

**CHAPTER 1  
DUTIES OF THE RECORDER/CLERK  
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**CHAPTER 1  
RESPONSIBILITIES OF THE RECORDER/CLERK**

**1. DEFINITION**

Responsibilities of Town Clerks and City Recorders as defined by Utah law.

**2. PURPOSE**

It is the purpose of this Chapter to outline those responsibilities of Clerks and Recorders that are defined by Utah law and provide reference to the Utah Code. In some cases, the term "clerk" or "recorder" is only inferred by responsibility. This chapter contains an outline of all known Utah Code references to the recorder/clerk by topic. This is an outline only and referral to the Utah Code is necessary to understand the full impact of the section. Remember, the outline is a summary only and subject to interpretation. The only true authority is the Code itself.

**3. OTHER DEFINITIONS**

A. Clerk/Recorder:

Under Utah "custom" the title of "clerk" is used in towns and "recorder" in cities, i.e., "town clerk" or "city recorder". However, in some instances within Utah Code, the term "clerk" is used to mean both town clerk and city recorder. In addition, the term Municipal Clerk or Recorder is sometimes used. In Election laws other terms are used to include city recorder or town clerk such as: election officer, election official, local clerk, and filing officer.

"Recorder," unless clearly inapplicable, shall include and apply to town clerks.  
(UCA 10-1-104)

B. Governing body:

"Governing Body" means collectively the legislative body and the executive of any municipality. Unless otherwise provided:

- (1) In cities of the first and second class, the governing body is the city commission;
- (2) In cities of the third fourth, or fifth class, the governing body is the city council;
- (3) In towns the governing body is the town council. (UCA 10-1-104)

C. Municipal means of or relating to a municipality.

D. Municipality means a city of the first class, city of the second class, city of the third class, city of the fourth class, city of the fifth class, or a town, as classified in Section 10-2-301

E. Meeting:

Convening of a public body with quorum present, whether in person or by electronic equipment (UCA 52-4-2(2a))

F. Public Body

Any administrative, advisory, executive, or legislative body of the state or its political subdivisions which consists of two or more persons that expends, disburses, or is supported in whole or in part by tax revenue and which is vested with the authority to make decisions regarding the public's business. (UCA 52-42(3a))

G. Appointed Officer (UCA 10-3-1303(1))

"Any person appointed to any statutory office or position or any other person appointed to any position of employment with a city..... Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the work "officer" in this part is not intended to make appointed persons or employees "officers" of the municipality."

G. Classifications of municipalities according to population: (UCA 10-2-301)

Town	Under 999 in population
Fifth Class City	1,000 to 9,999 in population
Fourth Class City	10,000 to 29,999 in population
Third Class City	30,000 to 64,999 population
Second Class City	65,000 to 199,999 population
First Class City	100,000 or more population

H. Quorum

A simple majority of the membership of a public body, unless otherwise defined by law (UCA. 52-4-2(4a)). The number of members of the governing body necessary to constitute a quorum (UCA. 10-3-504) is, in:

- (1) Five or six-member city council form of government or a five-member council-manager form – three or more
- (2) Seven-member council-manager form of government – four or more
- (3) Five-member council-mayor form – three
- (4) Seven-member council-mayor form - four

I. Optional (or alternative) forms of government: (UCA 10-3-1201)

Council-mayor form: Similar to federal and state systems with a legislative branch and an elected executive (mayor).

Council-manager form: An elected legislative body which hires a professional executive officer (city manager). (From Utah League of Cities and towns handbook).

J. Warrant (UCA 10-6-106(21))

**4. MUNICIPAL CEMETERIES - UCA 8-5-6**

The owner of a municipal cemetery site unused for burial purposes for more than 60 years must file with city recorder or town clerk notice of any claim to the lot.

**5. PUBLIC WELFARE**

Housing Authority

- 9-4-603 (4) City recorder or town clerk certifies resolution for housing authority, which is admissible as evidence.
- 9-4-608 Record of proceeding, together with charges and findings in the removal of any commissioner, filed in the clerk's office.
- 9-4-631 Housing authority files annual report of activities with recommendations for additional legislation at least once a year with city recorder or town clerk.

**6. CITIES & TOWNS**

- A. Incorporation - UCA 10-2-101-113  
All incorporation deals with County Clerk
- B. Annexation - UCA 10-2-401 through 10-2-501
  - 10-2-403(2) Petition for annexation along with accurate plat or map shall be filed with city recorder or town clerk.
  - 10-2-405 City recorder or town clerk determines if Annexation Petition can be certified and gives appropriate notices.
  - 10-2-406(2) Annexation Petition available for review in office of town clerk or city recorder.
  - 10-2-407(2) Copy of written protests to be delivered to city recorder or town clerk. (See also 10-2-419(3)).
  - 10-2-414 Recorder will follow same procedure for modified annexation as for original annexation request.

