

1

Election Modifications
 2025 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Michael K. McKell
 House Sponsor:

2

3

LONG TITLE

4

General Description:

5

This bill amends provisions relating to elections.

6

Highlighted Provisions:

7

This bill:

8

- defines terms;

9

- establishes requirements and procedures addressing circumstances when the lieutenant

10

governor may have a real or perceived conflict of interest in certain matters relating to

11

the administration of elections, the regulation of campaign finance requirements or

12

reporting requirements, or the regulation of lobbying, including:

13

- requiring, or in certain circumstances permitting, the lieutenant governor to delegate certain duties to a county clerk that relate to a race where the governor or lieutenant governor are running for office;

14

- requiring, or in certain circumstances permitting, the attorney general to act in the place of the lieutenant governor in relation to matters requiring factual

15

determinations, interpreting or applying the law, or imposing penalties; and

16

- provides that the state board of canvassers shall canvass regular primary election results and presidential primary election results; and

17

- makes technical and conforming changes.

18

Money Appropriated in this Bill:

19

None

20

Other Special Clauses:

21

None

22

Utah Code Sections Affected:

23

AMENDS:

24

20A-1-105, as enacted by Laws of Utah 2023, Chapter 297

25

20A-1-304, as last amended by Laws of Utah 2024, Chapter 503

26

20A-1-402, as enacted by Laws of Utah 1993, Chapter 1

- 31 **20A-1-802**, as enacted by Laws of Utah 2014, Chapter 254
 32 **20A-1-803**, as enacted by Laws of Utah 2014, Chapter 254
 33 **20A-4-306**, as last amended by Laws of Utah 2024, Chapter 503
 34 **67-1a-2**, as last amended by Laws of Utah 2024, Chapter 438

35 ENACTS:

- 36 **20A-1-109**, Utah Code Annotated 1953

37 REPEALS:

- 38 **20A-1-801**, as enacted by Laws of Utah 2014, Chapter 254

39

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

41 Section 1. Section **20A-1-105** is amended to read:

42 **20A-1-105 . Chief election officer of the state -- Duties, authority, and**
 43 **enforcement.**

44 (1) This section is subject to the conflict of interest provisions described in Section
 45 20A-1-109.

46 [~~(1)~~] (2) The lieutenant governor:

- 47 (a) is the chief election officer of the state;
 48 (b) is responsible to oversee, and generally supervise, all elections and functions relating
 49 to elections in the state; and
 50 (c) shall enforce compliance by election officers with all legal requirements relating to
 51 elections, including:
 52 (i) Public Law 103-31, the National Voter Registration Act of 1993;
 53 (ii) Public Law 107-252, the Help America Vote Act of 2002;
 54 (iii) all other applicable provisions of federal law and rule relating to elections;
 55 (iv) state law relating to elections;
 56 (v) the requirements of this title; and
 57 (vi) rules made under this title.

58 [~~(2)~~] (3) To the extent that the lieutenant governor determines the following is useful in
 59 fulfilling the responsibilities described in Subsection [~~(1)~~] (2), the lieutenant governor
 60 has:

- 61 (a) full access to closely observe, examine, and copy all records, documents, recordings,
 62 and other information in the custody or control of an election officer or a board of
 63 canvassers;
 64 (b) full access to closely observe, examine, and copy all voter registration records,

65 ballots, ballot envelopes, vote tallies, canvassing records, and other election returns in
66 the custody or control of an election officer or a board of canvassers;

67 (c) full access to closely observe and examine all facilities, storage areas, and
68 equipment, and to closely observe, examine, or copy all materials, in the custody or
69 control of an election officer or a board of canvassers;

70 (d) full access to all staff, including full-time, part-time, and volunteer staff of an
71 election officer or a board of canvassers;

72 (e) full access to closely observe, examine, and copy all records and information relating
73 to election audits that are conducted, directed, or commissioned by a county clerk;

74 (f) the right to attend any meeting, including a closed meeting, relating to a matter
75 within the scope of authority or responsibility of the lieutenant governor described in
76 this chapter or Subsection 67-1a-2(2); and

77 (g) the right to closely observe and examine any work or other process relating to a
78 matter within the scope of authority or responsibility of the lieutenant governor
79 described in this chapter or Subsection 67-1a-2(2).

