

1                                   **CERTIFICATION OF PRIMARY VOTING**  
2                                   **REQUIREMENTS BY POLITICAL PARTIES**

3                                   2001 SECOND SPECIAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Loraine T. Pace**

6   **This act modifies the Election Code by changing the date by which a political party must**  
7   **designate which registered voters may vote for the party's candidates in a primary election.**

8   This act affects sections of Utah Code Annotated 1953 as follows:

9   AMENDS:

10           **20A-9-403**, as last amended by Chapters 75 and 328, Laws of Utah 2000

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

12           Section 1. Section **20A-9-403** is amended to read:

13           **20A-9-403. Regular primary elections.**

14           (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular  
15   primary election day.

16           (b) Each registered political party that chooses to use the primary election process to  
17   nominate some or all of its candidates shall comply with the requirements of this section.

18           (2) (a) As a condition for using the state's election system, each registered political party  
19   that wishes to participate in the primary election shall:

20           (i) declare their intent to participate in the primary election;

21           (ii) identify one or more registered political parties whose members may vote for the  
22   registered political party's candidates and whether or not persons identified as unaffiliated with a  
23   political party may vote for the registered political party's candidates; and

24           (iii) certify that information to the lieutenant governor no later than 5 p.m. on [~~March 1~~]  
25   May 13 of each even-numbered year.

26           (b) As a condition for using the state's election system, each registered political party that  
27   wishes to participate in the primary election shall:



28 (i) certify the name and office of all of the registered political party's candidates to the  
29 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and

30 (ii) certify the name and office of each of its county candidates to the county clerks by 5  
31 p.m. on May 13 of each even-numbered year.

32 (c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall send  
33 the county clerks a certified list of the names of all statewide or multicounty candidates that must  
34 be printed on the primary ballot.

35 (d) (i) Except as provided in Subsection (2)(d)(ii), if a registered political party does not  
36 wish to participate in the primary election, it shall submit the names of its county candidates to the  
37 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May  
38 30 of each even-numbered year.

39 (ii) A registered political party's candidates for President and Vice-President of the United  
40 States shall be certified to the lieutenant governor as provided in Subsection 20A-9-202(4).

41 (e) Each political party shall certify the names of its presidential and vice-presidential  
42 candidates and presidential electors to the lieutenant governor's office by August 30 of each  
43 presidential election year.

44 (3) The county clerk shall:

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

47 (b) place the names of all candidates who have filed a declaration of candidacy for a local  
48 board of education seat on the nonpartisan section of the ballot if more than two candidates have  
49 filed for the same seat; and

50 (c) conduct a lottery to determine the order of the candidates' names on the ballot.

51 (4) After the county clerk receives the certified list from a registered political party, the  
52 county clerk shall post or publish a primary election notice in substantially the following form:

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

57 (5) (a) Candidates receiving the highest number of votes cast for each office at the regular  
58 primary election are nominated by their party or nonpartisan group for that office.

59 (b) If two or more candidates are to be elected to the office at the regular general election,  
60 those party candidates equal in number to positions to be filled who receive the highest number  
61 of votes at the regular primary election are the nominees of their party for those positions.

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

66 (b) When a tie vote occurs in any primary election for any county office, the district court  
67 judges of the district in which the county is located shall, at a public meeting called by the judges  
68 and in the presence of the candidates involved, select the nominee by lot cast in whatever manner  
69 the judges determine.

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

---

---

**Legislative Review Note**  
**as of 9-21-01 9:22 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**