**7. MUNICIPAL GOVERNMENT**

- A. Meetings, Procedure and Conduct - Voting. - UCA 10-3-501-508
  - 10-3-501 In first and second class cities, city recorder must serve notice of special meeting of board of commissioners on each member not joining in the order for such meeting at least 3 hours prior to meeting.
  - 10-3-502 In third, fourth and fifth class cities and towns, city recorder or town clerk must serve notice of special meeting of board of commissioners on each member not joining in the order for such meeting at least 3 hours prior to meeting.
  - 10-3-503 No action of governing body shall be official without a quorum of the members being present.
  - 10-3-506 A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality. Every resolution or ordinance shall be in writing before the vote is taken.
  - 10-3-507 Minimum number of yes votes required to pass any ordinance, resolution or take any action of the governing body shall be a majority of the members.

- 10-3-508 Conditions under which an action taken by the governing body may be reconsidered or rescinded.
- B. Public Meetings, Executive Sessions, Records, Audit and Publication or results, Rules of Procedure. - UCA 10-3-601-610
- 10-3-603 Books, records, accounts and document of each municipality kept at the office of the recorder. Approved copies shall be open and available to the public during regular business hours. Charges for copies may be set by governing body.
- 10-3-604 Cities of the first and second class to provide copy of annual financial report to city recorder. Audit and publication requirements defined.
- C. Municipal Ordinances, Resolutions and Procedure. - UCA 10-3-701-719
- 10-3-702 "Officer of municipality shall not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance."
- 10-3-704 City recorder shall attest and fix seal upon any ordinance.
- 10-3-705 Ordinances to be signed by the mayor (or by the mayor pro tempore or a quorum of governing body in his absence) and shall be recorded before taking effect.
- 10-3-708 In revision, codification compilation and arrangement of ordinances, governing body may not exclude attestation of recorder.
- 10-3-711 All ordinances, except those subject to Sections 10-3-706 through 710, before enacted are filed in municipal recorder's office before enacted. A short summary of ordinance to be published at least once in a newspaper published within the municipality, or if there is no newspaper, a complete copy posted in in nine public places within the city for a first class city and three public places in any other municipality.
- Three copies for cities, or one copy for towns, of any ordinance, code, or book relating to building or safety standards, municipal functions, administration, control or regulation filed in office of recorder or clerk prior to adoption.
- 10-3-713 Municipal recorder shall keep record of all passed ordinances, give each ordinance a number and certify date of passage and date of publication or posting as required. Record shall be prima facie evidence of contents, passage, and publication or posting.
- 10-3-714 Contents, dates and publication of ordinances proved by certification of municipal recorder under seal of municipality.
- D. Municipal Administration - UCA 10-3-801 - 828
- 10-3-803 Offices of city recorder and auditor may be held by one person. In first class cities, mayor, commissioners, recorder and treasurer shall administer only one office.

- 10-3-810 Third, fourth, and fifth class cities and towns may by resolution prescribe additional duties, powers, and responsibilities except that the mayor may not serve as city recorder and neither mayor nor city recorder may serve as treasurer.
  - 10-3-818 Salaries in Municipalities. Elective and statutory officers shall receive such compensation for their services by ordinance adopting a compensation schedule.
  - 10-3-825 All bonds given by the officers of any municipality to be filed with the recorder, except bond of the recorder to be filed with treasurer.
  - 10-3-826 Being found guilty of wilfully omitting to perform any duty, or "wilfully and corruptly guilty of oppression, malconduct, misfeasance, or malfeasance in office" by a municipal officer is a class A misdemeanor and cause to be removed from office. No longer eligible to hold any municipal office thereafter.
  - 10-3-828 All oaths to be filed with municipal recorder. Recorder of municipality can administer oath of office.
- E. Appointed Officials and Duties - UCA 10-3-901- 928
- 10-3-901 Creating offices - Filling vacancies.
  - 10-3-902 In cities of the first and second class, commissioners appoint city recorder.
  - 10-3-916 Mayor of third, fourth and fifth class cities and towns, with advice and consent of city council, shall appoint city recorder on or before first Monday in February following election. City recorder is ex officio city auditor. All appointed officers shall continue in office until their successors are appointed and qualified.
- F. Personnel Rules and Benefits. - 10-3-1103-1107 UCA
- 10-3-1105 Appointive officers and employees - duration and termination of term of office.
  - 10-3-1106 Discharged or transferred employee files appeal with municipal recorder who then refers copy of same to appeal board. Decision of appeal board certified to recorder. Recorder shall certify decision to affected employee and department head.
- G. Alternative Forms of Municipal Government - UCA 10-3-1201 - 1228
- 10-3-1212 Defines number of meetings to be held per month. Books, records and accounts of council to be kept in office of city recorder or town clerk. Citizens may have access to all public records except personnel records, not classified as confidential.
  - 10-3-1219(2i) In council-mayor form of government, mayor may appoint a qualified city recorder or town clerk with advice and consent of city council.
  - 10-3-1226(5) Manager may appoint a qualified city recorder or town clerk with advice and consent of city council.
- H. Municipal Officers and Employees Ethics Act- UCA 10-3-1301 – 1312

10-3-1304  
10-3-1305  
10-3-1306  
10-3-1307, etc.

