant governor, president of the Senate, or speaker of the House of
 1442 Representatives becomes available; or
 1443 (b) a new governor is elected and qualified.

1444 (2) Notwithstanding the provisions of Subsection (1), no emergency interim successor to
 1445 the lieutenant governor, president of the Senate, speaker of the House of
 1446 Representatives, attorney general, secretary of state, state auditor, or state treasurer may
 1447 serve as governor.

1448 Section 15. Section **63A-3-110** is amended to read:

1449 **63A-3-110 (Contingently Effective 05/06/26). Personal use expenditures for state**
 1450 **officers and employees.**

1451 (1) As used in this section:

- 1452 (a) "Employee" means a person who is not an elected or appointed officer and who is
 1453 employed on a full- or part-time basis by a governmental entity.

- 1454 (b) "Governmental entity" means:
- 1455 (i) an executive branch agency of the state~~[-]~~ ;
- 1456 ~~(ii)~~ the offices of the governor, lieutenant governor, state auditor, attorney general, [
1457 ~~and]~~ secretary of state, or state treasurer~~[-]~~ ;
- 1458 ~~(iii)~~ the State Board of Education~~[-and]~~ ;
- 1459 ~~(iv)~~ the Utah Board of Higher Education;
- 1460 ~~[(ii)]~~ ~~(v)~~ the Office of the Legislative Auditor General, the Office of the Legislative
1461 Fiscal Analyst, the Office of Legislative Research and General Counsel, the
1462 Legislature, ~~[and]~~ or legislative committees;
- 1463 ~~[(iii)]~~ ~~(vi)~~ courts, the Judicial Council, the Administrative Office of the Courts, ~~[and]~~ or
1464 similar administrative units in the judicial branch; or
- 1465 ~~[(iv)]~~ ~~(vii)~~ independent state entities created under Title 63H, Independent State
1466 Entities.
- 1467 (c) "Officer" means a person who is elected or appointed to an office or position within a
1468 governmental entity.
- 1469 (d)(i) "Personal use expenditure" means an expenditure made without the authority of
1470 law that:
- 1471 (A) is not directly related to the performance of an activity as a state officer or
1472 employee;
- 1473 (B) primarily furthers a personal interest of a state officer or employee or a state
1474 officer's or employee's family, friend, or associate; and
- 1475 (C) would constitute taxable income under federal law.
- 1476 (ii) "Personal use expenditure" does not include:
- 1477 (A) a de minimis or incidental expenditure; or
- 1478 (B) a state vehicle or a monthly stipend for a vehicle that an officer or employee
1479 uses to travel to and from the officer or employee's official duties, including a
1480 minimal allowance for a detour as provided by the state.
- 1481 (e) "Public funds" means the same as that term is defined in Section 51-7-3.
- 1482 (2) A state officer or employee may not:
- 1483 (a) use public funds for a personal use expenditure; or
- 1484 (b) incur indebtedness or liability on behalf of, or payable by, a governmental entity for
1485 a personal use expenditure.
- 1486 (3) If the Division of Finance or the responsible governmental entity determines that a state
1487 officer or employee has intentionally made a personal use expenditure in violation of

- 1488 Subsection (2), the governmental entity shall:
- 1489 (a) require the state officer or employee to deposit the amount of the personal use
- 1490 expenditure into the fund or account from which:
- 1491 (i) the personal use expenditure was disbursed; or
- 1492 (ii) payment for the indebtedness or liability for a personal use expenditure was
- 1493 disbursed;
- 1494 (b) require the state officer or employee to remit an administrative penalty in an amount
- 1495 equal to 50% of the personal use expenditure to the Division of Finance; and
- 1496 (c) deposit the money received under Subsection (3)(b) into the General Fund.
- 1497 (4)(a) Any state officer or employee who has been found by a governmental entity to
- 1498 have made a personal use expenditure in violation of Subsection (2) may appeal the
- 1499 finding of the governmental entity.
- 1500 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1501 Division of Finance shall make rules regarding an appeal process for an appeal made
- 1502 under Subsection (4)(a), including the designation of an appeal authority.
- 1503 (5)(a) Subject to Subsection (5)(b), the Division of Finance may withhold all or a
- 1504 portion of the wages of a state officer or employee who has violated Subsection (2)
- 1505 until the requirements of Subsection (3) have been met.
- 1506 (b) If the state officer or employee has requested an appeal under Subsection (4), the
- 1507 Division of Finance may only withhold the wages of the officer or employee after the
- 1508 appeal authority described in Subsection (4)(b) has confirmed that the officer or
- 1509 employee violated Subsection (2).
- 1510 (6) Nothing in this chapter immunizes a state officer or employee from or precludes any
- 1511 criminal prosecution or civil or employment action for an unlawful personal use
- 1512 expenditure.
- 1513 (7) A state officer or employee who is convicted of misusing public money or public
- 1514 property under Section 76-8-402 may not disburse public funds or access public
- 1515 accounts.
- 1516 Section 16. Section **63A-14-102** is amended to read:
- 1517 **63A-14-102 (Contingently Effective 05/06/26). Definitions.**
- 1518 As used in this chapter:
- 1519 (1) "Commission" means the Independent Executive Branch Ethics Commission, created in
- 1520 Section 63A-14-202.
- 1521 (2) "Complainant" means an individual who files a complaint under Subsection

1522 63A-14-402(1)(a).

1523 (3) "Executive branch elected official" means:

1524 (a) the governor;

1525 (b) the lieutenant governor;

1526 (c) the state auditor;

1527 (d) the state treasurer;~~[-or]~~

1528 (e) the attorney general~~[-]~~ ; or

1529 (f) the secretary of state.

1530 (4) "Improper purpose" includes harassing a respondent, causing unwarranted harm to a
1531 respondent's reputation, or causing unnecessary expenditure of public funds.

1532 (5) "Malfeasance in office" means an intentional act or omission relating to the duties of an
1533 executive branch elected official that:

1534 (a) constitutes a crime; or

1535 (b)(i) constitutes a substantial breach of the trust imposed upon the executive branch
1536 elected official by the nature of the official's office; and

1537 (ii) is against commonly accepted standards of honesty and morality.

1538 (6) "Respondent" means the executive branch elected official against whom an ethics
1539 complaint described in Section 63A-14-402 is filed.

1540 (7) "Violation" means a high crime, a misdemeanor, or malfeasance in office.

1541 Section 17. Section **63A-16-109** is amended to read:

1542 **63A-16-109 (Contingently Effective 05/06/26). Removal of state elected official**
1543 **or employee personal identifying information.**

1544 (1) As used in this section:

1545 (a) "Open web" means the Internet used for everyday activities like browsing, searching,
1546 reading media, online shopping, or other website or online applications.

1547 (b) "Personal identifying information" means the following:

1548 (i) physical home address and personal email address;

1549 (ii) home telephone number and personal mobile telephone number;

1550 (iii) driver license or other government-issued identification; or

1551 (iv) social security number.

1552 (c)(i) "State elected official" means a person who holds an office in state government
1553 that is required by law to be filled by an election, including the offices of
1554 governor, lieutenant governor, attorney general, secretary of state, state auditor,
1555 state treasurer, and legislator.

- 1556 (ii) "State elected official" does not include a judge.
- 1557 (d) "State employee who has been threatened" means an individual:
- 1558 (i)(A) who is a cabinet level official or senior staff of the governor; or
- 1559 (B) who is an employee of the state executive branch and meets selective criteria
- 1560 implemented by the division that are established by rule made under
- 1561 Subsection (4); and
- 1562 (ii) whose life or safety has been threatened in the course of performing the
- 1563 individual's state duties through a text, phone call, email, postal delivery,
- 1564 face-to-face encounter, or website or online application.
- 1565 (2) At the written request of a state elected official or a state employee who has been
- 1566 threatened, the division shall within 30 days of receipt of the request:
- 1567 (a) search the open web for personal identifying information that is about the state
- 1568 elected official or state employee who has been threatened;
- 1569 (b) when possible, remove the personal identifying information found under Subsection
- 1570 (2)(a) from the open web; and
- 1571 (c) conduct continuous monthly removal when possible of personal identifying
- 1572 information from the open web.
- 1573 (3) The chief information officer may contract, in accordance with Title 63G, Chapter 6a,
- 1574 Utah Procurement Code, with a third party to provide the services described in
- 1575 Subsection (2).
- 1576 (4) The chief information officer may by rule made in accordance with Title 63G, Chapter
- 1576a 3,
- 1577 Utah Administrative Rulemaking Act, establish requirements related to:
- 1578 (a) what information the state elected official or state employee who has been threatened
- 1579 shall provide the division as part of the request described in Subsection (2);
- 1580 (b) procedures for submitting the written request to the division; and
- 1581 (c) establishing the selective criteria used to determine whether a state employee may
- 1582 receive the services described in Subsection (2).
- 1583 (5) The division may not charge a rate for the services provided under this section.
- 1584 (6)(a) In addition to the governmental immunity granted in Title 63G, Chapter 7,
- 1585 Governmental Immunity Act of Utah, the division is not liable for actions performed
- 1586 under this section except as a result of intentional misconduct or gross negligence
- 1587 including reckless, willful, or wanton misconduct.
- 1588 (b) This section does not create a special duty of care.

1589 (7) A federal, state, or local government record is not subject to this section, even if the
1590 government record contains personal identifying information.

1591 Section 18. Section **63A-19-101** is amended to read:

1592 **63A-19-101 (Contingently Effective 05/06/26). Definitions.**

1593 As used in this chapter:

1594 (1) "Anonymized data" means information that has been irreversibly modified so that there
1595 is no possibility of using the information, alone or in combination with other
1596 information, to identify an individual.

1597 (2) "At-risk government employee" means the same as that term is defined in Section
1598 63G-2-303.

1599 (3) "Automated decision making" means using personal data to make a decision about an
1600 individual through automated processing, without human review or intervention.

1601 (4) "Biometric data" means the same as that term is defined in Section 13-61-101.

1602 (5) "Chief administrative officer" means the same as that term is defined in Section
1603 63A-12-100.5.

1604 (6) "Chief privacy officer" means the individual appointed under Section 63A-19-302.

1605 (7) "Commission" means the Utah Privacy Commission established in Section 63A-19-203.

1606 (8) "Contract" means an agreement between a governmental entity and a person for goods
1607 or services that involve personal data.

1608 (9)(a) "Contractor" means a person who:

1609 (i) has entered into a contract with a governmental entity; and

1610 (ii) may process personal data under the contract.

1611 (b) "Contractor" includes a contractor's employees, agents, or subcontractors.

1612 (10) "Cyber Center" means the Utah Cyber Center created in Section 63A-16-1102.

1613 (11) "Data breach" means the unauthorized access, acquisition, disclosure, loss of access, or
1614 destruction of personal data held by a governmental entity, unless the governmental
1615 entity concludes, according to standards established by the Cyber Center, that there is a
1616 low probability that personal data has been compromised.

