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ELECTION ADMINISTRATION MODIFICATIONS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Karen M. Peterson
Senate Sponsor: David G. Buxton

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:

None

Utah Code Sections Affected:

AMENDS:

20A-1-304, as repealed and reenacted by Laws of Utah 2018, Chapter 187

28 **20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435

29 **20A-4-306**, as last amended by Laws of Utah 2022, Chapter 18

30 **20A-4-401**, as last amended by Laws of Utah 2023, Chapter 15

31 **20A-9-403**, as last amended by Laws of Utah 2023, Chapter 116

32

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

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

35 **20A-1-304 . Tie votes.**

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

41 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
 42 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

43 (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection
 44 20A-4-401(5), a tie vote occurs, the election officer shall, in a public meeting held no
 45 later than three days after the day on which the recount canvass is completed:

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

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

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

56 (i) determine the winning nominee, by lot, in whatever manner the governor
 57 determines; and

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

61 (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a

62 primary election race for a county office, the district court judges of the district in
 63 which the county is located shall, at a public meeting called by the judges no later
 64 than three days after the day on which the recount canvass is completed:

- 65 (i) determine the winning nominee, by lot, in whatever manner the judges determine;
 66 and
 67 (ii) provide notice and an opportunity for each candidate involved in the tie to
 68 observe the casting or drawing of the lot or to send a representative to observe the
 69 casting or drawing of the lot.

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

71 **20A-4-304 . Declaration of results -- Canvassers' report.**

72 [~~(1)~~ Each board of canvassers shall:]

73 (1) (a) [~~except~~] Except as provided in Part 6, Municipal Alternate Voting Methods Pilot
 74 Project, a board of canvassers shall declare "elected" or "nominated" those persons
 75 who:

- 76 (i) had the highest number of votes; and
 77 (ii) sought election or nomination to an office completely within the board's
 78 jurisdiction[;] .

79 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
 80 board of canvassers shall declare a "tie vote" if:

- 81 (i) two or more candidates for an office receive an equal and the highest number of
 82 votes for that office; or
 83 (ii) in a race for an at-large office:

- 84 (A) two or more candidates receive an equal number of votes; and
 85 (B) a recount is necessary to determine which candidates are elected to the at-large
 86 office.

87 [~~(b)~~] (c) A board of canvassers shall declare:

- 88 (i) "approved" those ballot propositions that:
 89 (A) had more "yes" votes than "no" votes; and
 90 (B) were submitted only to the voters within the board's jurisdiction; or
 91 (ii) "rejected" those ballot propositions that:
 92 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and
 93 "yes" votes; and
 94 (B) were submitted only to the voters within the board's jurisdiction[;] .

95 [~~(e)~~] (d) A board of canvassers shall:

- 96 (i) certify the vote totals for persons and for and against ballot propositions that were
97 submitted to voters within and beyond the board's jurisdiction and transmit those
98 vote totals to the lieutenant governor; and
99 ~~[(d)]~~ (ii) if applicable, certify the results of each special district election to the special
100 district clerk.
- 101 (2) The election officer shall submit a report to the board of canvassers that includes the
102 following information:
- 103 (a) the total number of votes cast in the board's jurisdiction;
104 (b) the names of each candidate whose name appeared on the ballot;
105 (c) the title of each ballot proposition that appeared on the ballot;
106 (d) each office that appeared on the ballot;
107 (e) from each voting precinct:
108 (i) the number of votes for each candidate;
109 (ii) for each race conducted by instant runoff voting under Part 6, Municipal
110 Alternate Voting Methods Pilot Project, the number of valid votes cast for each
111 candidate for each potential ballot-counting phase and the name of the candidate
112 excluded in each ballot-counting phase; and
113 (iii) the number of votes for and against each ballot proposition;
114 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
115 and against each ballot proposition;
116 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
117 (i) the number of ballots counted;
118 (ii) provisional ballots; and
119 (iii) the number of ballots rejected;
120 (h) a final ballot reconciliation report;
121 (i) other information required by law to be provided to the board of canvassers; and
122 (j) a statement certifying that the information contained in the report is accurate.
- 123 (3) The election officer and the board of canvassers shall:
124 (a) review the report to ensure that the report is correct; and
125 (b) sign the report.
- 126 (4) The election officer shall:
127 (a) record or file the certified report in a book kept for that purpose;
128 (b) prepare and transmit a certificate of nomination or election under the officer's seal to
129 each nominated or elected candidate;

