

ELECTION ADMINISTRATION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen M. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to recounts and tie votes in elections.

Highlighted Provisions:

This bill:

- ▶ requires an election officer to automatically conduct a recount if the board of canvassers certifies a tie vote;
- ▶ consolidates provisions related to tie votes in an election;
- ▶ provides that the selection of a winning candidate by lot occurs when, following the automatic recount described above, the board of canvassers certifies a tie vote;
- ▶ provides that the public meeting at which certain elected officials select the winning candidate among the candidates subject to a tie vote must occur no later than three days after the recount canvass;
- ▶ allows, but does not require, certain candidates subject to a tie vote to attend the public meeting described above;
- ▶ clarifies that the political subdivision administering an election shall pay for the cost of a recount; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187

32 **20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435

33 **20A-4-306**, as last amended by Laws of Utah 2022, Chapter 18

34 **20A-4-401**, as last amended by Laws of Utah 2023, Chapter 15

35 **20A-9-403**, as last amended by Laws of Utah 2023, Chapter 116



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

38 Section 1. Section **20A-1-304** is amended to read:

39 **20A-1-304. Tie votes.**

40 ~~[Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part~~
41 ~~6, Municipal Alternate Voting Methods Pilot Project, if two or more candidates for a position~~
42 ~~have an equal and the highest number of votes for any office, the election officer shall, in a~~
43 ~~public meeting held within 30 days after the day on which the canvass is completed, determine~~
44 ~~the candidate selected, by lot, in the presence of each candidate subject to the tie.]~~

45 (1) This section does not apply to a race conducted by instant runoff voting under
46 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

47 (2) Except as provided in Subsection (3), if, after conducting a recount under
48 Subsection 20A-4-405(5), a tie vote occurs, the election officer shall, in a public meeting held
49 no later than three days after the day on which the recount canvass is completed:

50 (a) determine the winning candidate, by lot, in whatever manner the election officer
51 determines; and

52 (b) provide notice and an opportunity for each candidate involved in the tie to observe
53 the casting or drawing of the lot or to send a representative to observe the casting or drawing of
54 the lot.

55 (3) (a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs
56 in a primary election race for a national, statewide, or other office that represents more than one
57 county, the governor, lieutenant governor, and attorney general shall, at a public meeting called
58 by the governor no later than three days after the day on which the recount canvass is

59 completed:

60 (i) determine the winning nominee, by lot, in whatever manner the governor

61 determines; and

62 (ii) provide notice and an opportunity for each candidate involved in the tie to observe
63 the casting or drawing of the lot or to send a representative to observe the casting or drawing of
64 the lot.

65 (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a
66 primary election race for a county office, the district court judges of the district in which the
67 county is located shall, at a public meeting called by the judges no later than three days after
68 the day on which the recount canvass is completed:

69 (i) determine the winning nominee, by lot, in whatever manner the judges determine;
70 and

71 (ii) provide notice and an opportunity for each candidate involved in the tie to observe
72 the casting or drawing of the lot or to send a representative to observe the casting or drawing of
73 the lot.

74 Section 2. Section **20A-4-304** is amended to read:

75 **20A-4-304. Declaration of results -- Canvassers' report.**

76 (1) Each board of canvassers shall:

77 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
78 declare "elected" or "nominated" those persons who:

79 (i) had the highest number of votes; and

80 (ii) sought election or nomination to an office completely within the board's
81 jurisdiction;

82 (b) declare a "tie vote" if:

83 (i) two or more candidates for an office receive an equal and the highest number of
84 votes for that office; or

85 (ii) in a race for an at-large office:

86 (A) two or more candidates receive an equal number of votes; and

87 (B) a recount is necessary to determine which candidates are elected to the at-large
88 office.

89 [~~(b)~~] (c) declare:

- 90 (i) "approved" those ballot propositions that:
- 91 (A) had more "yes" votes than "no" votes; and
- 92 (B) were submitted only to the voters within the board's jurisdiction; or
- 93 (ii) "rejected" those ballot propositions that:
- 94 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
- 95 votes; and
- 96 (B) were submitted only to the voters within the board's jurisdiction;
- 97 ~~[(c)]~~ (d) certify the vote totals for persons and for and against ballot propositions that
- 98 were submitted to voters within and beyond the board's jurisdiction and transmit those vote
- 99 totals to the lieutenant governor; and
- 100 ~~[(d)]~~ (e) if applicable, certify the results of each special district election to the special
- 101 district clerk.
- 102 (2) The election officer shall submit a report to the board of canvassers that includes
- 103 the following information:
- 104 (a) the total number of votes cast in the board's jurisdiction;
- 105 (b) the names of each candidate whose name appeared on the ballot;
- 106 (c) the title of each ballot proposition that appeared on the ballot;
- 107 (d) each office that appeared on the ballot;
- 108 (e) from each voting precinct:
- 109 (i) the number of votes for each candidate;
- 110 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 111 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 112 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
- 113 phase; and
- 114 (iii) the number of votes for and against each ballot proposition;
- 115 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 116 and against each ballot proposition;
- 117 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
- 118 (i) the number of ballots counted;
- 119 (ii) provisional ballots; and
- 120 (iii) the number of ballots rejected;

- 121 (h) a final ballot reconciliation report;
- 122 (i) other information required by law to be provided to the board of canvassers; and
- 123 (j) a statement certifying that the information contained in the report is accurate.
- 124 (3) The election officer and the board of canvassers shall:
 - 125 (a) review the report to ensure that the report is correct; and
 - 126 (b) sign the report.
- 127 (4) The election officer shall:
 - 128 (a) record or file the certified report in a book kept for that purpose;
 - 129 (b) prepare and transmit a certificate of nomination or election under the officer's seal
 - 130 to each nominated or elected candidate;
 - 131 (c) publish a copy of the certified report in accordance with Subsection (5); and
 - 132 (d) file a copy of the certified report with the lieutenant governor.
- 133 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 134 days after the day on which the board of canvassers declares the election results, publicize the
- 135 certified report described in Subsection (2) for the jurisdiction, as a class A notice under
- 136 Section [63G-30-102](#), for at least seven days.
- 137 (6) Instead of including a copy of the entire certified report, a notice required under
- 138 Subsection (5) may contain a statement that:
 - 139 (a) includes the following: "The Board of Canvassers for [indicate name of
 - 140 jurisdiction] has prepared a report of the election results for the [indicate type and date of
 - 141 election]."; and
 - 142 (b) specifies the following sources where an individual may view or obtain a copy of
 - 143 the entire certified report:
 - 144 (i) if the jurisdiction has a website, the jurisdiction's website;
 - 145 (ii) the physical address for the jurisdiction; and
 - 146 (iii) a mailing address and telephone number.
- 147 (7) When there has been a regular general or a statewide special election for statewide
- 148 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
- 149 or more county ballot proposition, each board of canvassers shall:
 - 150 (a) prepare a separate report detailing the number of votes for each candidate and the
 - 151 number of votes for and against each ballot proposition; and

- 152 (b) transmit the separate report by registered mail to the lieutenant governor.
- 153 (8) In each county election, municipal election, school election, special district
- 154 election, and local special election, the election officer shall transmit the reports to the
- 155 lieutenant governor within 14 days after the date of the election.
- 156 (9) In a regular primary election and in a presidential primary election, the board shall
- 157 transmit to the lieutenant governor:
- 158 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
- 159 governor not later than the second Tuesday after the election; and
- 160 (b) a complete tabulation showing voting totals for all primary races, precinct by
- 161 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
- 162 primary election.
- 163 Section 3. Section **20A-4-306** is amended to read:
- 164 **20A-4-306. Statewide canvass.**
- 165 (1) (a) The state board of canvassers shall convene:
- 166 (i) on the fourth Monday of November, at noon; or
- 167 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
- 168 returns of a statewide special election.
- 169 (b) The state auditor, the state treasurer, and the attorney general are the state board of
- 170 canvassers.
- 171 (c) Attendance of all members of the state board of canvassers is required to constitute
- 172 a quorum for conducting the canvass.
- 173 (2) (a) The state board of canvassers shall:
- 174 (i) meet in the lieutenant governor's office; and
- 175 (ii) compute and determine the vote for officers and for and against any ballot
- 176 propositions voted upon by the voters of the entire state or of two or more counties.
- 177 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant
- 178 governor's office that details:
- 179 (i) for each statewide officer and ballot proposition:
- 180 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
- 181 (B) the candidates for each statewide office whose names appeared on the ballot, plus
- 182 any recorded write-in candidates;

183 (C) the number of votes from each county cast for each candidate and for and against
184 each ballot proposition;

185 (D) the total number of votes cast statewide for each candidate and for and against each
186 ballot proposition; and

187 (E) the total number of votes cast statewide; and

188 (ii) for each officer or ballot proposition voted on in two or more counties:

189 (A) the name of each of those offices and ballot propositions that appeared on the
190 ballot;

191 (B) the candidates for those offices, plus any recorded write-in candidates;

192 (C) the number of votes from each county cast for each candidate and for and against
193 each ballot proposition; and

194 (D) the total number of votes cast for each candidate and for and against each ballot
195 proposition.