1617 (12) "De-identified data" means information from which personal data has been removed or
1618 obscured so that the information is not readily identifiable to a specific individual, and
1619 which may not be re-identified.

1620 (13) "Genetic data" means the same as that term is defined in Section 13-60-102.

1621 (14) "Governing board" means the Utah Privacy Governing Board established in Section
1622 63A-19-201.

- 1623 (15) "Governmental entity" means the same as that term is defined in Section 63G-2-103.
- 1624 (16) "Government website" means a set of related web pages that is operated by or on
1625 behalf of a governmental entity and is:
- 1626 (a) located under a single domain name or web address; and
- 1627 (b) accessible directly through the Internet or by the use of a software program.
- 1628 (17)(a) "High-risk processing activities" means a governmental entity's processing of
1629 personal data that may have a significant impact on an individual's privacy interests,
1630 based on factors that include:
- 1631 (i) the sensitivity of the personal data processed;
- 1632 (ii) the amount of personal data being processed;
- 1633 (iii) the individual's ability to consent to the processing of personal data; and
- 1634 (iv) risks of unauthorized access or use.
- 1635 (b) "High-risk processing activities" may include the use of:
- 1636 (i) facial recognition technology;
- 1637 (ii) automated decision making;
- 1638 (iii) profiling;
- 1639 (iv) genetic data;
- 1640 (v) biometric data; or
- 1641 (vi) geolocation data.
- 1642 (18) "Independent entity" means the same as that term is defined in Section 63E-1-102.
- 1643 (19) "Individual" means the same as that term is defined in Section 63G-2-103.
- 1644 (20) "Legal guardian" means:
- 1645 (a) the parent of a minor; or
- 1646 (b) an individual appointed by a court to be the guardian of a minor or incapacitated
1647 individual and given legal authority to make decisions regarding the person or
1648 property of the minor or incapacitated individual.
- 1649 (21) "Office" means the Utah Office of Data Privacy created in Section 63A-19-301.
- 1650 (22) "Ombudsperson" means the data privacy ombudsperson appointed under Section
1651 63A-19-501.
- 1652 (23) "Person" means the same as that term is defined in Section 63G-2-103.
- 1653 (24) "Personal data" means information that is linked or can be reasonably linked to an
1654 identified individual or an identifiable individual.
- 1655 (25) "Privacy annotation" means a summary of personal data contained in a record series as
1656 described in Section 63A-19-401.1.

- 1657 (26) "Privacy practice" means a governmental entity's:
- 1658 (a) organizational, technical, administrative, and physical safeguards designed to protect
- 1659 an individual's personal data;
- 1660 (b) policies and procedures related to the acquisition, use, storage, sharing, retention,
- 1661 and disposal of personal data; and
- 1662 (c) practice of providing notice to an individual regarding the individual's privacy rights.
- 1663 (27) "Process," "processing," or "processing activity" means any operation or set of
- 1664 operations performed on personal data, including collection, recording, organization,
- 1665 structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure
- 1666 by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or
- 1667 destruction.
- 1668 (28) "Profiling" means the processing of personal data to evaluate or predict an individual's:
- 1669 (a) economic situation;
- 1670 (b) health;
- 1671 (c) personal preferences;
- 1672 (d) interests;
- 1673 (e) reliability;
- 1674 (f) behavior;
- 1675 (g) location; or
- 1676 (h) movements.
- 1677 (29) "Purchase" or "purchasing" means the exchange of monetary consideration to obtain
- 1678 the personal data of an individual who is not a party to the transaction.
- 1679 (30) "Record" means the same as that term is defined in Section 63G-2-103.
- 1680 (31) "Record series" means the same as that term is defined in Section 63G-2-103.
- 1681 (32) "Retention schedule" means a governmental entity's schedule for the retention or
- 1682 disposal of records that has been approved by the Records Management Committee
- 1683 pursuant to Section 63A-12-113.
- 1684 (33)(a) "Sell" means an exchange of personal data for monetary consideration by a
- 1685 governmental entity to a third party.
- 1686 (b) "Sell" does not include a fee:
- 1687 (i) charged by a governmental entity for access to a record pursuant to Section
- 1688 63G-2-203; or
- 1689 (ii) assessed in accordance with an approved fee schedule.
- 1690 (34)(a) "State agency" means the following entities that are under the direct supervision

- 1691 and control of the governor or the lieutenant governor:
- 1692 (i) a department;
- 1693 (ii) a commission;
- 1694 (iii) a board;
- 1695 (iv) a council;
- 1696 (v) an institution;
- 1697 (vi) an officer;
- 1698 (vii) a corporation;
- 1699 (viii) a fund;
- 1700 (ix) a division;
- 1701 (x) an office;
- 1702 (xi) a committee;
- 1703 (xii) an authority;
- 1704 (xiii) a laboratory;
- 1705 (xiv) a library;
- 1706 (xv) a bureau;
- 1707 (xvi) a panel;
- 1708 (xvii) another administrative unit of the state; or
- 1709 (xviii) an agent of an entity described in Subsections (34)(a)(i) through (xvii).
- 1710 (b) "State agency" does not include:
- 1711 (i) the legislative branch;
- 1712 (ii) the judicial branch;
- 1713 (iii) an executive branch agency within the [~~Office of the Attorney General,~~] offices
- 1714 of:
- 1715 (A) the attorney general;
- 1716 (B) the secretary of state;
- 1717 (C) the state auditor[-] ;
- 1718 (D) the state treasurer[-or-] ; or
- 1719 (E) the State Board of Education; or
- 1720 (iv) an independent entity.
- 1721 (35) "State privacy auditor" means the same as that term is defined in Section 67-3-13.
- 1722 (36) "Synthetic data" means artificial data that:
- 1723 (a) is generated from personal data; and
- 1724 (b) models the statistical properties of the original personal data.

- 1725 (37) "User" means an individual who accesses a government website.
- 1726 (38)(a) "User data" means any information about a user that is automatically collected
1727 by a government website when a user accesses the government website.
- 1728 (b) "User data" includes information that identifies:
- 1729 (i) a user as having requested or obtained specific materials or services from a
1730 government website;
- 1731 (ii) [~~Internet~~] internet sites visited by a user;
- 1732 (iii) the contents of a user's data-storage device;
- 1733 (iv) any identifying code linked to a user of a government website; and
- 1734 (v) a user's:
- 1735 (A) IP or Mac address; or
- 1736 (B) session ID.
- 1737 (39) "Website tracking technology" means any tool used by a government website to:
- 1738 (a) monitor a user's behavior; or
- 1739 (b) collect user data.
- 1740 Section 19. Section **63G-2-103** is amended to read:
- 1741 **63G-2-103 (Contingently Effective 05/06/26). Definitions.**
- 1742 As used in this chapter:
- 1743 (1) "Audit" means:
- 1744 (a) a systematic examination of financial, management, program, and related records for
1745 the purpose of determining the fair presentation of financial statements, adequacy of
1746 internal controls, or compliance with laws and regulations; or
- 1747 (b) a systematic examination of program procedures and operations for the purpose of
1748 determining their effectiveness, economy, efficiency, and compliance with statutes
1749 and regulations.
- 1750 (2) "Chief administrative officer" means the chief administrative officer of a governmental
1751 entity who is responsible to fulfill the duties described in Section 63A-12-103.
- 1752 (3) "Chronological logs" mean the regular and customary summary records of law
1753 enforcement agencies and other public safety agencies that show:
- 1754 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
1755 and
- 1756 (b) any arrests or jail bookings made by the agency.
- 1757 (4) "Classification," "classify," and their derivative forms mean determining whether a
1758 record series, record, or information within a record is public, private, controlled,

- 1759 protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).
- 1760 (5)(a) "Computer program" means:
- 1761 (i) a series of instructions or statements that permit the functioning of a computer
- 1762 system in a manner designed to provide storage, retrieval, and manipulation of
- 1763 data from the computer system; and
- 1764 (ii) any associated documentation and source material that explain how to operate the
- 1765 computer program.
- 1766 (b) "Computer program" does not mean:
- 1767 (i) the original data, including numbers, text, voice, graphics, and images;
- 1768 (ii) analysis, compilation, and other manipulated forms of the original data produced
- 1769 by use of the program; or
- 1770 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
- 1771 algorithms contained in the program, that would be used if the manipulated forms
- 1772 of the original data were to be produced manually.
- 1773 (6)(a) "Contractor" means:
- 1774 (i) any person who contracts with a governmental entity to provide goods or services
- 1775 directly to a governmental entity; or
- 1776 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 1777 (b) "Contractor" does not mean a private provider.
- 1778 (7) "Controlled record" means a record containing data on individuals that is controlled as
- 1779 provided by Section 63G-2-304.
- 1780 (8) "Designation," "designate," and their derivative forms mean indicating, based on a
- 1781 governmental entity's familiarity with a record series or based on a governmental entity's
- 1782 review of a reasonable sample of a record series, the primary classification that a
- 1783 majority of records in a record series would be given if classified and the classification
- 1784 that other records typically present in the record series would be given if classified.
- 1785 (9) "Elected official" means each person elected to a state office, county office, municipal
- 1786 office, school board or school district office, special district office, or special service
- 1787 district office, but does not include judges.
- 1788 (10) "Explosive" means a chemical compound, device, or mixture:
- 1789 (a) commonly used or intended for the purpose of producing an explosion; and
- 1790 (b) that contains oxidizing or combustive units or other ingredients in proportions,
- 1791 quantities, or packing so that:
- 1792 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the

- 1793 compound or mixture may cause a sudden generation of highly heated gases; and
- 1794 (ii) the resultant gaseous pressures are capable of:
- 1795 (A) producing destructive effects on contiguous objects; or
- 1796 (B) causing death or serious bodily injury.
- 1797 (11) "Government audit agency" means any governmental entity that conducts an audit.
- 1798 (12)(a) "Governmental entity" means:
- 1799 (i) executive department agencies of the state, the offices of the governor, lieutenant
- 1800 governor, state auditor, attorney general, secretary of state and state treasurer, the
- 1801 Board of Pardons and Parole, the Board of Examiners, the National Guard, the
- 1802 Career Service Review Office, the State Board of Education, the Utah Board of
- 1803 Higher Education, and the State Archives;
- 1804 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
- 1805 Analyst, Office of Legislative Research and General Counsel, the Legislature, and
- 1806 legislative committees, except any political party, group, caucus, or rules or sifting
- 1807 committee of the Legislature;
- 1808 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
- 1809 administrative units in the judicial branch;
- 1810 (iv) any state-funded institution of higher education or public education; or
- 1811 (v) any political subdivision of the state, but, if a political subdivision has adopted an
- 1812 ordinance or a policy relating to information practices pursuant to Section
- 1813 63G-2-701, this chapter shall apply to the political subdivision to the extent
- 1814 specified in Section 63G-2-701 or as specified in any other section of this chapter
- 1815 that specifically refers to political subdivisions.
- 1816 (b) "Governmental entity" also means:
- 1817 (i) every office, agency, board, bureau, committee, department, advisory board, or
- 1818 commission of an entity listed in Subsection (12)(a) that is funded or established
- 1819 by the government to carry out the public's business;
- 1820 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
- 1821 undertaking, except for the Water District Water Development Council created
- 1822 pursuant to Section 11-13-228;
- 1823 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- 1824 (iv) an association as defined in Section 53G-7-1101;
- 1825 (v) the Utah Independent Redistricting Commission; and
- 1826 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or