80 [~~(3)~~] (4) An election officer shall fully assist, and cooperate with, the lieutenant governor in:

81 (a) fulfillment, by the lieutenant governor, of the responsibilities described in Subsection [~~(1)~~]
82 (~~2~~); and

83 (b) obtaining the access and exercising the rights described in Subsection [~~(2)~~] (~~3~~).

84 [~~(4)~~] (~~5~~) If the lieutenant governor determines that an election officer is in violation of a law
85 or rule described in Subsection [~~(1)(e)~~] (~~2~~)(c), the lieutenant governor, in an effort to
86 remedy the violation and bring the election officer into compliance with the law or rule:

87 (a) shall consult with the election officer; and

88 (b) may provide training and other assistance to the election officer to the extent the
89 lieutenant governor determines warranted.

90 [~~(5)~~] (~~6~~) If a violation continues after the lieutenant governor complies with Subsection [~~(4)~~]
91 (~~(a)~~] (~~5~~)(a), the lieutenant governor shall issue a written order to the election officer
92 that:

93 (a) describes the violation;

94 (b) describes the action taken under Subsection [~~(4)~~] (~~5~~) to remedy the violation and
95 bring the election officer into compliance with the law or rule;

96 (c) directs the election officer to remedy and cease the violation;

97 (d) describes the specific actions the election officer must take to comply with the order;

98 (e) states the deadline for the election officer to comply with the order; and

99 (f) describes the actions the election officer must take to verify compliance with the
100 order.

101 ~~[(6)]~~ (7)(a) An order described in Subsection ~~[(5)]~~ (6) has the force of law.

102 (b) An election officer shall fully comply with an order described in Subsection ~~[(5)]~~ (6)
103 unless the election officer obtains a court order rescinding or modifying the order in
104 accordance with Subsections ~~[(7) through (9)]~~ (8) through (10).

105 ~~[(7)]~~ (8) An election officer desiring to seek a court order described in Subsection ~~[(6)]~~ (7)
106 shall file an action seeking a court order within 10 days after the day on which the
107 lieutenant governor issues the order described in Subsection ~~[(5)]~~ (6).

108 ~~[(8)]~~ (9) A court may not rescind or modify an order described in Subsection ~~[(5)]~~ (6) unless,
109 and only to the extent that:

110 (a) the order is arbitrary or capricious;

111 (b) the court finds that the violation alleged by the lieutenant governor did not occur; or

112 (c) the court determines that the violation alleged by the lieutenant governor is not a
113 violation of law or rule.

114 ~~[(9)]~~ (10) An election officer who files an action described in Subsection ~~[(7)]~~ (8) has the
115 burden of proof.

116 ~~[(10)]~~ (11) This section does not prohibit the lieutenant governor from bringing a legal
117 action, at any time, to compel an election officer to comply with the law and rules
118 described in Subsection ~~[(1)]~~ (2).

119 Section 2. Section **20A-1-109** is enacted to read:

120 **20A-1-109 . Conflicts of interest and perceived conflicts of interest -- Authority of**
121 **attorney general to act.**

122 (1) As used in this section:

123 (a) "Conflicted race" means a race where:

124 (i) the current governor is seeking reelection; or

125 (ii) the lieutenant governor is the election officer and the race is for an office that the
126 lieutenant governor is seeking.

127 (b) "Specified election administration function" means the signature verification and
128 certification process described in Section 20A-9-403 or 20A-9-408.

129 (2) The lieutenant governor shall delegate to one or more county clerks the performance of
130 a specified election administration function related to a conflicted race.

