

Jefferson S. Burton proposes the following substitute bill:

Election Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a county clerk's or election officer's name from:
 - inclusion in the official endorsement for a ballot;
 - inclusion on a return envelope for a ballot; or
 - inclusion on a ballot, except to the extent that the county clerk or election officer is listed as a candidate on the ballot;
- ▶ enacts a temporary provision regarding the computation of time;
- ▶ prohibits certain action by a county clerk;
- ▶ requires the lieutenant governor to create a written conflict of interest avoidance plan;
- ▶ establishes the crime of electronic communications abuse of elections or elected office;
- ▶ subject to certain exceptions, provides that, when poll workers verify a voter's identity in relation to a ballot returned by mail, the poll workers are required to verify the signature on the affidavit in addition to the last four digits of an identification number;
- ▶ requires an incumbent county clerk who is running for reelection to contract with another county clerk to provide certain services in relation to verifying candidate signatures for the race;
- ▶ permits the use of campaign funds for certain goods or services relating to security; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17-69-202**, as renumbered and amended by Laws of Utah 2025, First Special Session,
33 Chapter 13

34 **17-70-403**, as renumbered and amended by Laws of Utah 2025, First Special Session,
35 Chapter 13

36 **20A-1-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 6

37 **20A-1-104**, as repealed and reenacted by Laws of Utah 2025, Chapter 448

38 **20A-1-106**, as enacted by Laws of Utah 2023, Chapter 297

39 **20A-1-502**, as last amended by Laws of Utah 2025, Chapter 448

40 **20A-1-503**, as last amended by Laws of Utah 2025, Chapters 90, 448

41 **20A-1-504**, as last amended by Laws of Utah 2025, Chapter 90

42 **20A-1-508**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

43 **20A-1-509.1**, as last amended by Laws of Utah 2025, Second Special Session, Chapter 2

44 **20A-1-509.2**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

45 **20A-1-513**, as last amended by Laws of Utah 2025, Chapter 448

46 **20A-1-609**, as last amended by Laws of Utah 2022, Chapter 325

47 **20A-3a-202**, as last amended by Laws of Utah 2025, Chapters 381, 448

48 **20A-3a-401**, as last amended by Laws of Utah 2025, First Special Session, Chapter 6

49 **20A-6-301**, as last amended by Laws of Utah 2025, Chapter 39

50 **20A-6-401**, as last amended by Laws of Utah 2025, Chapter 39

51 **20A-6-401.1**, as last amended by Laws of Utah 2025, Chapter 39

52 **20A-6-402**, as last amended by Laws of Utah 2025, Chapter 39

53 **20A-11-104**, as last amended by Laws of Utah 2024, Chapter 447

54 **20A-11-204**, as last amended by Laws of Utah 2025, Chapters 90, 448

55 **20A-11-1303**, as last amended by Laws of Utah 2025, Chapters 90, 448

56 **63I-2-220**, as last amended by Laws of Utah 2024, Forth Special Session, Chapter 2

57 ENACTS:

58 **20A-1-109**, Utah Code Annotated 1953

59 **20A-1-608.1**, Utah Code Annotated 1953

60 **20A-9-408.4**, Utah Code Annotated 1953

61

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

63 Section 1. Section **17-69-202** is amended to read:

64 **17-69-202 . Qualifications for a county auditor in a county of the first class.**

65 (1) In a county of the first class, in addition to the requirements described in Section
66 17-66-201, an individual filing a declaration of candidacy for the office of county
67 auditor, an individual elected to the office of county auditor, or an interim replacement
68 appointed under Subsection 20A-1-508(3) or (4), shall have one or more of the
69 following professional certifications active and in good standing:

- 70 (a) certified public accountant;
71 (b) certified internal auditor;
72 (c) certified fraud examiner;
73 (d) certified management accountant; or
74 (e) certified information systems auditor.

75 (2) Subsection (1) does not apply to any other position within an auditor's office, except
76 that a chief deputy or other individual filling the vacancy of an elected auditor in a
77 county of the first class may not be appointed as an interim replacement under
78 Subsection 20A-1-508(3) or (4) unless the individual meets the qualifications of
79 Subsection (1) and Section 17-66-201.

80 Section 2. Section **17-70-403** is amended to read:

81 **17-70-403 . Campaign financial disclosure in county elections.**

82 (1) A county shall adopt an ordinance establishing campaign finance disclosure
83 requirements for:

- 84 (a) candidates for county office; and
85 (b) candidates for local school board office who reside in that county.

86 (2) The ordinance required by Subsection (1) shall include:

87 (a) a requirement that each candidate for county office or local school board office
88 report the candidate's itemized and total campaign contributions and expenditures at
89 least once within the two weeks before the election and at least once within two
90 months after the election;

91 (b) a definition of "contribution" and "expenditure" that requires reporting of
92 nonmonetary contributions such as in-kind contributions and contributions of
93 tangible things;

94 (c) a requirement that the financial reports identify:

- 95 (i) for each contribution, the name of the donor of the contribution, if known, and the
96 amount of the contribution; and

- 97 (ii) for each expenditure, the name of the recipient and the amount of the expenditure;
- 98 (d) a requirement that a candidate for county office or local school board office deposit a
99 contribution in a separate campaign account into a financial institution;
- 100 (e) a prohibition against a candidate for county office or local school board office
101 depositing or mingling any contributions received into a personal or business account;
- 102 (f) a requirement that a candidate for county office who receives a contribution that is
103 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is
104 unknown, shall, within 30 days after receiving the contribution, disburse the amount
105 of the contribution to:
- 106 (i) the treasurer of the state or a political subdivision for deposit into the state's or
107 political subdivision's general fund; or
- 108 (ii) an organization that is exempt from federal income taxation under Section
109 501(c)(3), Internal Revenue Code;
- 110 (g) a requirement that a candidate seeking appointment to fill a midterm vacancy in a
111 county office or local school board office file the financial report described in
112 Subsection (2)(c) with the county clerk:
- 113 (i) for a county office vacancy described in Subsection 20A-1-508(3)[~~or (7)~~], (4), or
114 (9), no later than three business days before the day on which the political party of
115 the prior officeholder submits the candidate's name to the county legislative body
116 as the individual the political party selects to fill the vacancy;
- 117 (ii) for a county or district attorney office vacancy described in Subsection
118 20A-1-509.1(5)(a), no later than three business days before the day on which the
119 political party of the prior officeholder submits the candidate's name to the county
120 legislative body as one of the three individuals the party nominates to fill the
121 vacancy;
- 122 (iii) for a county or district attorney office vacancy described in Section 20A-1-509.2:
123 (A) no later than the deadline for the candidate to submit an application to fill the
124 vacancy under Subsection 20A-1-509.2(2)(c); and
125 (B) if, under Subsection 20A-1-509.2(3), more than three attorneys submit an
126 application to fill the vacancy, no later than three business days before the day
127 on which the political party of the prior officeholder submits the candidate's
128 name to the county legislative body as one of the three individuals the party
129 nominates to fill the vacancy; or
- 130 (iv) for a local school board office vacancy, no later than three business days before

- 131 the day on which the local school board meets to interview each candidate
132 interested in filling the vacancy in accordance with Section 20A-1-511; and
- 133 (h) a requirement that, upon receipt of the financial report described in Subsection (2)(g),
134 the county clerk immediately submit a copy of the report to the county legislative
135 body.
- 136 (3)(a) As used in this Subsection (3), "account" means an account in a financial
137 institution:
- 138 (i) that is not described in Subsection (2)(d); and
139 (ii) into which or from which a person who, as a candidate for an office, other than a
140 county office for which the person files a declaration of candidacy or federal
141 office, or as a holder of an office, other than a county office for which the person
142 files a declaration of candidacy or federal office, deposits a contribution or makes
143 an expenditure.
- 144 (b) The ordinance required by Subsection (1) shall include a requirement that a
145 candidate for county office or local school board office include on a financial report
146 filed in accordance with the ordinance a contribution deposited in or an expenditure
147 made from an account:
- 148 (i) since the last financial report was filed; or
149 (ii) that has not been reported under a statute or ordinance that governs the account.
- 150 (4) If any county fails to adopt a campaign finance disclosure ordinance described in
151 Subsection (1), candidates for county office, other than community council office, and
152 candidates for local school board office shall comply with the financial reporting
153 requirements contained in Subsections (5) through (10).
- 154 (5) A candidate for elective office in a county or local school board office:
- 155 (a) shall deposit a contribution into a separate campaign account in a financial
156 institution; and
157 (b) may not deposit or mingle any contributions received into a personal or business
158 account.
- 159 (6) Each candidate for elective office in any county who is not required to submit a
160 campaign financial statement to the lieutenant governor, and each candidate for local
161 school board office, shall file a signed campaign financial statement with the county
162 clerk:
- 163 (a) seven days before the date of the regular general election, reporting each contribution
164 and each expenditure as of 10 days before the date of the regular general election; and

- 165 (b) no later than 30 days after the date of the regular general election.
- 166 (7)(a) The statement filed seven days before the regular general election shall include:
- 167 (i) a list of each contribution received by the candidate, and the name of the donor, if
- 168 known; and
- 169 (ii) a list of each expenditure for political purposes made during the campaign period,
- 170 and the recipient of each expenditure.
- 171 (b) The statement filed 30 days after the regular general election shall include:
- 172 (i) a list of each contribution received after the cutoff date for the statement filed
- 173 seven days before the election, and the name of the donor; and
- 174 (ii) a list of all expenditures for political purposes made by the candidate after the
- 175 cutoff date for the statement filed seven days before the election, and the recipient
- 176 of each expenditure.
- 177 (8)(a) As used in this Subsection (8), "account" means an account in a financial
- 178 institution:
- 179 (i) that is not described in Subsection (5)(a); and
- 180 (ii) into which or from which a person who, as a candidate for an office, other than a
- 181 county office for which the person filed a declaration of candidacy or federal
- 182 office, or as a holder of an office, other than a county office for which the person
- 183 filed a declaration of candidacy or federal office, deposits a contribution or makes
- 184 an expenditure.
- 185 (b) A county office candidate and a local school board office candidate shall include on
- 186 any campaign financial statement filed in accordance with Subsection (6) or (7):
- 187 (i) a contribution deposited into an account:
- 188 (A) since the last campaign finance statement was filed; or
- 189 (B) that has not been reported under a statute or ordinance that governs the
- 190 account; or
- 191 (ii) an expenditure made from an account:
- 192 (A) since the last campaign finance statement was filed; or
- 193 (B) that has not been reported under a statute or ordinance that governs the
- 194 account.
- 195 (9) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
- 196 exceeds \$50, and is from a donor whose name is unknown, a county office candidate
- 197 shall disburse the amount of the contribution to:
- 198 (a) the treasurer of the state or a political subdivision for deposit into the state's or

- 199 political subdivision's general fund; or
- 200 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 201 Internal Revenue Code.
- 202 (10) Candidates for elective office in any county, and candidates for local school board
- 203 office, who are eliminated at a primary election shall file a signed campaign financial
- 204 statement containing the information required by this section not later than 30 days after
- 205 the primary election.
- 206 (11)(a) A candidate seeking appointment to fill a midterm vacancy in a county office or
- 207 local school board office shall:
- 208 (i) comply with Subsections (5) and (9); and
- 209 (ii) file a signed campaign financial statement with the county clerk no later than the
- 210 deadline described in Subsection (2)(g).
- 211 (b) Upon receipt of the campaign financial statement described in Subsection (11)(a)(ii),
- 212 the county clerk shall immediately submit a copy of the statement to the county
- 213 legislative body.
- 214 (12) Any individual who fails to comply with this section is guilty of an infraction.
- 215 (13)(a) Counties may, by ordinance, enact requirements that:
- 216 (i) require greater disclosure of campaign contributions and expenditures; and
- 217 (ii) impose additional penalties.
- 218 (b) The requirements described in Subsection (13)(a) apply to a local school board office
- 219 candidate who resides in that county.
- 220 (14) If a candidate fails to file an interim report due before the election, the county clerk:
- 221 (a) may send an electronic notice to the candidate and the political party of which the
- 222 candidate is a member, if any, that states:
- 223 (i) that the candidate failed to timely file the report; and
- 224 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
- 225 filing the report, the candidate will be disqualified and the political party will not
- 226 be permitted to replace the candidate; and
- 227 (b) impose a fine of \$100 on the candidate.
- 228 (15)(a) The county clerk shall disqualify a candidate and inform the appropriate election
- 229 officials that the candidate is disqualified if the candidate fails to file an interim
- 230 report described in Subsection (14) within 24 hours after the deadline for filing the
- 231 report.
- 232 (b) The political party of a candidate who is disqualified under Subsection (15)(a) may

233 not replace the candidate.

234 (c) A candidate who is disqualified under Subsection (15)(a) shall file with the county
235 clerk a complete and accurate campaign finance statement within 30 days after the
236 day on which the candidate is disqualified.

237 (16) If a candidate is disqualified under Subsection (15)(a), the election official:

238 (a) shall:

239 (i) notify every opposing candidate for the county office that the candidate is
240 disqualified;

241 (ii) send an email notification to each voter who is eligible to vote in the county
242 election office race for whom the election official has an email address informing
243 the voter that the candidate is disqualified and that votes cast for the candidate will
244 not be counted;

245 (iii) post notice of the disqualification on the county's website; and

246 (iv) if practicable, remove the candidate's name from the ballot by blacking out the
247 candidate's name before the ballots are delivered to voters; and

248 (b) may not count any votes for that candidate.

249 (17) An election official may fulfill the requirement described in Subsection (16)(a) in
250 relation to a mailed ballot, including a military or overseas ballot, by including with the
251 ballot a written notice directing the voter to the county's website to inform the voter
252 whether a candidate on the ballot is disqualified.

253 (18) A candidate is not disqualified if:

254 (a) the candidate files the interim reports described in Subsection (14) no later than 24
255 hours after the applicable deadlines for filing the reports;

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

259 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
260 next scheduled report.

261 (19)(a) A report is considered timely filed if:

262 (i) the report is received in the county clerk's office no later than midnight, Mountain
263 Time, at the end of the day on which the report is due;

264 (ii) the report is received in the county clerk's office with a United States Postal
265 Service postmark three days or more before the date that the report was due; or

266 (iii) the candidate has proof that the report was mailed, with appropriate postage and

- 267 addressing, three days before the report was due.
- 268 (b) For a county clerk's office that is not open until midnight at the end of the day on
269 which a report is due, the county clerk shall permit a candidate to file the report via
270 email or another electronic means designated by the county clerk.
- 271 (20)(a) Any private party in interest may bring an action in a court with jurisdiction
272 under Title 78A, Judiciary and Judicial Administration, to enforce the provisions of
273 this section or any ordinance adopted under this section.
- 274 (b) In a civil action filed under Subsection (20)(a), the court shall award costs and
275 attorney fees to the prevailing party.
- 276 (21) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
277 and Management Act, the county clerk shall:
- 278 (a) make each campaign finance statement filed by a candidate available for public
279 inspection and copying no later than one business day after the statement is filed; and
- 280 (b) make the campaign finance statement filed by a candidate available for public
281 inspection by:
- 282 (i) posting an electronic copy or the contents of the statement on the county's website
283 no later than seven business days after the day on which the statement is filed; and
- 284 (ii) in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing
285 the lieutenant governor with a link to the electronic posting described in
286 Subsection (21)(b)(i) no later than two business days after the day the statement is
287 filed.
- 288 Section 3. Section **20A-1-102** is amended to read:
- 289 **20A-1-102 . Definitions.**
- 290 As used in this title:
- 291 (1) "Active voter" means a registered voter who has not been classified as an inactive voter
292 by the county clerk.
- 293 (2) "Automatic tabulating equipment" means apparatus that automatically examines and
294 counts votes recorded on ballots and tabulates the results.
- 295 (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
296 storage medium, that records an individual voter's vote.
- 297 (b) "Ballot" does not include a record to tally multiple votes.
- 298 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on
299 the ballot for their approval or rejection including:
- 300 (a) an opinion question specifically authorized by the Legislature;

- 301 (b) a constitutional amendment;
- 302 (c) an initiative;
- 303 (d) a referendum;
- 304 (e) a bond proposition;
- 305 (f) a judicial retention question;
- 306 (g) an incorporation of a city or town; or
- 307 (h) any other ballot question specifically authorized by the Legislature.
- 308 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together
- 309 using staples or another means in at least three places across the top of the paper in the
- 310 blank space reserved for securing the paper.
- 311 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
- 312 20A-4-306 to canvass election returns.
- 313 (7) "Bond election" means an election held for the purpose of approving or rejecting the
- 314 proposed issuance of bonds by a government entity.
- 315 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not
- 316 a holiday.
- 317 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by
- 318 the sender.
- 319 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday,
- 320 a business day, or any other type of day.
- 321 (11) "Canvass" means the review of election returns and the official declaration of election
- 322 results by the board of canvassers.
- 323 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the
- 324 canvass.
- 325 (13) "Contracting election officer" means an election officer who enters into a contract or
- 326 interlocal agreement with a provider election officer.
- 327 (14) "Convention" means the political party convention at which party officers and
- 328 delegates are selected.
- 329 (15) "Counting center" means one or more locations selected by the election officer in
- 330 charge of the election for the automatic counting of ballots.
- 331 (16) "Counting judge" means a poll worker designated to count the ballots during election
- 332 day.
- 333 (17) "Counting room" means a suitable and convenient private place or room for use by the
- 334 poll workers and counting judges to count ballots.

- 335 (18) "County officers" means those county officers that are required by law to be elected.
- 336 (19) "Date of the election" or "election day" or "day of the election":
- 337 (a) means the day that is specified in the calendar year as the day on which the election
- 338 occurs; and
- 339 (b) does not include:
- 340 (i) deadlines established for voting by mail, military-overseas voting, or emergency
- 341 voting; or
- 342 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,
- 343 Early Voting.
- 344 (20) "Elected official" means:
- 345 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
- 346 Municipal Alternate Voting Methods Pilot Project;
- 347 (b) a person who is considered to be elected to a municipal office in accordance with
- 348 Subsection 20A-1-206(1)(c)(ii); or
- 349 (c) a person who is considered to be elected to a special district office in accordance
- 350 with Subsection 20A-1-206(3)(b)(ii).
- 351 (21) "Election" means a regular general election, a municipal general election, a statewide
- 352 special election, a local special election, a regular primary election, a municipal primary
- 353 election, and a special district election.
- 354 (22) "Election Assistance Commission" means the commission established by the Help
- 355 America Vote Act of 2002, Pub. L. No. 107-252.
- 356 (23) "Election cycle" means the period beginning on the first day on which individuals are
- 357 eligible to file declarations of candidacy and ending when the canvass is completed.
- 358 (24) "Election judge" means a poll worker that is assigned to:
- 359 (a) preside over other poll workers at a polling place;
- 360 (b) act as the presiding election judge; or
- 361 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 362 (25) "Election material" includes:
- 363 (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);
- 364 (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);
- 365 (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);
- 366 (d) any chain of custody documentation described in Section 20A-3a-401.1, including:
- 367 (i) the count of ballots described in Subsection 20A-3a-401.1(3); and
- 368 (ii) the batch log described in Subsection 20A-3a-401.1(5);

- 369 (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);
370 (f) the affidavit of compliance described in Subsection 20A-3a-404(2);
371 (g) the physical and electronic log of replicated ballots described in Subsection
372 20A-4-104(3);
373 (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;
374 (i) the record of voter database access described in Subsection 20A-5-905(2);
375 (j) the reports on military and overseas voters described in Section 20A-16-202;
376 (k) scanned copies of return envelopes;
377 (l) a copy of the final election results database described in Section 20A-5-802.5; and
378 (m) the materials used in the programming of the automatic tabulating equipment.