- 1827 more law enforcement officers, as defined in Section 53-13-103.
- 1828 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in
1829 Section 53H-10-202.
- 1830 (13) "Government Records Office" means the same as that term is defined in Section
1831 63A-12-201.
- 1832 (14) "Gross compensation" means every form of remuneration payable for a given period to
1833 an individual for services provided including salaries, commissions, vacation pay,
1834 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and
1835 any similar benefit received from the individual's employer.
- 1836 (15) "Individual" means a human being.
- 1837 (16)(a) "Initial contact report" means an initial written or recorded report, however
1838 titled, prepared by peace officers engaged in public patrol or response duties
1839 describing official actions initially taken in response to either a public complaint
1840 about or the discovery of an apparent violation of law, which report may describe:
- 1841 (i) the date, time, location, and nature of the complaint, the incident, or offense;
1842 (ii) names of victims;
1843 (iii) the nature or general scope of the agency's initial actions taken in response to the
1844 incident;
1845 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
1846 (v) the name, address, and other identifying information about any person arrested or
1847 charged in connection with the incident; or
1848 (vi) the identity of the public safety personnel, except undercover personnel, or
1849 prosecuting attorney involved in responding to the initial incident.
- 1850 (b) "Initial contact [reports do] report" does not include follow-up or investigative reports
1851 prepared after the initial contact report. However, if the information specified in
1852 Subsection (16)(a) appears in follow-up or investigative reports, it may only be
1853 treated confidentially if it is private, controlled, protected, or exempt from disclosure
1854 under Subsection 63G-2-201(3)(b).
- 1855 (c) Initial contact reports do not include accident reports, as that term is described in
1856 Title 41, Chapter 6a, Part 4, Accident Responsibilities.
- 1857 (17) "Legislative body" means the Legislature.
- 1858 (18) "Notice of compliance" means a statement confirming that a governmental entity has
1859 complied with an order of the director of the Government Records Office.
- 1860 (19) "Person" means:

- 1861 (a) an individual;
- 1862 (b) a nonprofit or profit corporation;
- 1863 (c) a partnership;
- 1864 (d) a sole proprietorship;
- 1865 (e) other type of business organization; or
- 1866 (f) any combination acting in concert with one another.
- 1867 (20) "Private provider" means any person who contracts with a governmental entity to
- 1868 provide services directly to the public.
- 1869 (21) "Private record" means a record containing data on individuals that is private as
- 1870 provided by Section 63G-2-302.
- 1871 (22) "Protected record" means a record that is classified protected as provided by Section
- 1872 63G-2-305.
- 1873 (23) "Public record" means a record that is not private, controlled, or protected and that is
- 1874 not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 1875 (24) "Reasonable search" means a search that is:
- 1876 (a) reasonable in scope and intensity; and
- 1877 (b) not unreasonably burdensome for the government entity.
- 1878 (25)(a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
- 1879 card, tape, recording, electronic data, or other documentary material regardless of
- 1880 physical form or characteristics:
- 1881 (i) that is prepared, owned, received, or retained by a governmental entity or political
- 1882 subdivision; and
- 1883 (ii) where all of the information in the original is reproducible by photocopy or other
- 1884 mechanical or electronic means.
- 1885 (b) "Record" does not include:
- 1886 (i) a personal note or personal communication prepared or received by an employee
- 1887 or officer of a governmental entity:
- 1888 (A) in a capacity other than the employee's or officer's governmental capacity; or
- 1889 (B) that is unrelated to the conduct of the public's business;
- 1890 (ii) a temporary draft or similar material prepared for the originator's personal use or
- 1891 prepared by the originator for the personal use of an individual for whom the
- 1892 originator is working;
- 1893 (iii) material that is legally owned by an individual in the individual's private capacity;
- 1894 (iv) material to which access is limited by the laws of copyright or patent unless the

- 1895 copyright or patent is owned by a governmental entity or political subdivision;
- 1896 (v) proprietary software;
- 1897 (vi) junk mail or a commercial publication received by a governmental entity or an
- 1898 official or employee of a governmental entity;
- 1899 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
- 1900 of a library open to the public;
- 1901 (viii) material that is cataloged, indexed, or inventoried and contained in the
- 1902 collections of a library open to the public, regardless of physical form or
- 1903 characteristics of the material;
- 1904 (ix) a daily calendar ;
- 1905 (x) a note prepared by the originator for the originator's own use or for the sole use of
- 1906 an individual for whom the originator is working;
- 1907 (xi) a computer program that is developed or purchased by or for any governmental
- 1908 entity for its own use;
- 1909 (xii) a note or internal memorandum prepared as part of the deliberative process by:
- 1910 (A) a member of the judiciary;
- 1911 (B) an administrative law judge;
- 1912 (C) a member of the Board of Pardons and Parole; or
- 1913 (D) a member of any other body, other than an association or appeals panel as
- 1914 defined in Section 53G-7-1101, charged by law with performing a
- 1915 quasi-judicial function;
- 1916 (xiii) a telephone number or similar code used to access a mobile communication
- 1917 device that is used by an employee or officer of a governmental entity, [~~provided~~
- 1918 ~~that~~] if the employee or officer of the governmental entity has designated at least
- 1919 one business telephone number that is a public record as provided in Section
- 1920 63G-2-301;
- 1921 (xiv) information provided by the Public Employees' Benefit and Insurance Program,
- 1922 created in Section 49-20-103, to a county to enable the county to calculate the
- 1923 amount to be paid to a health care provider under Subsection 17-63-706(2)(e)(ii);
- 1924 (xv) information that an owner of unimproved property provides to a local entity as
- 1925 provided in Section 11-42-205;
- 1926 (xvi) a video or audio recording of an interview, or a transcript of the video or audio
- 1927 recording, that is conducted at a Children's Justice Center established under
- 1928 Section 67-5b-102;

- 1929 (xvii) child sexual abuse material, as defined by Section 76-5b-103;
- 1930 (xviii) before final disposition of an ethics complaint occurs, a video or audio
- 1931 recording of the closed portion of a meeting or hearing of:
- 1932 (A) a Senate or House Ethics Committee;
- 1933 (B) the Independent Legislative Ethics Commission;
- 1934 (C) the Independent Executive Branch Ethics Commission, created in Section
- 1935 63A-14-202; or
- 1936 (D) the Political Subdivisions Ethics Review Commission established in Section
- 1937 63A-15-201;
- 1938 (xix) confidential communication described in Section 58-60-102, 58-61-102, or
- 1939 58-61-702;
- 1940 (xx) any item described in Subsection (25)(a) that is:
- 1941 (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and
- 1942 (B) shared between any of the following entities:
- 1943 (I) the Division of Risk Management;
- 1944 (II) the Office of the Attorney General;
- 1945 (III) the governor's office; or
- 1946 (IV) the Legislature;
- 1947 (xxi) the email address that a candidate for elective office provides to a filing officer
- 1948 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv); or
- 1949 (xxii) except as provided in Sections 31A-16-105, 31A-16-107.5, and 27a-3-303, an
- 1950 investment policy, or information related to an investment policy, provided to the
- 1951 insurance commissioner as described in Title 31A, Chapter 18, Investments.
- 1952 (26) "Record series" means a group of records that may be treated as a unit for purposes of
- 1953 designation, description, management, or disposition.
- 1954 (27) "Records officer" means the individual appointed by the chief administrative officer of
- 1955 each governmental entity, or the political subdivision to work with state archives in the
- 1956 care, maintenance, scheduling, designation, classification, disposal, and preservation of
- 1957 records.
- 1958 (28) "Schedule," "scheduling," and their derivative forms mean the process of specifying
- 1959 the length of time each record series should be retained by a governmental entity for
- 1960 administrative, legal, fiscal, or historical purposes and when each record series should be
- 1961 transferred to the state archives or destroyed.
- 1962 (29) "Sponsored research" means research, training, and other sponsored activities as

1963 defined by the federal Executive Office of the President, Office of Management and
 1964 Budget:

1965 (a) conducted:

1966 (i) by an institution within the state system of higher education described in Section
 1967 53H-1-102; and

1968 (ii) through an office responsible for sponsored projects or programs; and

1969 (b) funded or otherwise supported by an external:

1970 (i) person that is not created or controlled by the institution within the state system of
 1971 higher education; or

1972 (ii) federal, state, or local governmental entity.

1973 (30) "State archives" means the Division of Archives and Records Service created in
 1974 Section 63A-12-101.

1975 (31) "State archivist" means the director of the state archives.

1976 (32) "Summary data" means statistical records and compilations that contain data derived
 1977 from private, controlled, or protected information but that do not disclose private,
 1978 controlled, or protected information.

1979 Section 20. Section **67-1a-2** is amended to read:

1980 **67-1a-2 (Contingently Effective 01/01/29). Lieutenant governor -- Duties.**

1981 [(+)] The lieutenant governor shall:

1982 [(+)] (1) perform duties delegated by the governor, including assignments to serve in any of
 1983 the following capacities:

1984 [(+)] (a) as the head of any one department, if so qualified, with the advice and consent of
 1985 the Senate, and, upon appointment at the pleasure of the governor and without
 1986 additional compensation;

1987 [(+)] (b) as the chairperson of any cabinet group organized by the governor or authorized
 1988 by law for the purpose of advising the governor or coordinating intergovernmental or
 1989 interdepartmental policies or programs;

1990 [(+)] (c) as liaison between the governor and the state Legislature to coordinate and
 1991 facilitate the governor's programs and budget requests;

1992 [(+)] (d) as liaison between the governor and other officials of local, state, federal, and
 1993 international governments or any other political entities to coordinate, facilitate, and
 1994 protect the interests of the state;

1995 [(+)] (e) as personal advisor to the governor, including advice on policies, programs,
 1996 administrative and personnel matters, and fiscal or budgetary matters; and