**8. UNIFORM TOWN FISCAL PROCEDURES ACT - UCA 10-5-101 - 131**

- 10-5-112(3) Town clerk certifies ordinance or resolution setting levy to the county clerk no later than June 22.
- 10-5-121 Town clerk attends council meetings and keeps records of proceedings. Certified copies of records are admissible in court as originals.
- 10-5-122 Town clerk countersigns all contracts and maintains indexed record of all contracts.
- 10-5-123 Town clerk maintains general books and records for each fund, including list of outstanding bonds, their purpose, term dates and place payable. Town clerk pre-audits claims against town, prepares checks in payment of claims and certifies on check that claim is pre-audited and approved by council to be within the lawful debt limit and does not over expend department budget.
- 10-5-124 Town clerk may draw and sign warrant on the treasurer for payment of claim if no funds are on deposit in appropriate account.
- 10-5-127 Town clerk prepares all checks.
- 10-5-129 Town clerk presents annual financial report to council within 180 days after year end.

**9. UNIFORM FISCAL PROCEDURES ACT FOR UTAH CITIES  
UCA 10-6-101 - 159**

- 10-6-112 Tentative budgets together with supporting schedules and data shall be available for inspection in city auditor or city recorder's office for at least 10 days prior to adoption of final budget.
- 10-6-119 A certified copy of adopted budget available to public in city auditor or city recorder's office and shall be available to the public during regular business hours.
- 10-6-134 City recorder shall certify ordinance or resolution setting the levy to the county auditor before June 15 each year.
- 10-6-135(6) Copy of budget filed in city recorder's office.
- 10-6-137 City recorder or deputy recorder shall attend all meetings and keep record of proceedings. Record of proceedings kept in city recorder's office under corporate seal. Copies of papers certified by city recorder are admissible in court as originals.
- 10-6-138 City recorder countersigns all contracts and keeps indexed record of such.

- 10-6-139 City recorders in third, fourth and fifth class cities maintain books and records, including list of bonds, for each city fund, keep accounts with all receiving and dispersing officers of city, pre-audit all claims against city, and certify on check voucher or check copy that claim is pre-audited, approved, within lawful debt limit and does not over-expend budget.
- 10-6-140 If no funds in appropriate bank account, city recorder draws and signs warrant upon treasurer for payment.
- 10-6-142 Duplicate receipts of payment or summary report filed in city recorder's office.
- 10-6-143 City auditor or recorder prepares checks. City recorder may be designated to countersign checks.
- 10-6-148 City recorders in third, fourth or fifth class cities to prepare and present monthly and quarterly financial reports to governing body.
- 10-6-150 City recorder, or other designated person, shall present annual financial report to governing body within 180 days after close of fiscal year; copies of report filed with state auditor and shall be filed as public document in office of city recorder.
- 10-6-152 Within 10 days after receipt from independent auditor, city auditor or recorder shall prepare and publish at least twice in a newspaper of general circulation that city audit has been completed and is available for inspection.
- 10-6-157 Director of finance may perform financial responsibilities of city recorder in third, fourth and fifth class cities or cities under an optional form of city government.

**10. UTAH MUNICIPAL BOND ACT - UCA 11-14-101-301**

- 11-14-202 Notice of (bond) election shall be published once a week during three consecutive weeks in a newspaper not less than 21 nor more than 35 days before the election. If no newspaper is published in the municipality, the notices shall be published in a newspaper having general circulation within municipality. In cities of the third, fourth or fifth class, or towns where there is no newspaper published, city recorder or town clerk or other designated officer must place notice of bond election in 5 places 21 days before election.

**11. SPECIAL DISTRICTS - UCA 17A-2-201 - 17A-3-1401, 17B-4**

A. Redevelopment Agency – 17B-4-101

B. Special Service Districts - UCA 17A-1301 - 1332

- 17A-2-1307 Before a service district is established, city recorder or town clerk gives notice of intention to establish service district.
- 17A-2-1308 Notice shall be published at least once a week for three consecutive weeks. In third, fourth or fifth class cities or towns, city recorder or town clerk without newspaper may post notice in lieu of publication in 5 places 21 days before hearing.

