

Presidential Electors Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Andrew Stoddard

LONG TITLE

General Description:

This bill modifies provisions related to the distribution of electoral votes.

Highlighted Provisions:

This bill:

▸ in an election for president and vice president of the United States:

• allocates one electoral vote for the presidential and vice presidential candidates that receive the highest number of votes in a Congressional district;

• allocates two electoral votes for the presidential and vice presidential candidates that receive the highest number of statewide votes; and

• requires a registered political party, an unaffiliated candidate, or a write-in candidate to notify the lieutenant governor if there is a vacancy in the office of presidential elector; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-4-306, as last amended by Laws of Utah 2024, Chapter 503

20A-8-106, as last amended by Laws of Utah 2019, Chapter 255

20A-13-301, as last amended by Laws of Utah 2020, Chapter 22

20A-13-302, as last amended by Laws of Utah 2020, Chapter 22

20A-13-303, as last amended by Laws of Utah 2020, Chapter 22

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

Section 1. Section **20A-4-306** is amended to read:

20A-4-306 . Statewide canvass.

- 32 (1)(a) The state board of canvassers shall convene:
- 33 (i) on the fourth Monday of November, at noon; or
- 34 (ii) at noon on the day following the receipt by the lieutenant governor of the last of
- 35 the returns of a statewide special election.
- 36 (b) The state auditor, the state treasurer, and the attorney general are the state board of
- 37 canvassers.
- 38 (c) Attendance of all members of the state board of canvassers is required to constitute a
- 39 quorum for conducting the canvass.
- 40 (2)(a) The state board of canvassers shall:
- 41 (i) meet in the lieutenant governor's office; and
- 42 (ii) compute and determine the vote for officers and for and against any ballot
- 43 propositions voted upon by the voters of the entire state or of two or more
- 44 counties.
- 45 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant
- 46 governor's office that details:
- 47 (i) for each statewide officer and ballot proposition:
- 48 (A) the name of the statewide office or ballot proposition that appeared on the
- 49 ballot;
- 50 (B) the candidates for each statewide office whose names appeared on the ballot,
- 51 plus any recorded write-in candidates;
- 52 (C) the number of votes from each county cast for each candidate and for and
- 53 against each ballot proposition;
- 54 (D) the total number of votes cast statewide for each candidate and for and against
- 55 each ballot proposition; and
- 56 (E) the total number of votes cast statewide; and
- 57 (ii) for each officer or ballot proposition voted on in two or more counties:
- 58 (A) the name of each of those offices and ballot propositions that appeared on the
- 59 ballot;
- 60 (B) the candidates for those offices, plus any recorded write-in candidates;
- 61 (C) the number of votes from each county cast for each candidate and for and
- 62 against each ballot proposition; and
- 63 (D) the total number of votes cast for each candidate and for and against each
- 64 ballot proposition.
- 65 (c) Except as provided in Subsection (2)(d), the lieutenant governor shall:

- 66 (i) prepare certificates of election for:
67 (A) each successful candidate; and
68 (B) ~~[each of the presidential electors of the candidate for president who received a~~
69 ~~majority of the votes]~~ in a presidential election, each presidential elector who is
70 elected under Subsection 20A-13-301(4);
- 71 (ii) authenticate each certificate with the lieutenant governor's seal; and
72 (iii) deliver a certificate of election to:
73 (A) each candidate who had the highest number of votes for each office; and
74 (B) ~~[each of the presidential electors of the candidate for president who received a~~
75 ~~majority of the votes]~~ in a presidential election, each presidential elector who is
76 elected under Subsection 20A-13-301(4).
- 77 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
78 tie vote if:
79 (i) two or more officers receive an equal and the highest number of votes for an
80 office; or
81 (ii) in a race for an at-large office:
82 (A) two or more candidates receive an equal number of votes; and
83 (B) a recount is necessary to determine which candidates are elected to the at-large
84 office.
- 85 (3) If the lieutenant governor has not received election returns from all counties on the fifth
86 day before the day designated for the meeting of the state board of canvassers, the
87 lieutenant governor shall:
88 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
89 county;
90 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
91 required by Section 20A-4-304 from the clerk; and
92 (c) pay the messenger the per diem provided by law as compensation.
- 93 (4) The state board of canvassers may not withhold the declaration of the result or any
94 certificate of election because of any defect or informality in the returns of any election
95 if the board can determine from the returns, with reasonable certainty, what office is
96 intended and who is elected to it.
- 97 (5)(a) At noon on the fourth Monday after the regular primary election, the lieutenant
98 governor shall:
99 (i) canvass the returns for all multicounty candidates required to file with the office