1997 ~~[(vi)]~~ (f) as chairperson or member of any temporary or permanent boards, councils,
1998 commissions, committees, task forces, or other group appointed by the governor;
1999 ~~[(b)]~~ (2) serve on all boards and commissions in lieu of the governor, ~~[whenever so]~~ as
2000 designated by the governor~~;~~ ; and
2001 (3) as directed by the governor, act as a liaison for the state with foreign dignitaries.
2002 ~~[(e) serve as the chief election officer of the state as required by Subsection (2);]~~
2003 ~~[(d) keep custody of the Great Seal of the State of Utah;]~~
2004 ~~[(e) keep a register of, and attest, the official acts of the governor;]~~
2005 ~~[(f) affix the Great Seal, with an attestation, to all official documents and instruments to~~
2006 ~~which the official signature of the governor is required; and]~~
2007 ~~[(g) furnish a certified copy of all or any part of any law, record, or other instrument~~
2008 ~~filed, deposited, or recorded in the office of the lieutenant governor to any person~~
2009 ~~who requests it and pays the fee.]~~
2010 [(2)(a) As the chief election officer, the lieutenant governor shall:]
2011 [(i) exercise oversight, and general supervisory authority, over all elections;]
2012 [(ii) exercise direct authority over the conduct of elections for federal, state, and
2013 multicounty officers and statewide or multicounty ballot propositions and any
2014 recounts involving those races;]
2015 [(iii) establish uniformity in the election ballot;]
2016 [(iv)(A) prepare election information for the public as required by law and as
2017 determined appropriate by the lieutenant governor; and]
2018 [(B) make the information described in Subsection (2)(a)(iv)(A) available to the
2019 public and to news media, on the Internet, and in other forms as required by
2020 law and as determined appropriate by the lieutenant governor;]
2021 [(v) receive and answer election questions and maintain an election file on opinions
2022 received from the attorney general;]
2023 [(vi) maintain a current list of registered political parties as defined in Section
2024 20A-8-101;]
2025 [(vii) maintain election returns and statistics;]
2026 [(viii) certify to the governor the names of individuals nominated to run for, or
2027 elected to, office;]
2028 [(ix) ensure that all voting equipment purchased by the state complies with the
2029 requirements of Sections 20A-5-302, 20A-5-802, 20A-5-802.5, and 20A-5-803;]
2030 [(x) during a declared emergency, to the extent that the lieutenant governor

- 2031 determines it warranted, designate, as provided in Section 20A-1-308, a different
 2032 method, time, or location relating to:]
- 2033 [(A) voting on election day;]
 2034 [(B) early voting;]
 2035 [(C) the transmittal or voting of an absentee ballot or military-overseas ballot;]
 2036 [(D) the counting of an absentee ballot or military-overseas ballot; or]
 2037 [(E) the canvassing of election returns; and]
- 2038 [(xi) exercise all other election authority, and perform other election duties, as
 2039 provided in Title 20A, Election Code.]
- 2040 [(b) As chief election officer, the lieutenant governor:]
- 2041 [(i) shall oversee all elections, and functions relating to elections, in the state;]
 2042 [(ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance
 2043 by an election officer with legal requirements relating to elections; and]
 2044 [(iii) may not assume the responsibilities assigned to the county clerks, city recorders,
 2045 town clerks, or other local election officials by Title 20A, Election Code.]
- 2046 [(3)(a) The lieutenant governor shall:]
- 2047 [(i) determine a new municipality's classification under Section 10-2-301 upon the
 2048 city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a
 2049 Municipality, based on the municipality's population using the population estimate
 2050 from the Utah Population Committee; and]
- 2051 [(ii)(A) prepare a certificate indicating the class in which the new municipality
 2052 belongs based on the municipality's population; and]
 2053 [(B) within 10 days after preparing the certificate, deliver a copy of the certificate
 2054 to the municipality's legislative body.]
- 2055 [(b) The lieutenant governor shall:]
- 2056 [(i) determine the classification under Section 10-2-301 of a consolidated
 2057 municipality upon the consolidation of multiple municipalities under Title 10,
 2058 Chapter 2, Part 6, Consolidation of Municipalities, using population information
 2059 for each municipality from:]
- 2060 [(A) the estimate of the Utah Population Committee created in Section 63C-20-103;
 2061 or]
 2062 [(B) if the Utah Population Committee estimate is not available, the census or
 2063 census estimate of the United States Bureau of the Census; and]
- 2064 [(ii)(A) prepare a certificate indicating the class in which the consolidated

2065 municipality belongs based on the municipality's population; and]
 2066 [~~(B) within 10 days after preparing the certificate, deliver a copy of the certificate~~
 2067 ~~to the consolidated municipality's legislative body.]~~

2068 [(e) The lieutenant governor shall monitor the population of each municipality using
 2069 population information from:]

2070 [(i) the estimate of the Utah Population Committee created in Section 63C-20-103; or]

2071 [(ii) if the Utah Population Committee estimate is not available, the census or census
 2072 estimate of the United States Bureau of the Census.]

2073 [(d) If the applicable population figure under Subsection (3)(b) or (c) indicates that a
 2074 municipality's population has increased beyond the population for its current class,
 2075 the lieutenant governor shall:]

2076 [(i) prepare a certificate indicating the class in which the municipality belongs based
 2077 on the increased population figure; and]

2078 [(ii) within 10 days after preparing the certificate, deliver a copy of the certificate to
 2079 the legislative body of the municipality whose class has changed.]

2080 [(e)(i) If the applicable population figure under Subsection (3)(b) or (c) indicates
 2081 that a municipality's population has decreased below the population for its current
 2082 class, the lieutenant governor shall send written notification of that fact to the
 2083 municipality's legislative body.]

2084 [(ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality
 2085 whose population has decreased below the population for its current class, the
 2086 lieutenant governor shall:]

2087 [(A) prepare a certificate indicating the class in which the municipality belongs
 2088 based on the decreased population figure; and]

2089 [(B) within 10 days after preparing the certificate, deliver a copy of the certificate
 2090 to the legislative body of the municipality whose class has changed.]

2091 Section 21. Section **67-1c-101** is enacted to read:

2092 **CHAPTER 1c. Secretary of State**

2093 **Part 1. Duties and General Provisions Relating to Secretary of State**

2094 **67-1c-101 (Contingently Effective 01/01/29). Secretary of state -- Duties.**

2095 (1) The secretary of state shall:

2096 (a) serve as the chief election officer of the state, in accordance with Part 2, Chief
 2097 Election Officer;

- 2098 (b) in accordance with Part 3, Authentication and Record Keeping Duties:
- 2099 (i) keep custody of the Great Seal of the State of Utah;
- 2100 (ii) affix the Great Seal, with an attestation, to all official documents and instruments
- 2101 to which the official signature of the governor is required;
- 2102 (iii) keep a register of, and attest, the official acts of the governor; and
- 2103 (iv) furnish a certified copy of all or any part of a law, record, or other instrument
- 2104 filed, deposited, or recorded in the Office of the Secretary of State to any person
- 2105 who requests a copy and pays the applicable fee;
- 2106 (c) fulfill certain administrative duties relating to local government, as described in Part
- 2106a 4,
- 2107 Duties Relating to Local Government;
- 2108 (d) regulate commission notaries and administer and enforce the provisions of Title 46,
- 2109 Chapter 1, Notaries Public Reform Act; and
- 2110 (e) regulate lobbying, and administer and enforce the provisions of Title 36, Chapter 11,
- 2111 Lobbyist Disclosure and Regulation Act.
- 2112 (2) The secretary of state may employ personnel necessary to carry out the duties and
- 2113 responsibilities of the secretary of state.
- 2114 (3) The secretary of state shall establish a written conflict of interest process that provides
- 2115 for the following to make decisions that would directly impact a race in which the
- 2116 secretary of state is a candidate:
- 2117 (a) the lieutenant governor, unless the lieutenant governor also has a conflict of interest;
- 2118 or
- 2119 (b) subject to Subsection (4), if the lieutenant governor also has a conflict of interest, a
- 2120 state official appointed by the state board of canvassers.
- 2121 (4) A state official appointed under Subsection (3)(b):
- 2122 (a) may not have a conflict of interest; and
- 2123 (b) may be a member of the state board of canvassers or another state official.
- 2124 Section 22. Section **67-1c-102** is enacted to read:
- 2125 **67-1c-102 (Contingently Effective 01/01/29). Transition of duties.**
- 2126 (1) Beginning on January 1, 2029:
- 2127 (a) the secretary of state shall take custody of the following, to the extent that they are
- 2128 related to the duties or powers transferred from the lieutenant governor to the
- 2129 secretary of state by this bill:
- 2130 (i) records, databases, and access to records and databases, held by the lieutenant

- 2165 received from the attorney general;
- 2166 (f) maintain a current list of registered political parties as defined in Section 20A-8-101;
- 2167 (g) maintain election returns and statistics;
- 2168 (h) certify to the governor the names of individuals nominated to run for, or elected to,
- 2169 office;
- 2170 (i) ensure that all voting equipment purchased by the state complies with the
- 2171 requirements of Sections 20A-5-302, 20A-5-802, 20A-5-802.5, and 20A-5-803;
- 2172 (j) during a declared emergency, to the extent that the secretary of state determines it
- 2173 warranted, designate, as provided in Section 20A-1-308, a different method, time, or
- 2174 location relating to:
- 2175 (i) voting on election day;
- 2176 (ii) early voting;
- 2177 (iii) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 2178 (iv) the counting of an absentee ballot or military-overseas ballot; or
- 2179 (v) the canvassing of election returns;
- 2180 (k) in accordance with Section 20A-1-105, take action to enforce compliance by an
- 2181 election officer with legal requirements relating to elections; and
- 2182 (l) exercise all other election authority, and perform other election duties, as provided in
- 2183 Title 20A, Election Code.

- 2184 (2) As chief election officer, the secretary of state may not assume the responsibilities
- 2185 assigned to the county clerks, city recorders, town clerks, or other local election officials
- 2186 by Title 20A, Election Code.

2187 Section 24. Section **67-1c-202**, which is renumbered from Section 67-1a-2.2 is renumbered

2188 and amended to read:

2189 **[67-1a-2.2] 67-1c-202 (Contingently Effective 01/01/29). Residences in more than**

2190 **one district -- secretary of state to resolve.**

- 2191 (1) If, in reviewing a map generated from a redistricting block assignment file, the [
- 2192 ~~lieutenant governor~~] secretary of state determines that a single-family or multi-family
- 2193 residence is within more than one Congressional, Senate, House, or State Board of
- 2194 Education district, the [~~lieutenant governor~~] secretary of state may, [by] on or before
- 2195 January 31, 2012, and in consultation with the Utah Geospatial Resource Center,
- 2196 determine the district to which the residence is assigned.
- 2197 (2) In order to make the determination required by Subsection (1), the [~~lieutenant governor~~]
- 2198 secretary of state shall review the block assignment file and other Bureau of the Census

2199 data and obtain and review other relevant data such as aerial photography or other data
2200 about the area.

2201 (3) Upon making the determination authorized by this section, the [~~lieutenant governor~~
2202 secretary of state] shall notify county clerks affected by the determination and the Utah
2203 Geospatial Resource Center created under Section 63A-16-505.