- C. Water Conservancy Districts - UCA 17A-2-1401-1454
  - 17A-2-1424 Legislative body may authorize municipal clerk to petition board for allotment of water.
- D. Airport Authorities - UCA (Repealed)
- E. County Improvement Districts - UCA 17A-3-201 - 243
  - 17A-3-205 Notice of intent to create a special improvement district and to levy assessments must include time and date by which consent form must be received by town clerk from property owners.
- F. Municipal Improvement Districts - UCA 17A-3-301 - 345
  - 17A-3-305 Notice of intent to create a special improvement district and to levy assessments must include time and date by which consent form must be received by town clerk from property owners. Clerk receives executed consent form.
  - 17A-3-317 Municipal recorder may be member of board of equalization and review. An appeal from the decision of the board of equalization and review filed with city or town recorder.
- G. Parking and Business Improvement Districts - UCA 17A-3-401 - 414
  - 17A-3-406 Before district is established, city recorder or town clerk shall give notice of intention.
  - 17A-3-407 City recorder or town clerk shall publish notice of intent once a week during three consecutive weeks. If there is no newspaper, post in 5 places. First publication or posting to be not less than 21 days nor more than 35 days before the hearing.

**12. ELECTIONS - UCA 20A-1-101 - 20A-15-202**

- A. General Provisions - UCA 20A-1-101 - 706
  - 20A-1-102 "Election officer" means:
    - (25)(c) the municipal clerk for all municipal ballots and certain special district and school district ballots.
    - (26) "Election official" means any election officer, judge or satellite registrar.
  - 20A-1-204(2) Two or more entities holding a special election within a county on the same day shall coordinate election officials.
  - 20A-1-402 The election officer renders all interpretations and make decisions regarding controversies or other matters in this Chapter.
  - 20A-1-403 Election officer shall correct any errors in paper ballots or ballot labels without delay.
  - 20A-1-404 Verified petitions regarding controversies between election officer and candidate may be filed with district court.

B. General Voting Requirements - UCA 20A-3-101 - 505

- 20A-3-203 It is unlawful for any election official to reveal to any other person the name of any candidate for whom a voter has voted or to communicate to another his opinion, belief, or impression as to how or for whom a voter has voted. Violation of this section is a class A misdemeanor.
- 20A-3-303 Election officer shall cause a sufficient number of official absentee ballots to be prepared and printed and insure they are printed in the same form, size, texture, and contain same matter as the regular official ballot except for the words "absentee ballot" on stub. Ballots may be paper or cards or both.
- 20A-3-304 Election officer shall mail, fax or deliver ballot application to absentee voter. Application for an absentee ballot to be filed with election officer no later than the Friday before election day unless overseas applicants, and then no later than 20 days before the day of election.
- 20-A-304.1 County clerk to provide a copy of a permanent absentee voter list to election officers.
- 20A-3-305 Upon receipt of absentee voter application, election officer give or mail official absentee ballot to absentee voter
- 20A-3-306 Absentee ballots to be given to election officer before the closing of polls on election day; or mailed to election officer and clearly postmarked before election day and received before noon on the day of the official canvass following the election.
- 20A-3-306.5 Any person may obtain an absentee ballot application, an absentee ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting in person at election officer's office and signing a statement identifying himself and the hospitalized voter. Such ballots must be returned to the election officer's office before the polls close on election day.
- 20A-3-307 Processing of absentee ballot by election officer.
- 20A-3-308 The election officer shall retain and preserve the absentee voter envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.
- 20A-3-309 Absentee ballots in custody of the election officer to be delivered to the place of the official canvass by noon of the day of the official canvass following the election.
- 20A-3-310 It is a class B misdemeanor for any person to willfully falsify the absentee voter affidavits.
- 20A-3-401 Each election officer or election official to liberally interpret this part to make it possible for Utah voters living or serving abroad to vote.