131 (3) The lieutenant governor may delegate to one or more county clerks the performance of
132 an election administration function that the lieutenant governor is not required to

- 133 delegate under Subsection (2), if the lieutenant governor decides to delegate the election
134 administration function to avoid a real or perceived conflict of interest.
- 135 (4) The attorney general shall act in the place of the lieutenant governor, in the lieutenant
136 governor's role as the chief election officer, to:
- 137 (a) resolve a dispute, submitted in writing to the lieutenant governor or the attorney
138 general, in a conflicted race regarding:
- 139 (i) application or interpretation of the law;
140 (ii) whether an individual qualifies as a candidate;
141 (iii) a candidate vacancy or filling a candidate vacancy;
142 (iv) disqualification of a candidate;
143 (v) whether a candidate, or a candidate's campaign, has violated a provision of this
144 title; or
145 (vi) whether a candidate qualifies for a primary election ballot or a general election
146 ballot;
- 147 (b) investigate a complaint alleging that:
- 148 (i) the governor, the lieutenant governor, or a candidate in a conflicted race violated a
149 provision of this title or Title 36, Chapter 11, Lobbyist Disclosure and Regulation
150 Act; or
151 (ii) a person violated a provision of this title or Title 36, Chapter 11, Lobbyist
152 Disclosure and Regulation Act, in relation to an interaction with, or a contribution
153 or gift to, the governor, the lieutenant governor, or a candidate in a conflicted race;
- 154 (c) after conducting an investigation described in Subsection (4)(b):
- 155 (i) determine whether a violation occurred; and
156 (ii) take an action or impose a civil penalty that the lieutenant governor is authorized
157 to take or impose for a violation described in Subsection (4)(b); or
- 158 (d) determine whether to release or refuse to release a record, or information from a
159 record, relating to a matter described in this section.
- 160 (5) A person may file with the attorney general a request that the attorney general take an
161 action described in Subsection (4).
- 162 (6) The lieutenant governor may refer a dispute, complaint, or other action which the
163 attorney general is not required to act upon under Subsection (4) if the lieutenant
164 governor determines that referring the matter will avoid a real or perceived conflict of
165 interest.
- 166 (7) Action taken by the attorney general under this section has the same force of law as if

167 the lieutenant governor took the action in the lieutenant governor's role as the chief
 168 election officer.

169 (8) This section does not authorize the attorney general to exercise any power granted to the
 170 governor or lieutenant governor:

171 (a) under the Utah Constitution; or

172 (b) by statute that relates to a matter other than a matter described in this section.

173 Section 3. Section **20A-1-304** is amended to read:

174 **20A-1-304 . Tie votes.**

175 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
 176 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

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

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

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

186 (3) Except as provided in Subsection (4)(c) for a primary election described in Subsection
 187 (4), if, after a recount under Subsection 20A-4-401(5), a tie vote occurs in a conflicted
 188 race, as defined in Subsection 20A-1-109(1), the attorney general shall, in a public
 189 meeting held no later than three days after the day on which the recount canvass is
 190 completed:

191 (a) determine the winning candidate, by lot, in whatever manner the attorney general
 192 determines; and

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

196 [(3)] (4)(a) [Hf] Except as provided in Subsection (4)(c), if, after conducting a recount
 197 under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a
 198 national, statewide, or other office that represents more than one county, the
 199 governor, lieutenant governor, and attorney general shall, at a public meeting called
 200 by the governor no later than three days after the day on which the recount canvass is
 201

202 completed:

- 203 (i) determine the winning nominee, by lot, in whatever manner the governor
 204 determines; and
- 205 (ii) provide notice and an opportunity for each candidate involved in the tie to
 206 observe the casting or drawing of the lot or to send a representative to observe the
 207 casting or drawing of the lot.
- 208 (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a
 209 primary election race for a county office, the district court judges of the district in
 210 which the county is located shall, at a public meeting called by the judges no later
 211 than three days after the day on which the recount canvass is completed:
- 212 (i) determine the winning nominee, by lot, in whatever manner the judges determine;
 213 and
- 214 (ii) provide notice and an opportunity for each candidate involved in the tie to
 215 observe the casting or drawing of the lot or to send a representative to observe the
 216 casting or drawing of the lot.
- 217 (c) If a tie vote in an election described in Subsection (4)(a) occurs in a conflicted race,
 218 as defined in Subsection 20A-1-109(1), the attorney general, at a public meeting
 219 called by the attorney general no later than three days after the day on which the
 220 recount canvass is completed:
- 221 (i) determine the winning nominee, by lot, in whatever manner the attorney general
 222 determines; and
- 223 (ii) provide notice and an opportunity for each candidate involved in the tie to
 224 observe the casting or drawing of the lot or to send a representative to observe the
 225 casting or drawing of the lot.

