

HB0231S01 compared with HB0231

{Omitted text} shows text that was in HB0231 but was omitted in HB0231S01

inserted text shows text that was not in HB0231 but was inserted into HB0231S01

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Primary Election Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses primary elections.

Highlighted Provisions:

This bill:

- provides that, for certain primary election races, if no candidate receives more than 50% of the votes in the race, the person who wins the nomination will be determined by conducting a runoff election between the two candidates who received the most votes in the initial primary election;

- describes deadlines, notice requirements, and procedures relating to a runoff election, including procedures for a military or overseas voter to cast a ballot in a runoff election; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

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20A-1-304 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 503 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 503

23 20A-3a-601 (Effective 05/07/25), as last amended by Laws of Utah 2020, Chapter 95 and
renumbered and amended by Laws of Utah 2020, Chapter 31 (Effective 05/07/25), as last amended
by Laws of Utah 2020, Chapter 95 and renumbered and amended by Laws of Utah 2020, Chapter 31

25 **20A-4-301 (Effective 05/07/25) (Applies beginning 06/21/24), as last amended by Laws
of Utah 2024, Third Special Session, Chapter 3 (Effective 05/07/25) (Applies beginning
06/21/24), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3**

27 **20A-4-306 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter
503 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 503**

28 20A-6-203 (Effective 05/07/25), as last amended by Laws of Utah 2020, Chapter 31 (Effective
05/07/25), as last amended by Laws of Utah 2020, Chapter 31

29 20A-9-403 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 503 (Effective
05/07/25), as last amended by Laws of Utah 2024, Chapter 503

30 **20A-16-201 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter
215 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 215**

31 ENACTS:

32 **20A-9-409.1 (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code
Annotated 1953**

33

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

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

36 **20A-1-304. (Effective 05/07/25)Tie votes.**

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

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

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

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

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42 (3)

(a) [H] Except as otherwise provided in Section 20A-9-409.1, if, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a national, statewide, 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 no later than three days after the day on which the recount canvass is completed:

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

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

53 (b) [H] Except as otherwise provided in Section {~~20A-9-409.1,if~~ 20A-9-409.1, if, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges no later than three days after the day on which the recount canvass is completed:

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

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

69 Section 2. Section **20A-3a-601** is amended to read:

70 **20A-3a-601. (Effective 05/07/25)Early voting.**

65 (1) Except as provided in Subsection 20A-9-409.1(4)(b) or Section 20A-7-609.5:

66 (a) an individual who is registered to vote may vote at a polling place before the election date in accordance with this section; and

68 (b) except as provided in Subsection 20A-2-207(6), an individual who is not registered to vote may register to vote and vote at a polling place before the election date in accordance with this section if the individual:

71 (i) is otherwise legally entitled to vote the ballot; and

72 (ii) casts a provisional ballot in accordance with Section 20A-2-207.

73 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:

74 (a) begins on the date that is 14 days before the date of the election; and

75 (b) continues through the Friday before the election if the election date is a Tuesday.

76 (3)

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- . (a) An election officer may extend the end of the early voting period to the day before the election date if the election officer provides notice of the extension in accordance with Section 20A-3a-604.
- 79 (b) For a municipal election, the municipal clerk may reduce the early voting period described in this section if:
- 81 (i) the municipal clerk conducts early voting on at least four days;
- 82 (ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and
- 84 (iii) the municipal clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.
- 86 (c) For a county election, the county clerk may reduce the early voting period described in this section if:
- 88 (i) the county clerk conducts early voting on at least four days;
- 89 (ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and
- 91 (iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.
- 93 (4) Except as provided in Section 20A-1-308, during the early voting period, the election officer:
- 95 (a) for a local special election, a municipal primary election, and a municipal general election:
- 97 (i) shall conduct early voting on a minimum of four days during each week of the early voting period; and
- 99 (ii) shall conduct early voting on the last day of the early voting period; and
- 100 (b) for all other elections:
- 101 (i) shall conduct early voting on each weekday; and
- 102 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
- 103 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early voting shall be administered in accordance with the requirements of this title.
- 111 Section 3. Section 20A-4-301 is amended to read:
- 112 **20A-4-301. Board of canvassers.**
- 113 (1)
- . (a) Each county legislative body is the board of county canvassers for:
- 114 (i) the county; and