379 (26) "Election officer" means:

- 380 (a) the lieutenant governor, for all statewide ballots and elections;
381 (b) the county clerk for:
382 (i) a county ballot and election; and
383 (ii) a ballot and election as a provider election officer as provided in Section
384 20A-5-400.1 or 20A-5-400.5;
385 (c) the municipal clerk for:
386 (i) a municipal ballot and election; and
387 (ii) a ballot and election as a provider election officer as provided in Section
388 20A-5-400.1 or 20A-5-400.5;
389 (d) the special district clerk or chief executive officer for:
390 (i) a special district ballot and election; and
391 (ii) a ballot and election as a provider election officer as provided in Section
392 20A-5-400.1 or 20A-5-400.5; or
393 (e) the business administrator or superintendent of a school district for:
394 (i) a school district ballot and election; and
395 (ii) a ballot and election as a provider election officer as provided in Section
396 20A-5-400.1 or 20A-5-400.5.

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

398 (28) "Election results" means:

- 399 (a) for an election other than a bond election, the count of votes cast in the election and
400 the election returns requested by the board of canvassers; or
401 (b) for bond elections, the count of those votes cast for and against the bond proposition
402 plus any or all of the election returns that the board of canvassers may request.

- 403 (29) "Election results database" means the following information generated by voting
404 equipment:
- 405 (a) one or more electronic files that contains a digital interpretation of each ballot that is
406 counted in an election;
 - 407 (b) a ballot image; and
 - 408 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.
- 409 (30) "Election returns" means:
- 410 (a) the pollbook;
 - 411 (b) the military and overseas absentee voter registration and voting certificates;
 - 412 (c) one of the tally sheets;
 - 413 (d) any unprocessed ballots;
 - 414 (e) all counted ballots;
 - 415 (f) all excess ballots;
 - 416 (g) all unused ballots;
 - 417 (h) all spoiled ballots;
 - 418 (i) all ballot disposition forms, including any provisional ballot disposition forms;
 - 419 (j) the final election results database described in Section 20A-5-802.5;
 - 420 (k) all return envelopes;
 - 421 (l) any provisional ballot envelopes; and
 - 422 (m) the total votes cast form.
- 423 (31) "Electronic signature" means an electronic sound, symbol, or process attached to or
424 logically associated with a record and executed or adopted by a person with the intent to
425 sign the record.
- 426 (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- 427 (33) "Inactive voter" means a registered voter who is listed as inactive by a county clerk
428 under Subsection 20A-2-505(4)(c)(i) or (ii).
- 429 (34) "Judicial office" means the office filled by any judicial officer.
- 430 (35) "Judicial officer" means any justice or judge of a court of record or any county court
431 judge.
- 432 (36) "Local election" means a regular county election, a regular municipal election, a
433 municipal primary election, a local special election, a special district election, and a
434 bond election.
- 435 (37) "Local political subdivision" means a county, a municipality, a special district, or a
436 local school district.

- 437 (38) "Local special election" means a special election called by the governing body of a
438 local political subdivision in which all registered voters of the local political subdivision
439 may vote.
- 440 (39) "Manual ballot" means a paper document produced by an election officer on which an
441 individual records an individual's vote by directly placing a mark on the paper document
442 using a pen or other marking instrument.
- 443 (40) "Mechanical ballot" means a record, including a paper record, electronic record, or
444 mechanical record, that:
- 445 (a) is created via electronic or mechanical means; and
446 (b) records an individual voter's vote cast via a method other than an individual directly
447 placing a mark, using a pen or other marking instrument, to record an individual
448 voter's vote.
- 449 (41) "Municipal executive" means:
- 450 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
451 (b) the mayor in the council-manager form of government defined in Subsection
452 10-3b-103(6).
- 453 (42) "Municipal general election" means the election held in municipalities and, as
454 applicable, special districts on the first Tuesday after the first Monday in November of
455 each odd-numbered year for the purposes established in Section 20A-1-202.
- 456 (43) "Municipal legislative body" means the council of the city or town in any form of
457 municipal government.
- 458 (44) "Municipal office" means an elective office in a municipality.
- 459 (45) "Municipal officers" means those municipal officers that are required by law to be
460 elected.
- 461 (46) "Municipal primary election" means an election held to nominate candidates for
462 municipal office.
- 463 (47) "Municipality" means a city or town.
- 464 (48) "Official ballot" means the ballots distributed by the election officer for voters to
465 record their votes.
- 466 (49) "Official endorsement" means[-] the information on the ballot that identifies:
- 467 (a) the ballot as an official ballot;
468 (b) the date of the election; and
469 (c)(i) for a ballot prepared by an election officer other than a county clerk, the [
470 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or] applicable

- 471 information described in:
- 472 (A) Subsection 20A-6-401(1)(a)(iii);
- 473 (B) Subsection 20A-6-401.1(1)(d)(iii); or
- 474 (C) Subsection 20A-6-402(2)(a)(iii); or
- 475 (ii) for a ballot prepared by a county clerk, the ~~[words required by]~~ statement
- 476 described in Subsection 20A-6-301(1)(b)(iii).
- 477 (50) "Official register" means the official record furnished to election officials by the
- 478 election officer that contains the information required by Section 20A-5-401.
- 479 (51) "Political party" means an organization of registered voters that has qualified to
- 480 participate in an election by meeting the requirements of Chapter 8, Political Party
- 481 Formation and Procedures.
- 482 (52)(a) "Poll worker" means a person assigned by an election official to assist with an
- 483 election, voting, or counting votes.
- 484 (b) "Poll worker" includes election judges.
- 485 (c) "Poll worker" does not include a watcher.
- 486 (53) "Pollbook" means a record of the names of voters in the order that the voters appear to
- 487 cast votes.
- 488 (54) "Polling place" means a building where voting is conducted.
- 489 (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in
- 490 which the voter marks the voter's choice.
- 491 (56) "Presidential Primary Election" means the election established in Chapter 9, Part 8,
- 492 Presidential Primary Election.
- 493 (57) "Primary convention" means the political party conventions held during the year of the
- 494 regular general election.
- 495 (58) "Protective counter" means a separate counter, which cannot be reset, that:
- 496 (a) is built into a voting machine; and
- 497 (b) records the total number of movements of the operating lever.
- 498 (59) "Provider election officer" means an election officer who enters into a contract or
- 499 interlocal agreement with a contracting election officer to conduct an election for the
- 500 contracting election officer's local political subdivision in accordance with Section
- 501 20A-5-400.1.
- 502 (60) "Provisional ballot" means a ballot voted provisionally by a person:
- 503 (a) whose name is not listed on the official register at the polling place;
- 504 (b) whose legal right to vote is challenged as provided in this title; or

- 505 (c) whose identity was not sufficiently established by a poll worker.
- 506 (61) "Provisional ballot envelope" means an envelope printed in the form required by
507 Section 20A-6-105 that is used to identify provisional ballots and to provide information
508 to verify a person's legal right to vote.
- 509 (62)(a) "Public figure" means an individual who, due to the individual being considered
510 for, holding, or having held a position of prominence in a public or private capacity,
511 or due to the individual's celebrity status, has an increased risk to the individual's
512 safety.
- 513 (b) "Public figure" does not include an individual:
514 (i) elected to public office; or
515 (ii) appointed to fill a vacancy in an elected public office.
- 516 (63) "Qualify" or "qualified" means to take the oath of office and begin performing the
517 duties of the position for which the individual was elected.
- 518 (64) "Receiving judge" means the poll worker that checks the voter's name in the official
519 register at a polling place and provides the voter with a ballot.
- 520 (65) "Registration form" means a form by which an individual may register to vote under
521 this title.
- 522 (66) "Regular ballot" means a ballot that is not a provisional ballot.
- 523 (67) "Regular general election" means the election held throughout the state on the first
524 Tuesday after the first Monday in November of each even-numbered year for the
525 purposes established in Section 20A-1-201.
- 526 (68) "Regular primary election" means the election, held on the date specified in Section
527 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
528 local school board positions to advance to the regular general election.
- 529 (69) "Resident" means a person who resides within a specific voting precinct in Utah.
- 530 (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
531 provided to a voter with a manual ballot:
532 (a) into which the voter places the manual ballot after the voter has voted the manual
533 ballot in order to preserve the secrecy of the voter's vote; and
534 (b) that includes the voter affidavit and a place for the voter's signature.
- 535 (71) "Sample ballot" means a mock ballot similar in form to the official ballot, published as
536 provided in Section 20A-5-405.
- 537 (72) "Special district" means a local government entity under Title 17B, Limited Purpose
538 Local Government Entities - Special Districts, and includes a special service district

- 539 under Title 17D, Chapter 1, Special Service District Act.
- 540 (73) "Special district officers" means those special district board members who are required
541 by law to be elected.
- 542 (74) "Special election" means an election held as authorized by Section 20A-1-203.
- 543 (75) "Spoiled ballot" means each ballot that:
- 544 (a) is spoiled by the voter;
- 545 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 546 (c) lacks the official endorsement.
- 547 (76) "Statewide special election" means a special election called by the governor or the
548 Legislature in which all registered voters in Utah may vote.
- 549 (77) "Tabulation system" means a device or system designed for the sole purpose of
550 tabulating votes cast by voters at an election.
- 551 (78) "Ticket" means a list of:
- 552 (a) political parties;
- 553 (b) candidates for an office; or
- 554 (c) ballot propositions.
- 555 (79) "Transfer case" means the sealed box used to transport voted ballots to the counting
556 center.
- 557 (80) "Vacancy" means:
- 558 (a) except as provided in Subsection (80)(b), the absence of an individual to serve in a
559 position created by state constitution or state statute, whether that absence occurs
560 because of death, disability, disqualification, resignation, or other cause; or
- 561 (b) in relation to a candidate for a position created by state constitution or state statute,
562 the removal of a candidate due to the candidate's death, resignation, or
563 disqualification.
- 564 (81) "Valid voter identification" means:
- 565 (a) a form of identification that bears the name and photograph of the voter which may
566 include:
- 567 (i) a currently valid Utah driver license;
- 568 (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8,
569 Identification Card Act;
- 570 (iii) a currently valid identification card that is issued by:
- 571 (A) the state; or
- 572 (B) a branch, department, or agency of the United States;

- 573 (iv) a currently valid Utah permit to carry a concealed weapon;
- 574 (v) a currently valid United States passport; or
- 575 (vi) a currently valid United States military identification card;
- 576 (b) one of the following identification cards, regardless of whether the card includes a
- 577 photograph of the voter:
- 578 (i) a valid tribal identification card;
- 579 (ii) a Bureau of Indian Affairs card; or
- 580 (iii) a tribal treaty card; or
- 581 (c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear the
- 582 name of the voter and provide evidence that the voter resides in the voting precinct,
- 583 which may include:
- 584 [~~(i)~~ before January 1, 2029, an original or copy of a current utility bill, dated no more
- 585 than 90 calendar days before the date of the election;]
- 586 [~~(ii)~~ before January 1, 2029, an original or copy of a bank or other financial account
- 587 statement, dated no more than 90 calendar days before the date of the election;]
- 588 [~~(iii)~~] (i) a certified birth certificate;
- 589 [~~(iv)~~] (ii) a valid social security card;
- 590 [~~(v)~~] (iii) an original or copy of a check issued by the state or the federal government,
- 591 dated no more than 90 calendar days before the date of the election;
- 592 [~~(vi)~~] (iv) an original or copy of a paycheck from the voter's employer, dated no more
- 593 than 90 calendar days before the date of the election;
- 594 [~~(vii)~~] (v) a currently valid Utah hunting or fishing license;
- 595 [~~(viii)~~] (vi) certified naturalization documentation;
- 596 [~~(ix)~~] (vii) a currently valid license issued by an authorized agency of the United
- 597 States;
- 598 [~~(x)~~] (viii) a certified copy of court records showing the voter's adoption or name
- 599 change;
- 600 [~~(xi)~~] (ix) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 601 [~~(xii)~~] (x) a currently valid identification card issued by:
- 602 (A) a local government within the state;
- 603 (B) an employer for an employee; or
- 604 (C) a college, university, technical school, or professional school located within
- 605 the state; or
- 606 [~~(xiii)~~] (xi) a current Utah vehicle registration.

- 607 (82) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate
608 by following the procedures and requirements of this title.
- 609 (83) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
610 (a) mailing the ballot to the location designated in the mailing; or
611 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 612 (84) "Voter" means an individual who:
613 (a) meets the requirements for voting in an election;
614 (b) meets the requirements of election registration;
615 (c) is registered to vote; and
616 (d) is listed in the official register.
- 617 (85) "Voter registration deadline" means the registration deadline provided in Section
618 20A-2-102.5.
- 619 (86) "Voting area" means the area within six feet of the voting booths, voting machines,
620 and ballot box.
- 621 (87) "Voting booth" means:
622 (a) the space or compartment within a polling place that is provided for the preparation
623 of ballots, including the voting enclosure or curtain; or
624 (b) a voting device that is free standing.
- 625 (88) "Voting device" means any device provided by an election officer for a voter to vote a
626 mechanical ballot.
- 627 (89) "Voting precinct" means the smallest geographical voting unit, established under
628 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 629 (90) "Watcher" means an individual who complies with the requirements described in
630 Section 20A-3a-801 to become a watcher for an election.
- 631 (91) "Write-in ballot" means a ballot containing any write-in votes.
- 632 (92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the
633 ballot, in accordance with the procedures established in this title.
- 634 Section 4. Section **20A-1-104** is amended to read:
635 **20A-1-104 . Computation of time.**
- 636 (1) Time is computed in this title as provided in this section.
- 637 (2) Except as provided in Subsection (3), or as otherwise expressly provided in this title:
638 (a) if a provision describes a time period in terms of a certain number of calendar days:
639 (i) the time period is calculated by consecutive days; and
640 (ii) the beginning and ending day of the time period is the calendar day on which the

- 641 time period begins or ends;
- 642 (b) if a provision describes a time period in terms of a certain number of business days,
643 only the business days are included in the calculation; and
- 644 (c) if a provision describes a time period in terms of a certain number of days rather than
645 calendar days or business days, the days referred to mean calendar days.
- 646 (3) A time period that relates to filing an action or document in court is calculated as
647 provided in court rule.
- 648 (4) Except in relation to the following chapters, if a deadline described in this title ends on a
649 weekend or holiday, the deadline is extended to the next business day:
- 650 (a) Chapter 19, Utah Independent Redistricting Commission and Standards Act; and
651 (b) Chapter 20, Utah Independent Redistricting Commission.
- 652 Section 5. Section **20A-1-106** is amended to read:
- 653 **20A-1-106 . Duties of a clerk -- Prohibited action.**
- 654 (1) As used in this section, "clerk" means an election officer other than the lieutenant
655 governor.
- 656 (2) A clerk shall:
- 657 (a) comply with all of the following in relation to elections:
- 658 (i) federal and state law;
- 659 (ii) federal and state rules; and
- 660 (iii) the policies and direction of the lieutenant governor; and
- 661 (b) diligently learn and become familiar with the law, rules, policies, and direction
662 described in Subsection (2)(a).
- 663 (3) A clerk may not:
- 664 (a) take an action in the clerk's capacity as a clerk that shows partiality or discrimination
665 for or against the following with respect to an election that the clerk is involved in
666 administering:
- 667 (i) a candidate;
- 668 (ii) an individual seeking candidacy;
- 669 (iii) a ballot measure; or
- 670 (iv) a proposed ballot measure; or
- 671 (b) knowingly solicit or accept a political contribution from an employee or volunteer
672 over whom the clerk has authority.
- 673 Section 6. Section **20A-1-109** is enacted to read:
- 674 **20A-1-109 . Lieutenant governor conflict of interest avoidance plan -- Creation**

675 **and presentation.**

- 676 (1) The lieutenant governor shall, before August 31, 2026, create a written conflict of
677 interest risk avoidance plan that:
- 678 (a) identifies specific types of decisions or actions the lieutenant governor may take, in
679 the course and scope of the duties or powers of the office of lieutenant governor, that
680 could create a conflict of interest by influencing, or being perceived to influence, the
681 lieutenant governor's candidacy for an office;
- 682 (b) for each type of decision or action identified under Subsection (1)(a), establishes
683 procedures and actions the lieutenant governor will take to mitigate or avoid the
684 conflict, including:
- 685 (i) recusal from making the decision or taking the action; and
686 (ii) designating the person who will make the decision or take the action in the event
687 of a recusal; and
- 688 (c) for each type of decision or action considered in relation to creating the plan that the
689 lieutenant governor concludes does not constitute a conflict of interest:
- 690 (i) a description of the type of decision or action; and
691 (ii) an explanation of why the type of decision or action does not constitute a conflict
692 of interest or the appearance of a conflict of interest.
- 693 (2) The lieutenant governor shall:
- 694 (a) forward a copy of the plan described in Subsection (1) to the Government Operations
695 Interim Committee on or before September 1, 2026;
- 696 (b) if requested by the chairs of the Government Operations Interim Committee, present
697 the plan to the committee at a meeting specified by the chairs of the committee; and
- 698 (c) keep a copy of the plan available for public review on the lieutenant governor's
699 website.
- 700 (3) Beginning on January 1, 2029, when a new lieutenant governor first takes office, the
701 lieutenant governor shall, within 90 days after first taking office:
- 702 (a)(i) adopt the written conflict of interest risk avoidance plan used by the previous
703 lieutenant governor; or
- 704 (ii) create a new written conflict of interest avoidance plan in accordance with the
705 requirements described in Subsection (1);
- 706 (b) forward a copy of the plan described in Subsection (3)(a) to the Government
707 Operations Interim Committee;
- 708 (c) if requested by the chairs of the Government Operations Interim Committee, present

- 709 the plan to the committee at a meeting specified by the chairs of the committee; and
710 (d) keep a copy of the plan available for public review on the lieutenant governor's
711 website.
- 712 (4) If, at any time during the lieutenant governor's term of office, the lieutenant governor
713 revises the written conflict of interest avoidance plan, the lieutenant governor shall:
714 (a) forward a copy of the revised plan to the Government Operations Interim Committee;
715 (b) if requested by the chairs of the Government Operations Interim Committee, present
716 the revised plan to the committee at a meeting specified by the chairs of the
717 committee; and
718 (c) keep a copy of the revised plan available for public review on the lieutenant
719 governor's website.
- 720 (5) The lieutenant governor shall comply with the written conflict of interest avoidance plan
721 adopted or created by the lieutenant governor under this section.