226 Section 4. Section **20A-1-402** is amended to read:

227 **20A-1-402 . Election officer to render interpretations and make decisions.**

228 [The] Except as otherwise provided in Section 20A-1-109, the election officer shall
 229 render all interpretations and make all initial decisions about controversies or other matters
 230 arising under this chapter.

231 Section 5. Section **20A-1-802** is amended to read:

232 **20A-1-802 . Definitions.**

233 As used in this part:

- 234 (1) "Bad faith" means that a person files a petition described in Subsection 20A-1-803(1):
 235 (a) under circumstances where a reasonable person would not believe that the allegations

- 236 are true; or
- 237 (b)(i) within 60 days before an election that the candidate to which the petition relates
- 238 will appear on the ballot; and
- 239 (ii) under circumstances where a reasonable person would not believe that the
- 240 allegations constitute a significant violation of a provision of this title.
- 241 (2) "Defendant" means each person against whom an allegation is made in the verified
- 242 petition described in Subsection 20A-1-803(1).
- 243 (3) "Receiving official" means:
- 244 (a) the lieutenant governor, unless the verified petition described in Section 20A-1-803
- 245 alleges a violation by the governor, the lieutenant governor, or an employee of the
- 246 lieutenant governor's office; or
- 247 (b) the attorney general, if the verified petition described in Section 20A-1-803 alleges a
- 248 violation by the governor, the lieutenant governor, or an employee of the lieutenant
- 249 governor's office.
- 250 (4) "Reviewing official" means:
- 251 (a) except as provided in Subsection (4)(b), the receiving official; or
- 252 (b) the ~~[reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving~~
- 253 ~~official appoints another individual as the reviewing official under Subsection~~
- 254 ~~20A-1-803(3)(a)] individual designated under Subsection 20A-1-803(3) or (4) to take~~
- 255 ~~further action on the petition.~~
- 256 (5) "Significant violation" means:
- 257 (a) a violation that, if known by voters before the election, may have resulted in a
- 258 candidate, other than the candidate certified as having won the election, winning the
- 259 election; or
- 260 (b) a violation that, had the violation not occurred, may have resulted in a candidate,
- 261 other than the candidate certified as having won the election, winning the election.
- 262 Section 6. Section **20A-1-803** is amended to read:
- 263 **20A-1-803 . Verified petition by registered voter -- Receiving and reviewing**
- 264 **official -- Special investigation -- Special counsel -- Civil action.**
- 265 (1) A registered voter may file a verified petition alleging a violation of any provision of
- 266 this title, if~~[the registered voter]~~:
- 267 (a) the registered voter has information relating to the alleged violation; and
- 268 (b) the allegation is against a candidate for whom the registered voter had the right to
- 269 vote, a personal campaign committee of that candidate, or a member of a personal

- 270 campaign committee of that candidate.
- 271 (2) The registered voter described in Subsection (1) shall file the verified petition with the
272 receiving official.
- 273 (3) If the receiving official is the lieutenant governor, any conflict of interest or potential
274 conflict of interest with the lieutenant governor is addressed in accordance with Section
275 20A-1-109.
- 276 ~~[(3)]~~ (4) If the receiving official is the attorney general and the attorney general determines,
277 in writing, that the ~~[receiving official]~~ attorney general has a conflict of interest in
278 relation to taking an action required in this part, the ~~[receiving official]~~ attorney general
279 shall:
- 280 (a) designate as the reviewing official an individual who does not have a conflict of
281 interest, in the following order of precedence:
- 282 ~~[(i) the attorney general;]~~
283 ~~[(ii)]~~ (i) the state auditor; ~~or~~
284 ~~[(iii)]~~ (ii) the state treasurer~~[-or]~~ ; and
285 ~~[(iv) the governor; and]~~
- 286 (b) forward the petition to the reviewing official for further action.
- 287 ~~[(4)]~~ (5)(a) The reviewing official shall gather information and determine whether, in the
288 discretion of the reviewing official, a special investigation is necessary.
- 289 (b) In making the determination described in Subsection ~~[(4)(a)]~~ (5)(a), the reviewing
290 official may consider the following:
- 291 (i) whether, based on the information available to the reviewing official, the
292 reviewing official is able to determine that a violation did not occur;
- 293 (ii) the seriousness of the alleged violation;
- 294 (iii) whether the alleged violation was intentional or accidental;
- 295 (iv) whether the alleged violation could be resolved informally;
- 296 (v) whether the petition is frivolous or filed for the purpose of harassment;
- 297 (vi) whether the alleged violation should be addressed in, or is being adequately
298 addressed in, another forum, including a criminal investigation or proceeding;
- 299 (vii) whether additional investigation, as part of a civil proceeding in relation to the
300 petition, is desirable;
- 301 (viii) the likelihood that an action, based on the allegations, is likely to be successful;
302 or
- 303 (ix) other criteria relevant to making the determination.