C. Election Returns/Contests - UCA 20A-4-101 - 505

- 20A-4-102(3) Judges shall place all unused ballots in envelope or container provided for return to city recorder.
- (7) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.
- 20A-4-103 When using ballot cards, election judges, election officers, and other persons may not manually count any votes before delivering ballots to the counting center.
- 20A-4-104(1) The election officer shall test automatic tabulating equipment before beginning to count ballot cards to ensure that it will count accurately. Notice of the place and time of the test to be published at least 48 hours prior in newspaper. Procedures for conducting test and process for correction of errors in tabulation.
- (2) Election officer to supervise proceedings at counting center.
- (3) Procedure for tabulating damaged or defective ballot cards.
- (4) Election officer may conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public.
- (5) Election officer shall review and evaluate provisional ballots.
- (6) Election officer or designee shall separate, count, and tabulate any ballots containing valid write in votes.
- (7) Election officer to certify return printed by the automatic tabulating equipment as official return of each voting precinct and make official returns open to the public.
- (8) If counting cannot be completed with tabulating equipment, manual counting procedures shall be followed.
- (9) After count is completed, election officer to seal and retain the programs, test materials, and ballots.
- 20A-4-106 Judges shall, if directed by election officer, return ballots in blank ballot box to election officer for destruction.
- 20A-4-201(1) One judge to deliver ballot box, lock and key to the election officer or location directed by the election officer.
- (2) Judge(s) to deliver unopened envelopes or pouches within 24 hours to the election officer or counting center; or mail to election officer if polling place is 15 miles or more from the county seat.
- (3) Election officer shall pay each election judge \$2.00 plus 30 cents per mile, one way, for transporting election returns.
- 20A-4-202 Disposition of ballots - election officers responsibilities.
- 20A-4-302 If election officer has not received the election returns from any voting precinct within seven days after the election, the election officer shall send a messenger to the judges to obtain the missing election returns. Election officer shall pay the messenger ten cents per mile for the distance traveled.

- 20A-4-303(3) If, upon canvassing the returns, it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, they shall transmit the election returns to the election judges for correction. The clerk and the board of canvassers may adjourn from day to day to await receipt of corrected election material.
- 20A-4-304 As soon as the result is declared, the election officer shall prepare a report which shall contain the total number of votes cast, the names of each candidate whose name appeared on the ballot, the title of each ballot proposition that appeared on the ballot, each office that appeared on the ballot, number of votes for each candidate from each precinct, number of votes for and against each ballot proposition from each precinct, total number of votes given to each candidate, and a statement certifying that the information contained in the report is correct. Election officer to file certified report in a book kept for that purpose, transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate, publish or post a copy of the certified report, and file a copy of the certified report with the lieutenant governor.
- 20A-4-305 Within ten days after the canvass of an election, the clerk or recorder shall transmit the checked official register and pollbook to the county clerk
- 20A-4-401 Procedures for recounts and election contests.  
Election officer shall supervise recounts and declare elected the person receiving the highest number of votes on recount.
- 20A-4-403 Process for contesting results of an election, or challenging any person, election officer, election official, etc.
- D. Election Administration - UCA 20A-5-101 - 705
- 20A-5-101 Election officer shall publish notice of election at least two days before the election. Notice to include date and place of election, hours polls will be open, polling places for each voting precinct and qualifications for persons to vote in the election.
- 20A-5-102 Election officer shall provide printed voting instruction cards.
- 20A-5-301 Municipal legislative body may combine two or more regular county voting precincts into one municipal voting precinct under certain circumstances.
- 20A-5-302 Election officer to ensure ballots to be counted by means of electronic or electromechanical devices are prepared in a manner suitable for use in the counting devices in which they are intended to be placed.
- 20A-5-400.5 Municipal clerk to conduct certain school leeway, bond and special district bond elections within the boundary's of that municipality. School district or special district to be billed for cost of conducting election.
- 20A-5-403 Election officer shall make arrangements for polling place, booths, ballot boxes and other provisions.
- 20A-5-404 Election officer shall prepare election forms for each voting precinct. Preparation and contents of forms described.

- 20A-5-405 Election officer, when using paper ballots, provides printed ballots for every election. Official ballots in possession of election officer at least four days before election. Sample ballots in possession of election officer at least seven days before election. Sample ballots to be in same form as official ballots but upon different color paper and be made available for inspection. When using ballot cards, election officer provides official ballot cards, absentee ballot cards and printed official ballot labels for election. Election officer shall correct any error discovered in any official ballot if possible. Upon order of judge, election officer to correct or show cause why error should not be corrected.
- 20A-5-406 Election officer shall deliver ballots to the election judges of each voting precinct and will prepare substitute ballots if ballots are not delivered to election judge and prepare sworn statement that the ballots are substitutes.
- 20A-5-407 Election officer shall provide one ballot box with key for each polling place and deliver them to the polling place of the election judges no later than noon on the day before the election. If no key is available, box to be secured by tape.
- 20A-5-408 Election officer to produce packages containing election returns before the board of canvassers. Once canvassed, the pollbook, lists and papers to be kept for 22 months and then destroy them.
- 20A-5-602 The "clerk" shall prepare and file a list of each person appointed to be an election judge and make the list available in the clerk's office for inspection, examination, and copying during business hours.
- 20A-5-604 Election judge to sign receipt for ballots received from election officer. Substitute ballots must be accompanied by a written and sworn statement of the election officer.
- 20A-5-605 Election judges, on election day, shall select one of their number to deliver the election returns to the election officer. If directed to do so by the election officer, election judges shall, on election day, make any necessary corrections to the official ballots before they are distributed at the polls. The election judges shall use substitute ballots as the official election ballots if accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen.
- 20A-5-705 It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted.