722 Section 7. Section **20A-1-502** is amended to read:

723 **20A-1-502 . Midterm vacancy in office of United States senator.**

- 724 (1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of
725 United States senator, the governor shall, within seven calendar days after the day on
726 which the vacancy occurs, issue a proclamation calling a special congressional election
727 to fill the vacancy that:
- 728 (a) sets a date for a primary congressional special election, and a later date for a general
729 congressional special election, on the same day as one of the following elections:
730 (i) a municipal general election;
731 (ii) a presidential primary election;
732 (iii) a regular primary election; or
733 (iv) a regular general election;
- 734 (b) sets the date of the primary congressional special election on the same day as the
735 next election described in Subsections (1)(a)(i) through (iv) that is more than 90
736 calendar days after the day on which the governor issues the proclamation;
- 737 (c) sets the date of the general special congressional election on the same day as the next
738 election described in Subsection (1)(a) that is more than 90 calendar days after the
739 primary special congressional election described in Subsection (1)(b);
- 740 (d) provides each registered political party that is not a qualified political party at least
741 21 calendar days, but no more than 28 calendar days, to select one candidate, in a
742 manner determined by the registered political party, as a candidate for the registered

- 743 political party;
- 744 (e) for each qualified political party, provides at least 21 calendar days, but no more than
745 28 calendar days:
- 746 (i) for the qualified political party to select one candidate, using the convention
747 process described in Section 20A-9-407, as a candidate for the qualified political
748 party; and
- 749 (ii) for a member of the qualified political party to submit signatures to qualify as a
750 candidate for the qualified political party using the signature-gathering process
751 described in Section 20A-9-408;
- 752 (f) consistent with the requirements of this section, establishes the deadlines, time
753 frames, and procedures for filing a declaration of candidacy, giving notice of an
754 election, and other election requirements; and
- 755 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform
756 Military and Overseas Voters Act.
- 757 (2)(a) The governor may set a date for a primary special congressional election or a
758 general special congressional election on a date other than a date described in
759 Subsection (1)(a) if:
- 760 (i) on the same day on which the governor issues the proclamation described in
761 Subsection (1) the governor calls a special session for the Legislature to
762 appropriate money to hold the election on a different day; or
- 763 (ii) if the governor issues the proclamation described in Subsection (1) on or after
764 January 1, but before the end of the general session of the Legislature, and
765 requests in the proclamation described in Subsection (1) that the Legislature
766 appropriate money to hold the election on a different day.
- 767 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the
768 election on a different day, the proclamation described in Subsection (1) is void and
769 the governor shall, within seven calendar days after the day on which the Legislature
770 declines to appropriate money to hold the election on a different day, issue a
771 proclamation, in accordance with Subsection (1), that sets the special congressional
772 primary and general elections on dates described in Subsections (1)(a)(i) through (iv).
- 773 (3) A special congressional election to fill a vacancy in the office of United States senator
774 will not be held if:
- 775 (a) the next regular general election that occurs after the day on which the vacancy
776 occurs is the regular general election that occurs immediately before the six-year term

- 777 for the senate office ends; and
- 778 (b) the vacancy occurs after August 1 of the year before the regular general election
779 described in Subsection (3)(a).
- 780 (4)(a) The governor shall appoint an individual to temporarily fill a vacancy in the office
781 of United States senator from one of three individuals nominated by the Legislature,
782 each of whom ~~[is a member of the political party of which the prior officeholder was~~
783 ~~a member at the time the prior officeholder was elected.]~~ meets the qualifications for
784 the office, as follows:
- 785 (i) if the prior officeholder was a member of a registered political party when the
786 prior officeholder last took office, either by election or by appointment under this
787 section, the individuals nominated by the Legislature shall be members of the
788 registered political party of which the prior officeholder was a member when last
789 elected or appointed; or
- 790 (ii) if the prior officeholder was not a member of a registered political party when the
791 prior officeholder last took office, either by election or by appointment under this
792 section, the individuals nominated by the Legislature may be members of any
793 registered political party or unaffiliated with a registered political party.
- 794 (b) The individual appointed under Subsection (4)(a) shall serve as United States senator
795 until the earlier of the day on which:
- 796 (i) the vacancy is filled by election under Subsection (1) or (2); or
797 (ii) the six-year term for the senate office ends.
- 798 (5) An individual elected to fill a vacancy under this section shall serve until the end of the
799 current term in which the vacancy filled by the election occurs.
- 800 (6) A vacancy in the office of United States senator does not occur unless the senator:
- 801 (a) has left the office; or
802 (b) submits an irrevocable letter of resignation to the governor or to the president of the
803 United States Senate.
- 804 Section 8. Section **20A-1-503** is amended to read:
- 805 **20A-1-503 . Midterm vacancies in the Legislature.**
- 806 (1) As used in this section:
- 807 (a) "Filing deadline" means the final date for filing:
- 808 (i) a declaration of candidacy as provided in Section 20A-9-202; and
809 (ii) a certificate of nomination as provided in Section 20A-9-503.
- 810 (b) "Party liaison" means the political party officer designated to serve as a liaison with

811 the lieutenant governor on all matters relating to the political party's relationship with
812 the state as required by Section 20A-8-401.

813 (2) When a vacancy occurs for any reason in the office of representative in the Legislature,
814 the governor shall fill the vacancy [~~by immediately appointing the person whose name~~
815 ~~was submitted by the party liaison of the same political party as the prior representative.~~]
816 as follows:

817 (a) if the prior officeholder was a member of a registered political party when the prior
818 officeholder last took office, either by election or by appointment under this section,
819 by immediately appointing the individual whose name is submitted by the party
820 liaison of the same registered political party of which the prior officeholder was a
821 member when last elected or appointed, if the individual meets the qualifications for
822 office; or

823 (b) if the prior officeholder was not a member of a registered political party when the
824 prior officeholder last took office, either by election or by appointment under this
825 section, by immediately appointing one of three individuals nominated by the House
826 of Representatives, who meet the qualifications for office, regardless of whether the
827 individual is a member of a particular registered political party or is unaffiliated with
828 a registered political party.

829 (3)(a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
830 the office of senator in the Legislature, [~~it~~] the vacancy shall be filled for the
831 unexpired term at the next regular general election.

832 (b) The governor shall fill the vacancy until the next regular general election [~~by~~
833 ~~immediately appointing the person whose name was submitted by the party liaison of~~
834 ~~the same political party as the prior senator.~~] as follows:

835 (i) if the prior officeholder was a member of a registered political party when the
836 prior officeholder last took office, either by election or by appointment under this
837 section, by immediately appointing the individual whose name is submitted by the
838 party liaison of the same registered political party of which the prior officeholder
839 was a member when last elected or appointed, if the individual meets the
840 qualifications for office; or

841 (ii) if the prior officeholder was not a member of a registered political party when the
842 prior officeholder last took office, either by election or by appointment under this
843 section, by immediately appointing one of three individuals nominated by the
844 Senate, who meet the qualifications for office, regardless of whether the

845 individual is a member of a particular registered political party or is unaffiliated
846 with a registered political party.

847 (4)(a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
848 before August 31 of an even-numbered year in which the term of office does not
849 expire, the lieutenant governor shall:

850 (i) establish a date and time, which is before the date for a candidate to be certified
851 for the ballot under Section 20A-9-701 and no later than 21 calendar days after the
852 day on which the vacancy occurred, by which a person intending to obtain a
853 position on the ballot for the vacant office shall file:

854 (A) a declaration of candidacy; or

855 (B) a certificate of nomination; and

856 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):

857 (A) on the lieutenant governor's website; and

858 (B) to each registered political party.

859 (b) A person intending to obtain a position on the ballot for the vacant office shall:

860 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
861 candidacy or certificate of nomination according to the procedures and
862 requirements of Chapter 9, Candidate Qualifications and Nominating Procedures;
863 and

864 (ii) run in the regular general election if:

865 (A) nominated as a party candidate; or

866 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
867 Qualifications and Nominating Procedures.

868 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
869 Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in
870 which the term of office does not expire, a party liaison from each registered political
871 party may submit a name of a person described in Subsection (4)(b) to the lieutenant
872 governor before 5 p.m. no later than August 30 for placement on the regular general
873 election ballot.

874 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
875 even-numbered year in which a term does not expire, the governor shall fill the vacancy
876 for the unexpired term [~~by immediately appointing the person whose name was~~
877 ~~submitted by the party liaison of the same political party as the prior senator.] in
878 accordance with Subsection (3)(b).~~

- 879 (6)(a) Except as provided in Subsection (6)(b), an individual seeking appointment to fill
 880 a vacancy described in this section shall, no later than the deadline for the individual
 881 to file an interim report under Subsection 20A-11-303(3)(a), make a complete
 882 conflict of interest disclosure on the website described in Section 20A-11-1602.5.
- 883 (b) An individual described in Subsection (6)(a) is not required to comply with
 884 Subsection (6)(a) if the individual:
- 885 (i)(A) currently holds the office of senator and is seeking appointment as a
 886 representative; or
- 887 (B) currently holds the office of representative and is seeking appointment as a
 888 senator;
- 889 (ii) already, that same year, filed a conflict of interest disclosure for the office
 890 described in Subsection (6)(b)(i), in accordance with Section 20A-11-1604; and
- 891 (iii) no later than the deadline described in Subsection (6)(a), indicates, in a written
 892 statement, that the conflict of interest disclosure described in Subsection (6)(b)(ii)
 893 is updated and accurate as of the date of the written statement.
- 894 (7) The lieutenant governor shall make each conflict of interest disclosure made by an
 895 individual described in Subsection (6)(a) available for public inspection in accordance
 896 with Subsection 20A-11-1603(4).
- 897 (8) A vacancy in the office of senator or representative of the Legislature does not occur
 898 unless the senator or representative:
- 899 (a) has left the office; or
- 900 (b) submits an irrevocable letter of resignation to:
- 901 (i) for a senator, the president of the Senate; or
- 902 (ii) for a representative, the speaker of the House of Representatives.
- 903 Section 9. Section **20A-1-504** is amended to read:
- 904 **20A-1-504 . Midterm vacancies in the offices of attorney general, state treasurer,**
 905 **state auditor, State Board of Education member, and lieutenant governor.**
- 906 (1)(a) When a vacancy occurs for any reason in the office of attorney general, state
 907 treasurer, state auditor, or State Board of Education member, the vacancy shall be
 908 filled for the unexpired term at the next regular general election.
- 909 [~~(b) The governor shall fill the vacancy until the next regular general election by:~~]
- 910 [~~(i) appointing a person who meets the qualifications for the office from three persons~~
 911 ~~nominated by the state central committee of the same political party as the prior~~
 912 ~~officeholder; or]~~

- 913 ~~[(ii) for a State Board of Education vacancy, if the individual who is being replaced:]~~
914 ~~[(A) was elected at a nonpartisan State Board of Education election, by~~
915 ~~appointing, with the advice and consent of the Senate, an individual who meets~~
916 ~~the qualifications and residency requirements for filling the vacancy described~~
917 ~~in Section 20A-14-103;]~~
918 ~~[(B) was elected at a partisan State Board of Education election, but is not a~~
919 ~~member of a political party, by appointing, with the advice and consent of the~~
920 ~~Senate, an individual who meets the qualifications and residency requirements~~
921 ~~for filling the vacancy described in Section 20A-14-103; or]~~
922 ~~[(C) was elected at a partisan State Board of Education election, and is a member~~
923 ~~of a political party, by appointing an individual who meets the qualifications~~
924 ~~for the office from three persons nominated by the state central committee of~~
925 ~~the same political party as the prior officeholder.]~~
926 (b) The governor shall fill a vacancy described in Subsection (1)(a) until the next general
927 election, as follows:
928 (i) if the prior officeholder was a member of a registered political party when the
929 prior officeholder last took office, either by election or by appointment under this
930 section, by immediately appointing the individual whose name is submitted by the
931 party liaison of the same registered political party of which the prior officeholder
932 was a member when last elected or appointed, if the individual meets the
933 qualifications for office; or
934 (ii) if the prior officeholder was not a member of a registered political party when the
935 prior officeholder last took office, either by election or by appointment under this
936 section, by appointing, with the advice and consent of the Senate, an individual
937 who meets the qualifications for office, regardless of whether the individual is a
938 member of a particular registered political party or is unaffiliated with a registered
939 political party.
940 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the
941 advice and consent of the Senate, appoint a person to hold the office until the next
942 regular general election at which the governor stands for election.
943 (3)(a) Except as provided in Subsection (3)(b), an individual seeking appointment to fill
944 a vacancy described in this section shall make a complete conflict of interest
945 disclosure on the website described in Section 20A-11-1602.5:
946 (i) for a vacancy in the office of lieutenant governor, attorney general, state treasurer,

- 947 or state auditor, no later than the deadline for the individual to file an interim
 948 report under Subsection 20A-11-204(3)(a); or
- 949 (ii) for a vacancy in the office of State Board of Education member, no later than the
 950 deadline for the individual to file an interim report under Subsection
 951 20A-11-1303(2)(a).
- 952 (b) An individual described in Subsection (3)(a) is not required to comply with
 953 Subsection (3)(a) if the individual:
- 954 (i) currently holds an office described in Subsection (1)(a) or (2);
 955 (ii) already, that same year, filed a conflict of interest disclosure for the office
 956 described in Subsection (3)(b)(i), in accordance with Section 20A-11-1604; and
 957 (iii) no later than the deadline described in Subsection (3)(a), indicates, in a written
 958 statement, that the conflict of interest disclosure described in Subsection (3)(b)(ii)
 959 is updated and accurate as of the date of the written statement.
- 960 (4) The lieutenant governor shall make each conflict of interest disclosure made by an
 961 individual described in Subsection (3)(a) available for public inspection in accordance
 962 with Subsection 20A-11-1603(4).
- 963 (5) A vacancy in an office described in Subsection (1)(a) or (2) does not occur unless the
 964 individual occupying the office:
- 965 (a) has left the office; or
 966 (b) submits an irrevocable letter of resignation to the governor.
- 967 Section 10. Section **20A-1-508** is amended to read:
- 968 **20A-1-508 . Midterm vacancies in county elected offices -- Temporary manager**
 969 **-- Interim replacement.**
- 970 (1) As used in this section:
- 971 (a)(i) "County offices" includes the county executive, members of the county
 972 legislative body, the county treasurer, the county sheriff, the county clerk, the
 973 county auditor, the county recorder, the county surveyor, and the county assessor.
 974 (ii) "County offices" does not include the office of county attorney, district attorney,
 975 or judge.
- 976 (b) "Party liaison" means the political party officer designated to serve as a liaison with
 977 each county legislative body on all matters relating to the political party's relationship
 978 with a county as required by Section 20A-8-401.
- 979 (2)(a) Except as provided in Subsection (2)(d), until a county legislative body appoints
 980 an interim replacement to fill a vacant county office under Subsection (3), or the

- 981 governor appoints an interim replacement under Subsection (4), the following shall
982 temporarily discharge the duties of the county office as a temporary manager:
- 983 (i) for a county office with one chief deputy, the chief deputy;
- 984 (ii) for a county office with more than one chief deputy:
- 985 (A) the chief deputy with the most cumulative time served as a chief deputy for
986 the county office; or
- 987 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
988 vacates the office, the county officer files with the county clerk a written
989 statement designating one of the county officer's chief deputies to discharge the
990 duties of the county office in the event the county officer vacates the office, the
991 designated chief deputy; or
- 992 (iii) for a county office without a chief deputy:
- 993 (A) if one management-level employee serving under the county office has a
994 higher-seniority management level than any other employee serving under the
995 county office, that management-level employee;
- 996 (B) if two or more management-level employees serving under the county office
997 have the same and highest-seniority management level, the highest-seniority
998 management-level employee with the most cumulative time served in the
999 employee's current position; or
- 1000 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
1001 officer vacates the office, the county officer files with the county clerk a
1002 written statement designating one of the county officer's employees to
1003 discharge the county officer's duties in the event the county officer vacates the
1004 office, the designated employee.
- 1005 (b) Except as provided in Subsection (2)(c), a temporary manager described in
1006 Subsection (2)(a) who temporarily discharges the duties of a county office holds the
1007 powers and duties of the county office until the county legislative body appoints an
1008 interim replacement under Subsection (3) or the governor appoints an interim
1009 replacement under Subsection (4).
- 1010 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
1011 the duties of a county office:
- 1012 (i) may not take an oath of office for the county office as a temporary manager;
- 1013 (ii) shall comply with Title 17, Chapter 63, Fiscal Authority and Processes, and the
1014 county's budget ordinances and policies;

- 1015 (iii) unless approved by the county legislative body, may not change the
 1016 compensation of an employee;
- 1017 (iv) unless approved by the county legislative body, may not promote or demote an
 1018 employee or change an employee's job title;
- 1019 (v) may terminate an employee only if the termination is conducted in accordance
 1020 with:
- 1021 (A) personnel rules described in Subsection 17-75-602(2) that are approved by the
 1022 county legislative body; and
- 1023 (B) applicable law;
- 1024 (vi) unless approved by the county legislative body, may not exceed by more than 5%
 1025 an expenditure that was planned before the county office for which the temporary
 1026 manager discharges duties was vacated;
- 1027 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
 1028 compensation; and
- 1029 (viii) if approved by the county legislative body, may receive a performance award
 1030 after:
- 1031 (A) the county legislative body appoints an interim replacement under Subsection
 1032 (3) or the governor appoints an interim replacement under Subsection (4); and
- 1033 (B) the interim replacement is sworn into office.
- 1034 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
 1035 body member.
- 1036 (3)(a) Until a replacement is selected as provided in this section and has qualified, the
 1037 county legislative body shall appoint an interim replacement to fill the vacant office
 1038 by following the procedures and requirements of this Subsection (3) through
 1039 Subsection (5).
- 1040 (b) In addition to this Subsection (3), or Subsection (4) as applicable, an interim
 1041 replacement appointed to the office of county auditor in a county of the first class is
 1042 subject to the requirements described in Section 17-69-202.
- 1043 (c)[(†)] To appoint an interim replacement, the county legislative body shall, within
 1044 10 calendar days after the day on which the vacancy occurs, give notice of the
 1045 vacancy[-to]:
- 1046 [(A)] (i) to the county clerk; and
- 1047 [(B) ~~the party liaison of the same political party of the prior office holder.~~]
- 1048 (ii) if the prior officeholder was a member of a registered political party when the

1049 prior officeholder last took office, either by election or by appointment under this
 1050 section, to the party liaison of that registered political party.

1051 [(ii)] (d) [The] If the prior officeholder was a member of a registered political party when
 1052 the prior officeholder last took office, either by election or by appointment under this
 1053 section:

1054 (i) the county legislative body shall invite the party liaison described in Subsection [
 1055 (3)(e)(i)(B)] (3)(c)(ii) to submit the name of an individual to fill the vacancy[-] ;

1056 [(iii)] (ii) [The] the party liaison described in Subsection (3)(c)(ii) shall, no later than 5
 1057 p.m. on the first business day that is at least 30 calendar days, after the day on
 1058 which the party liaison receives the notice described in Subsection [(3)(e)(i)(B)]
 1059 (3)(c)(ii), or if the party liaison does not receive the notice, no later than 5 p.m. on
 1060 the first business day that is at least 40 calendar days after the day on which the
 1061 vacancy occurs, submit to the county legislative body the name of an individual
 1062 whom the party selects in accordance with the party's constitution or bylaws, and
 1063 who meets the qualifications for the office, to serve as the interim replacement[-] ;
 1064 and

1065 [(iv)] (iii) [The] the county legislative body shall, no later than seven calendar days
 1066 after the day on which a party liaison submits the name of [the] an individual who
 1067 meets the qualifications for office to serve as the interim replacement, appoint the
 1068 individual to serve out the unexpired term.

1069 (e) If the prior officeholder was not a member of a registered political party when the
 1070 prior officeholder last took office, either by election or by appointment under this
 1071 section, the county legislative body shall, no later than 5 p.m. on the first business
 1072 day that is at least 30 calendar days after the day on which the county legislative
 1073 body provides the notice described in Subsection (3)(c)(i), appoint an individual who
 1074 meets the qualifications for the office to serve as the interim replacement, regardless
 1075 of whether the individual is a member of a particular registered political party or is
 1076 unaffiliated with a registered political party.

