Wayne A. Harper proposes the following substitute bill:

1   **Modifications to Election Law**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Paul A. Cutler

2

3   **LONG TITLE**

4   **General Description:**

5   This bill modifies provisions relating to elections.

6   **Highlighted Provisions:**

7   This bill:

8   ‣ defines terms;

9   ‣ requires a county clerk to coordinate with local post offices to ensure the optimal

10   handling of ballots;

11   ‣ provides that a poll watcher may observe the signature-verification process for a petition

12   to qualify a candidate for a primary election ballot (candidate petition) or for a written

13   request to remove a signature from a candidate petition;

14   ‣ makes it unlawful for a poll watcher to reveal certain information observed during the

15   process described in the preceding paragraph;

16   ‣ requires an election officer to conduct an audit of signature comparisons made for a

17   candidate petition;

18   ‣ requires an election officer who engages in the signature-verification process for a

19   candidate petition to certify a certain percentage of signatures submitted beyond the

20   required signature-gathering threshold;

21   ‣ addresses viewing by a candidate or a candidate's campaign representative of a complete,

22   unredacted signature packet, or a request to remove a signature from a signature packet,

23   relating to a candidate petition for the candidate's election race;

24   ‣ provides the ability for a voter to track a candidate petition recently signed by the voter

25   and certain information relating to verification of the signature;

26   ‣ in relation to a signature packet for a candidate petition, establishes requirements for:

27   • submitting the packet;

28   • maintaining a chain of custody for a packet; and

29   • storing a packet;

30   ‣ grants rulemaking authority to the director of elections within the Office of the Lieutenant

31 Governor; and

32   ‣ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34   None

35 **Other Special Clauses:**

36   None

37 **Utah Code Sections Affected:**

38 AMENDS:

39   **20A-3a-106**, as enacted by Laws of Utah 2023, Chapter 297

40   **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297

41   **20A-3a-801**, as last amended by Laws of Utah 2022, Chapters 18, 380

42   **20A-9-403**, as last amended by Laws of Utah 2024, Chapter 503

43   **20A-9-408**, as last amended by Laws of Utah 2023, Chapter 116

44 ENACTS:

45   **20A-9-401.1**, Utah Code Annotated 1953

46   **20A-9-408.1**, Utah Code Annotated 1953

47   **20A-9-408.2**, Utah Code Annotated 1953

48   **20A-9-408.3**, Utah Code Annotated 1953

49 ═══

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

51   Section 1. Section **20A-3a-106** is amended to read:

52   **20A-3a-106 . Rulemaking authority relating to conducting an election.**

53   The director of elections, within the Office of the Lieutenant Governor, may make rules,

54 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing

55 requirements for:

56 (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and

57   security of the envelopes;

58 (2) complying with the signature comparison audit requirements described in Section

59   20A-3a-402.5;[or]

60 (3) conducting and documenting the identity verification process described in Subsection

61   20A-3a-401(7)(b)[.] ; or

62 (4) establishing specific requirements and procedures for an election officer to:

63   (a) perform the signature comparison audits described in Subsection 20A-9-408(9)(e); or

64   (b) fulfill the chain of custody requirements described in Section 20A-9-408.3.

65   Section 2. Section **20A-3a-202** is amended to read:

66   **20A-3a-202 . Conducting election by mail.**

67   (1)(a) Except as otherwise provided for an election conducted entirely by mail under

68   Section 20A-7-609.5, an election officer shall administer an election primarily by

69   mail, in accordance with this section.

70   (b) An individual who did not provide valid voter identification at the time the voter

71   registered to vote shall provide valid voter identification before voting.

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

73   (a) shall in accordance with Subsection (3), no sooner than 21 days before election day

74   and no later than seven days before election day, mail to each active voter within a

75   voting precinct:

76   (i) a manual ballot;

77   (ii) a return envelope;

78   (iii) instructions for returning the ballot that include an express notice about any

79   relevant deadlines that the voter must meet in order for the voter's vote to be

80   counted;

81   (iv) for an election administered by a county clerk, information regarding the location

82   and hours of operation of any election day voting center at which the voter may

83   vote or a website address where the voter may view this information;

84   (v) for an election administered by an election officer other than a county clerk, if the

85   election officer does not operate a polling place or an election day voting center, a

86   warning, on a separate page of colored paper in bold face print, indicating that if

87   the voter fails to follow the instructions included with the ballot, the voter will be

88   unable to vote in that election because there will be no polling place for the voting

89   precinct on the day of the election; and

90   (vi) instructions on how a voter may sign up to receive electronic ballot status

91   notifications via the ballot tracking system described in Section 20A-3a-401.5;

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

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

94   (ii) a voter whom the election officer is prohibited from sending a ballot under

95   Subsection (9)(c)(ii);

96   (c) shall, on the outside of the envelope in which the election officer mails the ballot,