#### F.1 Financial Disclosure

- 10-3-208 Each candidate shall file a signed campaign financial statement with the city recorder at certain times. Each clerk shall, 14 days before the election, notify the candidate in writing of deadline. If not filed, shall remove the name of the candidate on the ballot.

#### E. Ballot Form - UCA 20A-6-101 - 402

- 20A-6-101 Election officer shall ensure that paper ballots are printed correctly.

20A-6-102 Election officer shall ensure that ballot labels and ballot cards are printed correctly. A separate write-in ballot shall be provided in elections in which voters are authorized to cast write-in votes.

(2). Regular general elections:

20A-6-301 Election officer shall ensure that paper ballots furnished for use at the regular general election contain a ballot stub at least one inch wide, placed across the top of the ballot and divided from the rest of the ballot by a perforated line. Election officer shall ensure that paper ballots are properly prepared in accordance with the requirements of this section.

20A-6-302 Election officer shall ensure, for paper ballots in regular general elections, that, except for candidates for state school board and local school boards each candidate is listed by party, surnames are listed in alphabetical order and ballots are properly prepared in accordance with the requirements of this section.

20A-6-303 Election officer shall ensure that copy on machine-counted ballot labels for regular general elections are arranged in approximately the same order as paper ballots.

(3). Municipal primary elections:

20A-6-401 Election officer shall ensure that paper ballots furnished for use at the municipal primary election contain a ballot stub at least one inch wide, placed across the top of the ballot and divided from the rest of the ballot by a perforated line. Election officer shall ensure that paper ballots are properly prepared in accordance with the requirements of this section.

(4). Regular municipal elections:

20A-6-402(1) Election officer shall ensure, for paper ballots at municipal general elections, that the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot. If no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot. For other offices, twice the number of candidates as there are positions to be filled are certified as eligible for election from those that received the highest vote in the primary election and their names are placed on the municipal general election ballot.

20A-6-402(2) Election officer shall ensure that the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot and is prepared in accordance with the requirements of this section.

20A-6-402(3) Election officer shall ensure that, when candidates are nominated by convention or committee, the party name is included with the candidate's name on the ballot.

F. Issues submitted to the voters - UCA 20A-7-101 - 706

20A-7-101(12) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

(1) Local initiatives - procedures.

- 20A-7-501(1) Signature requirements for having an initiative submitted to a local legislative body or to a vote of the people.
- 20A-7-501(2) The clerk or recorder shall deliver the proposed law to the local legislative body at its next meeting if the total number of certified names from each verified signature sheet equals or exceeds the number required by this section.
- 20A-7-501(3) Procedures by which local legislative body shall either adopt or reject the proposed law within 30 days. If a local legislative body rejects a proposed law but does not refer it to the people, it is subject to referendum and the municipal recorder or clerk shall submit it to the voters of the municipality at the next municipal general election. If the local legislative body adopts a competing local law, the clerk or recorder shall submit it to the voters of the municipality at the same election at which the initiative proposal is submitted.
- 20A-7-502 Persons wishing to circulate an initiative petition shall file an application with the local clerk. Contents of application detailed.
- 20A-7-503 Form of initiative petitions and signature sheets (To be addressed to the county clerk/city recorder/town clerk).
- 20A-7-504 Local clerk shall furnish to the sponsors one copy of the initiative petition and one signature sheets in order to obtain the necessary number of signature required by law. The sponsors of the petition shall arrange and pay for the printing of all additional copies of the petition and signature sheets. The sponsors may prepare the initiative for circulation by creating multiple initiative packets. After the sponsors have prepared sufficient initiative packets, they shall return them to the local clerk for numbering and recording of numbers.
- 20A-7-505 Any voter who has signed an initiative petition may have the local clerk remove his signature from the petition by submitting a notarized statement to that effect to the local clerk prior to the petition being delivered to the county clerk for certification. No one may remove signatures from an initiative petition after the petition is submitted to the county clerk to be certified.
- 20A-7-506 Sponsors must deliver each signed and verified initiative packet to the county clerk no later than 120 days before any municipal general election. The county clerk shall: (a) within 90 days check name of persons completing verification on back of signature sheet, (b) within 60 days check all the names of signers to determine if they are registered voters, and deliver all packets to the local clerk.
- 20A-7-507 After receipt of each initiative packet from county clerk, the local clerk shall check off from his record the number of each initiative packet filed. After receipt of all initiative packets, the local clerk shall count the number of names certified by the county clerk and if the total number of certified names equals or exceeds the number of names required by Section 20A-7-501, the local clerk shall mark upon the front of the petition the word "sufficient." If the total number if certified names does not equal or exceed the number of names required by Section 20A-7-501, the local clerk shall mark upon the front of the petition the word "insufficient" and immediately notify any one of the sponsors of his finding. Any sponsor may file a written demand with the local clerk for a recount of the signatures, in the presence of any sponsor, if the total number of certified signatures is found to be insufficient.