- 130 (c) publish a copy of the certified report in accordance with Subsection (5); and
131 (d) file a copy of the certified report with the lieutenant governor.
- 132 (5) Except as provided in Subsection (6), the election officer shall, no later than seven days
133 after the day on which the board of canvassers declares the election results, publicize the
134 certified report described in Subsection (2) for the jurisdiction, as a class A notice under
135 Section 63G-30-102, for at least seven days.
- 136 (6) Instead of including a copy of the entire certified report, a notice required under
137 Subsection (5) may contain a statement that:
- 138 (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction]
139 has prepared a report of the election results for the [indicate type and date of
140 election]."; and
- 141 (b) specifies the following sources where an individual may view or obtain a copy of the
142 entire certified report:
- 143 (i) if the jurisdiction has a website, the jurisdiction's website;
144 (ii) the physical address for the jurisdiction; and
145 (iii) a mailing address and telephone number.
- 146 (7) When there has been a regular general or a statewide special election for statewide
147 officers, for officers that appear on the ballot in more than one county, or for a statewide
148 or two or more county ballot proposition, each board of canvassers shall:
- 149 (a) prepare a separate report detailing the number of votes for each candidate and the
150 number of votes for and against each ballot proposition; and
151 (b) transmit the separate report by registered mail to the lieutenant governor.
- 152 (8) In each county election, municipal election, school election, special district election, and
153 local special election, the election officer shall transmit the reports to the lieutenant
154 governor within 14 days after the date of the election.
- 155 (9) In a regular primary election and in a presidential primary election, the board shall
156 transmit to the lieutenant governor:
- 157 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
158 governor not later than the second Tuesday after the election; and
159 (b) a complete tabulation showing voting totals for all primary races, precinct by
160 precinct, to be mailed to the lieutenant governor on or before the third Friday
161 following the primary election.

162 Section 3. Section **20A-4-306** is amended to read:

163 **20A-4-306 . Statewide canvass.**

- 164 (1) (a) The state board of canvassers shall convene:
165 (i) on the fourth Monday of November, at noon; or
166 (ii) at noon on the day following the receipt by the lieutenant governor of the last of
167 the returns of a statewide special election.
- 168 (b) The state auditor, the state treasurer, and the attorney general are the state board of
169 canvassers.
- 170 (c) Attendance of all members of the state board of canvassers is required to constitute a
171 quorum for conducting the canvass.
- 172 (2) (a) The state board of canvassers shall:
173 (i) meet in the lieutenant governor's office; and
174 (ii) compute and determine the vote for officers and for and against any ballot
175 propositions voted upon by the voters of the entire state or of two or more
176 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
181 ballot;
182 (B) the candidates for each statewide office whose names appeared on the ballot,
183 plus any recorded write-in candidates;
184 (C) the number of votes from each county cast for each candidate and for and
185 against each ballot proposition;
186 (D) the total number of votes cast statewide for each candidate and for and against
187 each ballot proposition; and
188 (E) the total number of votes cast statewide; and
189 (ii) for each officer or ballot proposition voted on in two or more counties:
190 (A) the name of each of those offices and ballot propositions that appeared on the
191 ballot;
192 (B) the candidates for those offices, plus any recorded write-in candidates;
193 (C) the number of votes from each county cast for each candidate and for and
194 against each ballot proposition; and
195 (D) the total number of votes cast for each candidate and for and against each
196 ballot proposition.
- 197 (c) ~~[The]~~ Except as provided in Subsection (2)(d), the lieutenant governor shall:

- 198 (i) prepare certificates of election for:
199 (A) each successful candidate; and
200 (B) each of the presidential electors of the candidate for president who received a
201 majority of the votes;
- 202 (ii) authenticate each certificate with the lieutenant governor's seal; and
203 (iii) deliver a certificate of election to:
204 (A) each candidate who had the highest number of votes for each office; and
205 (B) each of the presidential electors of the candidate for president who received a
206 majority of the votes.
- 207 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
208 tie vote if:
- 209 (i) two or more officers receive an equal and the highest number of votes for an
210 office; or
- 211 (ii) in a race for an at-large office:
212 (A) two or more candidates receive an equal number of votes; and
213 (B) a recount is necessary to determine which candidates are elected to the at-large
214 office.
- 215 (3) If the lieutenant governor has not received election returns from all counties on the fifth
216 day before the day designated for the meeting of the state board of canvassers, the
217 lieutenant governor shall:
- 218 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
219 county;
- 220 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
221 required by Section 20A-4-304 from the clerk; and
- 222 (c) pay the messenger the per diem provided by law as compensation.
- 223 (4) The state board of canvassers may not withhold the declaration of the result or any
224 certificate of election because of any defect or informality in the returns of any election
225 if the board can determine from the returns, with reasonable certainty, what office is
226 intended and who is elected to it.
- 227 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
228 governor shall:
- 229 (i) canvass the returns for all multicounty candidates required to file with the office
230 of the lieutenant governor; and
231 (ii) publish and file the results of the canvass in the lieutenant governor's office.