97	include instructions for returning the ballot if the individual to whom the election
98	officer mails the ballot does not live at the address to which the ballot is sent;
99	(d) shall provide a method of accessible voting to a voter with a disability who is not
100	able to vote by mail; and
101	(e) shall include, on the election officer's website and with each ballot mailed,
102	instructions regarding how a voter described in Subsection (2)(d) may vote.
103	(3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the
104	manual ballot to the address:
105	(i) provided at the time of registration; or
106	(ii) if, at or after the time of registration, the voter files an alternate address request
107	form described in Subsection (3)(b), the alternate address indicated on the form.
108	(b) The lieutenant governor shall make available to voters an alternate address request
109	form that permits a voter to request that the election officer mail the voter's ballot to a
110	location other than the voter's residence.
111	(c) A voter shall provide the completed alternate address request form to the election
112	officer no later than 11 days before the day of the election.
113	(4) The return envelope shall include:
114	(a) the name, official title, and post office address of the election officer on the front of
115	the envelope;
116	(b) a space where a voter may write an email address and phone number by which the
117	election officer may contact the voter if the voter's ballot is rejected;
118	(c) a printed affidavit in substantially the following form:
119	"County of ____State of ____
120	I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
121	in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
122	currently incarcerated for commission of a felony.
123	_____
124	Signature of Voter"; and
125	(d) a warning that the affidavit must be signed by the individual to whom the ballot was
126	sent and that the ballot will not be counted if the signature on the affidavit does not
127	match the signature on file with the election officer of the individual to whom the
128	ballot was sent.
129	(5) If the election officer determines that the voter is required to show valid voter
130	identification, the election officer may:

131   (a) mail a ballot to the voter;
132   (b) instruct the voter to include a copy of the voter's valid voter identification with the
133   return ballot; and
134   (c) provide instructions to the voter on how the voter may sign up to receive electronic
135   ballot status notifications via the ballot tracking system described in Section
136   20A-3a-401.5.
137   (6) An election officer who administers an election shall:
138   (a)(i) before the election, obtain the signatures of each voter qualified to vote in the
139   election; or
140   (ii) obtain the signature of each voter within the voting precinct from the county
141   clerk; and
142   (b) maintain the signatures on file in the election officer's office.
143   (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot
144   under Section 20A-3a-401.
145   (8) A county that administers an election:
146   (a) shall provide at least one election day voting center in accordance with Part 7,
147   Election Day Voting Center, and at least one additional election day voting center for
148   every 5,000 active voters in the county who have requested to not receive a ballot by
149   mail;
150   (b) shall ensure that each election day voting center operated by the county has at least
151   one voting device that is accessible, in accordance with the Help America Vote Act
152   of 2002, Pub. L. No. 107-252, for individuals with disabilities;
153   (c) may reduce the early voting period described in Section 20A-3a-601, if:
154   (i) the county clerk conducts early voting on at least four days;
155   (ii) the early voting days are within the period beginning on the date that is 14 days
156   before the date of the election and ending on the day before the election; and
157   (iii) the county clerk provides notice of the reduced early voting period in accordance
158   with Section 20A-3a-604; and
159   (d) is not required to pay return postage for a ballot.
160   (9)(a) An individual may request that the election officer not send the individual a ballot
161   by mail in the next and subsequent elections by submitting a written request to the
162   election officer.
163   (b) An individual shall submit the request described in Subsection (9)(a) to the election
164   officer before 5 p.m. no later than 60 days before an election if the individual does

165   not wish to receive a ballot by mail in that election.

166   (c) An election officer who receives a request from an individual under Subsection (9)(a):

167   (i) shall remove the individual's name from the list of voters who will receive a ballot

168   by mail; and

169   (ii) may not send the individual a ballot by mail for:

170   (A) the next election, if the individual submits the request described in Subsection

171   (9)(a) before the deadline described in Subsection (9)(b); or

172   (B) an election after the election described in Subsection (9)(c)(ii)(A).

173   (d) An individual who submits a request under Subsection (9)(a) may resume the

174   individual's receipt of a ballot by mail by submitting a written request to the election

175   officer.

176   (10) A county clerk shall, at least 90 days before an election administered by the county

177   clerk, contact local post offices to:

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

179   (b) take measures to ensure that:

180   (i) ballots are clearly and properly postmarked, or otherwise marked in accordance

181   with Subsection 20A-3a-204(2)(a)(i), with the date on which the ballot was

182   mailed; and

183   (ii) ballots are delivered in an expeditious manner to optimize the timely receipt of

184   ballots.

185   Section 3. Section **20A-3a-801** is amended to read:

186   **20A-3a-801 . Watchers.**

187   (1) As used in this section[, "administering] :

188   (a) "Administering election officer" means:

189   [(a)] (i) the election officer; or

190   [(b)] (ii) if the election officer is the lieutenant governor, the county clerk of the

191   county in which an individual will act as a watcher.

192   (b) "Candidate signature packet" means the same as that term is defined in Section

193   20A-9-401.1.

194   (c) "Election process" means each process of an election, including a process described

195   in Subsections (4) and (5).

196   (2)(a) Any individual who is registered or preregistered to vote in Utah may, at any time,

197   become a watcher of any election process in relation to an election[at any time] by

198   registering as a watcher with the administering election officer.