304 [~~(5)~~] (6) If the reviewing official determines that a special investigation is necessary, the
305 reviewing official shall:

- 306 (a) except as provided in Subsection [~~(5)~~](b)], refer the information to the attorney
307 general, who shall appoint special counsel; or
308 (b) if the verified petition alleges that the attorney general violated a provision of this
309 title, or if the reviewing official determines that the Office of the Attorney General
310 has a conflict of interest in relation to the verified petition, appoint a person who is
311 not an employee of the Office of the Attorney General as special counsel, in
312 accordance with Title 63G, Chapter 6a, Utah Procurement Code.

313 [~~(6)~~] (7) The special counsel:

- 314 (a) shall review the petition and any evidence relative to determining whether a
315 defendant committed a violation of a provision of this title;
316 (b) may interview individuals or gather additional evidence relative to determining
317 whether a defendant committed a violation of a provision of this title;
318 (c) shall advise the reviewing official whether, in the opinion of the special counsel,
319 sufficient evidence exists to establish that a defendant committed a significant
320 violation of a provision of this title; and
321 (d) shall, within three days after the day on which the special counsel complies with
322 Subsection [~~(6)~~](e)] (7)(c), prepare and provide to the reviewing official a document
323 that:
324 (i) states whether, in the opinion of the special counsel, sufficient evidence exists to
325 establish that a defendant committed at least one significant violation of a
326 provision of this title; and
327 (ii) if the special counsel is of the opinion that sufficient evidence exists to establish
328 that a defendant committed at least one significant violation of a provision of this
329 title:
330 (A) states the name of each defendant for which, in the opinion of the special
331 counsel, sufficient evidence exists to establish that the defendant committed at
332 least one significant violation of a provision of this title;
333 (B) states each provision of this title for which, in the opinion of the special
334 counsel, sufficient evidence exists to establish that the defendant violated; and
335 (C) may not include a description of the evidence supporting the opinion of the
336 special counsel.

337 [~~(7)~~] (8) The reviewing official shall:

- 338 (a) within three days after the day on which the reviewing official receives the document
339 described in Subsection [~~(6)(d)~~] (7)(d), post a conspicuous link to the document on the
340 home page of the reviewing official's website; and
- 341 (b) within seven days after the day on which the special counsel complies with
342 Subsection [~~(6)(e)~~] (7)(c):
- 343 (i) determine whether, in the opinion of the reviewing official, sufficient evidence
344 exists to establish that a defendant committed a significant violation of a provision
345 of this title; and
- 346 (ii) if the reviewing official is of the opinion that sufficient evidence exists to
347 establish that a defendant committed at least one significant violation of a
348 provision of this title, direct the special counsel to file a civil action and serve
349 summons in accordance with the Utah Rules of Civil Procedure:
- 350 (A) against each defendant for whom the reviewing official determines that
351 sufficient evidence exists that the defendant committed a significant violation
352 of this title; and
- 353 (B) that includes each significant violation for which the reviewing official
354 determines that sufficient evidence exists.
- 355 [~~(8)~~] (9)(a) The purpose of the civil action described in Subsection [~~(7)(b)(ii)~~] (8)(b)(ii) is
356 to determine whether a defendant committed a significant violation of a provision of
357 this title.
- 358 (b) For a civil action described in Subsection [~~(7)(b)(ii)~~] (8)(b)(ii), the complaint may
359 include an allegation of any violation of a provision of this title by a defendant,
360 regardless of whether the violation is alleged in the petition.
- 361 (c) The special counsel may amend the complaint at any time after the complaint is filed,
362 including by adding allegations to the complaint or amending allegations already
363 made in the complaint, if the court determines that the amendment will not violate the
364 due process rights of the defendant against whom the added or amended allegation is
365 made.
- 366 [~~(9)~~] (10)(a) An action brought under this section shall:
- 367 (i) be heard without a jury, with the court determining all issues of fact and issues of
368 law; and
- 369 (ii) have precedence over any other civil actions.
- 370 (b) The court shall schedule discovery and hearings, and shall otherwise conduct
371 proceedings relating to an action brought under this section, in an expedited manner