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

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

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

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

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

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

242 **20A-4-401 . Recounts -- Procedure.**

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

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

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

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

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

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

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

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

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

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

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

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

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

- 266 ~~[(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,~~
267 ~~Disposition of Ballots;]~~
- 268 ~~[(iv) for a race where only one candidate may win, declare elected the candidate who~~
269 ~~receives the highest number of votes on the recount; and]~~
- 270 ~~[(v) for a race where multiple candidates may win, declare elected the applicable number~~
271 ~~of candidates who receive the highest number of votes on the recount.]~~
- 272 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
273 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- 274 (2) The election officer shall conduct a recount of votes cast in a race if:
- 275 (a) two or more candidates for an office receive an equal and the highest number of
276 votes for that office; or
- 277 (b) in a race for an at-large office, two or more candidates receive an equal number of
278 votes and at least one of the candidates must be eliminated to determine which
279 candidates are elected.
- 280 (3) (a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if
281 the difference between the number of votes cast for a winning candidate in the race
282 and a losing candidate in the race is equal to or less than .25% of the total number of
283 votes cast for all candidates in the race, the losing candidate may file a request for a
284 recount in accordance with Subsection (4).
- 285 (b) Except as provided in Subsection (2), for a race between candidates where the total
286 of all votes cast in the race is 400 or less, if the difference between the number of
287 votes cast for a winning candidate in the race and a losing candidate in the race is one
288 vote, the losing candidate may file a request for a recount in accordance with
289 Subsection (4).
- 290 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall
291 file the request:
- 292 (a) for a municipal primary election, with the municipal clerk, before 5 p.m., no later
293 than three days after the day on which the canvass is completed; or
- 294 (b) for all other elections, before 5 p.m., no later than seven days after the day on which
295 the canvass is completed, with:
- 296 (i) the municipal clerk, if the election is a municipal general election;
297 (ii) the special district clerk, if the election is a special district election;
298 (iii) the county clerk, for a race voted on entirely within a single county; or
299 (iv) the lieutenant governor, for a statewide race or multi-county race.

- 300 (5) (a) The election officer shall conduct the recount:
- 301 (i) for a race described in Subsection (2), no later than 10 days after the day on which
- 302 the board of canvassers certifies the vote totals; or
- 303 (ii) for a race described in Subsection (3), no later than seven days after the day on
- 304 which the losing candidate requests the recount.
- 305 (b) In conducting the recount, the election officer shall:
- 306 (i) supervise the recount;
- 307 (ii) recount all ballots cast in the race;
- 308 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
- 309 Disposition of Ballots; and
- 310 (iv) (A) for a race between candidates for a single office, declare elected the
- 311 candidate who receives the highest number of votes on the recount;
- 312 (B) for a race for an at-large office, declare elected the candidate who receives the
- 313 highest number of votes on the recount, until all offices are filled by the
- 314 candidates who received the highest number of votes;
- 315 (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more
- 316 candidates receive an equal and the highest number of votes, declare a tie vote;
- 317 or
- 318 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more
- 319 candidates receive an equal number of votes, declare a tie vote if the selection
- 320 of the winning candidate by lot under Section 20A-1-304 is necessary to
- 321 determine which candidate is elected to the at-large office.
- 322 (6) The cost of a recount under Subsection (5) shall be paid by:
- 323 (a) for a statewide race or multi-county race, the state; or
- 324 (b) for all other races:
- 325 (i) the political subdivision that conducts the election; or
- 326 (ii) the political subdivision that enters into a contract or interlocal agreement under
- 327 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer
- 328 to conduct the election.
- 329 [~~2~~] (7) (a) Except as provided in Subsection [~~2~~](b)] (7)(b), for a ballot proposition or a
- 330 bond proposition, if the proposition passes or fails by a margin that is equal to or less
- 331 than .25% of the total votes cast for or against the proposition, any 10 voters who
- 332 voted in the election where the proposition was on the ballot may file a request for a
- 333 recount before 5 p.m. within seven days after the day of the canvass with the person