2204 Section 25. Section **67-1c-301**, which is renumbered from Section 67-1a-8 is renumbered
2205 and amended to read:

2206 **Part 3. Authentication and Record Keeping**

2207 **[~~67-1a-8~~] 67-1c-301 (Contingently Effective 01/01/29). Form and contents of**
2208 **great seal.**

2209 The Great Seal of the State of Utah shall be 2-1/2 inches in diameter, and of the
2210 following device: the center a shield and perched thereon an American eagle with outstretching
2211 wings; the top of the shield pierced by six arrows crosswise; under the arrows the motto
2212 "Industry"; beneath the motto a beehive, on either side growing sego lilies; below the beehive
2213 the figures "1847"; and on each side of the shield an American flag; encircling all, near the
2214 outer edge of the seal, beginning at the lower left-hand portion, the words "The Great Seal of
2215 the State of Utah," with the figures "1896" at the base.

2216 Section 26. Section **67-1c-302**, which is renumbered from Section 67-1a-7 is renumbered
2217 and amended to read:

2218 **[~~67-1a-7~~] 67-1c-302 (Contingently Effective 01/01/29). Use and custody of the**
2219 **Great Seal of the State of Utah.**

2220 (1) As used in this section, "seal" means the Great Seal of the State of Utah, established in
2221 Utah Constitution, Article VII, Section 20.

2222 (2) In accordance with Utah Constitution, Article VII, Section 20, the Legislature
2223 designates the secretary of state as the officer responsible to keep the seal.

2224 (3) [~~Except as otherwise provided by law, the lieutenant governor, or the lieutenant~~
2225 ~~governor's designee,] In accordance with the requirements of law, the secretary of state
2226 or the secretary of state's designee is authorized to use or affix the [Great Seal of this
2227 state] seal to any document[~~-whatever and only in pursuance of law, and is responsible~~
2228 for its safekeeping. Any] .~~

2229 (4) A person who illegally uses the [Great Seal of this state, or such seal when defaced]
2230 seal, or who defaces the seal, is guilty of a third degree felony.

2231 (5) The director of elections, within the Office of the Secretary of State, may make rules, in
2232 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

- 2233 (a) regulate the use and application of the seal;
 2234 (b) establish permitted and prohibited uses of the seal; and
 2235 (c) establish requirements for obtaining authorization to use the seal or a replica of the
 2236 seal.

2237 Section 27. Section **67-1c-303**, which is renumbered from Section 67-1a-2.5 is renumbered
 2238 and amended to read:

2239 **[67-1a-2.5] 67-1c-303 (Contingently Effective 01/01/29). Fees of secretary of state.**

2240 In addition to the fees prescribed by Title 16, Chapter 6a, Utah Revised Nonprofit
 2241 Corporation Act, and Title 16, Chapter 10a, Utah Revised Business Corporation Act, the [
 2242 ~~lieutenant governor~~] secretary of state shall receive and determine fees [~~pursuant to~~] in
 2243 accordance with Section 63J-1-504 for the following:

- 2244 (1) for a copy of any law, resolution, record, or other document or paper on file in the [
 2245 ~~lieutenant governor's office~~] Office of the Secretary of State, other than documents or
 2246 papers filed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and
 2247 Title 16, Chapter 10a, Utah Revised Business Corporation Act;
 2248 (2) for affixing certificate and the Great Seal of the state, except on documents filed under
 2249 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, and Title 16, Chapter
 2250 10a, Utah Revised Business Corporation Act;
 2251 (3) for each commission signed by the governor, except that no charge may be made for
 2252 commissions to public officers serving without compensation;
 2253 (4) for each warrant of arrest issued by the governor and attested by the [~~lieutenant governor~~]
 2254 secretary of state upon the requisition of any other state or territory;
 2255 (5) for recording miscellaneous papers or documents;
 2256 (6) for filing any paper or document not otherwise provided for; and
 2257 (7) for searching records and archives of the state, except that no member of the Legislature
 2258 or other state or county officer may be charged for any search relative to matters
 2259 appertaining to the duties of the member or officer's office or for a certified copy of any
 2260 law or resolution relative to the member or officer's official duties passed by the
 2261 Legislature.

2262 Section 28. Section **67-1c-304**, which is renumbered from Section 67-1a-12 is renumbered
 2263 and amended to read:

2264 **[67-1a-12] 67-1c-304 (Contingently Effective 01/01/29). Authority to administer**
 2265 **oaths.**

2266 The [~~lieutenant governor~~] secretary of state and personnel employed [~~under Section~~

~~67-1a-3~~] by the secretary of state, who are designated by the [~~lieutenant governor~~] secretary of state, may administer oaths when necessary in the performance of official duties.

Section 29. Section **67-1c-305**, which is renumbered from Section 67-1a-13 is renumbered and amended to read:

[~~67-1a-13~~] 67-1c-305 (Contingently Effective 01/01/29). Certification restrictions.

The [~~lieutenant governor~~] secretary of state may not certify a signature of a notary or county recorder on:

- (1) a document that is not properly notarized, if notarization is required; or
- (2) a document regarding:
 - (a) allegiance to a government or jurisdiction;
 - (b) sovereignty;
 - (c) in itinere status or world service authority; or
 - (d) a claim similar to a claim listed in Subsections (2)(a) through (c).

Section 30. Section **67-1c-401** is enacted to read:

Part 4. Duties Relating to Local Government

67-1c-401 (Contingently Effective 01/01/29). Determining classification of municipalities.

(1) In relation to a new municipality, the secretary of state shall:

- (a) determine the new municipality's classification, under Section 10-2-301, upon the municipality's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, using population data from:
 - (i) the estimate of the Utah Population Committee created in Section 63C-20-103; or
 - (ii) if the Utah Population Committee estimate is not available, the census or census estimate of the United States Bureau of the Census;
- (b) prepare a certificate indicating the class in which the new municipality belongs based on the municipality's population; and
- (c) within 10 days after the day on which the secretary of state prepares a certificate described in Subsection (1)(b), deliver a copy of the certificate to the municipality's legislative body.

(2) In relation to a consolidated municipality, the secretary of state shall:

- (a) determine the classification, under Section 10-2-301, of the consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of Municipalities, using population data from:
 - (i) the estimate of the Utah Population Committee created in Section 63C-20-103; or

- 2301 (ii) if the Utah Population Committee estimate is not available, the census or census
 2302 estimate of the United States Bureau of the Census;
- 2303 (b) prepare a certificate indicating the class in which the consolidated municipality
 2304 belongs based on the municipality's population; and
- 2305 (c) within 10 days after the day on which the secretary of state prepares a certificate
 2306 described in Subsection (2)(b), deliver a copy of the certificate to the consolidated
 2307 municipality's legislative body.
- 2308 (3) In relation to an existing municipality, the secretary of state shall:
- 2309 (a) monitor the population of the municipality using population data from:
- 2310 (i) the estimate of the Utah Population Committee created in Section 63C-20-103; or
 2311 (ii) if the Utah Population Committee estimate is not available, the census or census
 2312 estimate of the United States Bureau of the Census;
- 2313 (b) if the applicable population figure under Subsection (3)(a) indicates that a
 2314 municipality's population has increased beyond the population for the municipality's
 2315 current class:
- 2316 (i) prepare a certificate indicating the class in which the municipality belongs based
 2317 on the increased population figure; and
- 2318 (ii) within 10 days after the day on which the secretary of state prepares a certificate
 2319 described in Subsection (3)(b)(i), deliver a copy of the certificate to the legislative
 2320 body of the municipality whose class has changed; and
- 2321 (c) if the applicable population figure under Subsection (3)(a) indicates that a
 2322 municipality's population has decreased below the population for the municipality's
 2323 current class:
- 2324 (i) send written notification of that fact to the municipality's legislative body;
- 2325 (ii) upon receipt of a petition under Subsection 10-2-302(2) from a municipality
 2326 whose population has decreased below the population for the municipality's
 2327 current class:
- 2328 (A) prepare a certificate indicating the class in which the municipality belongs
 2329 based on the decreased population figure; and
- 2330 (B) within 10 days after the day on which the secretary of state prepares a
 2331 certificate described in Subsection (3)(c)(ii)(A), deliver a copy of the certificate
 2332 to the legislative body of the municipality whose class has changed.

2333 Section 31. Section **67-1c-402**, which is renumbered from Section 67-1a-6.5 is renumbered
 2334 and amended to read:

2335 **[67-1a-6.5] 67-1c-402 (Contingently Effective 01/01/29). Certification of local**
 2336 **entity boundary actions -- Definitions -- Notice requirements -- Electronic copies -- Filing.**

2337 (1) As used in this section:

2338 (a) "Applicable certificate" means:

- 2339 (i) for the impending incorporation of a city, town, special district, conservation
 2340 district, incorporation of a special district from a reorganized special service
 2341 district, or public infrastructure district, a certificate of incorporation;
- 2342 (ii) for the impending creation of a county, school district, special service district,
 2343 community reinvestment agency, or interlocal entity, a certificate of creation;
- 2344 (iii) for the impending annexation of territory to an existing local entity, a certificate
 2345 of annexation;
- 2346 (iv) for the impending withdrawal or disconnection of territory from an existing local
 2347 entity, a certificate of withdrawal or disconnection, respectively;
- 2348 (v) for the impending consolidation of multiple local entities, a certificate of
 2349 consolidation;
- 2350 (vi) for the impending division of a local entity into multiple local entities, a
 2351 certificate of division;
- 2352 (vii) for the impending adjustment of a common boundary between local entities, a
 2353 certificate of boundary adjustment; and
- 2354 (viii) for the impending dissolution of a local entity, a certificate of dissolution.

2355 (b) "Approved final local entity plat" means a final local entity plat, as defined in
 2356 Section 17-73-101, that has been approved under Section 17-73-507 as a final local
 2357 entity plat by the county surveyor.

2358 (c) "Approving authority" means the same as that term is defined in Section 17-73-101.

2359 (d) "Boundary action" means the same as that term is defined in Section 17-73-101.

2360 (e) "Center" means the Utah Geospatial Resource Center created under Section
 2361 63A-16-505.

2362 (f) "Community reinvestment agency" means the same as that term is defined in Section
 2363 17C-1-102.

2364 (g) "Conservation district" means the same as that term is defined in Section 17D-3-102.

2365 (h) "Interlocal entity" means the same as that term is defined in Section 11-13-103.

2366 (i) "Local entity" means a county, city, town, school district, special district, community
 2367 reinvestment agency, special service district, conservation district, or interlocal entity.