- 20A-7-508 The local clerk shall deliver a copy of an initiative petition declared sufficient for submission to the vote of the people, along with the proposed law to the local attorney for preparation of a ballot title. The petition and the ballot title shall be returned to the local clerk within 15 days after its receipt by the local attorney. Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition. At least three of the sponsors of the petition may, by motion, appeal the decision of the local attorney if they find the title to be unsatisfactory and appeal the decision to the Supreme Court. The Supreme Court shall examine, hear arguments, and, in its decision, shall certify to the local clerk a ballot title. The local clerk shall print the title verified to him by the Supreme Court on the official ballot.
- 20A-7-509 The local clerk shall ensure that the number and ballot title are printed upon the official ballot with, immediately to the right of them, the words "For" or "Against," followed by a square in which the elector may indicate his vote.
- 20A-7-510 The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns. After the local board of canvassers completes its canvass, the local clerk shall certify the local legislative body the vote for and against the law proposed by he initiative.
- (2) Local referendum - procedures
- 20A-7-602 Persons wishing to circulate a referendum petition shall file an application with the local clerk. Contents of application defined.
- 20A-7-603 Form of referendum petition and signature sheets. (To be addressed to the county clerk/city recorder/town clerk).
- 20A-7-604 Local clerk shall furnish to the sponsors five copies of the referendum petition and five signature sheets in order to obtain the necessary number of signature required by law. The sponsors of the petition shall arrange and pay for the printing of all additional copies of the petition and signature sheets. The sponsors may prepare the referendum for circulation by creating multiple referendum packets. After the sponsors have prepared sufficient referendum packets, they shall return them to the local clerk for numbering and recording of numbers.
- 20A-7-605 Any voter who has signed a referendum petition may have the local clerk remove his signature from the petition by submitting a notarized statement to that effect to the local clerk prior to the petition being delivered to the county clerk for certification. No one may remove signatures from an referendum petition after the petition is submitted to the county clerk to be certified.
- 20A-7-606 Sponsors must deliver each signed and verified referendum packet to the county clerk no later than 120 days before any municipal general election. The county clerk shall: (a) within 90 days check name of persons completing verification on back of signature sheet, (b) within 60 days check all the names of signers to determine if they are registered voters, and deliver all packets to the local clerk.
- 20A-7-607 After receipt of each referendum packet from county clerk, the local clerk shall check off from his record the number of each referendum packet filed. After

receipt of all referendum packets, the local clerk shall count the number of names certified by the county clerk and if the total number of certified names equals or exceeds the number of names required by Section 20A-7-601, the local clerk shall mark upon the front of the petition the word "sufficient." If the total number of certified names does not equal or exceed the number of names required by Section 20A-7-501, the local clerk shall mark upon the front of the petition the word "insufficient" and immediately notify any one of the sponsors of his finding. Any sponsor may file a written demand with the local clerk for a recount of the signatures, in the presence of any sponsor, if the total number of certified signatures is found to be insufficient.

- 20A-7-608 The local clerk shall deliver a copy of a referendum petition declared sufficient for submission to the vote of the people, along with the proposed law to the local attorney for preparation of a ballot title. The petition and the ballot title shall be returned to the local clerk within 15 days after its receipt by the local attorney. Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon any of the sponsors of the petition. At least three of the sponsors of the petition may, by motion, appeal the decision of the local attorney if they find the title to be unsatisfactory and appeal the decision to the Supreme Court. The Supreme Court shall examine, hear arguments, and, in its decision, shall certify to the local clerk a ballot title. The local clerk shall print the title verified to him by the Supreme Court on the official ballot.
- 20A-7-609 The local clerk shall ensure that the number and ballot title are printed upon the official ballot with, immediately to the right of them, the words "For" or "Against," followed by a square in which the elector may indicate his vote.
- 20A-7-610 The votes on the law proposed by the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns. After the local board of canvassers completes its canvass, the local clerk shall certify the local legislative body the vote for and against the law proposed by the referendum.
- G. Political Party Formation and Procedures - UCA 2-A-8-101 - 404
- 20A-8-106 All election officers and state officials shall consider the organization of political parties under this section to be and shall treat the organization as a registered political party.
- H. Candidate Qualifications and Nominating Procedures - UCA 20A-9-101 - 701
- 20A-9-101(5c) As used in this chapter, "Filing officer" means the city or town clerk for municipal offices.
- (1) Regular General Elections
- 20A-9-201(4) Before the filing officer may accept any declaration of candidacy the filing officer shall read the constitutional and statutory requirements for the office and require the candidate to state whether or not the candidate meets those requirements. If the prospective candidate states that he does not meet the qualification requirements for the office, the filing officer may not accept the

prospective candidate's declaration for candidacy. If the candidate for election states that he meets the requirements of candidacy, the filing officer shall accept the candidate's declaration for candidacy; and provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.