- 334 described in Subsection ~~[(2)(e)]~~ (8).
- 335 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
336 against the proposition is 400 or less, if the difference between the number of votes
337 cast for the proposition and the number of votes cast against the proposition is one
338 vote, any 10 voters who voted in the election where the proposition was on the ballot
339 may file a request for a recount before 5 p.m. within seven days after the day of the
340 canvass with the person described in Subsection ~~[(2)(e)]~~ (8).
- 341 ~~[(d) The election officer shall]~~
- 342 ~~[(e)]~~ (8) The 10 voters who file a request for a recount under Subsection ~~[(2)(a)]~~ (7)(a) or (b)
343 shall file the request with:
- 344 ~~[(i)]~~ (a) the municipal clerk, if the election is a municipal election;
- 345 ~~[(ii)]~~ (b) the special district clerk, if the election is a special district election;
- 346 ~~[(iii)]~~ (c) the county clerk, for ~~[propositions]~~ a proposition voted on entirely within a
347 single county; or
- 348 ~~[(iv)]~~ (d) the lieutenant governor, for ~~[statewide propositions and multicounty~~
349 ~~propositions]~~ a statewide proposition or multi-county proposition.
- 350 ~~[(3) Costs incurred by recount under Subsection (1) may not be assessed against the person~~
351 ~~requesting the recount.]~~
- 352 (9) (a) In conducting the recount, the election officer shall:
- 353 (i) supervise the recount;
- 354 (ii) recount all ballots cast for ~~[that]~~ the ballot proposition or bond proposition;
- 355 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
356 Disposition of Ballots; and
- 357 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
358 based upon the results of the recount.
- 359 ~~[(e)]~~ (b) Proponents and opponents of the ballot proposition or bond proposition may
360 designate representatives to witness the recount.
- 361 ~~[(f)]~~ (10) The voters requesting ~~[the recount]~~ a recount under Subsection (7)(a) or (b) shall
362 pay the costs of the recount.
- 363 ~~[(4)]~~ (11) (a) Upon ~~[completion of the recount]~~ completing a recount described in
364 Subsection (5) or (9), the election officer shall immediately convene the board of
365 canvassers.
- 366 (b) The board of canvassers shall:
- 367 (i) canvass the election returns for the race or proposition that was the subject of the

- 368 recount; and
- 369 (ii) with the assistance of the election officer, prepare and sign the report required by
- 370 Section 20A-4-304 or 20A-4-306.
- 371 (c) If the recount is for a statewide [~~or multicounty race or for a~~] race, multi-county race,
- 372 or a statewide proposition, the board of county canvassers shall prepare and transmit
- 373 a separate report to the lieutenant governor as required by Subsection 20A-4-304(7).
- 374 (d) The canvassers' report prepared as provided in this Subsection [~~(4)~~] (11) is the official
- 375 result of the race or proposition that is the subject of the recount.
- 376 Section 5. Section **20A-9-403** is amended to read:
- 377 **20A-9-403 . Regular primary elections.**
- 378 (1) (a) Candidates for elective office that are to be filled at the next regular general
- 379 election shall be nominated in a regular primary election by direct vote of the people
- 380 in the manner prescribed in this section. The regular primary election is held on the
- 381 date specified in Section 20A-1-201.5. Nothing in this section shall affect a
- 382 candidate's ability to qualify for a regular general election's ballot as an unaffiliated
- 383 candidate under Section 20A-9-501 or to participate in a regular general election as a
- 384 write-in candidate under Section 20A-9-601.
- 385 (b) Each registered political party that chooses to have the names of the registered
- 386 political party's candidates for elective office featured with party affiliation on the
- 387 ballot at a regular general election shall comply with the requirements of this section
- 388 and shall nominate the registered political party's candidates for elective office in the
- 389 manner described in this section.
- 390 (c) A filing officer may not permit an official ballot at a regular general election to be
- 391 produced or used if the ballot denotes affiliation between a registered political party
- 392 or any other political group and a candidate for elective office who is not nominated
- 393 in the manner prescribed in this section or in Subsection 20A-9-202(4).
- 394 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
- 395 even-numbered year in which a regular general election will be held.
- 396 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
- 397 shall:
- 398 (i) either declare the registered political party's intent to participate in the next regular
- 399 primary election or declare that the registered political party chooses not to have
- 400 the names of the registered political party's candidates for elective office featured
- 401 on the ballot at the next regular general election; and