1077 [(4)] (4)[(i)] If the county legislative body fails to appoint an interim replacement to
 1078 fill the vacancy in accordance with Subsection [(3)(e)(iv)-] (3)(d) or (e), as
 1079 applicable:

1080 (a) the county clerk shall, no later than seven calendar days after the day of the deadline
 1081 described in Subsection [(3)(e)(iv)] (3)(d)(iii) or (e), as applicable, send to the
 1082 governor a letter that:

1117 (iii) An individual who is nominated as a party candidate, who qualifies as an
 1118 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not
 1119 Affiliated with a Party, or who qualifies as a write-in candidate for the vacant
 1120 office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
 1121 general election.

1122 [~~(5)~~] (7)(a) The requirements of this Subsection [~~(5)~~] (7) apply to all county offices that
 1123 become vacant if:

- 1124 (i) the vacant office has an unexpired term of two years or more; and
- 1125 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing
 1126 period described in Section 20A-9-201.5, but more than 75 calendar days before
 1127 the regular primary election.

1128 (b) When the conditions described in Subsection [~~(5)~~(a)] (7)(a) are met, the county clerk
 1129 shall as soon as practicable, but no later than 70 calendar days before the next regular
 1130 primary election, notify the public and each registered political party:

- 1131 (i) that the vacancy exists; and
- 1132 (ii) of the deadlines described in Subsection [~~(5)~~(e)(i)] (7)(c)(i) and the deadlines
 1133 established under Subsection [~~(5)~~(d)(ii)] (7)(d)(ii).

1134 (c)(i) An individual intending to become a party candidate for a vacant office shall,
 1135 no later than 5 p.m. on the first business day that is at least five calendar days after
 1136 the day on which the notice is given, file a declaration of candidacy for the vacant
 1137 office in accordance with:

1138 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
 1139 and

1140 (B) for a county commission office, Subsection 17-62-201(6) or 17-62-202(6), if
 1141 applicable.

1142 (ii) The county central committee of each party shall:

1143 (A) select a candidate or candidates from among those qualified candidates who
 1144 have filed declarations of candidacy; and

1145 (B) certify the name of the candidate or candidates to the county clerk as soon as
 1146 practicable, but no later than 5 p.m. on the last business day that is at least 60
 1147 calendar days before the day of the regular primary election.

1148 (d)(i) Except as provided in Subsection [~~(5)~~(d)(ii)] (7)(d)(ii), an individual intending
 1149 to become a candidate for a vacant office who does not wish to affiliate with a
 1150 registered political party shall file a verified certificate of nomination described in

- 1151 Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5,
 1152 Candidates not Affiliated with a Party.
- 1153 (ii)(A) The county clerk shall establish, in the clerk's reasonable discretion, a
 1154 deadline that is no later than 5 p.m. on the last business day that is at least 65
 1155 calendar days before the day of the next regular general election by which an
 1156 individual who is not affiliated with a registered political party is required to
 1157 submit a certificate of nomination under Subsection [~~(5)(d)(i)~~] (7)(d)(i).
- 1158 (B) The county clerk shall establish the deadline described in Subsection [
 1159 ~~(5)(d)(ii)(A)~~] (7)(d)(ii)(A) in a manner that gives an unaffiliated candidate an
 1160 equal opportunity to access the regular general election ballot.
- 1161 (e) An individual who is nominated as a party candidate for the vacant office, who
 1162 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
 1163 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
 1164 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
 1165 general election.
- 1166 [~~(6)~~] (8)(a) The requirements of this Subsection [~~(6)~~] (8) apply to all county offices that
 1167 become vacant:
- 1168 (i) if the vacant office has an unexpired term of two years or more; and
 1169 (ii) when 75 calendar days or less remain before the day of the regular primary
 1170 election but more than 65 calendar days remain before the day of the regular
 1171 general election.
- 1172 (b) When the conditions described in Subsection [~~(6)(a)~~] (8)(a) are met, the county clerk
 1173 shall, as soon as practicable, notify the public and each registered political party:
 1174 (i) that the vacancy exists; and
 1175 (ii) of the deadlines established under Subsection [~~(6)(d)~~] (8)(d).
- 1176 (c)(i) Before the deadline that the county clerk establishes under Subsection [
 1177 ~~(6)(d)(i)(A)~~] (8)(d)(i)(A), the county central committee of each registered political
 1178 party that wishes to submit a candidate for the office shall certify the name of one
 1179 candidate to the county clerk for placement on the regular general election ballot.
- 1180 (ii) Before the deadline that the county clerk establishes under Subsection [
 1181 ~~(6)(d)(i)(B)~~] (8)(d)(i)(B), a candidate who does not wish to affiliate with a
 1182 registered political party shall file a verified certificate of nomination described in
 1183 Section 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5,
 1184 Candidates not Affiliated with a Party.

- 1185 (iii) Before the deadline that the county clerk establishes under Subsection [
 1186 ~~(6)(d)(i)(C)~~] (8)(d)(i)(C), a write-in candidate shall submit to the county clerk a
 1187 declaration of candidacy described in Section 20A-9-601.
- 1188 (d)(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines
 1189 that are no later than 5 p.m. on the last business day that is at least 65 calendar
 1190 days before the day of the next regular general election by which:
- 1191 (A) a registered political party is required to certify a name under Subsection [
 1192 ~~(6)(e)(i)~~] (8)(c)(i);
- 1193 (B) an individual who does not wish to affiliate with a registered political party is
 1194 required to submit a certificate of nomination under Subsection [~~(6)(e)(ii)~~]
 1195 (8)(c)(ii); and
- 1196 (C) a write-in candidate is required to submit a declaration of candidacy under
 1197 Subsection [~~(6)(e)(iii)~~] (8)(c)(iii).
- 1198 (ii) The county clerk shall establish deadlines under Subsection [~~(6)(d)(i)~~] (8)(d)(i) in
 1199 a manner that gives an unaffiliated candidate or a write-in candidate an equal
 1200 opportunity to access the regular general election ballot.
- 1201 (e) An individual who is certified as a party candidate for the vacant office, who
 1202 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
 1203 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
 1204 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
 1205 general election.
- 1206 [~~(7)~~] (9)(a) The requirements of this Subsection [~~(7)~~] (9) apply to all county offices that
 1207 become vacant if:
- 1208 (i) [~~if~~]the vacant office has an unexpired term of less than two years; or
 1209 (ii) [~~if~~]the vacant office has an unexpired term of two years or more but 65 calendar
 1210 days or less remain before the day of the next regular general election.
- 1211 [~~(b)(i) When the conditions described in Subsection (7)(a) are met, the county~~
 1212 ~~legislative body shall as soon as practicable, but no later than 10 calendar days~~
 1213 ~~after the day on which the vacancy occurs, give notice of the vacancy to:~~]
- 1214 [~~(A) the county clerk; and~~]
 1215 [~~(B) the party liaison of the same political party as the prior office holder.~~]
- 1216 [~~(ii) The county legislative body shall invite the party liaison described in Subsection~~
 1217 ~~(7)(b)(i)(B) to submit the name of an individual to fill the vacancy.]~~
- 1218 [~~(iii) The party liaison shall, no later than 5 p.m. on the first business day that is at~~

1219 least 30 calendar days after the day on which the party liaison receives the notice
 1220 described in Subsection (7)(b)(i)(B), or if the party liaison does not receive the
 1221 notice, no later than 5 p.m. on the first business day that is at least 40 calendar
 1222 days after the day on which the vacancy occurs, submit to the county legislative
 1223 body the name of an individual to fill the vacancy.]

1224 [(iv) The county legislative body shall, no later than seven calendar days after the day
 1225 on which a party liaison submits the name of the individual to fill the vacancy,
 1226 appoint the individual to serve out the unexpired term.]

1227 [(e)(i) If the county legislative body fails to appoint an individual to fill the vacancy
 1228 in accordance with Subsection (7)(b)(iv), the county clerk shall send to the
 1229 governor a letter that:]

1230 [(A) informs the governor that the county legislative body has failed to appoint an
 1231 individual to fill the vacancy within the statutory time period; and]

1232 [(B) contains the name of the individual submitted by the party liaison to fill the
 1233 vacancy.]

1234 [(ii) The governor shall, within 10 calendar days after the day on which the governor
 1235 receives the letter described in Subsection (7)(c)(i), appoint the individual named
 1236 by the party liaison to fill the vacancy.]

1237 (b) When the conditions described in Subsection (9)(a) are met:

1238 (i) the county legislative body shall fill the vacancy for the remainder of the term by
 1239 following the same procedures, described in Subsections (3)(b) through (e), as
 1240 required to appoint an interim replacement;

1241 (ii) if the county legislative body fails to appoint an individual to fill the vacancy
 1242 under Subsection (9)(b)(i), the county clerk and the governor shall take the actions
 1243 described in Subsection (4) to fill the vacancy for the remainder of the term, using
 1244 the same procedures described in Subsection (4) for appointing an interim
 1245 replacement; and

1246 [(d)] (iii) [An] an individual appointed to fill the vacancy under this Subsection [(7)] (9)
 1247 shall hold office until a successor is elected and has qualified.

1248 [(8)] (10) Except as otherwise provided by law, the county legislative body may appoint
 1249 replacements to fill all vacancies that occur in those offices filled by appointment of the
 1250 county legislative body.

1251 [(9)] (11) Nothing in this section prohibits a candidate that does not wish to affiliate with a
 1252 political party from filing a certificate of nomination for a vacant office within the same

- 1253 time limits as a candidate that is affiliated with a political party.
- 1254 ~~[(10)]~~ (12)(a) Each individual elected under Subsection ~~[(4), (5), or (6)]~~ (6), (7), or (8) to
- 1255 fill a vacancy in a county office shall serve for the remainder of the unexpired term of
- 1256 the individual who created the vacancy and until a successor is elected and qualified.
- 1257 (b) ~~[Nothing in this section may be construed to]~~ This section does not contradict or alter
- 1258 the provisions of Section 17-66-202.
- 1259 ~~[(11)]~~ (13)(a) Except as provided in Subsection ~~[(11)(b)]~~ (13)(b), for an individual
- 1260 seeking appointment to fill a vacancy described in Subsection ~~[(3) or (7)]~~ (3), (4), or
- 1261 (9), the individual shall, no later than the deadline for the individual to file a financial
- 1262 report under Section 17-70-403:
- 1263 (i) complete a conflict of interest disclosure statement in accordance with Section
- 1264 17-70-304; and
- 1265 (ii) submit the conflict of interest disclosure statement to the county legislative body
- 1266 and the county clerk.
- 1267 (b) An individual described in Subsection ~~[(11)(a)]~~ (13)(a) is not required to comply with
- 1268 Subsection ~~[(11)(a)]~~ (13)(a) if the individual:
- 1269 (i) currently holds an office described in Subsection (1)(a)(i);
- 1270 (ii) already, that same year, filed a conflict of interest disclosure statement for the
- 1271 office described in Subsection ~~[(11)(b)(i)]~~ (13)(b)(i), in accordance with Section
- 1272 17-70-509; and
- 1273 (iii) no later than the deadline described in Subsection ~~[(11)(a)]~~ (13)(a), indicates, in a
- 1274 written notice submitted to the county clerk, that the conflict of interest disclosure
- 1275 statement described in Subsection ~~[(11)(b)(ii)]~~ (13)(b)(ii) is updated and accurate
- 1276 as of the date of the written notice.
- 1277 ~~[(12)]~~ (14)(a) The county clerk shall make each conflict of interest disclosure statement
- 1278 made by an individual described in Subsection ~~[(11)(a)]~~ (13)(a) available for public
- 1279 inspection by posting an electronic copy of the statement on the county's website for
- 1280 at least 10 calendar days after the day on which ~~the county legislative body~~:
- 1281 (i) the county legislative body appoints an interim replacement under Subsection (3);~~[~~
- 1282 ~~or]~~
- 1283 (ii) the governor appoints an interim replacement under Subsection (4);
- 1284 ~~[(ii)]~~ (iii) the county legislative body appoints an individual to fill a vacancy under
- 1285 Subsection (9)(b)(i); or
- 1286 (iv) the governor appoints an individual to fill a vacancy under Subsection ~~[(7)]~~

- 1287 (9)(b)(ii).
- 1288 (b) The county clerk shall post the electronic statement described in Subsection [~~(12)~~(a)]
- 1289 (14)(a) no later than two business days after the day on which the county clerk
- 1290 receives the statement.
- 1291 [~~(13)~~] (15) A vacancy in a county office does not occur unless the individual occupying the
- 1292 office:
- 1293 (a) has left the office; or
- 1294 (b) submits an irrevocable letter of resignation to the county legislative body.
- 1295 Section 11. Section **20A-1-509.1** is amended to read:
- 1296 **20A-1-509.1 . Procedure for filling midterm vacancy in county or district with 15**
- 1297 **or more attorneys.**
- 1298 (1) When a vacancy occurs in the office of county or district attorney in a county or district
- 1299 having 15 or more attorneys who are licensed active members in good standing with the
- 1300 Utah State Bar and registered voters, the vacancy shall be filled as provided in this
- 1301 section.
- 1302 (2)(a) The requirements of this Subsection (2) apply when the office of county attorney
- 1303 or district attorney becomes vacant and:
- 1304 (i) the vacant office has an unexpired term of two years or more; and
- 1305 (ii) the vacancy occurs before the first day of the applicable declaration of candidacy
- 1306 filing period described in Section 20A-9-201.5.
- 1307 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
- 1308 notify the public and each registered political party that the vacancy exists.
- 1309 (c) All persons intending to become candidates for the vacant office shall:
- 1310 (i) file a declaration of candidacy according to the procedures and requirements of
- 1311 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
- 1312 (ii) if nominated as a party candidate or qualified as an independent or write-in
- 1313 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures,
- 1314 run in the regular general election; and
- 1315 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 1316 (d) If the vacancy occurs during the applicable declaration of candidacy filing period
- 1317 described in Section 20A-9-201.5:
- 1318 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be
- 1319 extended until 5 p.m. on the first business day that is no later than seven calendar
- 1320 days after the last day of the applicable declaration of candidacy filing period

- 1321 described in Section 20A-9-201.5; and
- 1322 (ii) the county clerk shall notify the public and each registered political party that the
- 1323 vacancy exists.
- 1324 (3)(a) The requirements of this Subsection (3) apply when the office of county attorney
- 1325 or district attorney becomes vacant and:
- 1326 (i) the vacant office has an unexpired term of two years or more; and
- 1327 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
- 1328 but more than 75 calendar days before the regular primary election.
- 1329 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 1330 (i) notify the public and each registered political party that the vacancy exists; and
- 1331 (ii) identify the date and time by which a person interested in becoming a candidate
- 1332 shall file a declaration of candidacy.
- 1333 (c) All persons intending to become candidates for the vacant office shall:
- 1334 (i) no later than 5 p.m. on the first business day that is at least five calendar days after
- 1335 the day on which the county clerk gives the notice described in Subsection (3)(b)(i),
- 1336 file a declaration of candidacy for the vacant office as required by Chapter 9, Part
- 1337 2, Candidate Qualifications and Declarations of Candidacy; and
- 1338 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1339 (d) The county central committee of each party shall:
- 1340 (i) select a candidate or candidates from among those qualified candidates who have
- 1341 filed declarations of candidacy; and
- 1342 (ii) certify the name of the candidate or candidates to the county clerk:
- 1343 (A) no later than 5 p.m. on the last business day that is at least 60 calendar days
- 1344 before the day of the regular primary election; or
- 1345 (B) electronically, before midnight no later than 60 calendar days before the day
- 1346 of the regular primary election.
- 1347 (4)(a) The requirements of this Subsection (4) apply when the office of county attorney
- 1348 or district attorney becomes vacant and:
- 1349 (i) the vacant office has an unexpired term of two years or more; and
- 1350 (ii) 75 calendar days or less remain before the regular primary election but more than
- 1351 65 calendar days remain before the regular general election.
- 1352 (b) When the conditions established in Subsection (4)(a) are met, the county central
- 1353 committees of each registered political party that wishes to submit a candidate for the
- 1354 office shall, not later than five calendar days after the day on which the vacancy

- 1355 occurs, certify the name of one candidate to the county clerk for placement on the
 1356 regular general election ballot.
- 1357 (c) The candidate elected shall complete the unexpired term of the person who created
 1358 the vacancy.
- 1359 (5)(a) The requirements of this Subsection (5) apply when the office of county attorney
 1360 or district attorney becomes vacant and:
- 1361 (i) the vacant office has an unexpired term of less than two years; or
 1362 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days
 1363 or less remain before the next regular general election.
- 1364 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
 1365 body shall give notice of the vacancy to:
- 1366 (i) the county clerk; and
 1367 ~~[(ii) the county central committee of the same political party of the prior officeholder.]~~
 1368 (ii) if the prior officeholder was a member of a registered political party when the
 1369 prior officeholder last took office, either by election or by appointment under this
 1370 section, the county central committee of that registered political party.
- 1371 (c) ~~[The]~~ If the prior officeholder was a member of a registered political party when the
 1372 prior officeholder last took office, either by election or appointment under this
 1373 section:
- 1374 (i) the county legislative body shall invite the committee described in Subsection [
 1375 (5)(b)(ii)] (5)(b)(ii) to submit the names of three nominees to fill the vacancy[-] ;
 1376 ~~[(d)]~~ (ii) [The] the county central committee shall, [within 30 calendar days after the
 1377 day on which the county legislative body gives the notice described in Subsection
 1378 (5)(b)(ii)] no later than 5 p.m. on the first business day that is at least 45 calendar
 1379 days after the day on which the county central committee receives the notice
 1380 described in Subsection (5)(b)(ii), submit to the county legislative body the names
 1381 of three nominees who meet the qualifications for the office to fill the vacancy[-] ;
 1382 and
- 1383 ~~[(e)]~~ (iii) [The] the county legislative body shall, within 45 calendar days after the day
 1384 on which the vacancy occurs, appoint one of those nominees to serve out the
 1385 unexpired term.
- 1386 (d) If the prior officeholder was not a member of a registered political party when the
 1387 prior officeholder last took office, either by election or appointment under this
 1388 section, the county legislative body shall, no later than 5 p.m. on the first business

1389 day that is at least 45 calendar days after the day on which the county legislative
 1390 body posts the notice described in Subsection (5)(b)(i), appoint an individual who
 1391 meets the qualifications for the office to fill the vacancy, regardless of whether the
 1392 individual is a member of a particular registered political party or is unaffiliated with
 1393 a registered political party.

1394 ~~(f)~~ (e) If the county legislative body fails to appoint a person to fill the vacancy [~~within~~
 1395 ~~45-calendar days,~~] in accordance with Subsection (5)(c) or (d), as applicable:

1396 (i) the county clerk shall, no later than the deadline described in Subsection (5)(c)(iii)
 1397 or (d), as applicable, send to the governor a letter that:

1398 ~~(i)~~ (A) informs the governor that the county legislative body has failed to appoint [
 1399 a person] an individual to fill the vacancy within the statutory time period;[~~and~~

1400 (B) states whether the prior officeholder is an officeholder described in Subsection
 1401 (5)(c) or (d); and

1402 ~~(ii)~~ (C) [~~contains~~] if the prior officeholder is an officeholder described in
 1403 Subsection (5)(c), includes the [list] names of the nominees submitted by the
 1404 party central committee[-] ; and

1405 ~~(g)~~ (ii) [~~The~~] the governor shall[~~appoint a person to fill the vacancy from that list of~~
 1406 nominees] , within 30 calendar days after the day on which the governor receives
 1407 the letter described in Subsection [~~(5)(f);~~] (5)(e)(i):

1408 (A) if the prior officeholder is an officeholder described in Subsection (5)(c),
 1409 appoint one of the nominees described in Subsection (5)(c)(ii) to fill the
 1410 vacancy; or

1411 (B) if the prior officeholder is an officeholder described in Subsection (5)(d),
 1412 appoint an individual who meets the qualifications for the office to fill the
 1413 vacancy, regardless of whether the individual is a member of a particular
 1414 registered political party or is unaffiliated with a registered political party.

