

**Superseded 1/1/2015**

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

- (1)
  - (a) The fourth Tuesday of June of each even-numbered year is designated as regular primary election day.
  - (b) Each registered political party that chooses to use the primary election process to nominate some or all of its candidates shall comply with the requirements of this section.
- (2)
  - (a) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:
    - (i) declare their intent to participate in the primary election;
    - (ii) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and
    - (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year.
  - (b) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:
    - (i) certify the name and office of all of the registered political party's candidates to the lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will be on the primary ballot; and
    - (ii) certify the name and office of each of its county candidates to the county clerks by 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will be on the primary ballot.
  - (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide candidates, multicounty candidates, or single county candidates that shall be printed on the primary ballot and the order the candidates are to appear on the ballot in accordance with Section 20A-6-305.
  - (d) Except for presidential candidates, if a registered political party does not wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.
- (3) The county clerk shall:
  - (a) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;
  - (b) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and
  - (c) determine the order of the candidates' names on the ballot in accordance with Section 20A-6-305.
- (4) After the county clerk receives the certified list from a registered political party, the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June \_\_\_\_, \_\_\_\_ (year), to nominate party candidates for the parties and nonpartisan offices listed on the primary ballot. The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."
- (5)

- (a) Candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their party or nonpartisan group for that office.
  - (b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.
- (6)
- (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.
  - (b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.
- (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.