- 402 (ii) if the registered political party participates in the upcoming regular primary
403 election, identify one or more registered political parties whose members may
404 vote for the registered political party's candidates and whether individuals
405 identified as unaffiliated with a political party may vote for the registered political
406 party's candidates.
- 407 (b) (i) A registered political party that is a continuing political party shall file the
408 statement described in Subsection (2)(a) with the lieutenant governor no later than
409 5 p.m. on November 30 of each odd-numbered year.
- 410 (ii) An organization that is seeking to become a registered political party under
411 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
412 time that the registered political party files the petition described in Section
413 20A-8-103.
- 414 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a declaration
415 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
416 on the regular primary ballot of the registered political party listed on the declaration
417 of candidacy only if the individual is certified by the appropriate filing officer as
418 having submitted a nomination petition that was:
- 419 (i) circulated and completed in accordance with Section 20A-9-405; and
420 (ii) signed by at least 2% of the registered political party's members who reside in the
421 political division of the office that the individual seeks.
- 422 (b) (i) A candidate for elective office shall submit signatures for a nomination
423 petition to the appropriate filing officer for verification and certification no later
424 than 5 p.m. on the final day in March.
- 425 (ii) A candidate may supplement the candidate's submissions at any time on or before
426 the filing deadline.
- 427 (c) (i) The lieutenant governor shall determine for each elective office the total
428 number of signatures that must be submitted under Subsection (3)(a)(ii) or
429 20A-9-408(8) by counting the aggregate number of individuals residing in each
430 elective office's political division who have designated a particular registered
431 political party on the individuals' voter registration forms on or before November
432 15 of each odd-numbered year.
- 433 (ii) The lieutenant governor shall publish the determination for each elective office
434 no later than November 30 of each odd-numbered year.
- 435 (d) The filing officer shall:

- 436 (i) except as otherwise provided in Section 20A-21-201, verify signatures on
437 nomination petitions in a transparent and orderly manner, no later than 14 days
438 after the day on which a candidate submits the signatures to the filing officer;
- 439 (ii) for all qualifying candidates for elective office who submit nomination petitions
440 to the filing officer, issue certifications referenced in Subsection (3)(a) no later
441 than the deadline described in Subsection 20A-9-202(1)(b);
- 442 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 443 (iv) consider an individual who signs a nomination petition a member of a registered
444 political party for purposes of Subsection (3)(a)(ii) if the individual has designated
445 that registered political party as the individual's party membership on the
446 individual's voter registration form; and
- 447 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of
448 the county clerk as applicable, use the procedures described in Section 20A-1-1002
449 to verify submitted nomination petition signatures, or use statistical sampling
450 procedures to verify submitted nomination petition signatures in accordance with
451 rules made under Subsection (3)(f).
- 452 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant
453 governor may appear on the regular primary ballot of a registered political party
454 without submitting nomination petitions if the candidate files a declaration of
455 candidacy and complies with Subsection 20A-9-202(3).
- 456 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
457 director of elections, within the Office of the Lieutenant Governor, may make rules
458 that:
- 459 (i) provide for the use of statistical sampling procedures that:
- 460 (A) filing officers are required to use to verify signatures under Subsection (3)(d);
461 and
- 462 (B) reflect a bona fide effort to determine the validity of a candidate's entire
463 submission, using widely recognized statistical sampling techniques; and
- 464 (ii) provide for the transparent, orderly, and timely submission, verification, and
465 certification of nomination petition signatures.
- 466 (g) The county clerk shall:
- 467 (i) review the declarations of candidacy filed by candidates for local boards of
468 education to determine if more than two candidates have filed for the same seat;
- 469 (ii) place the names of all candidates who have filed a declaration of candidacy for a

470 local board of education seat on the nonpartisan section of the ballot if more than
471 two candidates have filed for the same seat; and

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

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

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

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

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

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

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

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

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

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

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

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

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

504 (B) for an office where more than one individual is to be elected or nominated, the
505 number of candidates who receive certification under Subsection (3) for the
506 regular primary election of the candidate's registered political party does not
507 exceed the total number of candidates to be elected or nominated for that office.

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

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

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

520 [~~(7) (6) The expense of providing all ballots, blanks, or other supplies to be used at any~~
521 ~~primary election provided for by this section, and all expenses necessarily incurred in~~
522 ~~the preparation for or the conduct of that primary election shall be paid out of the~~
523 ~~treasury of the county or state, in the same manner as for the regular general elections.~~

524 [~~(8) (7) An individual may not file a declaration of candidacy for a registered political party~~
525 ~~of which the individual is not a member, except to the extent that the registered political~~
526 ~~party permits otherwise under the registered political party's bylaws.~~

527 Section 6. **Effective date.**

528 This bill takes effect on May 1, 2024.