196 (c) ~~[The]~~ Except as provided in Subsection (2)(d), the lieutenant governor shall:

197 (i) prepare certificates of election for:

198 (A) each successful candidate; and

199 (B) each of the presidential electors of the candidate for president who received a
200 majority of the votes;

201 (ii) authenticate each certificate with the lieutenant governor's seal; and

202 (iii) deliver a certificate of election to:

203 (A) each candidate who had the highest number of votes for each office; and

204 (B) each of the presidential electors of the candidate for president who received a
205 majority of the votes.

206 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
207 tie vote if:

208 (i) two or more officers receive an equal and the highest number of votes for an office;

209 or

210 (ii) in a race for an at-large office:

211 (A) two or more candidates receive an equal number of votes; and

212 (B) a recount is necessary to determine which candidates are elected to the at-large
213 office.

214 (3) If the lieutenant governor has not received election returns from all counties on the
215 fifth day before the day designated for the meeting of the state board of canvassers, the
216 lieutenant governor shall:

217 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
218 county;

219 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
220 required by Section 20A-4-304 from the clerk; and

221 (c) pay the messenger the per diem provided by law as compensation.

222 (4) The state board of canvassers may not withhold the declaration of the result or any
223 certificate of election because of any defect or informality in the returns of any election if the
224 board can determine from the returns, with reasonable certainty, what office is intended and
225 who is elected to it.

226 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
227 governor shall:

228 (i) canvass the returns for all multicounty candidates required to file with the office of
229 the lieutenant governor; and

230 (ii) publish and file the results of the canvass in the lieutenant governor's office.

231 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
232 certify the results of the primary canvass to the county clerks.

233 (6) (a) At noon on the fourth Tuesday in March of a year in which a presidential
234 election will be held, the lieutenant governor shall:

235 (i) canvass the returns of the presidential primary election; and

236 (ii) publish and file the results of the canvass in the lieutenant governor's office.

237 (b) The lieutenant governor shall certify the results of the presidential primary election
238 canvass to each registered political party that participated in the primary not later than the April
239 15 after the primary election.

240 Section 4. Section 20A-4-401 is amended to read:

241 **20A-4-401. Recounts -- Procedure.**

242 ~~[(1)(a) This section does not apply to a race conducted by instant runoff voting under~~
243 ~~Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.]~~

244 ~~[(b) Except as provided in Subsection (1)(c), for a race between candidates, if the~~

245 ~~difference between the number of votes cast for a winning candidate in the race and a losing~~
246 ~~candidate in the race is equal to or less than .25% of the total number of votes cast for all~~
247 ~~candidates in the race, that losing candidate may file a request for a recount in accordance with~~
248 ~~Subsection (1)(d).]~~

249 ~~[(c) For a race between candidates where the total of all votes cast in the race is 400 or~~
250 ~~less, if the difference between the number of votes cast for a winning candidate in the race and~~
251 ~~a losing candidate in the race is one vote, that losing candidate may file a request for a recount~~
252 ~~in accordance with Subsection (1)(d).]~~

253 ~~[(d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall~~
254 ~~file the request.]~~

255 ~~[(i) for a municipal primary election, with the municipal clerk, before 5 p.m. within~~
256 ~~three days after the canvass; or]~~

257 ~~[(ii) for all other elections, before 5 p.m. within seven days after the canvass with:]~~

258 ~~[(A) the municipal clerk, if the election is a municipal general election;]~~

259 ~~[(B) the special district clerk, if the election is a special district election;]~~

260 ~~[(C) the county clerk, for races voted on entirely within a single county; or]~~

261 ~~[(D) the lieutenant governor, for statewide races and multicounty races.]~~

262 ~~[(e) The election officer shall:]~~

263 ~~[(i) supervise the recount;]~~

264 ~~[(ii) recount all ballots cast for that race;]~~

265 ~~[(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,~~
266 ~~Disposition of Ballots;]~~

267 ~~[(iv) for a race where only one candidate may win, declare elected the candidate who~~
268 ~~receives the highest number of votes on the recount; and]~~

269 ~~[(v) for a race where multiple candidates may win, declare elected the applicable~~
270 ~~number of candidates who receive the highest number of votes on the recount.]~~

271 (1) This section does not apply to a race conducted by instant runoff voting under
272 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

273 (2) The election officer shall conduct a recount of votes cast in a race if:

274 (a) two or more candidates for an office receive an equal and the highest number of
275 votes for that office; or

276 (b) in a race for an at-large office, two or more candidates receive an equal number of
277 votes and at least one of the candidates must be eliminated to determine which candidates are
278 elected.