- 100 of the lieutenant governor; and
- 101 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 102 (b) Not later than ~~the~~ August 1 after the primary election, the lieutenant governor shall
- 103 certify the results of the primary canvass to the county clerks.
- 104 (6)(a) At noon on the fourth Tuesday in March of a year in which a presidential election
- 105 will be held, the lieutenant governor shall:
- 106 (i) canvass the returns of the presidential primary election; and
- 107 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 108 (b) The lieutenant governor shall certify the results of the presidential primary election
- 109 canvass to each registered political party that participated in the primary not later
- 110 than ~~the~~ April 15 after the primary election.

111 Section 2. Section **20A-8-106** is amended to read:

112 **20A-8-106 . Organization as a political party -- Certification procedures.**

- 113 (1) Before 5 p.m. no later than March 1 of the regular general election year, the prospective
- 114 political ~~party's~~ party's officers or governing board shall file the names of the ~~party~~
- 115 ~~officers~~ party officers or governing board with the lieutenant governor.
- 116 (2) After reviewing the information and determining that all proper procedures have been
- 117 completed, the lieutenant governor shall:
- 118 (a) issue a certificate naming the organization as a registered political party in Utah and
- 119 designating ~~its~~ the registered political party's official name; and
- 120 (b) inform each county clerk that the organization is a registered political party in Utah.
- 121 (3) ~~[All election officers and state officials]~~ Each election officer and state official shall
- 122 consider the organization to be and shall treat the organization as a registered political
- 123 party.
- 124 (4) The newly registered political party shall comply with all the provisions of Utah law
- 125 governing registered political parties.
- 126 (5)(a) If the newly registered political party does not hold a national party convention,
- 127 the governing board of the newly registered political party may designate:
- 128 (i) the names of the registered political party's candidates for the offices of ~~[President~~
- 129 ~~and Vice President]~~ president and vice president of the United States; and
- 130 (ii) subject to Subsection (6), the names of the registered political party's presidential
- 131 electors to the lieutenant governor before 5 p.m. no later than August 15.
- 132 (b) If the newly registered political party chooses to designate names, the governing
- 133 board shall certify those names.

134 (6) A newly registered political party shall select individuals to act as presidential electors
 135 in accordance with Subsection 20A-13-301(2).

136 Section 3. Section **20A-13-301** is amended to read:

137 **20A-13-301 . Presidential elections -- Office of presidential elector -- Allocation of**
 138 **electoral votes.**

139 ~~[(1)(a) Each registered political party shall choose individuals to act as presidential~~
 140 ~~electors and to fill vacancies in the office of presidential electors for their party's~~
 141 ~~candidates for president and vice president of the United States according to the~~
 142 ~~procedures established in their bylaws.]~~

143 ~~[(b) Each registered political party shall certify to the lieutenant governor the names and~~
 144 ~~addresses of the individuals selected by the political party as the party's presidential~~
 145 ~~electors before 5 p.m. no later than August 31.]~~

146 ~~[(c) An unaffiliated candidate or write-in candidate for the office of president of the United~~
 147 ~~States shall, no later than 5 p.m. ten days after the day on which the candidate files a~~
 148 ~~declaration of candidacy, certify to the lieutenant governor the names and addresses of~~
 149 ~~each individual selected by the candidate as a presidential elector for the candidate and~~
 150 ~~each individual selected by the candidate to fill a vacancy in the office of presidential~~
 151 ~~elector for the candidate.]~~

152 ~~[(2) The highest number of votes cast for candidates for president and vice president of the~~
 153 ~~United States elects the presidential electors for:]~~

154 ~~[(a) except as provided in Subsection (2)(b), the political party of those candidates; or]~~

155 ~~[(b) if the candidates receiving the highest number of votes are unaffiliated candidates or~~
 156 ~~write-in candidates, the presidential electors selected for those candidates under~~
 157 ~~Subsection (1)(c).]~~

158 (1) A registered political party shall select individuals to act as presidential electors for the
 159 registered political party's candidates for president and vice president of the United
 160 States in accordance with the registered political party's bylaws and the requirements of
 161 this section.