1415 ~~(h)~~ (f) [~~A person~~] An individual appointed to fill the vacancy under this Subsection (5)
 1416 shall complete the unexpired term of the [person] individual who created the vacancy.

1417 (6) [~~A person~~] An individual seeking appointment to fill a vacancy described in Subsection [
 1418 ~~(5)(a)~~] (5) shall, no later than the deadline for the [person] individual to file a financial
 1419 report under Section 17-70-403:

1420 (a) complete a conflict of interest disclosure statement in accordance with Section
 1421 17-70-304; and

1422 (b) submit the conflict of interest disclosure statement to the county legislative body and

1423 the county clerk.

1424 (7)(a) The county clerk shall make each conflict of interest disclosure statement made by [
1425 ~~a person~~] an individual described in Subsection (6) available for public inspection by
1426 posting an electronic copy of the statement on the county's website for at least 10
1427 calendar days after the day on which the county legislative body appoints [~~a person~~]
1428 the individual to fill the vacancy.

1429 (b) The county clerk shall post the electronic statement described in Subsection (7)(a) no
1430 later than two business days after the day on which the county clerk receives the
1431 statement.

1432 (8) A vacancy in the office described in Subsection (1) does not occur unless the [~~person~~]
1433 individual occupying the office:

1434 (a) has left the office; or

1435 (b) submits an irrevocable letter of resignation to the county legislative body.

1436 (9) Nothing in this section prevents or prohibits independent candidates from filing a
1437 declaration of candidacy for the office within the required time limits.

1438 Section 12. Section **20A-1-509.2** is amended to read:

1439 **20A-1-509.2 . Procedure for filling vacancy in county or district with fewer than**
1440 **15 attorneys.**

1441 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy
1442 created by the failure of a person to file as a candidate for the office of county or district
1443 attorney in an election, in a county or district having fewer than 15 attorneys who are
1444 licensed, active members in good standing with the Utah State Bar and registered voters,
1445 the vacancy shall be filled as provided in this section.

1446 (2) The county clerk shall send a letter to each attorney residing in the county or district
1447 who is a licensed, active member in good standing with the Utah State Bar and a
1448 registered voter that:

1449 (a) informs the attorney of the vacancy;

1450 (b) invites the attorney to apply for the vacancy; and

1451 (c) informs the attorney that if the attorney does not respond before 5 p.m. on the first
1452 business day that is at least 10 calendar days after the day on which the county clerk
1453 sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

1454 [~~(3)(a)(i) If, before the deadline described in Subsection (2)(c), more than three~~

1455 ~~attorneys who are licensed, active members in good standing with the Utah State~~

1456 ~~Bar and registered voters in the county or district have applied for the vacancy, the~~

- 1457 county clerk shall, except as provided in Subsection (3)(a)(ii), submit the
 1458 applications to the county central committee of the same political party of the
 1459 prior officeholder.]
- 1460 [(ii) In multicounty prosecution districts, the clerk shall submit the applications to the
 1461 county central committee of each county within the prosecution district.]
- 1462 [(b) The central committee shall nominate three of the applicants and forward the
 1463 applicants' names to the county legislative body no later than 5 p.m. on the first
 1464 business day that is at least 20 calendar days after the day on which the county clerk
 1465 submits the applicants' names under Subsection (3)(a).]
- 1466 [(c) The county legislative body shall appoint one of the nominees to fill the vacant
 1467 position.]
- 1468 [(d) If the central committee of the political party fails to submit at least three names to
 1469 the county legislative body before the deadline described in Subsection (3)(b), the
 1470 county legislative body shall appoint one of the applicants to fill the vacant position.]
- 1471 [(e) If the county legislative body fails to appoint a person to fill the vacancy within 120
 1472 calendar days after the day on which the vacancy occurs, the county clerk shall mail
 1473 to the governor:]
- 1474 [(i) a letter informing the governor that the county legislative body has failed to
 1475 appoint a person to fill the vacancy; and]
- 1476 [(ii)(A) the list of nominees, if any, submitted by the central committee of the
 1477 political party; or]
- 1478 [(B) if the party central committee has not submitted a list of at least three
 1479 nominees within the required time, the names of the persons who submitted
 1480 applications for the vacant position to the county clerk.]
- 1481 [(f) The governor shall appoint, within 30 calendar days after the day on which the
 1482 governor receives the letter described in Subsection (3)(e), a person from the list to
 1483 fill the vacancy.]
- 1484 (3) If, before the deadline described in Subsection (2)(c), more than three attorneys who are
 1485 licensed, active members in good standing with the Utah State Bar, and are registered
 1486 voters in the county or district, have applied for the vacancy:
- 1487 (a) if the prior officeholder was a member of a registered political party when the prior
 1488 officeholder last took office, either by election or by appointment under this section:
- 1489 (i) the county clerk shall:
- 1490 (A) except as provided in Subsection (3)(a)(i)(B), submit the applications to the

- 1491 county central committee of the same registered political party of which the
1492 prior officeholder was a member when the prior officeholder last took office; or
1493 (B) for a multicounty prosecution district, submit the applications to the county
1494 central committee of the same registered political party of which the prior
1495 officeholder was a member when the prior officeholder last took office, for
1496 each county within the multicounty prosecution district;
- 1497 (ii)(A) except as provided in Subsection (3)(a)(ii)(B), the county central
1498 committee described in Subsection (3)(a)(i)(A) shall nominate three of the
1499 applicants and forward the applicants' names to the county legislative body no
1500 later than 5 p.m. on the first business day that is at least 20 calendar days after
1501 the day on which the county clerk submits the applicants' names under
1502 Subsection (3)(a)(i)(A); or
- 1503 (B) for a multicounty prosecution district, the county central committees described
1504 in Subsection (3)(a)(i)(B) shall jointly nominate three of the applicants and
1505 forward the applicants' names to the county legislative bodies in the
1506 multicounty prosecution districts no later than 5 p.m. on the first business day
1507 that is at least 20 calendar days after the day on which the county clerk submits
1508 the applicants' names under Subsection (3)(a)(i)(B); and
- 1509 (iii)(A) except as provided in Subsection (3)(a)(iii)(B), the county legislative body
1510 shall appoint one of the nominees to fill the vacant position; or
- 1511 (B) for a multicounty prosecution district, the county legislative bodies shall
1512 jointly appoint one of the nominees to fill the vacant position; or
- 1513 (b) if the prior officeholder was not a member of a registered political party when the
1514 prior officeholder last took office, either by election or by appointment under this
1515 section:
- 1516 (i) the county clerk shall:
- 1517 (A) except as provided in Subsection (3)(b)(i)(B), submit the applications to the
1518 county legislative body; or
- 1519 (B) for a multicounty prosecution district, submit the applications to the county
1520 legislative bodies of each county within the multicounty prosecution district;
1521 and
- 1522 (ii)(A) except as provided in Subsection (3)(b)(ii)(B), the county legislative body
1523 described in Subsection (3)(b)(i)(A) shall appoint one of the applicants to fill
1524 the vacant position; or

1525 (B) for a multicounty prosecution district, the county legislative bodies described
1526 in Subsection (3)(b)(i)(B) shall jointly appoint one of the applicants to fill the
1527 vacant position.

1528 (4)(a) Except as provided in Subsection (4)(b), if the central committee described in
1529 Subsection (3)(a)(ii)(A) fails to submit at least three names to the county legislative
1530 body before the deadline described in Subsection (3)(a)(ii)(A), the county legislative
1531 body shall appoint one of the applicants to fill the vacant position.

1532 (b) If the central committees described in Subsection (3)(a)(ii)(B) fail to jointly submit
1533 at least three names to the county legislative bodies before the deadline described in
1534 Subsection (3)(a)(ii)(B), the county legislative bodies shall jointly appoint one of the
1535 applicants to fill the vacant position.

1536 (5) If, within 120 calendar days after the day on which the vacancy occurs, the county
1537 legislative body fails under Subsection (3)(a)(iii)(A) or (4)(a) to appoint an individual to
1538 fill the vacancy, or the county legislative bodies fail under Subsection (3)(a)(iii)(B) or
1539 (4)(b) to jointly appoint an individual to fill the vacancy, the county clerk shall send the
1540 governor notice that:

1541 (a) states that the county legislative body or bodies have failed to timely appoint a
1542 person to fill the vacancy; and

1543 (b) includes the following:

1544 (i) for a vacancy where the prior officeholder was a member of a registered political
1545 party when the prior officeholder last took office:

1546 (A) if the applicable central committee or applicable central committees timely
1547 submitted at least three nominees, the names of the nominees; or

1548 (B) if the applicable central committee or applicable central committees failed to
1549 timely submit at least three nominees, the names of the applicants; or

1550 (ii) for a vacancy where the prior officeholder was not a member of a political party
1551 when the prior officeholder last took office, the names of the applicants.

1552 (6) The governor shall, within 30 calendar days after the day on which the governor
1553 receives the notice described in Subsection (5)(a), appoint an individual from the names
1554 provided under Subsection (5)(b), to fill the vacancy.

1555 [(4)] (7)(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys
1556 who are licensed, active members in good standing with the Utah State Bar and
1557 registered voters in the county or district have applied for the vacancy, the county
1558 legislative body, or, for a prosecution district, the county legislative bodies jointly,

- 1559 may:
- 1560 (i) appoint one of [~~them~~] the attorneys to be county or district attorney; or
- 1561 (ii) solicit additional applicants and appoint a county or district attorney as provided
- 1562 in Subsection [~~(4)(b)~~] (7)(b).
- 1563 (b)(i) If three or fewer attorneys who are licensed members in good standing of the
- 1564 Utah State Bar and registered voters in the county or district submit applications,
- 1565 the county legislative body, or county legislative bodies, may publicly solicit and
- 1566 accept additional applications for the position from licensed, active members in
- 1567 good standing of the Utah State Bar who are not residents of the county or
- 1568 prosecution district.
- 1569 (ii) The county legislative body, or county legislative bodies, shall consider the
- 1570 applications submitted by the attorneys who are residents of and registered voters
- 1571 in the county or prosecution district and the applications submitted by the
- 1572 attorneys who are not residents of the county or prosecution district and shall
- 1573 appoint one of the applicants to be county attorney or district attorney.
- 1574 (c) If the county legislative body [~~fails~~] , or county legislative bodies, fail to appoint [~~a~~
- 1575 person] an attorney to fill the vacancy within 120 calendar days after the day on
- 1576 which the vacancy occurs, the county clerk shall:
- 1577 (i) notify the governor that the county legislative body [~~has~~] or county legislative
- 1578 bodies have failed to fill the vacancy within the required time period; and
- 1579 (ii) provide the governor with a list of all the applicants.
- 1580 (d) The governor shall appoint [~~a person~~] an attorney to fill the vacancy within 30
- 1581 calendar days after the day on which the governor receives the notification described
- 1582 in Subsection [~~(4)(e)~~] (7)(c).
- 1583 [~~(5)~~] (8) [~~The person~~] An attorney appointed to fill [~~the~~] a vacancy described in this section
- 1584 shall serve for the unexpired term of the [~~person~~] attorney who created the vacancy.
- 1585 [~~(6)~~] (9) [~~A person~~] An attorney seeking appointment to fill a vacancy under this section
- 1586 shall, no later than the deadline for the [~~person~~] attorney to file a financial report under
- 1587 Section 17-70-403:
- 1588 (a) complete a conflict of interest disclosure statement in accordance with Section
- 1589 17-70-304; and
- 1590 (b) submit the conflict of interest disclosure statement to the county legislative body and
- 1591 the county clerk.
- 1592 [~~(7)~~] (10)(a) The county clerk shall make each conflict of interest disclosure statement

1593 made by [~~a person~~] an attorney described in Subsection [~~(6)~~] (9) available for public
1594 inspection by posting an electronic copy of the statement on the county's website for
1595 at least 10 calendar days after the day on which the county legislative body appoints [
1596 ~~a person~~] an attorney to fill the vacancy.

1597 (b) The county clerk shall post the electronic statement described in Subsection [~~(7)(a)~~]
1598 (10)(a) no later than two business days after the day on which the county clerk
1599 receives the statement.

1600 [~~(8)~~] (11) A vacancy in the office described in Subsection (1) does not occur until the [
1601 ~~person~~] attorney occupying the office:

1602 (a) has left the office; or

1603 (b) submits an irrevocable letter of resignation to the county legislative body.

1604 Section 13. Section **20A-1-513** is amended to read:

1605 **20A-1-513 . Temporary absence in elected office of a political subdivision for**
1606 **military service.**

1607 (1) As used in this section:

1608 (a)(i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
1609 Space Force, and Coast Guard.

1610 (ii) "Armed forces" includes the National Guard.

1611 (b)(i) "Elected official" means an individual who holds an office of a political
1612 subdivision that is required by law to be filled by an election.

1613 (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an
1614 office described in Subsection (1)(b)(i).

1615 (c) "Elected official reservist" means an elected official who is:

1616 (i) a member of the armed forces reserves component;

1617 (ii) a member of the National Guard; or

1618 (iii) a retired member of the armed forces who may be called to active, full-time duty
1619 in the armed forces under Title 10, U.S.C., Armed Forces.

1620 (d)(i) "Military leave" means the temporary absence from an office:

1621 (A) by an elected official reservist called to active, full-time duty in the armed
1622 forces; and

1623 (B) for a period of time that exceeds 30 calendar days and does not exceed 400
1624 calendar days.

1625 (ii) "Military leave" includes the time an individual on leave, as described in
1626 Subsection (1)(d)(i), spends for:

- 1627 (A) out processing;
- 1628 (B) an administrative delay;
- 1629 (C) accrued leave; and
- 1630 (D) on rest and recuperation leave program of the armed forces.
- 1631 (e) "Political subdivision's governing body" means:
- 1632 (i) for a county, city, or town, the legislative body of the county, city, or town;
- 1633 (ii) for a special district, the board of trustees of the special district;
- 1634 (iii) for a local school district, the local school board;
- 1635 (iv) for a special service district:
- 1636 (A) the legislative body of the county, city, or town that established the special
- 1637 service district, if no administrative control board has been appointed under
- 1638 Section 17D-1-301; or
- 1639 (B) the administrative control board of the special service district, if an
- 1640 administrative control board has been appointed under Section 17D-1-301; and
- 1641 (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body
- 1642 that governs the affairs of the political subdivision.
- 1643 (f) "Temporary replacement" means the individual appointed by the political
- 1644 subdivision's governing body in accordance with this section to exercise the powers
- 1645 and duties of the office of an elected official reservist who takes military leave.
- 1646 (2) An elected official reservist who takes military leave in accordance with this section
- 1647 does not create a vacancy in the elected official's office.
- 1648 (3)(a) An elected official reservist who is called to active, full-time duty in the armed
- 1649 forces under Title 10, U.S.C., Armed Forces, shall notify the political subdivision's
- 1650 governing body of the elected official's orders no later than 5 p.m. on the first
- 1651 business day that is at least five calendar days after the day on which the elected
- 1652 official receives the orders.
- 1653 (b) An elected official reservist described in Subsection (3)(a) may:
- 1654 (i) if the period of active, full-time duty does not exceed 270 calendar days:
- 1655 (A) continue to carry out the elected official's duties if possible while on active,
- 1656 full-time duty; or
- 1657 (B) take military leave if the elected official submits to the political subdivision's
- 1658 governing body written notice of the intent to take military leave and the
- 1659 expected duration of the military leave; or
- 1660 (ii) if the period of active, full-time duty exceeds 270 calendar days but does not

- 1661 exceed 400 calendar days, take military leave if the elected official submits to the
1662 political subdivision's governing body:
- 1663 (A) written notice of the intent to take military leave and the expected duration of
1664 the military leave; and
- 1665 (B) written certification that the secretary of the armed force of which the elected
1666 official is a member granted the elected official permission under [~~U.S.~~] United
1667 States Department of Defense Directive 1344.10 to continue to hold the elected
1668 official's office while on active, full-time duty.
- 1669 (4)(a) An elected official reservist who chooses to continue to carry out the elected
1670 official's duties under Subsection (3)(b)(i)(A) shall, no later than 10 calendar days
1671 after the day of the elected official's deployment, confirm in writing to the political
1672 subdivision's governing body that the elected official has the ability to carry out the
1673 elected official's duties.
- 1674 (b) If an elected official reservist does not submit the confirmation to the political
1675 subdivision's governing body before the deadline described in Subsection (4)(a), the
1676 political subdivision's governing body shall:
- 1677 (i) place the elected official in military leave status; and
1678 (ii) appoint a temporary replacement in accordance with Subsection (8).
- 1679 (5)(a) An elected official reservist who chooses to take military leave under Subsection
1680 (3)(b)(ii) shall, no later than 21 calendar days after the date of the elected official's
1681 deployment, submit to the political subdivision's governing body the written notice
1682 and certification described in Subsection (3)(b)(ii).
- 1683 (b) If an elected official reservist does not submit the notice and certification to the
1684 political subdivision's governing body before the deadline described in Subsection
1685 (5)(a):
- 1686 (i) the political subdivision's governing body may not appoint a temporary
1687 replacement under Subsection (8); and
1688 (ii) the elected official reservist creates a vacancy in the elected official's office.
- 1689 (6) An elected official reservist who is called to active, full-time duty in the armed forces
1690 under Title 10, U.S.C., Armed Forces, for a period of more than 400 calendar days
1691 creates a vacancy in the elected official's office.
- 1692 (7) An elected official reservist's military leave:
- 1693 (a) begins:
- 1694 (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:

- 1695 (A) the day after the day on which the elected official notifies the political
1696 subdivision's governing body of the intent to take military leave;
- 1697 (B) 11 calendar days after the day of the elected official's deployment if no
1698 confirmation is received by the political subdivision's governing body in
1699 accordance with Subsection (4)(a); or
- 1700 (C) the day on which the elected official begins active, full-time duty in the armed
1701 forces; or
- 1702 (ii) for an elected official reservist described in Subsection (3)(b)(ii), the day after the
1703 day on which the elected official submits to the political subdivision's governing
1704 body the written notice and certification described in Subsection (3)(b)(ii); and
- 1705 (b) ends the sooner of:
- 1706 (i) the expiration of the elected official reservist's term of office; or
- 1707 (ii) the day on which the elected official reservist ends active, full-time duty in the
1708 armed forces.
- 1709 (8) A temporary replacement shall:
- 1710 (a) meet the qualifications required to hold the office; and
- 1711 (b) be appointed:
- 1712 (i) when an elected official reservist:
- 1713 (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or
- 1714 (B) is placed in military leave status under Subsection (4)(b)(i); and
- 1715 (ii) by the political subdivision's governing body:
- 1716 (A) if a registered political party nominated the elected official reservist as a
1717 candidate for the office, in the same manner as provided in Subsection
1718 20A-1-508(3) or (4) for the appointment of an interim replacement; or
- 1719 (B) if a registered political party did not nominate the elected official reservist as a
1720 candidate for the office, after submitting an application in accordance with
1721 Subsection (10)(b).
- 1722 (9)(a) A temporary replacement shall exercise the powers and duties of the office for
1723 which the temporary replacement is appointed for the duration of the elected official
1724 reservist's military leave.
- 1725 (b) An elected reservist may not exercise the powers or duties of the office while on
1726 military leave.
- 1727 (c) If a temporary replacement is not appointed as required by Subsection (8)(b), no
1728 individual may exercise the powers and duties of the elected official reservist's office