279 (3) (a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if
280 the difference between the number of votes cast for a winning candidate in the race and a
281 losing candidate in the race is equal to or less than .25% of the total number of votes cast for all
282 candidates in the race, the losing candidate may file a request for a recount in accordance with
283 Subsection (4).

284 (b) Except as provided in Subsection (2), for a race between candidates where the total
285 of all votes cast in the race is 400 or less, if the difference between the number of votes cast for
286 a winning candidate in the race and a losing candidate in the race is one vote, the losing
287 candidate may file a request for a recount in accordance with Subsection (4).

288 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b)
289 shall file the request:

290 (a) for a municipal primary election, with the municipal clerk, before 5 p.m., no later
291 than three days after the day on which the canvass is completed; or

292 (b) for all other elections, before 5 p.m., no later than seven days after the day on which
293 the canvass is completed, with:

294 (i) the municipal clerk, if the election is a municipal general election;

295 (ii) the special district clerk, if the election is a special district election;

296 (iii) the county clerk, for a race voted on entirely within a single county; or

297 (iv) the lieutenant governor, for a statewide race or multi-county race.

298 (5) (a) The election officer shall conduct the recount:

299 (i) for a race described in Subsection (2), no later than 10 days after the day on which
300 the board of canvassers certifies the vote totals; or

301 (ii) for a race described in Subsection (3), no later than seven days after the day on
302 which the losing candidate requests the recount.

303 (b) In conducting the recount, the election officer shall:

304 (i) supervise the recount;

305 (ii) recount all ballots cast in the race;

306 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

307 Disposition of Ballots; and

308 (iv) (A) for a race between candidates for a single office, declare elected the candidate
 309 who receives the highest number of votes on the recount;

310 (B) for a race for an at-large office, declare elected the candidate who receives the
 311 highest number of votes on the recount, until all offices are filled by the candidates who
 312 received the highest number of votes;

313 (C) for a race described in Subsection (5)(b)(i) in which two or more candidates
 314 receive an equal and the highest number of votes, declare a tie vote; or

315 (D) for a race described in Subsection (5)(b)(ii) in which two or more candidates
 316 receive an equal number of votes, declare a tie vote if the selection of the winning candidate by
 317 lot under Section [20A-1-304](#) is necessary to determine which candidate is elected to the
 318 at-large office.

319 (6) The cost of a recount under Subsection (5) shall be paid by:

320 (a) for a statewide race or multi-county race, the state; or

321 (b) for all other races, the political subdivision administering the election.

322 ~~[(2)]~~ (7) (a) Except as provided in Subsection ~~[(2)(b)]~~ (7)(b), for a ballot proposition or
 323 a bond proposition, if the proposition passes or fails by a margin that is equal to or less than
 324 .25% of the total votes cast for or against the proposition, any 10 voters who voted in the
 325 election where the proposition was on the ballot may file a request for a recount before 5 p.m.
 326 within seven days after the day of the canvass with the person described in Subsection ~~[(2)(c)]~~
 327 (8).

328 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
 329 against the proposition is 400 or less, if the difference between the number of votes cast for the
 330 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
 331 voted in the election where the proposition was on the ballot may file a request for a recount
 332 before 5 p.m. within seven days after the day of the canvass with the person described in
 333 Subsection ~~[(2)(c)]~~ (8).

334 ~~[(c)]~~ (8) The 10 voters who file a request for a recount under Subsection ~~[(2)(a)]~~ (7)(a)
 335 or (b) shall file the request with:

336 ~~[(i)]~~ (a) the municipal clerk, if the election is a municipal election;

337 ~~[(ii)]~~ (b) the special district clerk, if the election is a special district election;

338 [(iii)] (c) the county clerk, for [~~propositions~~] a proposition voted on entirely within a
339 single county; or

340 [(iv)] (d) the lieutenant governor, for [~~statewide propositions and multicounty~~
341 ~~propositions~~] a statewide proposition or multi-county proposition.