199   (b) An individual who registers under Subsection (2)(a) is not required to be certified by
200   a person under Subsection (3) in order to act as a watcher.
201   (c) An individual who registers as a watcher shall notify the administering election
202   officer of the dates, times, and locations that the individual intends to act as a watcher.
203   (d) An election official may not prohibit a watcher from performing a function described
204   in Subsection (4) because the watcher did not provide the notice described in
205   Subsection (2)(c).
206   (e) An administering election officer shall provide a copy of this section, or instructions
207   on how to access an electronic copy of this section, to a watcher at the time the
208   watcher registers under this Subsection (2).
209   (3)(a) A person that is a candidate whose name will appear on the ballot, a qualified
210   write-in candidate for the election, a registered political party, or a political issues
211   committee may certify an individual as an official watcher for the person:
212   (i) by filing an affidavit with the administering election officer responsible to
213   designate an individual as an official watcher for the certifying person; and
214   (ii) if the individual registers as a watcher under Subsection (2)(a).
215   (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
216   same function described in Subsection (4) at the same time and in the same location
217   as another watcher who is certified by that person.
218   (c) A watcher who is certified by a person under Subsection (3)(a) may designate
219   another individual to serve in the watcher's stead during the watcher's temporary
220   absence by filing with a poll worker an affidavit that designates the individual as a
221   temporary replacement.
222   (4) A watcher may:
223   (a) observe the setup or takedown of a polling place;
224   (b) observe a voter checking in at a polling place;
225   (c) observe the collection, receipt, and processing of a ballot, including a provisional
226   ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;
227   (d) observe the transport or transmission of a ballot that is in an election official's
228   custody;
229   (e) observe the opening and inspection of a manual ballot;
230   (f) observe ballot replication;
231   (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
232   (h) observe ballot tabulation;

233   (i) observe the process of storing and securing a ballot;

234   (j) observe a post-election audit;

235   (k) observe a canvassing board meeting described in [Title 20A, Chapter 4, Part 3,

236   Canvassing Returns] Chapter 4, Part 3, Canvassing Returns;

237   (l) observe the certification of the results of an election;

238   (m) observe a recount; or

239   (n) observe signature verification[.] :

240   (i) of signatures on a return envelope containing a ballot; or

241   (ii) relating to a candidate signature packet.

242   (5) To observe signature verification relating to a candidate signature packet, a watcher may

243   observe:

244   (a) the receipt, initial review, and processing that occurs at the time an individual

245   submits a candidate signature packet to an election officer;

246   (b) all subsequent processing, handling, and securing of a candidate signature packet;

247   (c) verification of signatures in a candidate signature packet;

248   (d) the processing, handling, and securing of a written request to remove a signature

249   from a candidate signature packet;

250   (e) verification of a signature on a written request to remove a signature from a

251   candidate signature packet; or

252   (f) the removal of a signature from a candidate signature packet.

253   [(5)] (6) An administering election officer shall:

254   (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an

255   election process;

256   (b) establish locations for a watcher to observe an event described in Subsection (4) or

257   (5), other than an event described in Subsection (4)(d) or (k), from no further than six

258   feet away; and

259   (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or

260   upload of votes from a voting machine or scanner, that is conducted on a computer

261   screen, project the activity onto a screen that is large enough to be viewed by each

262   watcher.

263   [(6)] (7)(a) A watcher may not:

264   (i) record an activity described in Subsection (4) if the recording would reveal a vote[

265   or otherwise violate a voter's privacy or] , violate a voter's right to cast a secret

266   ballot, or otherwise violate a voter's privacy;

267   (ii) record an activity described in Subsection (5), except that a watcher may take

268   notes that do not include the name or other personal identifying information of an

269   individual who signs a candidate signature packet or a written request to remove a

270   signature from a candidate signature packet;

271   [(ii)] (iii) interfere with an activity described in Subsection (4) or (5), except to

272   challenge an individual's eligibility to vote under Section 20A-3a-803;[or]

273   [(iii)] (iv) divulge information related to the number of votes counted, tabulated, or

274   cast for a candidate or ballot proposition until after the election officer makes the

275   information public[.] ; or

276   (v) divulge information related to:

277   (A) the number of signatures collected to qualify a candidate for placement on a

278   primary election ballot; or

279   (B) the names or other personal identifying information of an individual who signs

280   a candidate signature packet or a written request to remove a signature from a

281   candidate signature packet.

282   (b) A person who violates Subsection [(6)(a)(iii)] (7)(a)(iv) or (v) is guilty of a third

283   degree felony.

284 [(7)] (8)(a) Notwithstanding Subsection [(2)(a) or (4)] (2)(a), (4), or (5), in order to

285   maintain a safe working environment for an election official or to protect the safety

286   or security of a ballot, an administering election officer may take reasonable action to:

287   (i) limit the number of watchers at a single location;

288   (ii) remove a watcher for violating a provision of this section;

289   (iii) remove a watcher for interfering with an activity described in Subsection (4) or

290   (5);

291   (iv) designate areas for a watcher to reasonably observe the activities described in

292   Subsection (4) or (5); or

293   (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

294   (b) If an administering election officer limits the number of watchers at a single location

295   under Subsection [(6)(a)(i)] (8)(a)(i), the administering election officer shall give

296   preferential access to the location to a watcher designated under Subsection (3).

297   (c) An administering election officer may provide a watcher a badge that identifies the

298   watcher and require the watcher to wear the badge while acting as a watcher.

299   Section 4. Section **20A-9-401.1** is enacted to read:

300   **20A-9-401.1 . Definitions.**

301   As used in this part:

302   (1) "Candidate nomination document" means:

303   (a) a candidate signature packet; or

304   (b) a written request to remove a signature from a candidate signature packet.