## (2) Municipal General Elections

20A-9-203(2) Declarations of candidacy must be filed in person with the city recorder or town clerk during office hours and not later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay filing fee as required by ordinance. Filing time shall be extended to 5 p.m. on Monday when August 15 is a Saturday or Sunday.

20A-9-203(3) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall read the constitutional statutory qualification requirements to the prospective candidate or petitioner, require candidate or petitioner to state whether or not the candidate meets those requirements. If not, the filing officer may not accept the declaration of candidacy or nomination petition. If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall accept the declaration of candidacy or nomination petition.

## (3) Municipal Primary Elections

20A-9-404 Regular primary elections will be held on the Tuesday following the first Monday in the October before the regular municipal election. Any third, fourth or fifth class city may adopt an ordinance before the June 1 before the regular municipal election that exempts the city from other nomination methods and provides for a partisan primary election method of nominating candidates. Any political party may qualify as a municipal political party by presenting a petition to the city recorder that is signed by registered voters of the municipality equal to at least 20% of the votes cast for mayor in the last municipal election and is filed with the city recorder by the seventh Tuesday before the date of the municipal primary election (see 20A-9-404(4)(b)(ii) for details)

The clerk shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by 20A-6-201 and 20A-6-202; the candidates for each municipal political party are listed in one or more columns under their party name and emblem; the names of candidates of all parties are printed on the same ballot, but under their party designation; every ballot is folded and perforated so as to separate the candidates of one party from those of the other parties and so as to enable the elector to separate the part of the ballot containing the names of the party of his choice from the remainder of the ballot; and the side edges of all ballots are perforated so that the outside sections of the ballots, when detached, are similar in appearance to inside sections when detached.

## (4) Candidates Not Affiliated With a Party

20A-9-503 After the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall, between March 7 and March 17, file the petition in person with the municipal clerk if seeking an office in the city or town, or special district clerk if seeking an office in a special district.

(5) Write in Candidates

20A-9-601 Each person wishing to become a valid write-in candidate shall file a declaration of candidacy with filing officer not later than 14 days before the regular general election or municipal general election. The filing officer shall read the candidate the constitutional and statutory requirements for the office and ask the candidate whether or not the candidate meets the requirements. If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy. A write-in candidate in towns and special districts need not prequalify with the filing officer.

**13. HEALTH CODE**

26-2-18 City recorder or town clerk may maintain internment records.

**14. LIENS**

38-1-9 Recorder records claim of lien in an index. (*State Code does not specify "county" recorder, but mechanics liens are handled on the county level.*)

**15. PUBLIC OFFICERS**

52-1-4 Official oaths and bonds of city officers filed with city recorder, except those of city recorder which is filed with treasurer.

52-1-5 Official oaths and bonds of town officers filed with town clerk, except those of town clerk which is filed with treasurer.

52-2-1 Failure to Qualify for Elected or Appointed Office – Office Declared Vacant

52-4 Open and Public Meetings.

**16. PUBLIC UTILITIES**

54-8-22 Bonds countersigned by city recorder or town clerk.

**17. STATE AFFAIRS**

63-2-103 GRAMA records officer appointed by chief administrative officer.

63-5a-6 Order to declare, continue or terminate "local emergency" filed with city recorder or town clerk.

63-5a-7 Orders, rules and regulations filed in city recorder or town clerk's office.

63-30d-401-11 Claims for injury shall be directed and delivered to the city or town recorder.

**18. WATER AND IRRIGATION**

73-10d-4(1) Publication of notice of intention to enter privatization project filed with city recorder or town clerk.

**19. JUDICIAL CODE**

- 78-5-135      Treasurer report to city recorder showing sums collected and deposited from municipal courts. City recorder shall then apportion and remit the collected proceeds as provided in UCA 785-116. Disbursements from justice account do not require approval of city recorder.
- 78-27-4      Court clerk shall deposit money in a court trust fund or with county treasurer or city recorder to be held subject to court order.
- 78-27-16     Process served upon city recorder or town clerk. Answer of city recorder or town clerk shall be final and conclusive.