342 [(4)] (9) (a) [~~The election officer shall~~] In conducting the recount, the election officer
343 shall:

344 (i) supervise the recount;

345 (ii) recount all ballots cast for [~~that~~] the ballot proposition or bond proposition;

346 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
347 Disposition of Ballots; and

348 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
349 based upon the results of the recount.

350 [(e)] (b) Proponents and opponents of the ballot proposition or bond proposition may
351 designate representatives to witness the recount.

352 [(f)] (10) The voters requesting [~~the recount~~] a recount under Subsection (7)(a) or (b)
353 shall pay the costs of the recount.

354 [(3)] ~~Costs incurred by recount under Subsection (1) may not be assessed against the~~
355 ~~person requesting the recount.]~~

356 [(4)] (11) (a) Upon [~~completion of the recount~~] completing a recount described in
357 Subsection (5) or (9), the election officer shall immediately convene the board of canvassers.

358 (b) The board of canvassers shall:

359 (i) canvass the election returns for the race or proposition that was the subject of the
360 recount; and

361 (ii) with the assistance of the election officer, prepare and sign the report required by
362 Section [20A-4-304](#) or [20A-4-306](#).

363 (c) If the recount is for a statewide [~~or multicounty race or for a~~] race, multi-county
364 race, or a statewide proposition, the board of county canvassers shall prepare and transmit a
365 separate report to the lieutenant governor as required by Subsection [20A-4-304\(7\)](#).

366 (d) The canvassers' report prepared as provided in this Subsection [(4)] (11) is the
367 official result of the race or proposition that is the subject of the recount.

368 Section 5. Section [20A-9-403](#) is amended to read:

369 **20A-9-403. Regular primary elections.**

370 (1) (a) Candidates for elective office that are to be filled at the next regular general
371 election shall be nominated in a regular primary election by direct vote of the people in the
372 manner prescribed in this section. The regular primary election is held on the date specified in
373 Section [20A-1-201.5](#). Nothing in this section shall affect a candidate's ability to qualify for a
374 regular general election's ballot as an unaffiliated candidate under Section [20A-9-501](#) or to
375 participate in a regular general election as a write-in candidate under Section [20A-9-601](#).

376 (b) Each registered political party that chooses to have the names of the registered
377 political party's candidates for elective office featured with party affiliation on the ballot at a
378 regular general election shall comply with the requirements of this section and shall nominate
379 the registered political party's candidates for elective office in the manner described in this
380 section.

381 (c) A filing officer may not permit an official ballot at a regular general election to be
382 produced or used if the ballot denotes affiliation between a registered political party or any
383 other political group and a candidate for elective office who is not nominated in the manner
384 prescribed in this section or in Subsection [20A-9-202\(4\)](#).

385 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
386 even-numbered year in which a regular general election will be held.

387 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
388 shall:

389 (i) either declare the registered political party's intent to participate in the next regular
390 primary election or declare that the registered political party chooses not to have the names of
391 the registered political party's candidates for elective office featured on the ballot at the next
392 regular general election; and

393 (ii) if the registered political party participates in the upcoming regular primary
394 election, identify one or more registered political parties whose members may vote for the
395 registered political party's candidates and whether individuals identified as unaffiliated with a
396 political party may vote for the registered political party's candidates.

397 (b) (i) A registered political party that is a continuing political party shall file the
398 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
399 November 30 of each odd-numbered year.

400 (ii) An organization that is seeking to become a registered political party under Section
401 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
402 political party files the petition described in Section 20A-8-103.

403 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
404 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
405 office on the regular primary ballot of the registered political party listed on the declaration of
406 candidacy only if the individual is certified by the appropriate filing officer as having submitted
407 a nomination petition that was:

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

409 (ii) signed by at least 2% of the registered political party's members who reside in the
410 political division of the office that the individual seeks.

411 (b) (i) A candidate for elective office shall submit signatures for a nomination petition
412 to the appropriate filing officer for verification and certification no later than 5 p.m. on the final
413 day in March.

414 (ii) A candidate may supplement the candidate's submissions at any time on or before
415 the filing deadline.

416 (c) (i) The lieutenant governor shall determine for each elective office the total number
417 of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting
418 the aggregate number of individuals residing in each elective office's political division who
419 have designated a particular registered political party on the individuals' voter registration
420 forms on or before November 15 of each odd-numbered year.

421 (ii) The lieutenant governor shall publish the determination for each elective office no
422 later than November 30 of each odd-numbered year.