305   (2) "Candidate signature packet" means a single packet of signature sheets that:

306   (a) is bound together and circulated to gather signatures to qualify a candidate for

307   placement on a primary election ballot; and

308   (b) includes a cover sheet at the front of the packet and a circulator verification sheet at

309   the end of the packet.

310   Section 5. Section **20A-9-403** is amended to read:

311   **20A-9-403 . Regular primary elections.**

312   (1)(a) Candidates for elective office that are to be filled at the next regular general

313   election shall be nominated in a regular primary election by direct vote of the people

314   in the manner prescribed in this section. The regular primary election is held on the

315   date specified in Section 20A-1-201.5. Nothing in this section shall affect a

316   candidate's ability to qualify for a regular general election's ballot as an unaffiliated

317   candidate under Section 20A-9-501 or to participate in a regular general election as a

318   write-in candidate under Section 20A-9-601.

319   (b) Each registered political party that chooses to have the names of the registered

320   political party's candidates for elective office featured with party affiliation on the

321   ballot at a regular general election shall comply with the requirements of this section

322   and shall nominate the registered political party's candidates for elective office in the

323   manner described in this section.

324   (c) A filing officer may not permit an official ballot at a regular general election to be

325   produced or used if the ballot denotes affiliation between a registered political party

326   or any other political group and a candidate for elective office who is not nominated

327   in the manner prescribed in this section or in Subsection 20A-9-202(4).

328   (d) Unless noted otherwise, the dates in this section refer to those that occur in each

329   even-numbered year in which a regular general election will be held.

330   (2)(a) Each registered political party, in a statement filed with the lieutenant governor,

331   shall:

332   (i) either declare the registered political party's intent to participate in the next regular

333   primary election or declare that the registered political party chooses not to have

334   the names of the registered political party's candidates for elective office featured

335   on the ballot at the next regular general election; and

336   (ii) if the registered political party participates in the upcoming regular primary

337   election, identify one or more registered political parties whose members may

338   vote for the registered political party's candidates and whether individuals

339   identified as unaffiliated with a political party may vote for the registered political

340   party's candidates.

341   (b)(i) A registered political party that is a continuing political party shall file the

342   statement described in Subsection (2)(a) with the lieutenant governor no later than

343   5 p.m. on November 30 of each odd-numbered year.

344   (ii) An organization that is seeking to become a registered political party under

345   Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the

346   time that the registered political party files the petition described in Section

347   20A-8-103.

348 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration

349   of candidacy under Section 20A-9-202 shall appear as a candidate for elective office

350   on the regular primary ballot of the registered political party listed on the declaration

351   of candidacy only if the individual is certified by the appropriate filing officer as

352   having submitted a nomination petition that was:

353   (i) circulated and completed in accordance with Section 20A-9-405; and

354   (ii) signed by at least 2% of the registered political party's members who reside in the

355   political division of the office that the individual seeks.

356   (b)(i) A candidate for elective office shall, in accordance with Section 20A-9-408.3,

357   submit signatures for a nomination petition to the appropriate filing officer for

358   verification and certification no later than 5 p.m. on the final day in March.

359   (ii) A candidate may supplement the candidate's submissions at any time on or before

360   the filing deadline.

361   (c)(i) The lieutenant governor shall determine for each elective office the total

362   number of signatures that must be submitted under Subsection (3)(a)(ii) or

363   20A-9-408(8) by counting the aggregate number of individuals residing in each

364   elective office's political division who have designated a particular registered

365   political party on the individuals' voter registration forms on or before November

366   15 of each odd-numbered year.

367   (ii) The lieutenant governor shall publish the determination for each elective office

368   no later than November 30 of each odd-numbered year.

369   (d) The filing officer shall:

370   (i) except as otherwise provided in Section 20A-21-201, <u>and in accordance with</u>

371   <u>Section 20A-9-408.3,</u> verify signatures on nomination petitions in a transparent

372   and orderly manner, no later than 14 days after the day on which a candidate

373   submits the signatures to the filing officer;

374   (ii) for all qualifying candidates for elective office who submit nomination petitions

375   to the filing officer, issue certifications referenced in Subsection (3)(a) no later

376   than the deadline described in Subsection 20A-9-202(1)(b);

377   (iii) consider active and inactive voters eligible to sign nomination petitions;

378   (iv) consider an individual who signs a nomination petition a member of a registered

379   political party for purposes of Subsection (3)(a)(ii) if the individual has designated

380   that registered political party as the individual's party membership on the

381   individual's voter registration form; and

382   (v) except as otherwise provided in Section 20A-21-201 and with the assistance of

383   the county clerk as applicable, use the procedures described in Section 20A-1-1002

384   to verify submitted nomination petition signatures, or use statistical sampling

385   procedures to verify submitted nomination petition signatures in accordance with

386   rules made under Subsection (3)(f).

387   (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant

388   governor may appear on the regular primary ballot of a registered political party

389   without submitting nomination petitions if the candidate files a declaration of

390   candidacy and complies with Subsection 20A-9-202(3).