- 1729 during the elected official's military leave.
- 1730 (10) The political subdivision's governing body shall establish:
- 1731 (a) the distribution of the emoluments of the office between the elected official reservist
- 1732 and the temporary replacement; and
- 1733 (b) an application form and the date and time before which an individual shall submit
- 1734 the application to be considered by the political subdivision's governing body for
- 1735 appointment as a temporary replacement.
- 1736 (11) This section does not apply to an elected official who is not an elected official reservist.
- 1737 Section 14. Section **20A-1-608.1** is enacted to read:
- 1738 **20A-1-608.1 . Electronic communications abuse of elections or elected office.**
- 1739 (1) As used in this section:
- 1740 (a) "Actor" means the same as that term is defined in Section 76-1-101.5.
- 1741 (b) "In relation to an election process" means anything governed by this title, or another
- 1742 provision of law that governs a matter addressed by this title, including:
- 1743 (i) the administration or conduct of an election or a requirement or process relating to
- 1744 an election; or
- 1745 (ii) a provision relating to:
- 1746 (A) a voter or voting;
- 1747 (B) a candidate for public office or candidacy for public office;
- 1748 (C) an officeholder;
- 1749 (D) campaigning or political fundraising;
- 1750 (E) a person that participates in, or seeks to influence, an election; or
- 1751 (F) a lobbyist or lobbying.
- 1752 (2) An actor commits electronic communications abuse of elections or elected office if the
- 1753 actor:
- 1754 (a) commits a violation of a provision of Title 76, Chapter 12, Part 2, Electronic
- 1755 Communication Abuse; and
- 1756 (b) commits the violation described in Subsection (2)(a):
- 1757 (i) by obtaining, using, or disseminating information obtained, directly or indirectly,
- 1758 from a voter registration record, a petition, a declaration of candidacy, a financial
- 1759 disclosure, a financial statement, a conflict of interest disclosure, or another source
- 1760 of information obtained, stored, provided, or disclosed under this title or in
- 1761 relation to elections;
- 1762 (ii) with the intent to retaliate against, threaten, interfere with, or fraudulently

- 1763 influence a person in relation to an election process;
- 1764 (iii) with the intent to interfere with or fraudulently influence a matter in relation to
- 1765 an election process; or
- 1766 (iv) with the intent to retaliate against, threaten, interfere with, or fraudulently
- 1767 influence:
- 1768 (A) a candidate in relation to the candidate's campaign or candidacy; or
- 1769 (B) an officeholder in relation to a duty of the officeholder, an action as an
- 1770 officeholder, or inaction as an officeholder.
- 1771 (3) If an actor can, for the same conduct, be charged under this section or under Title 76,
- 1772 Chapter 12, Part 2, Electronic Communication Abuse, the actor shall be charged under
- 1773 this section, unless a charge under Title 76, Chapter 12, Part 2, Electronic
- 1774 Communication Abuse, carries a more serious penalty.
- 1775 Section 15. Section **20A-1-609** is amended to read:
- 1776 **20A-1-609 . Omnibus penalties.**
- 1777 (1)(a) Except as provided in Subsection (1)(b), (1)(c), or (2), a person who violates any
- 1778 provision of this title is guilty of a class B misdemeanor.
- 1779 (b) Subsection (1)(a) does not apply to a provision of this title for which another penalty
- 1780 is expressly stated.
- 1781 (c) An individual is not guilty of a crime for, by signing a petition for an initiative or
- 1782 referendum, falsely making the statement described in Subsection
- 1783 20A-7-203(3)(d)(xx), 20A-7-303(3)(d)(xx), 20A-7-503(3)(d)(xx), or
- 1784 20A-7-603(3)(d)(xx).
- 1785 (2) A person who violates Section 20A-1-608.1 is:
- 1786 (a) except as provided in Subsection (2)(b), guilty of a class A misdemeanor; or
- 1787 (b) guilty of a third degree felony for a second or subsequent violation.
- 1788 ~~(2)~~ (3) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual
- 1789 convicted of any offense under this title may not:
- 1790 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate
- 1791 for any office during the election cycle in which the violation occurred;
- 1792 (b) take or hold the office to which the individual was elected; and
- 1793 (c) receive the emoluments of the office to which the individual was elected.
- 1794 ~~(3)~~ (4)(a) Any individual convicted of any offense under this title forfeits the right to
- 1795 vote at any election unless the right to vote is restored as provided in Section
- 1796 20A-2-101.3 or 20A-2-101.5.

1797 (b) Any person may challenge the right to vote of a person described in Subsection [
1798 ~~(3)(a)~~] (4)(a) by following the procedures and requirements of Section 20A-3a-803.

1799 Section 16. Section **20A-3a-202** is amended to read:

1800 **20A-3a-202 . Conducting election in person and by mail -- Mailing ballots to**
1801 **voters -- Exceptions.**

1802 (1)(a) Except as otherwise provided for an election conducted entirely by mail under
1803 Section 20A-7-609.5, an election officer shall administer an election primarily by
1804 mail, in accordance with this section.

1805 (b) An individual who did not provide valid voter identification at the time the voter
1806 registered to vote shall provide valid voter identification before voting.

1807 (2) An election officer who administers an election:

1808 (a) shall, in accordance with Subsection (3), no sooner than 21 calendar days before
1809 election day and no later than seven calendar days before election day, mail to the
1810 applicable voters, in accordance with Subsection 20A-3a-202.5(3), and subject to
1811 Subsection 20A-3a-202.5(4):

1812 (i) a manual ballot;

1813 (ii) a return envelope;

1814 (iii) instructions for returning the ballot that include an express notice about any
1815 relevant deadlines that the voter must meet in order for the voter's vote to be
1816 counted;

1817 (iv) information regarding the location and hours of operation of any election day
1818 voting center at which the voter may vote or a website address where the voter
1819 may view this information; and

1820 (v) instructions on how a voter may sign up to receive electronic ballot status
1821 notifications via the ballot tracking system described in Section 20A-3a-401.5;

1822 (b) may not mail a ballot under this section to:

1823 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

1824 (ii) a voter whom the election officer is prohibited from sending a ballot under
1825 Subsection 20A-3a-202.5(4);

1826 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
1827 include instructions for returning the ballot if the individual to whom the election
1828 officer mails the ballot does not live at the address to which the ballot is sent;

1829 (d) shall provide a method of accessible voting to a voter with a disability who is not
1830 able to vote by mail; and

- 1831 (e) shall include, on the election officer's website and with each ballot mailed,
1832 instructions regarding how a voter described in Subsection (2)(d) may vote.
- 1833 (3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the
1834 manual ballot to the address:
- 1835 (i) provided at the time of registration or updated by the voter after the time of
1836 registration; or
- 1837 (ii) if, at or after the time of registration, the voter files an alternate address request
1838 form described in Subsection (3)(b), the alternate address indicated on the form.
- 1839 (b) The lieutenant governor shall make available to voters an alternate address request
1840 form that permits a voter to request that the election officer mail the voter's ballot to a
1841 location other than the voter's residence.
- 1842 (c) A voter shall provide the completed alternate address request form to the election
1843 officer no later than 11 calendar days before the day of the election.
- 1844 (d) Beginning on November 5, 2025, through December 31, 2028, an election officer shall
1845 include, with each ballot mailed to a voter, a separate paper document containing the following
1846 statements:
- 1847 "WARNING
- 1848 If you have a valid Utah driver license or a valid Utah state identification card, failure to
1849 provide the last four digits of the license or card number may result in your ballot not being
1850 counted. You also have the option of providing the last four digits of your social security
1851 number as identification. If you do not have any of these identification types, your ballot will
1852 still be counted if your signature on the affidavit on this envelope matches your signature on
1853 file with the election officer.
- 1854 NOTICE
- 1855 Beginning in 2029, you will not receive a ballot by mail unless you request to receive a
1856 ballot by mail. You may request to receive a ballot by mail at [insert a uniform resource
1857 locator where the voter can make the request online]. If you are unable to make a request
1858 online, contact your county clerk's office at the following number for instructions on how to
1859 make the request in person or by mail [insert phone number here]."[:-]
- 1860 (e) Beginning on January 1, 2029, an election officer shall include, with each ballot mailed to a
1861 voter, a separate paper document containing the following statement:
- 1862 "WARNING
- 1863 If you have a valid Utah driver license or a valid Utah state identification card, failure to
1864 provide the last four digits of your license or card number will result in your ballot not being

1865 counted.

1866 If you do not have a license or card described above, you may enter the last four digits of
1867 your social security number as identification, or include a photocopy of one of the following in
1868 the return envelope:

- 1869 • a currently valid identification card that is issued by the state or a branch, department, or
1870 agency of the United States;
- 1871 • a currently valid Utah permit to carry a concealed weapon;
- 1872 • a currently valid United States passport;
- 1873 • a currently valid United States military identification card; or
- 1874 • a currently valid tribal identification card, Bureau of Indian Affairs card, or tribal treaty
1875 card.

1876 If you do not have any of the forms of identification listed above, you must vote in person
1877 at a polling place, unless you qualify for an exemption from this requirement. You may obtain
1878 information regarding an exemption at [insert a uniform resource locator where the voter can
1879 view this information] or by calling [insert a phone number that a voter may call to access this
1880 information]."

1881 (4) The return envelope[-] :

1882 (a) shall include:

1883 [~~(a)~~] (i) the [~~name,-~~]official title[-] and post office address of the election officer on
1884 the front of the envelope;

1885 [~~(b)~~] (ii) subject to Subsection (9), [~~beginning on or before January 1, 2026,-~~]a place
1886 for the voter to enter the last four digits of the voter's Utah driver license number,
1887 Utah state identification card number, or social security number;

1888 [~~(c)~~] (iii) the following statement:

1889 "IMPORTANT: See the warning and notice enclosed with your ballot.";

1890 [~~(d)~~] (iv) a space where a voter may write an email address and phone number by
1891 which the election officer may contact the voter if the voter's ballot is rejected; and

1892 [~~(e)~~] (v) a printed affidavit in substantially the following form:

1893 "County of ____ State of ____

1894 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
1895 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
1896 currently incarcerated for commission of a felony.

1897 _____

1898 Signature of Voter

- 1899 WARNING
- 1900 The above affidavit must be signed by the voter to whom the ballot is addressed. It is a
- 1901 FELONY for any other individual to sign the above affidavit, even if the voter to whom the
- 1902 ballot is addressed gives permission for another to sign the affidavit for the voter."; and
- 1903 (b) may not include the name of the election officer on the envelope.
- 1904 (5) If the election officer determines that the voter has not yet provided valid voter
- 1905 identification with the voter's voter registration, the election officer may:
- 1906 (a) mail a ballot to the voter;
- 1907 (b) instruct the voter to enclose a copy of the voter's valid voter identification in the
- 1908 return envelope; and
- 1909 (c) provide instructions to the voter on how the voter may sign up to receive electronic
- 1910 ballot status notifications via the ballot tracking system described in Section
- 1911 20A-3a-401.5.
- 1912 (6) An election officer who administers an election shall:
- 1913 (a)(i) before the election, obtain the signatures of each voter qualified to vote in the
- 1914 election; or
- 1915 (ii) obtain the signature of each voter within the voting precinct from the county
- 1916 clerk; and
- 1917 (b) maintain the signatures on file in the election officer's office.
- 1918 (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot
- 1919 under Section 20A-3a-401.
- 1920 (8) A county that administers an election:
- 1921 (a) shall provide at least one election day voting center in accordance with Part 7,
- 1922 Election Day Voting Center, and at least one additional election day voting center for
- 1923 every 5,000 active voters in the county who, under Section 20A-3a-202.5, will not
- 1924 receive a ballot by mail;
- 1925 (b) shall ensure that each election day voting center operated by the county has at least
- 1926 one voting device that is accessible, in accordance with the Help America Vote Act
- 1927 of 2002, Pub. L. No. 107-252, for individuals with disabilities;
- 1928 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 1929 (i) the county clerk conducts early voting on at least four days;
- 1930 (ii) the early voting days are within the period beginning on the date that is 14
- 1931 calendar days before the date of the election and ending on the day before the
- 1932 election; and

1933 (iii) the county clerk provides notice of the reduced early voting period in accordance
 1934 with Section 20A-3a-604; and

1935 (d) is not required to pay return postage for a return envelope.

1936 (9) A return envelope shall be designed in a manner that the information described in
 1937 Subsections ~~[(4)(b) and (d)]~~ (4)(a)(ii) and (iv), and the voter's signature, is covered from
 1938 view after the return envelope is sealed.

1939 (10) A county clerk shall, at least 90 calendar days before an election administered by the
 1940 county clerk, contact local post offices to:

1941 (a) coordinate the handling of mail-in ballots for the upcoming election; and

1942 (b) take measures to ensure that~~[:]~~

1943 ~~[(i) ballots are clearly and properly postmarked, or otherwise marked in accordance~~
 1944 ~~with Subsection 20A-3a-204(2)(a)(i), with the date on which the ballot was~~
 1945 ~~mailed; and]~~

1946 ~~[(ii)]~~ ballots are delivered in an expeditious manner to optimize the timely receipt of
 1947 ballots.

1948 Section 17. Section **20A-3a-401** is amended to read:

1949 **20A-3a-401 . Custody of voted ballots mailed or deposited in a ballot drop box --**
 1950 **Disposition -- Notice -- Disclosures relating to unresolved ballots.**

1951 (1) This section governs ballots returned by mail, via a ballot drop box, or by other legal
 1952 means.

1953 (2) Poll workers shall process return envelopes containing manual ballots that are in the
 1954 custody of the poll workers in accordance with this section.

1955 (3) Poll workers shall examine a return envelope to make the determinations described in
 1956 Subsection (4).

1957 (4) The poll workers shall take the action described in Subsection (5)(a) if the poll workers
 1958 determine:

1959 (a) for an election held before January 1, 2029:

1960 (i) ~~[that]~~ if the return envelope contains a four digit number on the portion of the
 1961 return envelope for a voter to enter the last four digits of the voter's Utah driver
 1962 license number, Utah state identification card number, or social security number,
 1963 that the four digit number correctly identifies the last four digits of one of those
 1964 numbers for the voter to whom the return envelope relates;~~[-or]~~

1965 (ii) if the return envelope does not contain ~~[the digits described in Subsection (4)(a)(i)]~~
 1966 a four digit number on the portion of the return envelope described in Subsection

- 1967 (4)(a)(i), that:
- 1968 (A) in accordance with the rules made under Subsection (13), the signature on the
- 1969 affidavit of the return envelope is reasonably consistent with the individual's
- 1970 signature in the voter registration records; or
- 1971 (B) for an individual who checks the box described in Subsection (7)(d)(v), the
- 1972 signature is verified by alternative means; and
- 1973 (iii) if the return envelope contains the correct four digit number under Subsection
- 1974 (4)(a)(i), that:
- 1975 (A) in accordance with the rules made under Subsection (13), the signature on the
- 1976 affidavit of the return envelope is reasonably consistent with the individual's
- 1977 signature in the voter registration records; or
- 1978 (B) for an individual who checks the box described in Subsection (7)(d)(v), the
- 1979 signature is verified by alternative means;
- 1980 (b) for an election held on or after January 1, 2029:
- 1981 (i)(A) that the return envelope contains the last four digits of the voter's Utah
- 1982 driver license number, Utah state identification card number, or social security
- 1983 number;
- 1984 [~~(ii)~~] (B) if the return envelope does not contain the digits described in Subsection
- 1985 (4)(b)(i), that the voter included in the return envelope a copy of the
- 1986 identification described in Subsection 20A-3a-204(2)(c)(ii); or
- 1987 [~~(iii)~~] (C) for a voter described in Subsection 20A-3a-301(7), that the voter
- 1988 complied with Subsection 20A-3a-301(7); and
- 1989 (ii) that:
- 1990 (A) in accordance with the rules made under Subsection (13), the signature on the
- 1991 affidavit of the return envelope is reasonably consistent with the individual's
- 1992 signature in the voter registration records; or
- 1993 (B) for an individual who checks the box described in Subsection (7)(d)(v), the
- 1994 signature is verified by alternative means;
- 1995 (c) that the affidavit is sufficient;
- 1996 (d) that the voter is registered to vote in the correct precinct;
- 1997 (e) that the voter's right to vote the ballot has not been challenged;
- 1998 (f) that the voter has not already voted in the election; and
- 1999 (g) for a voter who has not yet provided valid voter identification with the voter's voter
- 2000 registration, whether the voter has provided valid voter identification with the return

- 2001 envelope.
- 2002 (5)(a) If the poll workers make all of the findings described in Subsection (4), the poll
- 2003 workers shall:
- 2004 (i) remove the manual ballot from the return envelope in a manner that does not
- 2005 destroy the affidavit on the return envelope;
- 2006 (ii) ensure that the ballot is not examined in connection with the return envelope; and
- 2007 (iii) place the ballot with the other ballots to be counted.
- 2008 (b) If the poll workers do not make all of the findings described in Subsection (4), the
- 2009 poll workers shall:
- 2010 (i) disallow the vote;
- 2011 (ii) except as provided in Subsection (6), without opening the return envelope, record
- 2012 the ballot as "rejected" and state the reason for the rejection; and
- 2013 (iii) except as provided in Subsection (6), place the return envelope, unopened, with
- 2014 the other rejected return envelopes.
- 2015 (6) A poll worker may open a return envelope, if necessary, to determine compliance with
- 2016 Subsection (4)(b)(ii), (4)(b)(iii), or (4)(g).
- 2017 (7)(a) If the poll workers reject an individual's ballot because the poll workers determine
- 2018 that the return envelope does not comply with Subsection (4), the election officer
- 2019 shall:
- 2020 (i) contact the individual in accordance with Subsection (8); and
- 2021 (ii) inform the individual:
- 2022 (A) that the identification information provided on the return envelope is in
- 2023 question;
- 2024 (B) how the individual may resolve the issue; and
- 2025 (C) that, in order for the ballot to be counted, the individual is required to deliver
- 2026 to the election officer a correctly completed affidavit, provided by the county
- 2027 clerk, that meets the requirements described in Subsection (7)(d).
- 2028 (b) If, under Subsection [~~(4)(a)(ii)(A)~~] (4)(a) or (b), the poll workers reject an individual's
- 2029 ballot because the poll workers determine, in accordance with rules made under
- 2030 Subsection (13), that the signature on the return envelope is not reasonably consistent
- 2031 with the individual's signature in the voter registration records, the election officer
- 2032 shall:
- 2033 (i) contact the individual in accordance with Subsection (8); and
- 2034 (ii) inform the individual:

- 2035 (A) that the individual's signature is in question;
- 2036 (B) how the individual may resolve the issue; and
- 2037 (C) that, in order for the ballot to be counted, the individual is required to deliver
- 2038 to the election officer a correctly completed affidavit, provided by the county
- 2039 clerk, that meets the requirements described in Subsection (7)(d).
- 2040 (c) The election officer shall ensure that the notice described in Subsection (7)(a) or (b)
- 2041 includes:
- 2042 (i) when communicating the notice by mail, a printed copy of the affidavit described
- 2043 in Subsection (7)(d) and a courtesy reply envelope;
- 2044 (ii) when communicating the notice electronically, a link to a copy of the affidavit
- 2045 described in Subsection (7)(d) or information on how to obtain a copy of the
- 2046 affidavit; or
- 2047 (iii) when communicating the notice by phone, either during a direct conversation
- 2048 with the voter or in a voicemail, arrangements for the voter to receive a copy of
- 2049 the affidavit described in Subsection (7)(d), either in person from the clerk's
- 2050 office, by mail, or electronically.
- 2051 (d) An affidavit described in Subsection (7)(a)(ii)(C) or (7)(b)(ii)(C) shall include:
- 2052 (i) an attestation that the individual voted the ballot;
- 2053 (ii) a space for the individual to enter the individual's name, date of birth, and driver
- 2054 license number or the last four digits of the individual's social security number;
- 2055 (iii) a space for the individual to sign the affidavit;
- 2056 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
- 2057 governor's and county clerk's use of the information in the affidavit and the
- 2058 individual's signature on the affidavit for voter identification purposes; and
- 2059 (v) a check box accompanied by language in substantially the following form: "I am
- 2060 a voter with a qualifying disability under the Americans with Disabilities Act that
- 2061 impacts my ability to sign my name consistently. I can provide appropriate
- 2062 documentation upon request. To discuss accommodations, I can be contacted at
- 2063 _____".
- 2064 (e) In order for an individual described in Subsection (7)(a) or (b) to have the
- 2065 individual's ballot counted, the individual shall deliver the affidavit described in
- 2066 Subsection (7)(d) to the election officer.
- 2067 (f) An election officer who receives a signed affidavit under Subsection (7)(e) shall
- 2068 immediately:

- 2069 (i) scan the signature on the affidavit electronically and keep the signature on file in
2070 the statewide voter registration database developed under Section 20A-2-502;
- 2071 (ii) if the election officer receives the affidavit no later than noon on the last business
2072 day before the day on which the canvass begins, count the individual's ballot; and
- 2073 (iii) if the check box described in Subsection (7)(d)(v) is checked, comply with the
2074 rules described in Subsection (13)(c).
- 2075 (8)(a) The election officer shall, within two business days after the day on which an
2076 individual's ballot is rejected, notify the individual of the rejection and the reason for
2077 the rejection, by phone, mail, email, or, if consent is obtained, text message, unless:
- 2078 (i) the ballot is cured within one business day after the day on which the ballot is
2079 rejected; or
- 2080 (ii) the ballot is rejected because the ballot is received late or for another reason that
2081 cannot be cured.
- 2082 (b) If an individual's ballot is rejected for a reason described in Subsection (8)(a)(ii), the
2083 election officer shall notify the individual of the rejection and the reason for the
2084 rejection by phone, mail, email, or, if consent is obtained, text message, within the
2085 later of:
- 2086 (i) 30 calendar days after the day of the rejection; or
2087 (ii) 30 calendar days after the day of the election.
- 2088 (c) The election officer may, when notifying an individual by phone under this
2089 Subsection (8), use auto-dial technology.
- 2090 (9) An election officer may not count the ballot of an individual whom the election officer
2091 contacts under Subsection (7) or (8) unless, no later than noon on the last business day
2092 before the day on which the canvass begins, the election officer:
- 2093 (a) receives a signed affidavit from the individual under Subsection (7); or
2094 (b)(i) contacts the individual;
- 2095 (ii) if the election officer has reason to believe that an individual, other than the voter
2096 to whom the ballot was sent, signed the ballot affidavit, informs the individual that
2097 it is unlawful to sign a ballot affidavit for another person, even if the person gives
2098 permission;
- 2099 (iii) verifies the identity of the individual by:
- 2100 (A) requiring the individual to provide at least two types of personal identifying
2101 information for the individual; and
2102 (B) comparing the information provided under Subsection (9)(b)(iii)(A) to records

- 2103 relating to the individual that are in the possession or control of an election
2104 officer; and
- 2105 (iv) documents the verification described in Subsection (9)(b)(iii), by recording:
2106 (A) the name and voter identification number of the individual contacted;
2107 (B) the name of the individual who conducts the verification;
2108 (C) the date and manner of the communication;
2109 (D) the type of personal identifying information provided by the individual;
2110 (E) a description of the records against which the personal identifying information
2111 provided by the individual is compared and verified; and
2112 (F) other information required by the lieutenant governor.
- 2113 (10)(a) The election officer shall retain and preserve:
2114 (i) the return envelopes in accordance with Subsection 20A-4-202(2); and
2115 (ii) the documents described in Subsection (9)(b)(iv) in accordance with Subsection
2116 20A-4-202(3).
- 2117 (b) If the election officer complies with Subsection (10)(a)(ii) by including the
2118 documentation in the voter's voter registration record, the election officer shall make,
2119 retain, and preserve a record of the name and voter identification number of each
2120 voter contacted under Subsection (9)(b).
- 2121 (11)(a) The election officer shall record the following in the database used in the
2122 verification process:
2123 (i) any initial rejection of a ballot under Subsection (5)(b), within one business day
2124 after the day on which the election officer rejects the ballot; and
2125 (ii) any resolution of a rejection of a ballot under Subsection (9), within one business
2126 day after the day on which the ballot rejection is resolved.
- 2127 (b) An election officer shall include, in the canvass report, a final report of the
2128 disposition of all rejected and resolved ballots, including, for ballots rejected, the
2129 following:
2130 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
2131 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in
2132 records on file, do not correspond.
- 2133 (12) Willful failure to comply with this section constitutes willful neglect of duty under
2134 Section 20A-5-701.
- 2135 (13) The director of elections within the Office of the Lieutenant Governor shall make
2136 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to

- 2137 establish:
- 2138 (a) criteria and processes for use by poll workers in determining if a signature
- 2139 corresponds with the signature on file for the voter under Subsection (4)(a)(ii)(A);
- 2140 (b) training and certification requirements for election officers and employees of election
- 2141 officers regarding the criteria and processes described in Subsection (13)(a); and
- 2142 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.
- 2143 Secs. 12131 through 12165, an alternative means of verifying the identity of an
- 2144 individual who checks the box described in Subsection (7)(d)(v).
- 2145 (14)(a) Upon request, and subject to Subsections (14)(b) and (c), an election officer may
- 2146 disclose the name and address of a voter whose ballot has been rejected and not yet
- 2147 resolved with:
- 2148 (i) a candidate in the election;
- 2149 (ii) an individual who represents the candidate's campaign;
- 2150 (iii) the sponsors of an initiative or referendum appearing on the ballot; or
- 2151 (iv) for a ballot proposition appearing on the ballot, an individual who represents a
- 2152 political issues committee, as defined in Section 20A-11-101, if the political
- 2153 issues committee supports or opposes the ballot proposition.
- 2154 (b) If an election officer discloses the information described in Subsection (14)(a), the
- 2155 election officer shall:
- 2156 (i) make the disclosure within two business days after the day on which the request is
- 2157 made;
- 2158 (ii) respond to each request in the order the requests were made; and
- 2159 (iii) make each disclosure in a manner, and within a period of time, that does not
- 2160 reflect favoritism to one requestor over another.
- 2161 (c) A disclosure described in this Subsection (14) may not include the name or address
- 2162 of a protected individual, as defined in Subsection 20A-2-104(1).
- 2163 Section 18. Section **20A-6-301** is amended to read:
- 2164 **20A-6-301 . Manual ballots -- Regular general election.**
- 2165 (1) Each election officer shall ensure that:
- 2166 (a) all manual ballots furnished for use at the regular general election contain:
- 2167 (i) no captions or other endorsements except as provided in this section;
- 2168 (ii) no symbols, markings, or other descriptions of a political party or group, except
- 2169 for a registered political party that has chosen to nominate its candidates in
- 2170 accordance with Section 20A-9-403; and

- 2171 (iii) no indication that a candidate for elective office has been nominated by, or has
 2172 been endorsed by, or is in any way affiliated with a political party or group, unless
 2173 the candidate has been nominated by a registered political party in accordance
 2174 with Subsection 20A-9-202(4) or Subsection [~~20A-9-403(5)~~] 20A-9-403(4);
- 2175 (b) at the top of the ballot, the following endorsements are printed in 18[-] -point bold
 2176 type:
- 2177 (i) "Official Ballot for ____ County, Utah";
 2178 (ii) the date of the election; and
 2179 [~~(iii) the words "certified by the Clerk of _____ County" or, as applicable, the~~
 2180 ~~name of a combined office that includes the duties of a county clerk;-]~~
 2181 (iii) "Certified by" followed by the title of the election officer, without the election
 2182 officer's name;
- 2183 (c) unaffiliated candidates, candidates not affiliated with a registered political party, and
 2184 all other candidates for elective office who were not nominated by a registered
 2185 political party in accordance with Subsection 20A-9-202(4) or Subsection [
 2186 ~~20A-9-403(5)~~] 20A-9-403(4), are listed with the other candidates for the same office
 2187 in accordance with Sections 20A-6-109 and 20A-6-110, without a party name or title;
- 2188 (d) each ticket containing the lists of candidates, including the party name and device,
 2189 are separated by heavy parallel lines;
- 2190 (e) the offices to be filled are plainly printed immediately above the names of the
 2191 candidates for those offices;
- 2192 (f) the names of candidates are printed in capital letters, not less than one-eighth nor
 2193 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point,
 2194 between lines or rules three-eighths of an inch apart; and
- 2195 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in
 2196 which a write-in candidate is qualified under Section 20A-9-601:
- 2197 (i) the ballot includes a space for a write-in candidate immediately following the last
 2198 candidate listed on that ticket; or
 2199 (ii) for the offices of president and vice president and governor and lieutenant
 2200 governor, the ballot includes two spaces for write-in candidates immediately
 2201 following the last candidates on that ticket, one placed above the other, to enable
 2202 the entry of two valid write-in candidates.
- 2203 (2) An election officer shall ensure that:
- 2204 (a) each individual nominated by any registered political party under Subsection

- 2205 20A-9-202(4) or Subsection [~~20A-9-403(5)~~] 20A-9-403(4), and no other individual, is
2206 placed on the ballot:
- 2207 (i) under the registered political party's name, if any; or
2208 (ii) under the title of the registered political party as designated by them in their
2209 certificates of nomination or petition, or, if none is designated, then under some
2210 suitable title;
- 2211 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5,
2212 Candidates not Affiliated with a Party, are placed on the ballot;
- 2213 (c) the names of the candidates for president and vice president are used on the ballot
2214 instead of the names of the presidential electors; and
- 2215 (d) the ballots contain no other names.
- 2216 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- 2217 (a) the designation of the office to be filled in the election and the number of candidates
2218 to be elected are printed in type not smaller than eight point;
- 2219 (b) the words designating the office are printed flush with the left-hand margin;
- 2220 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
2221 which the voter may vote)" extend to the extreme right of the column;
- 2222 (d) the nonpartisan candidates are grouped according to the office for which they are
2223 candidates;
- 2224 (e) the names in each group are placed in accordance with Sections 20A-6-109 and
2225 20A-6-110, with the surnames last; and
- 2226 (f) each group is preceded by the designation of the office for which the candidates seek
2227 election, and the words, "Vote for one" or "Vote for up to ____ (the number of
2228 candidates for which the voter may vote)," according to the number to be elected.
- 2229 (4) Each election officer shall ensure that:
- 2230 (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance
2231 with Section 20A-6-107;
- 2232 (b) ballot propositions submitted to the voters are listed on the ballot in accordance with
2233 Section 20A-6-107;
- 2234 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
2235 title assigned to each bond proposition under Section 11-14-206; and
- 2236 (d) the judicial retention section of the ballot includes a statement at the beginning
2237 directing voters to the Judicial Performance Evaluation Commission's website in
2238 accordance with Subsection 20A-12-201(4).

2239 (5)(a) An election officer's or county clerk's name may not appear on the return envelope
 2240 for a ballot.

2241 (b) Except to the extent required to list an election officer's or county clerk's name as a
 2242 candidate on the ballot, a ballot may not include the name of the election officer or
 2243 county clerk.

2244 Section 19. Section **20A-6-401** is amended to read:

2245 **20A-6-401 . Ballots for municipal primary elections.**

2246 (1) Each election officer shall ensure that:

2247 (a) the following endorsements are printed in 18[-] -point bold type:

2248 (i) "Official Primary Ballot for ____ (City or Town), Utah";

2249 (ii) the date of the election; and

2250 [~~(iii) a facsimile of the signature of the election officer and the election officer's title~~
 2251 ~~in eight point type;]~~

2252 (iii) "Certified by" followed by the title of the election officer, without the election
 2253 officer's name;

2254 (b) immediately below the election officer's title, two one-point parallel horizontal rules
 2255 separate endorsements from the rest of the ballot;

2256 (c) immediately below the horizontal rules, an "Instructions to Voters" section is printed
 2257 in 10[-] -point bold type that states: "To vote for a candidate, mark the space adjacent
 2258 to the name(s) of the person(s) you favor as the candidate(s) for each respective
 2259 office." followed by two one-point parallel rules;

2260 (d) after the rules, the designation of the office for which the candidates seek nomination
 2261 is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
 2262 candidates for which the voter may vote)" are printed in 10-point bold type, followed
 2263 by a hair-line rule;

2264 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
 2265 between lines or rules three-eighths inch apart, in accordance with Sections
 2266 20A-6-109 and 20A-6-110, with surnames last and grouped according to the office
 2267 that the candidates seek;

2268 (f) a square with sides not less than one-fourth inch long is printed immediately adjacent
 2269 to the names of the candidates; and

2270 (g) the candidate groups are separated from each other by one light and one heavy line
 2271 or rule.

2272 (2) A municipal primary ballot may not contain any space for write-in votes.

2273 (3)(a) An election officer's or county clerk's name may not appear on the return envelope
 2274 for a ballot.

2275 (b) Except to the extent required to list an election officer's or county clerk's name as a
 2276 candidate on the ballot, a ballot may not include the name of the election officer or
 2277 county clerk.

2278 Section 20. Section **20A-6-401.1** is amended to read:

2279 **20A-6-401.1 . Ballots for partisan municipal primary elections.**

2280 (1) An election officer shall ensure that:

2281 (a) all manual ballots furnished for use at the regular primary election:

2282 (i) separate the candidates of one political party from those of the other political
 2283 parties; and

2284 (ii) contain no captions or other endorsements except as provided in this section;

2285 (b) the names of all candidates from each party are listed on the same ballot in one or
 2286 more columns under their party name and emblem;

2287 (c) the political parties are printed on the ballot in the order specified under Section
 2288 20A-6-110;

2289 (d) the following endorsements are printed in 18-point bold type:

2290 (i) "Official Primary Ballot for ____ (name of municipality), Utah";

2291 (ii) the date of the election; and

2292 [~~(iii) a facsimile of the signature of the election officer and the election officer's title~~
 2293 ~~in eight point type;]~~

2294 (iii) "Certified by" followed by the title of the election officer, without the election
 2295 officer's name;

2296 (e) [~~after the facsimile signature~~] immediately below or to the side of the election
 2297 officer's title, the political party emblem and the name of the political party are
 2298 printed;

2299 (f) after the party name and emblem, the ballot contains the following printed in not
 2300 smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote
 2301 for a candidate, mark the space following the name of the person for whom you wish
 2302 to vote and in no other place. Do not vote for any candidate listed under more than
 2303 one party or group designation.", followed by two one-point parallel horizontal rules;

2304 (g) after the rules, the designation of the office for which the candidates seek nomination
 2305 is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for
 2306 up to ____ (the number of candidates for which the voter may vote)" are printed to

- 2307 extend to the extreme right of the column in 10-point bold type, followed by a
 2308 hair-line rule;
- 2309 (h) after the hair-line rule, the names of the candidates are printed in heavy face type
 2310 between lines or rules three-eighths inch apart, in accordance with Sections
 2311 20A-6-109 and 20A-6-110, with surnames last and grouped according to the office
 2312 that they seek;
- 2313 (i) a square with sides not less than one-fourth inch long is printed immediately adjacent
 2314 to the names of the candidates;
- 2315 (j) the candidate groups are separated from each other by one light and one heavy line or
 2316 rule; and
- 2317 (k) the nonpartisan candidates are listed as follows:
- 2318 (i) immediately below the listing of the party candidates, the word
 2319 "NONPARTISAN" is printed in reverse type in an 18 point solid rule that extends
 2320 the full width of the type copy of the party listing above; and
- 2321 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
 2322 candidate's name, the voting square, and any other necessary information is
 2323 printed in the same style and manner as for party candidates.
- 2324 (2) For mechanical ballots, the election officer may require that:
- 2325 (a) the ballot for a regular primary election consist of several groups of pages or display
 2326 screens, so that a separate group can be used to list the names of candidates seeking
 2327 nomination of each qualified political party, with additional groups used to list
 2328 candidates for other nonpartisan offices;
- 2329 (b) the separate groups of pages or display screens are identified by color or other
 2330 suitable means; and
- 2331 (c) the ballot contains instructions that direct the voter how to vote the ballot.
- 2332 (3)(a) An election officer's or county clerk's name may not appear on the return envelope
 2333 for a ballot.
- 2334 (b) Except to the extent required to list an election officer's or county clerk's name as a
 2335 candidate on the ballot, a ballot may not include the name of the election officer or
 2336 county clerk.
- 2337 Section 21. Section **20A-6-402** is amended to read:
- 2338 **20A-6-402 . Ballots for municipal general elections.**
- 2339 (1) [~~Except as otherwise required for a race conducted by instant runoff voting under Title~~
 2340 ~~20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for] For a~~

- 2341 manual ballot at a municipal general election, an election officer shall ensure that:
- 2342 (a) the names of the two candidates who received the highest number of votes for mayor
- 2343 in the municipal primary are placed upon the ballot;
- 2344 (b) if no municipal primary election was held, the names of the candidates who filed
- 2345 declarations of candidacy for municipal offices are placed upon the ballot;
- 2346 (c) for other offices:
- 2347 (i) twice the number of candidates as there are positions to be filled are certified as
- 2348 eligible for election in the municipal general election from those candidates who
- 2349 received the greater number of votes in the primary election; and
- 2350 (ii) the names of those candidates are placed upon the municipal general election
- 2351 ballot;
- 2352 (d) the names of the candidates are placed on the ballot in accordance with Sections
- 2353 20A-6-109 and 20A-6-110;
- 2354 (e) in an election in which a voter is authorized to cast a write-in vote and where a
- 2355 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed
- 2356 upon the ballot that contains, for each office in which there is a qualified write-in
- 2357 candidate:
- 2358 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
- 2359 (ii) a square or other conforming area that is adjacent to or opposite the blank
- 2360 horizontal line to enable the voter to indicate the voter's vote;
- 2361 (f) ballot propositions that have qualified for the ballot, including propositions submitted
- 2362 to the voters by the municipality, municipal initiatives, and municipal referenda, are
- 2363 listed on the ballot in accordance with Section 20A-6-107; and
- 2364 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
- 2365 title assigned to each bond proposition under Section 11-14-206.
- 2366 (2) Except as otherwise required for a race conducted by instant runoff voting under Title
- 2367 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a
- 2368 mechanical ballot at municipal general elections, each election officer shall ensure that:
- 2369 (a) the following endorsements are displayed on the first portion of the ballot:
- 2370 (i) "Official Ballot for ____ (City or Town), Utah";
- 2371 (ii) the date of the election; and
- 2372 [~~(iii) a facsimile of the signature of the election officer and the election officer's title;~~]
- 2373 (iii) "Certified by" followed by the title of the election officer, without the election
- 2374 officer's name;

- 2375 (b) immediately below the election officer's title, a distinct border or line separates the
 2376 endorsements from the rest of the ballot;
- 2377 (c) immediately below the border or line, an "Instructions to Voters" section is displayed
 2378 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
 2379 the candidate(s) for each respective office." followed by another border or line;
- 2380 (d) after the border or line, the designation of the office for which the candidates seek
 2381 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the
 2382 number of candidates for which the voter may vote)" are displayed, followed by a
 2383 line or border;
- 2384 (e) after the line or border, the names of the candidates are displayed in accordance with
 2385 Sections 20A-6-109 and 20A-6-110, with surnames last and grouped according to the
 2386 office that the candidates seek;
- 2387 (f) a voting square or position is located adjacent to the name of each candidate;
- 2388 (g) following the name of the last candidate for each office in which a write-in candidate
 2389 is qualified under Section 20A-9-601, the ballot contains a write-in space where the
 2390 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 2391 (h) the candidate groups are separated from each other by a line or border.
- 2392 (3) When a municipality has chosen to nominate candidates by convention or committee,
 2393 the election officer shall ensure that the party name is included with the candidate's
 2394 name on the ballot.