2368 (j) "Notice of an impending boundary action" means a written notice, as described in

- 2369 Subsection (3), that provides notice of an impending boundary action.
- 2370 (k) "Special district" means the same as that term is defined in Section 17B-1-102.
- 2371 (l) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 2372 (2) Within 10 days after ~~[receiving a]~~ the day on which the secretary of state receives notice
- 2373 of an impending boundary action, the ~~[lieutenant governor]~~ secretary of state shall:
- 2374 (a)(i) issue the applicable certificate, if:
- 2375 (A) the ~~[lieutenant governor]~~ secretary of state determines that the notice of an
- 2376 impending boundary action meets the requirements of Subsection (3); and
- 2377 (B) except in the case of an impending local entity dissolution, the notice of an
- 2378 impending boundary action is accompanied by an approved final local entity
- 2379 plat;
- 2380 (ii) send the applicable certificate to the local entity's approving authority;
- 2381 (iii) return the original of the approved final local entity plat to the local entity's
- 2382 approving authority;
- 2383 (iv) send a copy of the applicable certificate and approved final local entity plat to:
- 2384 (A) the State Tax Commission;
- 2385 (B) the center; and
- 2386 (C) the county assessor, county surveyor, county auditor, and county attorney of
- 2387 each county in which the property depicted on the approved final local entity
- 2388 plat is located; and
- 2389 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
- 2390 that is the subject of the applicable certificate is:
- 2391 (A) the incorporation or creation of a new local entity;
- 2392 (B) the consolidation of multiple local entities;
- 2393 (C) the division of a local entity into multiple local entities; or
- 2394 (D) the dissolution of a local entity; or
- 2395 (b)(i) send written notification to the approving authority that the ~~[lieutenant governor]~~
- 2396 secretary of state is unable to issue the applicable certificate, if:
- 2397 (A) the lieutenant governor determines that the notice of an impending boundary
- 2398 action does not meet the requirements of Subsection (3); or
- 2399 (B) the notice of an impending boundary action is:
- 2400 (I) not accompanied by an approved final local entity plat; or
- 2401 (II) accompanied by a plat or final local entity plat that has not been approved
- 2402 as a final local entity plat by the county surveyor under Section 17-73-507;

- 2403 and
- 2404 (ii) explain in the notification under Subsection (2)(b)(i) why the [~~lieutenant governor~~
2405 secretary of state] is unable to issue the applicable certificate.
- 2406 (3) Each notice of an impending boundary action shall:
- 2407 (a) be directed to the [~~lieutenant governor~~] secretary of state;
- 2408 (b) contain the name of the local entity or, in the case of an incorporation or creation,
2409 future local entity, whose boundary is affected or established by the boundary action;
- 2410 (c) describe the type of boundary action for which an applicable certificate is sought;
- 2411 (d) be accompanied by a letter from the Utah State Retirement Office, created under
2412 Section 49-11-201, to the approving authority that identifies the potential provisions
2413 under Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity
2414 shall comply with, related to the boundary action, if the boundary action is an
2415 impending incorporation or creation of a local entity that may result in the
2416 employment of personnel; and
- 2417 (e)(i) contain a statement, signed and verified by the approving authority, certifying
2418 that all requirements applicable to the boundary action have been met; or
- 2419 (ii) in the case of the dissolution of a municipality, be accompanied by a certified
2420 copy of the court order approving the dissolution of the municipality.
- 2421 (4) The [~~lieutenant governor~~] secretary of state may require the approving authority to
2422 submit a paper or electronic copy of a notice of an impending boundary action and
2423 approved final local entity plat in conjunction with the filing of the original of those
2424 documents.
- 2425 (5)(a) The [~~lieutenant governor~~] secretary of state shall:
- 2426 (i) keep, index, maintain, and make available to the public each notice of an
2427 impending boundary action, approved final local entity plat, applicable certificate,
2428 and other document that the [~~lieutenant governor~~] secretary of state receives or
2429 generates under this section;
- 2430 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the [
2431 ~~Internet~~] internet for 12 months after the [~~lieutenant governor~~] secretary of state
2432 receives or generates the document;
- 2433 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
2434 person who requests a paper copy; and
- 2435 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
2436 any person who requests a certified copy.

2437 (b) The [~~lieutenant governor~~] secretary of state may charge a reasonable fee for a paper
 2438 copy or certified copy of a document that the [~~lieutenant governor~~] secretary of state
 2439 provides under this Subsection (5).

2440 (6) The [~~lieutenant governor's~~] secretary of state's issuance of a certificate of creation for an
 2441 infrastructure financing district constitutes the state's approval of the creation of the
 2442 infrastructure financing district.

2443 Section 32. Section **67-1c-403**, which is renumbered from Section 67-1a-6.7 is renumbered
 2444 and amended to read:

2445 **[~~67-1a-6.7~~] 67-1c-403 (Contingently Effective 01/01/29). Certification of local**
 2446 **entity name change.**

2447 (1) As used in this section:

2448 (a) "Approving authority" means the person or body authorized under statute to approve
 2449 the local entity's name change.

2450 (b) "Center" has the same meaning as defined in Section 67-1a-6.5.

2451 (c) "Certificate of name change" means a certificate issued by the [~~lieutenant governor~~]
 2452 secretary of state certifying a local entity's change of name.

2453 (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

2454 (e) "Notice of an impending name change" means a notice, as described in Subsection (3),
 2455 that provides notice of a local entity's impending name change.

2456 (2) Within 10 days after [~~receiving a notice of an impending name change, the lieutenant~~
 2457 ~~governor~~] the day on which the secretary of state receives notice of an impending name
 2458 change, the secretary of state shall:

2459 (a) issue a certificate of name change;

2460 (b) send the certificate of name change to the approving authority of the local entity
 2461 whose name is being changed; and

2462 (c) send a copy of the certificate of name change to:

2463 (i) the State Tax Commission;

2464 (ii) the state auditor;

2465 (iii) the center; and

2466 (iv) the county assessor, county surveyor, county auditor, and county attorney of each
 2467 county in which any part of the local entity is located.

2468 (3) Each notice of an impending name change shall:

2469 (a) be directed to the [~~lieutenant governor~~] secretary of state;

2470 (b) contain the current name of the local entity;

- 2471 (c) state the name to which the local entity intends to change;
- 2472 (d) identify each county in which any part of the local entity is located; and
- 2473 (e) contain a statement, signed and verified by the approving authority, certifying that all
- 2474 requirements applicable to the name change have been met.

2475 (4)(a) The ~~[lieutenant governor]~~ secretary of state shall:

- 2476 (i) keep, index, maintain, and make available to the public each notice of an
- 2477 impending name change, certificate of a name change, and other document that
- 2478 the ~~[lieutenant governor]~~ secretary of state receives or generates under this section;
- 2479 (ii) make a copy of each document listed in Subsection (4)(a)(i) available on the [
- 2480 ~~Internet]~~ internet for 12 months after the ~~[lieutenant governor]~~ secretary of state
- 2481 receives or generates the document;
- 2482 (iii) furnish a paper copy of any of the documents listed in Subsection (4)(a)(i) to any
- 2483 person who requests a paper copy; and
- 2484 (iv) furnish a certified copy of any of the documents listed in Subsection (4)(a)(i) to
- 2485 any person who requests a certified copy.

2486 (b) The ~~[lieutenant governor]~~ secretary of state may charge a reasonable fee for a paper

2487 copy or certified copy of a document that the ~~[lieutenant governor]~~ secretary of state

2488 provides under this Subsection (4).

2489 Section 33. Section **67-1c-404**, which is renumbered from Section 67-1a-15 is renumbered

2490 and amended to read:

2491 **[67-1a-15] 67-1c-404 (Contingently Effective 01/01/29). Local government and**

2492 **limited purpose entity registry.**

2493 (1) As used in this section:

2494 (a) "Entity" means a limited purpose entity or a local government entity.

2495 (b)(i) "Limited purpose entity" means a legal entity that:

2496 (A) performs a single governmental function or limited governmental functions;

2497 and

2498 (B) is not a state executive branch agency, a state legislative office, or within the

2499 judicial branch.

2500 (ii) "Limited purpose entity" includes:

2501 (A) area agencies, area agencies on aging, and area agencies on high risk adults, as

2502 those terms are defined in Section 26B-6-101;

2503 (B) charter schools created under Title 53G, Chapter 5, Charter Schools;

2504 (C) community reinvestment agencies, as that term is defined in Section

- 2505 17C-1-102;
- 2506 (D) conservation districts, as that term is defined in Section 17D-3-102;
- 2507 (E) governmental nonprofit corporations, as that term is defined in Section
- 2508 11-13a-102;
- 2509 (F) housing authorities, as that term is defined in Section 35A-8-401;
- 2510 (G) independent entities and independent state agencies, as those terms are
- 2511 defined in Section 63E-1-102;
- 2512 (H) interlocal entities, as that term is defined in Section 11-13-103;
- 2513 (I) local building authorities, as that term is defined in Section 17D-2-102;
- 2514 (J) special districts, as that term is defined in Section 17B-1-102;
- 2515 (K) local health departments, as that term is defined in Section 26A-1-102;
- 2516 (L) local mental health authorities, as that term is defined in Section 62A-15-102;
- 2517 (M) nonprofit corporations that receive an amount of money requiring an
- 2518 accounting report under Section 51-2a-201.5;
- 2519 (N) school districts under Title 53G, Chapter 3, School District Creation and
- 2520 Change;
- 2521 (O) special service districts, as that term is defined in Section 17D-1-102; and
- 2522 (P) substance abuse authorities, as that term is defined in Section 62A-15-102.
- 2523 (c) "Local government and limited purpose entity registry" or "registry" means the
- 2524 registry of local government entities and limited purpose entities created under this
- 2525 section.
- 2526 (d) "Local government entity" means:
- 2527 (i) a county, as that term is defined in Section 17-60-101; and
- 2528 (ii) a municipality, as that term is defined in Section 10-1-104.
- 2529 (e) "Notice of failure to register" means the notice the [~~lieutenant governor~~] secretary of
- 2530 state sends, in accordance with Subsection (7)(a), to an entity that does not register.
- 2531 (f) "Notice of failure to renew" means the notice the [~~lieutenant governor~~] secretary of
- 2532 state sends to a registered entity, in accordance with Subsection (7)(b).
- 2533 (g) "Notice of noncompliance" means the notice the [~~lieutenant governor~~] secretary of
- 2534 state sends to a registered entity, in accordance with Subsection (6)(c).
- 2535 (h) "Notice of non-registration" means the notice the [~~lieutenant governor~~] secretary of
- 2536 state sends to an entity and the state auditor, in accordance with Subsection (9).
- 2537 (i) "Notice of registration or renewal" means the notice the [~~lieutenant governor~~]
- 2538 secretary of state sends, in accordance with Subsection (6)(b)(i).