391   (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

392   director of elections, within the Office of the Lieutenant Governor, may make rules

393   that:

394   (i) provide for the use of statistical sampling procedures that:

395   (A) filing officers are required to use to verify signatures under Subsection (3)(d);

396   and

397   (B) reflect a bona fide effort to determine the validity of a candidate's entire

398   submission, using widely recognized statistical sampling techniques; and

399   (ii) provide for the transparent, orderly, and timely submission, verification, and

400   certification of nomination petition signatures.

401   (g) The county clerk shall:

402   (i) review the declarations of candidacy filed by candidates for local boards of

403   education to determine if more than two candidates have filed for the same seat;

404   (ii) place the names of all candidates who have filed a declaration of candidacy for a

405   local board of education seat on the nonpartisan section of the ballot if more than

406   two candidates have filed for the same seat; and

407   (iii) determine the order of the local board of education candidates' names on the

408   ballot in accordance with Section 20A-6-305.

409   (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant

410   governor shall provide to the county clerks:

411   (i) a list of the names of all candidates for federal, constitutional, multi-county, single

412   county, and county offices who have received certifications under Subsection (3),

413   along with instructions on how those names shall appear on the primary election

414   ballot in accordance with Section 20A-6-305; and

415   (ii) a list of unopposed candidates for elective office who have been nominated by a

416   registered political party under Subsection (5)(c) and instruct the county clerks to

417   exclude the unopposed candidates from the primary election ballot.

418   (b) A candidate for lieutenant governor and a candidate for governor campaigning as

419   joint-ticket running mates shall appear jointly on the primary election ballot.

420   (c) After the county clerk receives the certified list from the lieutenant governor under

421   Subsection (4)(a), the county clerk shall post or publish a primary election notice in

422   substantially the following form:

423   "Notice is given that a primary election will be held Tuesday, June ____,

424   _____(year), to nominate party candidates for the parties and candidates for nonpartisan

425   local school board positions listed on the primary ballot. The polling place for voting precinct

426   ____ is ____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

427   Attest: county clerk."

428   (5)(a) A candidate who, at the regular primary election, receives the highest number of

429   votes cast for the office sought by the candidate is:

430   (i) nominated for that office by the candidate's registered political party; or

431   (ii) for a nonpartisan local school board position, nominated for that office.

432   (b) If two or more candidates are to be elected to the office at the regular general

433   election, those party candidates equal in number to positions to be filled who receive

434   the highest number of votes at the regular primary election are the nominees of the

435   candidates' party for those positions.

436   (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

437   (A) no individual other than the candidate receives a certification under

438   Subsection (3) for the regular primary election ballot of the candidate's

439   registered political party for a particular elective office; or

440   (B) for an office where more than one individual is to be elected or nominated, the

441   number of candidates who receive certification under Subsection (3) for the

442   regular primary election of the candidate's registered political party does not

443   exceed the total number of candidates to be elected or nominated for that office.

444   (ii) A candidate who is unopposed for an elective office in the regular primary

445   election of a registered political party is nominated by the party for that office

446   without appearing on the primary election ballot.

447 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary

448   election provided for by this section, and all expenses necessarily incurred in the

449   preparation for or the conduct of that primary election shall be paid out of the treasury of

450   the county or state, in the same manner as for the regular general elections.

451 (7) An individual may not file a declaration of candidacy for a registered political party of

452   which the individual is not a member, except to the extent that the registered political

453   party permits otherwise under the registered political party's bylaws.

454   Section 6. Section **20A-9-408** is amended to read:

455   **20A-9-408 . Signature-gathering process to seek the nomination of a qualified**

456 **political party -- Removal of signature.**

457 (1) This section describes the requirements for a member of a qualified political party who

458   is seeking the nomination of the qualified political party for an elective office through

459   the signature-gathering process described in this section.

460 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy

461   for a member of a qualified political party who is nominated by, or who is seeking the

462   nomination of, the qualified political party under this section shall be substantially as

463   described in Section 20A-9-408.5.

464 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection

465   20A-9-202(4), a member of a qualified political party who, under this section, is seeking

466   the nomination of the qualified political party for an elective office that is to be filled at

467   the next general election shall:

468 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,

469   and before gathering signatures under this section, file with the filing officer on a

470   form approved by the lieutenant governor a notice of intent to gather signatures for

471   candidacy that includes:

472   (i) the name of the member who will attempt to become a candidate for a registered

473   political party under this section;

474   (ii) the name of the registered political party for which the member is seeking

475   nomination;

476   (iii) the office for which the member is seeking to become a candidate;

477   (iv) the address and telephone number of the member; and

478   (v) other information required by the lieutenant governor;

479   (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in

480   person, with the filing officer during the declaration of candidacy filing period

481   described in Section 20A-9-201.5; and

482   (c) pay the filing fee.

483   (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party

484   who, under this section, is seeking the nomination of the qualified political party for the

485   office of district attorney within a multicounty prosecution district that is to be filled at

486   the next general election shall:

487   (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,

488   and before gathering signatures under this section, file with the filing officer on a

489   form approved by the lieutenant governor a notice of intent to gather signatures for

490   candidacy that includes:

491   (i) the name of the member who will attempt to become a candidate for a registered

492   political party under this section;

493   (ii) the name of the registered political party for which the member is seeking

494   nomination;

495   (iii) the office for which the member is seeking to become a candidate;

496   (iv) the address and telephone number of the member; and

497   (v) other information required by the lieutenant governor;

498   (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in

499   person, with the filing officer during the declaration of candidacy filing period

500   described in Section 20A-9-201.5; and

501   (c) pay the filing fee.