372 while preserving the rights of the parties and the integrity of the proceedings.

373 Section 7. Section **20A-4-306** is amended to read:

374 **20A-4-306 . Statewide canvass.**

375 (1)~~(a)~~ The state board of canvassers shall convene:

376 ~~(a)~~ for a presidential primary election, on the fourth Tuesday in March, at noon;

377 ~~(b)~~ for a regular primary election, on the third Tuesday after the regular primary
 378 election, at noon;

379 ~~(c)~~ for a regular general election, on the fourth Monday of November, at noon; or

380 ~~(d)~~ for a statewide special election, at noon on the day following the receipt by the
 381 lieutenant governor of the last of the returns of a statewide special election.

382 ~~(2)(a)~~ The state auditor, the state treasurer, and the attorney general are the state
 383 board of canvassers.

384 ~~(b)~~ (b) Attendance of all members of the state board of canvassers is required to
 385 constitute a quorum for conducting the canvass.

386 ~~(3)~~~~(a)~~ The state board of canvassers shall:

387 ~~(i)~~ (a) meet in the lieutenant governor's office; and

388 ~~(ii)~~ (b) compute and determine the vote for officers and for and against any ballot
 389 propositions voted upon by the voters of the entire state or of two or more counties.

390 ~~(4)~~ The lieutenant governor, as secretary of the board shall file a report in the lieutenant
 391 governor's office that details:

392 ~~(i)~~ (a) for each statewide officer and ballot proposition:

393 ~~(A)~~ (i) the name of the statewide office or ballot proposition that appeared on the
 394 ballot;

395 ~~(B)~~ (ii) the candidates for each statewide office whose names appeared on the ballot,
 396 plus any recorded write-in candidates;

397 ~~(C)~~ (iii) the number of votes from each county cast for each candidate and for and
 398 against each ballot proposition;

399 ~~(D)~~ (iv) the total number of votes cast statewide for each candidate and for and
 400 against each ballot proposition; and

401 ~~(E)~~ (v) the total number of votes cast statewide; and

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

403 ~~(A)~~ (i) the name of each of those offices and ballot propositions that appeared on the
 404 ballot;

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

406 ~~[(C)]~~ (iii) the number of votes from each county cast for each candidate and for and
407 against each ballot proposition; and

408 ~~[(D)]~~ (iv) the total number of votes cast for each candidate and for and against each
409 ballot proposition.

410 ~~[(e)]~~ (5) Except as provided in Subsection ~~[(2)(d)]~~ (6), the lieutenant governor shall:

411 ~~[(i)]~~ (a) prepare certificates of election for:

412 ~~[(A)]~~ (i) each successful candidate; and

413 ~~[(B)]~~ (ii) each of the presidential electors of the candidate for president who received
414 a majority of the votes;

415 ~~[(ii)]~~ (b) authenticate each certificate with the lieutenant governor's seal; and

416 ~~[(iii)]~~ (c) deliver a certificate of election to:

417 ~~[(A)]~~ (i) each candidate who had the highest number of votes for each office; and

418 ~~[(B)]~~ (ii) each of the presidential electors of the candidate for president who received
419 a majority of the votes.