423 (d) The filing officer shall:

424 (i) except as otherwise provided in Section 20A-21-201, verify signatures on
425 nomination petitions in a transparent and orderly manner, no later than 14 days after the day on
426 which a candidate submits the signatures to the filing officer;

427 (ii) for all qualifying candidates for elective office who submit nomination petitions to
428 the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline
429 described in Subsection 20A-9-202(1)(b);

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

431 (iv) consider an individual who signs a nomination petition a member of a registered
432 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
433 registered political party as the individual's party membership on the individual's voter
434 registration form; and

435 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the
436 county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify
437 submitted nomination petition signatures, or use statistical sampling procedures to verify
438 submitted nomination petition signatures in accordance with rules made under Subsection
439 (3)(f).

440 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
441 lieutenant governor may appear on the regular primary ballot of a registered political party
442 without submitting nomination petitions if the candidate files a declaration of candidacy and
443 complies with Subsection 20A-9-202(3).

444 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
445 director of elections, within the Office of the Lieutenant Governor, may make rules that:

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

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

448 (B) reflect a bona fide effort to determine the validity of a candidate's entire
449 submission, using widely recognized statistical sampling techniques; and

450 (ii) provide for the transparent, orderly, and timely submission, verification, and
451 certification of nomination petition signatures.

452 (g) The county clerk shall:

453 (i) review the declarations of candidacy filed by candidates for local boards of
454 education to determine if more than two candidates have filed for the same seat;

455 (ii) place the names of all candidates who have filed a declaration of candidacy for a
456 local board of education seat on the nonpartisan section of the ballot if more than two
457 candidates have filed for the same seat; and

458 (iii) determine the order of the local board of education candidates' names on the ballot
459 in accordance with Section 20A-6-305.

460 (4) (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
461 governor shall provide to the county clerks:

462 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
463 county, and county offices who have received certifications under Subsection (3), along with
464 instructions on how those names shall appear on the primary election ballot in accordance with
465 Section 20A-6-305; and

466 (ii) a list of unopposed candidates for elective office who have been nominated by a
467 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
468 unopposed candidates from the primary election ballot.

469 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
470 joint-ticket running mates shall appear jointly on the primary election ballot.

471 (c) After the county clerk receives the certified list from the lieutenant governor under
472 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
473 substantially the following form:

474 "Notice is given that a primary election will be held Tuesday, June _____,
475 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
476 local school board positions listed on the primary ballot. The polling place for voting precinct
477 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

478 Attest: county clerk."

479 (5) (a) A candidate who, at the regular primary election, receives the highest number of
480 votes cast for the office sought by the candidate is:

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

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

483 (b) If two or more candidates are to be elected to the office at the regular general
484 election, those party candidates equal in number to positions to be filled who receive the
485 highest number of votes at the regular primary election are the nominees of the candidates'
486 party for those positions.

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

488 (A) no individual other than the candidate receives a certification under Subsection (3)
489 for the regular primary election ballot of the candidate's registered political party for a
490 particular elective office; or

491 (B) for an office where more than one individual is to be elected or nominated, the
492 number of candidates who receive certification under Subsection (3) for the regular primary

493 election of the candidate's registered political party does not exceed the total number of
494 candidates to be elected or nominated for that office.

495 (ii) A candidate who is unopposed for an elective office in the regular primary election
496 of a registered political party is nominated by the party for that office without appearing on the
497 primary election ballot.

498 [~~(6) (a) When a tie vote occurs in any primary election for any national, state, or other~~
499 ~~office that represents more than one county, the governor, lieutenant governor, and attorney~~
500 ~~general shall, at a public meeting called by the governor and in the presence of the candidates~~
501 ~~involved, select the nominee by lot cast in whatever manner the governor determines.]~~

502 [~~(b) When a tie vote occurs in any primary election for any county office, the district~~
503 ~~court judges of the district in which the county is located shall, at a public meeting called by~~
504 ~~the judges and in the presence of the candidates involved, select the nominee by lot cast in~~
505 ~~whatever manner the judges determine.]~~

506 [~~(7)] (6) The expense of providing all ballots, blanks, or other supplies to be used at
507 any primary election provided for by this section, and all expenses necessarily incurred in the
508 preparation for or the conduct of that primary election shall be paid out of the treasury of the
509 county or state, in the same manner as for the regular general elections.~~

510 [~~(8)] (7) An individual may not file a declaration of candidacy for a registered political
511 party of which the individual is not a member, except to the extent that the registered political
512 party permits otherwise under the registered political party's bylaws.~~

513 Section 6. **Effective date.**

514 This bill takes effect on May 1, 2024.