502   (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who

503   files as the joint-ticket running mate of an individual who is nominated by a qualified

504   political party, under this section, for the office of governor shall, during the declaration

505   of candidacy filing period described in Section 20A-9-201.5, file a declaration of

506   candidacy and submit a letter from the candidate for governor that names the lieutenant

507   governor candidate as a joint-ticket running mate.

508   (6) The lieutenant governor shall ensure that the certification described in Subsection

509   20A-9-701(1) also includes the name of each candidate nominated by a qualified

510   political party under this section.

511   (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is

512   nominated by a qualified political party under this section, designate the qualified

513   political party that nominated the candidate.

514   (8) A member of a qualified political party may seek the nomination of the qualified

515   political party for an elective office by:

516   (a) complying with the requirements described in this section; and

517   (b) collecting signatures, on a form approved by the lieutenant governor that complies

518   with Subsection 20A-9-405(3), during the period beginning on the day on which the

519   member files a notice of intent to gather signatures and ending at 5 p.m. 14 days

520   before the day on which the qualified political party's convention for the office is

521   held, in the following amounts:

522   (i) for a statewide race, 28,000 signatures of registered voters in the state who are

523   permitted by the qualified political party to vote for the qualified political party's

524   candidates in a primary election;

525   (ii) for a congressional district race, 7,000 signatures of registered voters who are

526   residents of the congressional district and are permitted by the qualified political

527   party to vote for the qualified political party's candidates in a primary election;

528   (iii) for a state Senate district race, 2,000 signatures of registered voters who are

529   residents of the state Senate district and are permitted by the qualified political

530   party to vote for the qualified political party's candidates in a primary election;

531   (iv) for a state House district race, 1,000 signatures of registered voters who are

532   residents of the state House district and are permitted by the qualified political

533   party to vote for the qualified political party's candidates in a primary election;

534   (v) for a State Board of Education race, the lesser of:

535   (A) 2,000 signatures of registered voters who are residents of the State Board of

536   Education district and are permitted by the qualified political party to vote for

537   the qualified political party's candidates in a primary election; or

538   (B) 3% of the registered voters of the qualified political party who are residents of

539   the applicable State Board of Education district; and

540   (vi) for a county office race, signatures of 3% of the registered voters who are

541   residents of the area permitted to vote for the county office and are permitted by

542   the qualified political party to vote for the qualified political party's candidates in

543   a primary election.

544   (9)(a) This Subsection (9) applies only to the manual candidate qualification process.

545   (b) In order for a member of the qualified political party to qualify as a candidate for the

546   qualified political party's nomination for an elective office under this section, using

547   the manual candidate qualification process, the member shall:

548   (i) collect the signatures on a form approved by the lieutenant governor, using the

549   same circulation and verification requirements described in Sections 20A-7-105

550   and 20A-7-204; and

551   (ii) in accordance with Section 20A-9-408.3, submit the signatures to the election

552   officer before 5 p.m. no later than 14 days before the day on which the qualified

553   political party holds the party's convention to select candidates, for the elective

554   office, for the qualified political party's nomination.

555   (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), and in

556   accordance with Section 20A-9-408.3, the election officer shall, no later than the

557   earlier of 14 days after the day on which the election officer receives the signatures,

558   or one day before the day on which the qualified political party holds the convention

559   to select a nominee for the elective office to which the signature packets relate:

560   (i) check the name of each individual who completes the verification for a signature

561   packet to determine whether each individual is a resident of Utah and is at least 18

562   years old;

563   (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a

564   Utah resident or who is not at least 18 years old to the attorney general and the

565   county attorney;

566   (iii) with the assistance of the county clerk as applicable, determine whether each

567   signer is a registered voter who is qualified to sign the petition, using the same

568   method, described in Section 20A-1-1002, used to verify a signature on a petition;

569   and

570   (iv) certify whether each name is that of a registered voter who is qualified to sign the

571   signature packet.

572   (d)(i) A registered voter who physically signs a form under Subsections (8) and (9)(b)

573	may have the voter's signature removed from the form by, no later than three

573   may have the voter's signature removed from the form by, no later than three

574   business days after the day on which the member submits the signature form to the

575   election officer, submitting to the election officer a statement requesting that the

576   voter's signature be removed.

577   (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements

578   described in Subsection 20A-1-1003(2).

579   (iii) With the assistance of the county clerk as applicable, the election officer shall

580   use the procedures described in Subsection 20A-1-1003(3) to determine whether

581   to remove an individual's signature after receiving a timely, valid statement

582   requesting removal of the signature.

583   (e)(i) An election officer shall, in accordance with this Subsection (9)(e) and rules

584   made under Section 20A-3a-106, conduct regular audits of signature comparisons

585   made between signatures gathered under this section and voter signatures

586   maintained by the election officer.

587   (ii) An individual who conducts an audit of signature comparisons under this section

588   may not audit the individual's own work.