2395 (4)(a) An election officer's or county clerk's name may not appear on the return envelope
 2396 for a ballot.

2397 (b) Except to the extent required to list an election officer's or county clerk's name as a
 2398 candidate on the ballot, a ballot may not include the name of the election officer or
 2399 county clerk.

2400 Section 22. Section **20A-9-408.4** is enacted to read:

2401 **20A-9-408.4 . Incumbent county clerk required to contract for certain services**
 2402 **relating to a race for reelection.**

2403 In relation to a race in which an incumbent county clerk is running for reelection, the
 2404 incumbent county clerk shall:

2405 (1) contract with another county clerk to fulfill the responsibilities described in:

2406 (a) Subsection 20A-9-403(3)(d);

2407 (b) Subsection 20A-9-405(10)(c);

2408 (c) Subsections 20A-9-408(9)(c), (d)(iii), and (f);

- 2409 (d) Subsections 20A-9-408(10)(c) and (11)(c); and
 2410 (e) Subsections 20A-9-408.3(2) through (3) and (5) through (7);
 2411 (2) no later than one business day after the day on which the incumbent county clerk
 2412 receives a signature packet for the race, deliver the signature packet to the other county
 2413 clerk described in Subsection (1); and
 2414 (3) on the same business day on which the incumbent county clerk receives a document
 2415 requesting the removal of a signature from a signature packet for the race, electronically
 2416 send a clear image of the document to the other county clerk described in Subsection (1).

2417 Section 23. Section **20A-11-104** is amended to read:

2418 **20A-11-104 . Personal use expenditure -- Authorized and prohibited uses of**
 2419 **campaign funds -- Enforcement -- Penalties.**

2420 (1)(a) As used in this chapter, "personal use expenditure" means an expenditure that:

2421 (i)(A) is not excluded from the definition of personal use expenditure by

2422 Subsection (2); and

2423 (B) primarily furthers a personal interest of a candidate or officeholder or a

2424 candidate's or officeholder's family, which interest is not connected with the

2425 performance of an activity as a candidate or an activity or duty of an

2426 officeholder; or

2427 (ii) would likely cause the candidate or officeholder to recognize the expenditure as

2428 taxable income under federal or state law.

2429 (b) "Personal use expenditure" includes:

2430 (i) a mortgage, rent, utility, or vehicle payment;

2431 (ii) a household food item or supply;

2432 (iii) a clothing expense, except:

2433 (A) clothing bearing the candidate's name or campaign slogan or logo that is used

2434 in the candidate's campaign;

2435 (B) clothing bearing the logo or name of a jurisdiction, district, government

2436 organization, government entity, caucus, or political party that the officeholder

2437 represents or of which the officeholder is a member; or

2438 (C) repair or replacement of clothing that is damaged while the candidate or

2439 officeholder is engaged in an activity of a candidate or officeholder;

2440 (iv) an admission to a sporting, artistic, or recreational event or other form of

2441 entertainment;

2442 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;

- 2443 (vi) a salary payment made to:
- 2444 (A) a candidate or officeholder; or
- 2445 (B) a person who has not provided a bona fide service to a candidate or
- 2446 officeholder;
- 2447 (vii) a vacation;
- 2448 (viii) a vehicle expense;
- 2449 (ix) a meal expense;
- 2450 (x) a travel expense;
- 2451 (xi) a payment of an administrative, civil, or criminal penalty;
- 2452 (xii) a satisfaction of a personal debt;
- 2453 (xiii) a personal service, including the service of an attorney, accountant, physician,
- 2454 or other professional person;
- 2455 (xiv) a membership fee for a professional or service organization; and
- 2456 (xv) a payment in excess of the fair market value of the item or service purchased.
- 2457 (2) As used in this chapter, "personal use expenditure" does not include an expenditure
- 2458 made:
- 2459 (a) for a political purpose;
- 2460 (b) for candidacy for public office;
- 2461 (c) to fulfill a duty or activity of an officeholder;
- 2462 (d) for a donation to a registered political party;
- 2463 (e) for a contribution to another candidate's campaign account, including sponsorship of
- 2464 or attendance at an event, the primary purpose of which is to solicit a contribution for
- 2465 another candidate's campaign account;
- 2466 (f) to return all or a portion of a contribution to a contributor;
- 2467 (g) for the following items, if made in connection with the candidacy for public office or
- 2468 an activity or duty of an officeholder:
- 2469 (i)(A) a mileage allowance at the rate established by the Division of Finance under
- 2470 Section 63A-3-107; or
- 2471 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 2472 (ii) a food expense, including food or beverages:
- 2473 (A) served at a campaign event;
- 2474 (B) served at a charitable event;
- 2475 (C) consumed, or provided to others, by a candidate while the candidate is
- 2476 engaged in campaigning;

- 2477 (D) consumed, or provided to others, by an officeholder while the officeholder is
2478 acting in the capacity of an officeholder; or
- 2479 (E) provided as a gift to an individual who works on a candidate's campaign or
2480 who assists an officeholder in the officeholder's capacity as an officeholder;
- 2481 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to
2482 the candidate's campaign, including airfare, car rental, other transportation, hotel,
2483 or other expenses incidental to the travel;
- 2484 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of
2485 the travel by the individual is to assist the candidate with the candidate's
2486 campaign, including an expense described in Subsection (2)(g)(iii);
- 2487 (v) a travel expense of an officeholder, if the primary purpose of the travel is related
2488 to an activity or duty of the officeholder, including an expense described in
2489 Subsection (2)(g)(iii);
- 2490 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose
2491 of the travel by the individual is to assist the officeholder in an activity or duty of
2492 an officeholder, including an expense described in Subsection (2)(g)(iii);
- 2493 (vii) a payment for a service provided by an attorney or accountant;
- 2494 (viii) a tuition payment or registration fee for participation in a meeting or conference;
- 2495 (ix) a gift;
- 2496 (x) a payment for the following items in connection with an office space:
- 2497 (A) rent;
- 2498 (B) utilities;
- 2499 (C) a supply; or
- 2500 (D) furnishing;
- 2501 (xi) a booth at a meeting or event;
- 2502 (xii) educational material; or
- 2503 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty
2504 of an officeholder;
- 2505 (h) to purchase or mail informational material, a survey, or a greeting card;
- 2506 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
2507 admission to or sponsorship of an event, the primary purpose of which is charitable
2508 solicitation, as defined in Section 13-22-2;
- 2509 (j) to repay a loan a candidate makes from the candidate's personal account to the
2510 candidate's campaign account;

- 2511 (k) to pay membership dues to a national organization whose primary purpose is to
 2512 address general public policy;
- 2513 (l) for admission to or sponsorship of an event, the primary purpose of which is to
 2514 promote the social, educational, or economic well-being of the state or the candidate's
 2515 or officeholder's community;
- 2516 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
 2517 or conference described in this Subsection (2), including related travel expenses and
 2518 other expenses, if attendance by the guest is for a primary purpose described in
 2519 Subsection (2)(g)(iv) or (vi);~~or~~
- 2520 (n) to pay childcare expenses of:
- 2521 (i) a candidate while the candidate is engaging in campaign activity; or
 2522 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder~~[-]~~ ;
 2523 or
- 2524 (o) by a candidate or officeholder to purchase reasonably necessary goods, other than
 2525 weapons, or services, for the purpose of protecting the security of the candidate or
 2526 officeholder, the candidate's or officeholder's family, or the candidate's or
 2527 officeholder's staff, which may include:
- 2528 (i) a security system for use at the candidate's or officeholder's home, place of
 2529 business, or campaign office; or
- 2530 (ii) security services while the candidate or officeholder is traveling to or from, or
 2531 attending:
- 2532 (A) a campaign event; or
 2533 (B) for an officeholder, an event relating to an activity or duty of the officeholder.
- 2534 (3)(a) The lieutenant governor shall enforce this chapter prohibiting a personal use
 2535 expenditure by:
- 2536 (i) evaluating a financial statement to identify a personal use expenditure; and
 2537 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G,
 2538 Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable
 2539 cause to believe a candidate or officeholder has made a personal use expenditure.
- 2540 (b) Following the proceeding, the lieutenant governor may issue a signed order requiring
 2541 a candidate or officeholder who has made a personal use expenditure to:
- 2542 (i) remit an administrative penalty of an amount equal to 50% of the personal use
 2543 expenditure to the lieutenant governor; and
 2544 (ii) deposit the amount of the personal use expenditure in the campaign account from

2545 which the personal use expenditure was disbursed.

2546 (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) [in]
2547 into the General Fund.

2548 Section 24. Section **20A-11-204** is amended to read:

2549 **20A-11-204 . State office candidate and state officeholder -- Financial reporting**
2550 **requirements -- Interim reports.**

2551 (1) As used in this section:

2552 (a) "Campaign account" means a separate campaign account required under Subsection
2553 20A-11-201(1)(a) or (c).

2554 (b) "Received" means:

2555 (i) for a cash contribution, that the cash is given to a state office candidate or a
2556 member of the state office candidate's personal campaign committee;

2557 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
2558 instrument or check is negotiated;

2559 (iii) for a direct deposit made into a campaign account by a person not associated
2560 with the campaign, the earlier of:

2561 (A) the day on which the state office candidate or a member of the state office
2562 candidate's personal campaign committee becomes aware of the deposit and
2563 the source of the deposit;

2564 (B) the day on which the state office candidate or a member of the state office
2565 candidate's personal campaign committee receives notice of the deposit and the
2566 source of the deposit by mail, email, text, or similar means; or

2567 (C) 31 calendar days after the day on which the direct deposit occurs; or

2568 (iv) for any other type of contribution, that any portion of the contribution's benefit
2569 inures to the state office candidate.

2570 (2) Except as provided in Subsection (3), each state office candidate shall file an interim
2571 report at the following times in any year in which the candidate has filed a declaration of
2572 candidacy for a public office:

2573 (a)(i) seven calendar days before the candidate's political convention; or

2574 (ii) for an unaffiliated candidate, the fourth Saturday in March;

2575 (b) seven calendar days before the regular primary election date;

2576 (c) September 30; and

2577 (d) seven calendar days before the regular general election date.

2578 (3) If a state office candidate is a state office candidate seeking appointment for a midterm

- 2579 vacancy, the state office candidate:
- 2580 (a) shall file an interim report:
- 2581 (i) for a vacancy described in Subsection 20A-1-504(1)(b)(i), no later than three
- 2582 business days before the day on which the political party of the party for which
- 2583 the state office candidate seeks nomination meets to declare a nominee for the
- 2584 governor to appoint[~~in accordance with Subsection 20A-1-504(1)(a); or~~];
- 2585 (ii) for a vacancy described in Subsection 20A-1-504(1)(b)(ii), no later than three
- 2586 business days before the day on which the Senate meets to consider the governor's
- 2587 nomination; or
- 2588 [~~ii~~] (iii) if a state office candidate decides to seek the appointment with less than
- 2589 three business days before the [~~day on which the political party meets~~] applicable
- 2590 day described in Subsection (3)(a)(i) or (ii), or the political party or the Senate
- 2591 schedules the [~~meeting to declare a nominee~~] applicable meeting described in
- 2592 Subsection (3)(a)(i) or (ii) less than three business days before the day of the
- 2593 meeting, no later than 5 p.m. on the last day of business before the day on which
- 2594 the political party or the Senate meets; and
- 2595 (b) is not required to file an interim report at the times described in Subsection (2).
- 2596 (4) Each interim report shall include the following information:
- 2597 (a) the net balance of the last summary report, if any;
- 2598 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 2599 reports, if any, during the calendar year in which the interim report is due;
- 2600 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 2601 reports, if any, filed during the calendar year in which the interim report is due;
- 2602 (d) a detailed listing of:
- 2603 (i) for a state office candidate, each contribution received since the last summary
- 2604 report that has not been reported in detail on a prior interim report; or
- 2605 (ii) for a state officeholder, each contribution and public service assistance received
- 2606 since the last summary report that has not been reported in detail on a prior
- 2607 interim report;
- 2608 (e) for each nonmonetary contribution:
- 2609 (i) the fair market value of the contribution with that information provided by the
- 2610 contributor; and
- 2611 (ii) a specific description of the contribution;
- 2612 (f) a detailed listing of each expenditure made since the last summary report that has not

- 2613 been reported in detail on a prior interim report;
- 2614 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2615 (h) a net balance for the year consisting of the net balance from the last summary report,
- 2616 if any, plus all receipts since the last summary report minus all expenditures since the
- 2617 last summary report;
- 2618 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2619 (i) beginning balance;
- 2620 (ii) total contributions and public service assistance received during the period since
- 2621 the last statement;
- 2622 (iii) total contributions and public service assistance received to date;
- 2623 (iv) total expenditures during the period since the last statement; and
- 2624 (v) total expenditures to date; and
- 2625 (j) the name of a political action committee for which the state office candidate or state
- 2626 officeholder is designated as an officer who has primary decision-making authority
- 2627 under Section 20A-11-601.
- 2628 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 2629 of five calendar days before the required filing date of the report.
- 2630 (b) Any negotiable instrument or check received by a state office candidate or state
- 2631 officeholder more than five calendar days before the required filing date of a report
- 2632 required by this section shall be included in the interim report.
- 2633 Section 25. Section **20A-11-1303** is amended to read:
- 2634 **20A-11-1303 . School board office candidate and school board officeholder --**
- 2635 **Financial reporting requirements -- Interim reports.**
- 2636 (1)(a) As used in this section, "received" means:
- 2637 (i) for a cash contribution, that the cash is given to a school board office candidate or
- 2638 a member of the school board office candidate's personal campaign committee;
- 2639 (ii) for a contribution that is a check or other negotiable instrument, that the check or
- 2640 other negotiable instrument is negotiated;
- 2641 (iii) for a direct deposit made into a campaign account by a person not associated
- 2642 with the campaign, the earlier of:
- 2643 (A) the day on which the school board office candidate or a member of the school
- 2644 board office candidate's personal campaign committee becomes aware of the
- 2645 deposit and the source of the deposit;
- 2646 (B) the day on which the school board office candidate or a member of the school

- 2647 board office candidate's personal campaign committee receives notice of the
 2648 deposit and the source of the deposit by mail, email, text, or similar means; or
 2649 (C) 31 calendar days after the day on which the direct deposit occurs; or
 2650 (iv) for any other type of contribution, that any portion of the contribution's benefit
 2651 inures to the school board office candidate.
- 2652 (b) As used in this Subsection (1), "campaign account" means a separate campaign
 2653 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).
- 2654 (c) Except as provided in Subsection (2), each school board office candidate shall file an
 2655 interim report at the following times in any year in which the candidate has filed a
 2656 declaration of candidacy for a public office:
- 2657 (i) May 15;
 2658 (ii) seven calendar days before the regular primary election date;
 2659 (iii) September 30; and
 2660 (iv) seven calendar days before the regular general election date.
- 2661 (2) If a school board office candidate is a school board office candidate seeking
 2662 appointment for a midterm vacancy, the school board office candidate:
- 2663 (a) shall file an interim report:
- 2664 (i) for a vacancy described in Subsection [~~20A-1-504(1)(b)(ii)(A) or (B)~~]
 2665 20A-1-504(1)(b)(ii), no later than three business days before the day on which the
 2666 Senate meets to consider the school board office candidate's nomination; [~~or~~]
 2667 (ii) for a vacancy described in Subsection [~~20A-1-504(1)(b)(ii)(C):~~]
 2668 20A-1-504(1)(b)(i),
 2669 [~~(A)~~] no later than three business days before the day on which the political party
 2670 of the party for which the school board office candidate seeks nomination
 2671 meets to declare a nominee for the governor to appoint; or
 2672 [~~(B)~~] (iii) if the school board office candidate decides to seek the appointment with
 2673 less than three business days before the [~~day on which the political party meets~~]
 2674 applicable day described in Subsection (2)(a)(i) or (ii), or the political party or the
 2675 Senate schedules the [~~meeting to declare a nominee~~] applicable meeting described
 2676 in Subsection (2)(a)(i) or (ii) less than three business days before the day of the
 2677 meeting, no later than 5 p.m. on the last day of business before the day on which
 2678 the political party or the Senate meets; and
- 2679 (b) is not required to file an interim report at the times described in Subsection (1)(c).
- 2680 (3) Each interim report shall include the following information:

- 2681 (a) the net balance of the last summary report, if any;
- 2682 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 2683 reports, if any, during the calendar year in which the interim report is due;
- 2684 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 2685 reports, if any, filed during the calendar year in which the interim report is due;
- 2686 (d) a detailed listing of:
- 2687 (i) for a school board office candidate, each contribution received since the last
- 2688 summary report that has not been reported in detail on a prior interim report; or
- 2689 (ii) for a school board officeholder, each contribution and public service assistance
- 2690 received since the last summary report that has not been reported in detail on a
- 2691 prior interim report;
- 2692 (e) for each nonmonetary contribution:
- 2693 (i) the fair market value of the contribution with that information provided by the
- 2694 contributor; and
- 2695 (ii) a specific description of the contribution;
- 2696 (f) a detailed listing of each expenditure made since the last summary report that has not
- 2697 been reported in detail on a prior interim report;
- 2698 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 2699 (h) a net balance for the year consisting of the net balance from the last summary report,
- 2700 if any, plus all receipts since the last summary report minus all expenditures since the
- 2701 last summary report;
- 2702 (i) a summary page in the form required by the lieutenant governor that identifies:
- 2703 (i) beginning balance;
- 2704 (ii) total contributions during the period since the last statement;
- 2705 (iii) total contributions to date;
- 2706 (iv) total expenditures during the period since the last statement; and
- 2707 (v) total expenditures to date; and
- 2708 (j) the name of a political action committee for which the school board office candidate
- 2709 or school board officeholder is designated as an officer who has primary
- 2710 decision-making authority under Section 20A-11-601.
- 2711 (4)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 2712 of five calendar days before the required filing date of the report.
- 2713 (b) Any negotiable instrument or check received by a school board office candidate or
- 2714 school board officeholder more than five calendar days before the required filing date

2715 of a report required by this section shall be included in the interim report.

2716 Section 26. Section **63I-2-220** is amended to read:

2717 **63I-2-220 . Repeal dates: Title 20A.**

2718 [~~(1) Section 20A-7-103.1, Constitutional amendments proposed during specified timeframe~~

2719 ~~-- Analysis -- Arguments -- Publication, is repealed July 1, 2025.]~~

2720 [~~(2) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is~~

2721 ~~repealed January 1, 2026.]~~

Subsection 20A-1-104(4), relating to the extension of a deadline that falls on a weekend or holiday, is repealed on May 5, 2027.

2722 Section 27. **Effective Date.**

2723 This bill takes effect on May 6, 2026.