420 ~~[(d)]~~ (6) The lieutenant governor shall, in the report described in Subsection ~~[(2)(b)]~~ (4),
421 declare a tie vote if:

422 ~~[(i)]~~ (a) two or more officers receive an equal and the highest number of votes for an
423 office; or

424 ~~[(ii)]~~ (b) in a race for an at-large office:

425 ~~[(A)]~~ (i) two or more candidates receive an equal number of votes; and

426 ~~[(B)]~~ (ii) a recount is necessary to determine which candidates are elected to the
427 at-large office.

428 ~~[(3)]~~ (7) If the lieutenant governor has not received election returns from all counties on the
429 fifth day before the day designated for the meeting of the state board of canvassers, the
430 lieutenant governor shall:

431 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
432 county;

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

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

436 ~~[(4)]~~ (8) The state board of canvassers may not withhold the declaration of the result or any
437 certificate of election because of any defect or informality in the returns of any election
438 if the board can determine from the returns, with reasonable certainty, what office is
439 intended and who is elected to it.

- 440 [~~(5)(a) At noon on the fourth Monday after the regular primary election, the lieutenant~~
 441 ~~governor shall:]~~
- 442 [~~(i) canvass the returns for all multicounty candidates required to file with the office~~
 443 ~~of the lieutenant governor; and]~~
- 444 [~~(ii) publish and file the results of the canvass in the lieutenant governor's office.]~~
- 445 [~~(b) Not later than the August 1 after the primary election, the lieutenant governor shall~~
 446 ~~certify the results of the primary canvass to the county clerks.]~~
- 447 [~~(6)(a) At noon on the fourth Tuesday in March of a year in which a presidential~~
 448 ~~election will be held, the lieutenant governor shall:]~~
- 449 [~~(i) canvass the returns of the presidential primary election; and]~~
- 450 [~~(ii) publish and file the results of the canvass in the lieutenant governor's office.]~~
- 451 [~~(b) The lieutenant governor shall certify the results of the presidential primary election~~
 452 ~~canvass to each registered political party that participated in the primary not later~~
 453 ~~than the April 15 after the primary election.]~~

454 Section 8. Section **67-1a-2** is amended to read:

455 **67-1a-2 . Duties enumerated.**

- 456 (1) The lieutenant governor shall:
- 457 (a) perform duties delegated by the governor, including assignments to serve in any of
 458 the following capacities:
- 459 (i) as the head of any one department, if so qualified, with the advice and consent of
 460 the Senate, and, upon appointment at the pleasure of the governor and without
 461 additional compensation;
- 462 (ii) as the chairperson of any cabinet group organized by the governor or authorized
 463 by law for the purpose of advising the governor or coordinating intergovernmental
 464 or interdepartmental policies or programs;
- 465 (iii) as liaison between the governor and the state Legislature to coordinate and
 466 facilitate the governor's programs and budget requests;
- 467 (iv) as liaison between the governor and other officials of local, state, federal, and
 468 international governments or any other political entities to coordinate, facilitate,
 469 and protect the interests of the state;
- 470 (v) as personal advisor to the governor, including advice on policies, programs,
 471 administrative and personnel matters, and fiscal or budgetary matters; and
- 472 (vi) as chairperson or member of any temporary or permanent boards, councils,
 473 commissions, committees, task forces, or other group appointed by the governor;