589   (iii) The election officer shall:

590   (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to

591   determine the accuracy of the comparisons made;

592   (B) record the individuals who conducted the audit;

593   (C) record the audit results;

594   (D) provide additional training or staff reassignments, as needed, based on the

595   results of an audit described in Subsection (9)(e)(i); and

596   (E) record any remedial action taken.

597   (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.

598   (f) An election officer who certifies signatures under Subsection (9)(c) or

599   20A-9-403(3)(d) shall, after certifying enough signatures to establish that a candidate

600   has reached the applicable signature threshold described in Subsection (8) or

601   20A-9-403(3)(a), as applicable, continue to certify signatures submitted for the

602   candidate in excess of the number of signatures required, until the election officer

603   either:

604   (i) certifies signatures equal to 110% of the applicable signature threshold; or

605   (ii) has reviewed all signatures submitted for the candidate before reaching an

606   amount equal to 110% of the applicable signature threshold.

607   (10)(a) This Subsection (10) applies only to the electronic candidate qualification
608   process.
609   (b) In order for a member of the qualified political party to qualify as a candidate for the
610   qualified political party's nomination for an elective office under this section, the
611   member shall, before 5 p.m. no later than 14 days before the day on which the
612   qualified political party holds the party's convention to select candidates, for the
613   elective office, for the qualified political party's nomination, collect signatures
614   electronically:
615   (i) in accordance with Section 20A-21-201; and
616   (ii) using progressive screens, in a format approved by the lieutenant governor, that
617   complies with Subsection 20A-9-405(4).
618   (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
619   election officer shall, no later than the earlier of 14 days after the day on which the
620   election officer receives the signatures, or one day before the day on which the
621   qualified political party holds the convention to select a nominee for the elective
622   office to which the signature packets relate:
623   (i) check the name of each individual who completes the verification for a signature
624   to determine whether each individual is a resident of Utah and is at least 18 years
625   old; and
626   (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not
627   a Utah resident or who is not at least 18 years old to the attorney general and the
628   county attorney.
629   (11)(a) An individual may not gather signatures under this section until after the
630   individual files a notice of intent to gather signatures for candidacy described in this
631   section.
632   (b) An individual who files a notice of intent to gather signatures for candidacy,
633   described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the
634   individual files the notice of intent to gather signatures for candidacy:
635   (i) required to comply with the reporting requirements that a candidate for office is
636   required to comply with; and
637   (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
638   apply to a candidate for office in relation to the reporting requirements described
639   in Subsection (11)(b)(i).
640   (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or

641   Subsections (8) and (10)(b), the election officer shall, no later than one day before the

642   day on which the qualified political party holds the convention to select a nominee

643   for the elective office to which the signature packets relate, notify the qualified

644   political party and the lieutenant governor of the name of each member of the

645   qualified political party who qualifies as a nominee of the qualified political party,

646   under this section, for the elective office to which the convention relates.

647   (d) Upon receipt of a notice of intent to gather signatures for candidacy described in this

648   section, the lieutenant governor shall post the notice of intent to gather signatures for

649   candidacy on the lieutenant governor's website in the same location that the

650   lieutenant governor posts a declaration of candidacy.

651   Section 7. Section **20A-9-408.1** is enacted to read:

652   **20A-9-408.1 . Candidate nomination document -- Access - Limitations -- Storage.**

653   (1) Except as provided in Subsection (4)(a), notwithstanding Section 63G-2-305.5, and

654   subject to Subsection (4)(b), the following may review a complete, unredacted candidate

655   nomination document:

656   (a) the candidate to whose nomination petition the candidate nomination document

657   relates, or an individual representing the candidate's campaign;

658   (b) a candidate who is seeking to qualify for placement on the primary election ballot for

659   the same office and party as the candidate to whose nomination petition the candidate

660   nomination document relates, or an individual representing the candidate's campaign;

661   (c) the chair or vice chair of the state political party whose nomination the candidate

662   described in Subsection (1)(a) seeks; and

663   (d) if the office sought by a candidate described in Subsection (1)(a) relates to a

664   jurisdiction that does not encompass all or a portion of more than one county, the

665   chair or vice chair of the county political party whose nomination petition the

666   candidate described in Subsection (1)(a) seeks.

667   (2) No individual may view a complete, unredacted candidate nomination document, other

668   than:

669   (a) an election officer;

670   (b) a government entity or an authorized agent of a government entity, to the extent

671   necessary to fulfill a duty of the government entity or the authorized agent; or

672   (c) an individual described in Subsection (1), in accordance with the requirements of this

673   section.

674   (3) Subsection (2) does not prohibit:

675   (a) an individual whose name or other personal identifying information appears on a

676   candidate signature packet from viewing only the portion of the candidate signature

677   packet showing the name or other personal identifying information of the individual;

678   or

679   (b) an individual whose name or other personal identifying information appears on a

680   written request to remove a signature from a candidate signature packet from viewing

681   the written request.

682 (4)(a) An individual described in Subsection (1) or (3) may not view a candidate

683   nomination document after the election officer certifies the results of the primary

684   election race to which the candidate nomination document relates.

685   (b) An individual who, under Subsection (1), views a candidate nomination document

686   may not:

687   (i) make a copy, image, or other recording of the candidate nomination document; or

688   (ii) disclose a name or other information on the candidate nomination document that

689   relates to an individual whose voter registration record is classified as a private

690   record.