- 2539 (j) "Registered entity" means an entity with a valid registration as described in
2540 Subsection (8).
- 2541 (2) The ~~[lieutenant governor]~~ secretary of state shall:
- 2542 (a) create a registry of each local government entity and limited purpose entity within
2543 the state that:
- 2544 (i) contains the information described in Subsection (4); and
2545 (ii) is accessible on the ~~[lieutenant governor's]~~ secretary of state's website or otherwise
2546 publicly available; and
- 2547 (b) establish fees for registration and renewal, in accordance with Section 63J-1-504,
2548 based on and to directly offset the cost of creating, administering, and maintaining
2549 the registry.
- 2550 (3) Each local government entity and limited purpose entity shall:
- 2551 (a) ~~[on or before July 1, 2019,]~~ register with the ~~[lieutenant governor]~~ secretary of state
2552 as described in Subsection (4);
- 2553 (b) on or before one year after the day on which the ~~[lieutenant governor]~~ secretary of
2554 state issues the notice of registration or renewal, annually renew the entity's
2555 registration in accordance with Subsection (5); and
- 2556 (c) on or before 30 days after the day on which any of the information described in
2557 Subsection (4) changes, send notice of the changes to the ~~[lieutenant governor]~~
2558 secretary of state.
- 2559 (4) Each entity shall include the following information in the entity's registration
2560 submission:
- 2561 (a) the resolution or other legal or formal document creating the entity or, if the
2562 resolution or other legal or formal document creating the entity cannot be located,
2563 conclusive proof of the entity's lawful creation;
- 2564 (b) if the entity has geographic boundaries, a map or plat identifying the current
2565 geographic boundaries of the entity, or if it is impossible or unreasonably expensive
2566 to create a map or plat, a metes and bounds description, or another legal description
2567 that identifies the current boundaries of the entity;
- 2568 (c) the entity's name;
- 2569 (d) the entity's type of local government entity or limited purpose entity;
- 2570 (e) the entity's governmental function;
- 2571 (f) the entity's website, physical address, and phone number, including the name and
2572 contact information of an individual whom the entity designates as the primary

- 2573 contact for the entity;
- 2574 (g)(i) names, email addresses, and phone numbers of the members of the entity's
2575 governing board or commission, managing officers, or other similar managers and
2576 the method by which the members or officers are appointed, elected, or otherwise
2577 designated;
- 2578 (ii) the date of the most recent appointment or election of each entity governing board
2579 or commission member; and
- 2580 (iii) the date of the anticipated end of each entity governing board or commission
2581 member's term;
- 2582 (h) the entity's sources of revenue; and
- 2583 (i) if the entity has created an assessment area, as that term is defined in Section
2584 11-42-102, information regarding the creation, purpose, and boundaries of the
2585 assessment area.
- 2586 (5) Each entity shall include the following information in the entity's renewal submission:
- 2587 (a) identify and update any incorrect or outdated information the entity previously
2588 submitted during registration under Subsection (4); or
- 2589 (b) certify that the information the entity previously submitted during registration under
2590 Subsection (4) is correct without change.
- 2591 (6) Within 30 days [~~of receiving~~] after the day on which the secretary of state receives an
2592 entity's registration or renewal submission, the [~~lieutenant governor~~] secretary of state
2593 shall:
- 2594 (a) review the submission to determine compliance with Subsection (4) or (5);
- 2595 (b) if the [~~lieutenant governor~~] secretary of state determines that the entity's submission
2596 complies with Subsection (4) or (5):
- 2597 (i) send a notice of registration or renewal that includes the information that the entity
2598 submitted under Subsection (4) or (5) to:
- 2599 (A) the registering or renewing entity;
- 2600 (B) each county in which the entity operates, either in whole or in part, or where
2601 the entity's geographic boundaries overlap or are contained within the
2602 boundaries of the county;
- 2603 (C) the Division of Archives and Records Service; and
- 2604 (D) the Office of the Utah State Auditor; and
- 2605 (ii) publish the information from the submission on the registry, except any email
2606 address or phone number that is personal information as defined in Section

2607 63G-2-303; and

2608 (c) if the [~~lieutenant governor~~] secretary of state determines that the entity's submission
 2609 does not comply with Subsection (4) or (5) or is otherwise inaccurate or deficient,
 2610 send a notice of noncompliance to the registering or renewing entity that:

2611 (i) identifies each deficiency in the entity's submission with the corresponding
 2612 statutory requirement;

2613 (ii) establishes a deadline to cure the entity's noncompliance that is the first business
 2614 day that is at least 30 calendar days after the day on which the [~~lieutenant governor~~]
 2615 secretary of state sends the notice of noncompliance; and

2616 (iii) states that failure to comply by the deadline the [~~lieutenant governor~~] secretary of
 2617 state establishes under Subsection (6)(c)(ii) will result in the ~~Ĥ~~→ [**lieutenant**

2617a **governor**] **secretary of state** ←~~Ĥ~~

2618 sending a notice of non-registration to the Office of the Utah State Auditor, in
 2619 accordance with Subsection (9).

2620 (7)(a) If the [~~lieutenant governor~~] secretary of state identifies an entity that does not make
 2621 a registration submission in accordance with Subsection (4) by the deadline described
 2622 in Subsection (3), the [~~lieutenant governor~~] secretary of state shall send a notice of
 2623 failure to register to the registered entity that:

2624 (i) identifies the statutorily required registration deadline described in Subsection (3)
 2625 that the entity did not meet;

2626 (ii) establishes a deadline to cure the entity's failure to register that is the first
 2627 business day that is at least 10 calendar days after the day on which the [~~lieutenant~~
 2628 ~~governor~~] secretary of state sends the notice of failure to register; and

2629 (iii) states that failure to comply by the deadline the [~~lieutenant governor~~] secretary of
 2630 state establishes under Subsection (7)(a)(ii) will result in the [~~lieutenant governor~~]
 2631 secretary of state sending a notice of non-registration to the Office of the Utah
 2632 State Auditor, in accordance with Subsection (9).

2633 (b) If a registered entity does not make a renewal submission in accordance with
 2634 Subsection (5) by the deadline described in Subsection (3), the [~~lieutenant governor~~]
 2635 secretary of state shall send a notice of failure to renew to the registered entity that:

2636 (i) identifies the renewal deadline described in Subsection (3) that the entity did not
 2637 meet;

2638 (ii) establishes a deadline to cure the entity's failure to renew that is the first business
 2639 day that is at least 30 calendar days after the day on which the [~~lieutenant governor~~]

- 2640 secretary of state sends the notice of failure to renew; and
- 2641 (iii) states that failure to comply by the deadline the [~~lieutenant governor~~] secretary of
- 2642 state establishes under Subsection (7)(b)(ii) will result in the [~~lieutenant governor~~]
- 2643 secretary of state sending a notice of non-registration to the Office of the Utah
- 2644 State Auditor, in accordance with Subsection (9).
- 2645 (8) An entity's registration is valid:
- 2646 (a) if the entity makes a registration or renewal submission in accordance with the
- 2647 deadlines described in Subsection (3);
- 2648 (b) during the period the [~~lieutenant governor~~] secretary of state establishes in the notice
- 2649 of noncompliance or notice of failure to renew during which the entity may cure the
- 2650 identified registration deficiencies; and
- 2651 (c) for one year beginning on the day on which the [~~lieutenant governor~~] secretary of state
- 2652 issues the notice of registration or renewal.
- 2653 (9)(a) The [~~lieutenant governor~~] secretary of state shall send a notice of non-registration
- 2654 to the Office of the Utah State Auditor if an entity fails to:
- 2655 (i) cure the entity's noncompliance by the deadline the [~~lieutenant governor~~] secretary
- 2656 of state establishes in the notice of noncompliance;
- 2657 (ii) register by the deadline the [~~lieutenant governor~~] secretary of state establishes in
- 2658 the notice of failure to register; or
- 2659 (iii) cure the entity's failure to renew by the deadline the [~~lieutenant governor~~]
- 2660 secretary of state establishes in the notice of failure to renew.
- 2661 (b) The [~~lieutenant governor~~] secretary of state shall ensure that the notice of
- 2662 non-registration:
- 2663 (i) includes a copy of the notice of noncompliance, the notice of failure to register, or
- 2664 the notice of failure to renew; and
- 2665 (ii) requests that the state auditor withhold state allocated funds or the disbursement
- 2666 of property taxes and prohibit the entity from accessing money held by the state or
- 2667 money held in an account of a financial institution, in accordance with
- 2668 Subsections 67-3-1(7)(i) and 67-3-1(10).
- 2669 (10) The [~~lieutenant governor~~] secretary of state may extend a deadline under this section if
- 2670 an entity notifies the [~~lieutenant governor~~] secretary of state, before the deadline to be
- 2671 extended, of the existence of an extenuating circumstance that is outside the control of
- 2672 the entity.
- 2673 (11)(a) An entity is not required to renew submission of a registration under this section

2674 if an entity provides a record of dissolution.

2675 (b) The [~~lieutenant governor~~] secretary of state shall include in the registry an entity's
2676 record of dissolution and indicate on the registry that the entity is dissolved.

2677 Section 34. Section **67-5-17** is amended to read:

2678 **67-5-17 (Contingently Effective 01/01/29). Attorney-client relationship.**

2679 (1) When representing the governor, lieutenant governor, secretary of state, auditor, or
2680 treasurer, or when representing an agency under the supervision of any of those officers,
2681 the attorney general shall:

2682 (a) keep the officer or the officer's designee reasonably informed about the status of a
2683 matter and promptly comply with reasonable requests for information;

2684 (b) explain a matter to the extent reasonably necessary to enable the officer or the
2685 officer's designee to make informed decisions regarding the representation;

2686 (c) abide by the officer's or designee's decisions concerning the objectives of the
2687 representation and consult with the officer or designee as to the means by which they
2688 are to be pursued; and

2689 (d) jointly by agreement, establish protocols with the officer to facilitate
2690 communications and working relationships with the officer or agencies under the
2691 officer's supervision.

2692 (2) Nothing in Subsection (1) modifies or [~~supereedes~~] supersedes any independent legal
2693 authority granted specifically by statute to the attorney general.

2694 (3) When the attorney general institutes or maintains a civil enforcement action on behalf of
2695 the state of Utah that is not covered under Subsection (1), the attorney general shall:

2696 (a) fully advise the governor, as the officer in whom the executive authority of the state
2697 is vested, before instituting the action, entering into a settlement or consent decree, or
2698 taking an appeal; and

2699 (b) keep the governor reasonably informed about the status of the matter and promptly
2700 comply with reasonable requests for information.

2701 (4) In a civil action not covered under Subsection (1) or (3), the attorney general shall:

2702 (a) keep the governor reasonably informed about the status of the matter and promptly
2703 comply with reasonable requests for information;

2704 (b) explain the matter to the extent reasonably necessary to enable the governor to make
2705 informed decisions regarding the representation; and

2706 (c) abide by the governor's decisions concerning the objectives of the representation and
2707 consult with the governor as to the means by which they are to be pursued.

2708 (5) The governor may appear in any civil legal action involving the state and appoint legal
 2709 counsel to advise or appear on behalf of the governor. The court shall allow the
 2710 governor's appearance.

2711 (6)(a) As used in this section, "cooperative state litigation" means:

2712 (i) an anticipated or pending settlement that may require approval by the Legislature
 2713 or the Legislative Management Committee in accordance with Title 63G, Chapter
 2714 10, State Settlement Agreements Act; or

2715 (ii) anticipated or pending litigation in which:

2716 (A) a party challenges the constitutionality of a state law; or

2717 (B) the state challenges a federal law or regulation.