- 474 (b) serve on all boards and commissions in lieu of the governor, whenever so designated
475 by the governor;
- 476 (c) serve as the chief election officer of the state as required by Subsection (2);
- 477 (d) keep custody of the Great Seal of the State of Utah;
- 478 (e) keep a register of, and attest, the official acts of the governor;
- 479 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
480 which the official signature of the governor is required; and
- 481 (g) furnish a certified copy of all or any part of any law, record, or other instrument
482 filed, deposited, or recorded in the office of the lieutenant governor to any person
483 who requests it and pays the fee.
- 484 (2) Except as otherwise provided in the conflict of interest provisions described in Section
485 20A-1-109:
- 486 (a) [As] as the chief election officer, the lieutenant governor shall:
- 487 (i) exercise oversight, and general supervisory authority, over all elections;
- 488 (ii) exercise direct authority over the conduct of elections for federal, state, and
489 multicounty officers and statewide or multicounty ballot propositions and any
490 recounts involving those races;
- 491 (iii) establish uniformity in the election ballot;
- 492 (iv)(A) prepare election information for the public as required by law and as
493 determined appropriate by the lieutenant governor; and
- 494 (B) make the information described in Subsection (2)(a)(iv)(A) available to the
495 public and to news media, on the Internet, and in other forms as required by
496 law and as determined appropriate by the lieutenant governor;
- 497 (v) receive and answer election questions and maintain an election file on opinions
498 received from the attorney general;
- 499 (vi) maintain a current list of registered political parties as defined in Section
500 20A-8-101;
- 501 (vii) maintain election returns and statistics;
- 502 (viii) certify to the governor the names of individuals nominated to run for, or elected
503 to, office;
- 504 (ix) ensure that all voting equipment purchased by the state complies with the
505 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;
- 506 (x) during a declared emergency, to the extent that the lieutenant governor determines
507 it warranted, designate, as provided in Section 20A-1-308, a different method,

- 508 time, or location relating to:
- 509 (A) voting on election day;
- 510 (B) early voting;
- 511 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 512 (D) the counting of an absentee ballot or military-overseas ballot; or
- 513 (E) the canvassing of election returns; and
- 514 (xi) exercise all other election authority, and perform other election duties, as
- 515 provided in Title 20A, Election Code[-] ; and
- 516 (b) [~~As~~] as chief election officer, the lieutenant governor:
- 517 (i) shall oversee all elections, and functions relating to elections, in the state;
- 518 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance
- 519 by an election officer with legal requirements relating to elections; and
- 520 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,
- 521 town clerks, or other local election officials by Title 20A, Election Code.
- 522 (3)(a) The lieutenant governor shall:
- 523 (i) determine a new municipality's classification under Section 10-2-301 upon the
- 524 city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a
- 525 Municipality, based on the municipality's population using the population estimate
- 526 from the Utah Population Committee; and
- 527 (ii)(A) prepare a certificate indicating the class in which the new municipality
- 528 belongs based on the municipality's population; and
- 529 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
- 530 to the municipality's legislative body.
- 531 (b) The lieutenant governor shall:
- 532 (i) determine the classification under Section 10-2-301 of a consolidated municipality
- 533 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
- 534 6, Consolidation of Municipalities, using population information from:
- 535 (A) each official census or census estimate of the United States Bureau of the
- 536 Census; or
- 537 (B) the population estimate from the Utah Population Committee, if the
- 538 population of a municipality is not available from the United States Bureau of
- 539 the Census; and
- 540 (ii)(A) prepare a certificate indicating the class in which the consolidated
- 541 municipality belongs based on the municipality's population; and

- 542 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
543 to the consolidated municipality's legislative body.
- 544 (c) The lieutenant governor shall monitor the population of each municipality using
545 population information from:
- 546 (i) each official census or census estimate of the United States Bureau of the Census;
547 or
- 548 (ii) the population estimate from the Utah Population Committee, if the population of
549 a municipality is not available from the United States Bureau of the Census.
- 550 (d) If the applicable population figure under Subsection (3)(b) or (c) indicates that a
551 municipality's population has increased beyond the population for its current class,
552 the lieutenant governor shall:
- 553 (i) prepare a certificate indicating the class in which the municipality belongs based
554 on the increased population figure; and
- 555 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to
556 the legislative body of the municipality whose class has changed.
- 557 (e)(i) If the applicable population figure under Subsection (3)(b) or (c) indicates that
558 a municipality's population has decreased below the population for its current
559 class, the lieutenant governor shall send written notification of that fact to the
560 municipality's legislative body.
- 561 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality
562 whose population has decreased below the population for its current class, the
563 lieutenant governor shall:
- 564 (A) prepare a certificate indicating the class in which the municipality belongs
565 based on the decreased population figure; and
- 566 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
567 to the legislative body of the municipality whose class has changed.

568 **Section 9. Repealer.**

569 This bill repeals:

570 **Section 20A-1-801, Title.**

571 **Section 10. Effective Date.**

572 This bill takes effect on May 7, 2025.