162 (2)(a) For a registered political party's candidates for president and vice president of the
 163 United States, the registered political party shall:

164 (i) select an individual to act as presidential elector for each Congressional district;

165 (ii) select two individuals to each act as a statewide presidential elector; and

166 (iii) select an individual to fill a vacancy in each office of presidential elector
 167 described in Subsections (2)(a)(i) and (ii).

- 168 (b) A registered political party shall certify to the lieutenant governor the name and
 169 address of each individual described in Subsection (2)(a) before 5 p.m. no later than
 170 August 31 of the year in which the presidential election will be held.
- 171 (3) An unaffiliated candidate or a write-in candidate for the office of president of the United
 172 States shall, no later than 5 p.m. 10 days after the day on which the candidate files a
 173 declaration of candidacy:
- 174 (a) select individuals to act as presidential electors in accordance with Subsections
 175 (2)(a)(i) and (ii);
- 176 (b) select individuals to fill vacancies in the offices of presidential electors in accordance
 177 with Subsection (2)(a)(iii); and
- 178 (c) certify to the lieutenant governor the name and address of:
- 179 (i) each individual selected by the candidate as a presidential elector; and
 180 (ii) each individual selected by the candidate to fill a vacancy in the office of
 181 presidential elector.
- 182 (4)(a) The highest number of votes cast in a Congressional district for candidates for
 183 president and vice president of the United States elects:
- 184 (i) if the candidate for president is the nominee of a registered political party, the
 185 presidential elector that the registered political party selects for that Congressional
 186 district under Subsection (2)(a)(i); or
- 187 (ii) if the candidate for president is an unaffiliated candidate or a write-in candidate,
 188 the presidential elector that the candidate selects for that Congressional district
 189 under Subsection (3)(a).
- 190 (b) The highest number of statewide votes cast for candidates for president and vice
 191 president of the United States elects:
- 192 (i) if the candidate for president is the nominee of a registered political party, the
 193 statewide presidential electors that the registered political party selects under
 194 Subsection (2)(a)(ii); or
- 195 (ii) if the candidate for president is an unaffiliated candidate or a write-in candidate,
 196 the statewide presidential electors that the candidate selects under Subsection
 197 (3)(a).

198 Section 4. Section **20A-13-302** is amended to read:

199 **20A-13-302 . Certificate of election.**

- 200 [~~1~~] ~~The lieutenant governor shall transmit certificates of election to each of the electors~~
 201 ~~selected under Section 20A-13-301:]~~

202 ~~[(a) if the candidates for president and vice president of the United States who receive the~~
203 ~~highest number of votes in the state are unaffiliated candidates or write-in candidates, by~~
204 ~~the candidate for president; or]~~

205 ~~[(b) if the candidates for president and vice president of the United States who receive the~~
206 ~~highest number of votes in the state are the nominees of a registered political party, by~~
207 ~~the registered political party.]~~

208 ~~[(2) Presidential electors may not receive compensation for their services.]~~

209 (1) The lieutenant governor shall transmit certificates of election to each presidential elector
210 that is elected under Subsection 20A-13-301(4).

211 (2) A presidential elector may not receive compensation for the presidential elector's
212 services.

213 Section 5. Section **20A-13-303** is amended to read:

214 **20A-13-303 . Filling vacancies.**

215 (1) [If there is a vacancy in the office of presidential elector because of death, refusal to
216 act, failure to attend, ineligibility, or any other cause, the individual or political party
217 represented by the elector who caused the vacancy shall immediately fill the vacancy.] If
218 a vacancy occurs in an office of presidential elector for any reason, the registered
219 political party, unaffiliated candidate, or write-in candidate represented by the elector
220 who causes the vacancy shall immediately:

221 (a) notify the lieutenant governor of the vacancy; and

222 (b) fill the vacancy with the individual that:

223 (i) the registered political party selects under Subsection 20A-13-301(2)(a)(iii); or

224 (ii) the unaffiliated candidate or write-in candidate selects under Subsection
225 20A-13-301(3)(b).

226 (2) Upon receiving the notice described in Subsection (1)(a), the lieutenant governor shall
227 immediately prepare and transmit a certificate of election to the individual described in
228 Subsection (1)(b).

229 Section 6. **Effective date.**

230 This bill takes effect on May 7, 2025.