2718 (b) When the Office of the Attorney General discusses or shares with persons within the
 2719 legislative branch documents or information related to cooperative state litigation, the
 2720 sharing is in furtherance of matters of common interest between the represented
 2721 parties.

2722 Section 35. Section **67-8-5** is amended to read:

2723 **67-8-5 (Contingently Effective 05/06/26). Duties of commission -- Salary**
 2724 **recommendations.**

2725 (1) The commission shall recommend to the Legislature:

2726 (a) salaries for the governor, the lieutenant governor, the attorney general, the secretary
 2727 of state, the state auditor, and the state treasurer; and

2728 (b) salaries for justices of the Supreme Court and judges of the constitutional and
 2729 statutory courts of record.

2730 (2) In making the salary recommendations described in Subsection (1), the commission
 2731 shall:

2732 (a) consider:

2733 (i) the education and experience required for the position;

2734 (ii) the responsibility required of the position;

2735 (iii) whether the position requires accountability for funds or staff;

2736 (iv) wages paid for other comparable public and private employment in the state and
 2737 in other similarly situated states;

2738 (v) any increase in the Consumer Price Index since the commission's last
 2739 recommendations; and

2740 (vi) any other factors typically used to make similar recommendations;

2741 (b) consult with the Division of Human Resource Management; and

- 2742 (c) for the salary recommendations described in Subsection (1)(b), consult with the
 2743 Judicial Council.
- 2744 (3) No later than January 2, the commission shall submit an annual electronic report to the
 2745 Executive Appropriations Committee, the president of the Senate, the speaker of the
 2746 House of Representatives, and the governor that:
- 2747 (a) briefly summarizes the commission's activities during the previous calendar year; and
 2748 (b) provides any recommendations to modify the salaries of:
- 2749 (i) the governor, lieutenant governor, attorney general, secretary of state, state
 2750 auditor, or state treasurer; or
- 2751 (ii) the justices of the Supreme Court or judges of the constitutional and statutory
 2752 courts of record.
- 2753 (4) The Judicial Council shall cooperate with the commission in providing information
 2754 relevant to the duties of the commission.

2755 Section 36. Section **67-9-1** is amended to read:

2756 **67-9-1 (Contingently Effective 01/01/29). Appointment -- Powers.**

- 2757 (1) The state auditor, the state treasurer, the attorney general, the secretary of state, and the
 2758 superintendent of public instruction may each appoint a deputy, who may, during the
 2759 absence or disability of the principal, perform all the duties pertaining to the office,
 2760 except those required of the principal as a member of any board.
- 2761 (2) The principal shall be answerable for the neglect or misconduct in office of the
 2762 principal's deputy, and may require the deputy to obtain crime insurance.
- 2763 (3) The principal:
- 2764 (a) shall, if the principal appoints a deputy:
- 2765 (i) make the appointment in writing; and
 2766 (ii) file the written appointment with the lieutenant governor;
- 2767 (b) may revoke the appointment of the principal's deputy, at will, in writing; and
 2768 (c) shall, if the principal revokes appointment of a deputy, file the written revocation
 2769 with the [~~lieutenant governor~~] secretary of state.

2770 Section 37. Section **67-22-1** is amended to read:

2771 **67-22-1 (Contingently Effective 05/06/26). Compensation -- Constitutional**
 2772 **offices.**

- 2773 (1)(a) The salary for the governor shall be set annually by the Legislature in an
 2774 appropriations act.
- 2775 (b) Constitutional office salaries shall be based on the following percentages of the

- 2776 salary of the governor:
- 2777 (i) lieutenant governor: 90% of the governor's salary;
- 2778 (ii) attorney general: 95% of the governor's salary;
- 2779 ~~(iii) secretary of state: 90% of the governor's salary;~~
- 2780 ~~[(iii)] (iv) state auditor: 90% of the governor's salary; and~~
- 2781 ~~[(iv)] (v) state treasurer: 90% of the governor's salary.~~
- 2782 (2) The Legislature fixes benefits for the constitutional offices as follows:
- 2783 (a) governor:
- 2784 (i) a vehicle for official and personal use;
- 2785 (ii) housing;
- 2786 (iii) household and security staff;
- 2787 (iv) household expenses;
- 2788 (v) retirement benefits as provided in Title 49, Utah State Retirement and Insurance
- 2789 Benefit Act;
- 2790 (vi) health insurance;
- 2791 (vii) dental insurance;
- 2792 (viii) basic life insurance;
- 2793 (ix) workers' compensation;
- 2794 (x) required employer contribution to Social Security;
- 2795 (xi) long-term disability income insurance; and
- 2796 (xii) the same additional state paid life insurance available to other noncareer service
- 2797 employees; and
- 2798 (b) lieutenant governor, attorney general, secretary of state, state auditor, and state
- 2799 treasurer:
- 2800 (i) a vehicle for official and personal use;
- 2801 (ii) the option of participating in a:
- 2802 (A) state retirement system in accordance with Title 49, Utah State Retirement
- 2803 and Insurance Benefit Act:
- 2804 (I) Chapter 12, Public Employees' Contributory Retirement Act;
- 2805 (II) Chapter 13, Public Employees' Noncontributory Retirement Act; or
- 2806 (III) Chapter 22, New Public Employees' Tier II Contributory Retirement Act;
- 2807 or
- 2808 (B) deferred compensation plan administered by the State Retirement Office, in
- 2809 accordance with the Internal Revenue Code and its accompanying rules and

2810 regulations;

2811 (iii) health insurance;

2812 (iv) dental insurance;

2813 (v) basic life insurance;

2814 (vi) workers' compensation;

2815 (vii) required employer contribution to Social Security;

2816 (viii) long-term disability income insurance; and

2817 (ix) the same additional state paid life insurance available to other noncareer service

2818 employees.

2819 (3) Each constitutional office shall pay the cost of the additional state-paid life insurance

2820 for its constitutional officer from its existing budget.

2821 Section 38. Section **81-2-305** is amended to read:

2822 **81-2-305 (Contingently Effective 01/01/29). Who may solemnize marriages --**

2823 **Certificate.**

2824 (1) The following individuals may solemnize a marriage:

2825 (a) an individual 18 years old or older who is authorized by a religious denomination to

2826 solemnize a marriage;

2827 (b) a Native American spiritual advisor;

2828 (c) the governor;

2829 (d) the lieutenant governor;

2830 (e) the state attorney general;

2831 (f) the secretary of state;

2832 [~~(f)~~] (g) the state treasurer;

2833 [~~(g)~~] (h) the state auditor;

2834 [~~(h)~~] (i) a mayor of a municipality or county executive;

2835 [~~(i)~~] (j) a justice, judge, or commissioner of a court of record;

2836 [~~(j)~~] (k) a judge of a court not of record of the state;

2837 [~~(k)~~] (l) a judge or magistrate of the United States;

2838 [~~(l)~~] (m) the county clerk of any county in the state or the county clerk's designee as

2839 authorized by Section 17-70-302;

2840 [~~(m)~~] (n) a senator or representative of the Utah Legislature;

2841 [~~(n)~~] (o) a member of the state's congressional delegation;

2842 [~~(o)~~] (p) a judge or magistrate who holds office in Utah when retired, under rules set by

2843 the Supreme Court; or

- 2844 ~~[(p)]~~ (q) a military chaplain.
- 2845 (2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to
- 2846 the couple married a certificate of marriage that shows the:
- 2847 (a) name of the county from which the license is issued; and
- 2848 (b) date of the license's issuance.
- 2849 (3) Except for an individual described in Subsection (1)(l), an individual described in
- 2850 Subsection (1) has discretion to solemnize a marriage.
- 2851 (4) Except as provided in Section 17-70-302 and Subsection (1)(l), and notwithstanding any
- 2852 other provision in law, no individual authorized under Subsection (1) to solemnize a
- 2853 marriage may delegate or deputize another individual to perform the function of
- 2854 solemnizing a marriage.
- 2855 (5)(a) Within 30 days after the day on which a marriage is solemnized, the individual
- 2856 solemnizing the marriage shall return the marriage license to the county clerk that
- 2857 issued the marriage license with a certificate of the marriage over the individual's
- 2858 signature stating the date and place of solemnization and the names of two or more
- 2859 witnesses present at the marriage.
- 2860 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty
- 2861 of an infraction.
- 2862 (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a
- 2863 false statement on a certificate of marriage is guilty of perjury and may be prosecuted
- 2864 and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official
- 2865 Matters.
- 2866 (6)(a) An individual is guilty of a third degree felony if the individual knowingly:
- 2867 (i) solemnizes a marriage without a valid marriage license; or
- 2868 (ii) solemnizes a marriage in violation of this section.
- 2869 (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or
- 2870 without a marriage license, solemnizes a marriage between two individuals who are
- 2871 18 years old or older that is prohibited by law.

2872 Section 39. **Repealer.**

2873 This bill repeals:

2874 Section **67-1a-6, Designation as secretary of state -- Duties.**

2875 Section 40. **Effective Date.**

- 2876 (1) Except as provided in Subsection (2), this bill takes effect January 1, 2027, if the
- 2877 amendment to the Utah Constitution proposed by H.J.R. 25, Proposal to Amend Utah

- 2878 Constitution - Secretary of State, 2026 General Session, passes the Legislature and is
2879 approved by a majority of those voting on it at the next regular general election.
- 2880 (2) The actions affecting the following sections take effect on January 1, 2029, if the
2881 amendment to the Utah Constitution proposed by H.J.R. 25, Proposal to Amend Utah
2882 Constitution - Secretary of State, 2026 General Session, passes the Legislature and is
2883 approved by a majority of those voting on it at the next regular general election:
- 2884 (a) Section 67-1a-2(Contingently Effective 01/01/29);
2885 (b) Section 67-1a-6(Contingently Effective 01/01/29);
2886 (c) Section 67-1c-101(Contingently Effective 01/01/29);
2887 (d) Section 67-1c-102(Contingently Effective 01/01/29);
2888 (e) Section 67-1c-201(Contingently Effective 01/01/29);
2889 (f) Section 67-1a-2.2(Contingently Effective 01/01/29);
2890 (g) Section 67-1a-8(Contingently Effective 01/01/29);
2891 (h) Section 67-1a-7(Contingently Effective 01/01/29);
2892 (i) Section 67-1a-2.5(Contingently Effective 01/01/29);
2893 (j) Section 67-1a-12(Contingently Effective 01/01/29);
2894 (k) Section 67-1a-13(Contingently Effective 01/01/29);
2895 (l) Section 67-1c-401(Contingently Effective 01/01/29);
2896 (m) Section 67-1a-6.5(Contingently Effective 01/01/29);
2897 (n) Section 67-1a-6.7(Contingently Effective 01/01/29);
2898 (o) Section 67-1a-15(Contingently Effective 01/01/29);
2899 (p) Section 67-5-17(Contingently Effective 01/01/29);
2900 (q) Section 67-9-1(Contingently Effective 01/01/29); and
2901 (r) Section 81-2-305(Contingently Effective 01/01/29).