691 (5) After an election officer certifies the results of the primary election race to which a

692   candidate nomination document relates:

693   (a) the election officer shall seal the candidate nomination document and store the

694   candidate nomination document for 22 months; and

695   (b) no person may access or view the candidate nomination document, except:

696   (i) the lieutenant governor;

697   (ii) the legislative auditor general; or

698   (iii) as ordered by a court with jurisdiction.

699 (6) A digital listing or report of a candidate nomination document may, only to the extent

700   permitted under Section 63G-2-305.5, be disclosed before or after an election officer

701   certifies the results of the primary election race to which the candidate nomination

702   document relates.

703   Section 8. Section **20A-9-408.2** is enacted to read:

704   **20A-9-408.2 . Tracking signatures on candidate nomination petition.**

705 (1) Beginning no later than January 1, 2026, the lieutenant governor shall, on the same

706   website where a voter may track the status of a ballot returned by a voter, provide a

707   voter information regarding:

708   (a) each petition to qualify a candidate for placement on a primary election ballot that

709	the voter signed during the preceding six months;
710	(b) whether the signature was verified or rejected; and
711	(c) if the signature was rejected, the reason for the rejection.
712	(2) The lieutenant governor shall ensure that the information described in Subsection (1) is
713	available to the voter no later than one business day after the day on which the voter's
714	signature is verified or rejected.
715	Section 9. Section **20A-9-408.3** is enacted to read:
716	**20A-9-408.3 . Submission of candidate signature packet -- Requirements for**
717	**submission -- Signature packet chain of custody and storage.**
718	(1) To submit a candidate signature packet to an election officer, a person shall:
719	(a) label the front of each candidate signature packet with a unique, consecutive number;
720	(b) organize each candidate signature packet that is submitted at the same time in
721	numerical order; and
722	(c) with the candidate signature packets, provide the election officer with a document
723	containing:
724	(i) for each candidate signature packet submitted at the same time:
725	(A) the number assigned to the candidate signature packet under Subsection (1)(a);
726	and
727	(B) the number of signatures in the candidate signature packet;
728	(ii) the total number of candidate signature packets submitted at the same time;
729	(iii) the sum of all signatures on all candidate signature packets submitted at the same
730	time;
731	(iv) a list of all individuals who collected signatures for the candidate signature
732	packets submitted together, including for each the individual's:
733	(A) full name;
734	(B) residential address;
735	(C) phone number; and
736	(D) email address; and
737	(v) a certification that each individual described in Subsection (1)(c)(iv) was at least
738	18 years old when the individual collected the signatures.
739	(2) If the election officer discovers that a candidate signature packet is verified by an
740	individual who has not been disclosed under Subsection (1)(c)(iv), with all information
741	required under Subsection (1)(c)(iv):
742	(a) the election officer shall notify the candidate;

743   (b) the candidate shall provide the information described in Subsection (1)(c)(iv) in

744   relation to the individual no later than the first business day that is at least three

745   calendar days after the day on which the election officer notifies the candidate under

746   Subsection (2)(a); and

747   (c) if the candidate fails to timely comply with Subsection (2)(b), the election officer

748   shall reject the candidate signature packet, and all candidate signature packets

749   collected by the same individual, that were submitted at the same time.

750 (3) An election officer shall reject a candidate signature packet that is not submitted in

751   accordance with Subsection (2).

752 (4) In accordance with Title 63G, Chapter 2, Government Records Access and Management

753   Act:

754   (a) the information described in Subsection (1)(c)(iv)(A) is a public record; and

755   (b) the information described in Subsections (1)(c)(iv)(B) through (D) is a private record.

756 (5) An election officer shall preserve the chain of custody of all candidate signature packets

757   and signature sheets in accordance with this section.

758 (6) An election officer shall, upon receipt of a candidate signature packet:

759   (a) review the candidate signature packet; and

760   (b) assign the candidate signature packet a unique number in the election officer's

761   petition processing system, to be used to track the candidate signature packet during

762   processing.

763 (7) An election officer shall ensure that, when workers review signatures in a candidate

764   signature packet for verification, the workers record for the candidate signature packet:

765   (a) the names of the workers who review signatures on the candidate signature packet;

766   (b) if the signature packet is reviewed additional times, the names of the workers who

767   conduct the review;

768   (c) the total number of signatures in the candidate signature packet;

769   (d) the total number of valid signatures in the candidate signature packet;

770   (e) the total number of signatures in the candidate signature packet that were rejected,

771   including the reasons for the rejection; and

772   (f) if not all signatures in the candidate signature packet are reviewed:

773   (i) the number of signatures that were not reviewed;

774   (ii) the reason the signatures were not reviewed; and

775   (iii) the name of the worker who pulled the candidate signature packet from further

776   review.

777   (8) An election officer shall store the candidate signature packets by:

778   (a) making a log of the candidate signature packets as the signature packets are placed

779   into storage that specifies:

780   (i) the boxes into which the candidate signature packets for a particular candidate are

781   placed; and

782   (ii) which candidate signature packet is stored in which box; and

783   (b) affixing to each box a description of the contents of the box.

784   Section 10. **Effective Date.**

785   This bill takes effect on May 7, 2025.