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- 115 (ii) each special district whose election is conducted by the county if:
- 116 (A) the election relates to the creation of the special district;
- 117 (B) the county legislative body serves as the governing body of the special district; or
- 119 (C) there is no duly constituted governing body of the special district.
- 120 (b)
- . (i) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body~~[, at a date and time determined by the county clerk that is]~~ :
- 123 (A) for canvassing of returns from a regular general election, no sooner than seven days after the election and no later than 14 days after the election; or
- 125 (B) for canvassing of returns from a regular primary election, including from a primary runoff election under Section 20A-9-409.1, on the seventh day after the day of the election.
- 128 (c) In an election described in Subsection (1)(b)(i) the county clerk shall, immediately upon adjournment of the board of county canvassers, transmit to the lieutenant governor, via a secure electronic method:
- 131 (i) the county totals for the election; and
- 132 (ii) the signed canvassing report described in Section 20A-4-304.
- 133 ~~[(e)]~~ (d) If one or more of the county legislative body fails to attend the meeting of the board of county canvassers, the remaining members shall replace the absent member by appointing in the order named:
- 136 (i) the county treasurer;
- 137 (ii) the county assessor; or
- 138 (iii) the county sheriff.
- 139 ~~[(e)]~~ (e) Attendance of the number of persons equal to a simple majority of the county legislative body, but not less than three persons, shall constitute a quorum for conducting the canvass.
- 142 ~~[(e)]~~ (f) The county clerk is the clerk of the board of county canvassers.
- 143 (2)
- . (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.
- 145 (b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:
- 147

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- (i) for canvassing of returns from a municipal general election, no sooner than seven days after the election and no later than 14 days after the election; or
- 149 (ii) for canvassing of returns from a municipal primary election, no sooner than seven days after the election and no later than 14 days after the election.
- 151 (c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.
- 153 (3)
- . (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.
- 155 (b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.
- 157 (c) Attendance of a simple majority of the legislative body of the entity authorizing a bond election shall constitute a quorum for conducting the canvass.
- 159 (4)
- . (a) If a board of trustees or an administrative control board is the governing body of a special district, the board of trustees or the administrative control board is the board of special district canvassers for the special district.
- 162 (b) The board of special district canvassers shall meet to canvass the returns at the usual place of meeting for the board of trustees or the administrative control board, as applicable, at a date and time determined by the special district clerk that is no sooner than seven days after the day of the election and no later than 14 days after the day of the election.
- 167 (c) Attendance of a simple majority of the board of trustees or the administrative control board is a quorum for conducting the canvass.
- 169 (5) In relation to an election for the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a local school board for a new school district or a reorganized new school district under Section 53G-3-302, the board of canvassers is:
- 173 (a) if the voters permitted to vote in the election are all residents of the same municipality, the mayor and the municipal legislative body;
- 175 (b) if the voters permitted to vote in the election are not all residents of the same municipality, but are all residents of the same county, the county legislative body; or

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177 (c) if the voters permitted to vote in the election are not all residents of the same municipality and are
not all residents of the same county, the county legislative body of the county where the majority of
the voters permitted to vote in the election are residents.

181 Section 4. Section 20A-4-306 is amended to read:

182 **20A-4-306. Statewide canvass.**

183 (1)

. (a) The state board of canvassers shall convene:

184 (i) on the fourth Monday of November, at noon; or

185 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a
statewide special election.

187 (b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.

189 (c) Attendance of all members of the state board of canvassers is required to constitute a quorum for
conducting the canvass.

191 (2)

. (a) The state board of canvassers shall:

192 (i) meet in the lieutenant governor's office; and

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

196 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant governor's
office that details:

198 (i) for each statewide officer and ballot proposition:

199 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

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

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

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

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

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

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

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- 211 (B) the candidates for those offices, plus any recorded write-in candidates;
- 212 (C) the number of votes from each county cast for each candidate and for and against each ballot
proposition; and
- 214 (D) the total number of votes cast for each candidate and for and against each ballot proposition.
- 216 (c) Except as provided in Subsection (2)(d), the lieutenant governor shall:
- 217 (i) prepare certificates of election for:
- 218 (A) each successful candidate; and
- 219 (B) each of the presidential electors of the candidate for president who received a majority of the votes;
- 221 (ii) authenticate each certificate with the lieutenant governor's seal; and
- 222 (iii) deliver a certificate of election to:
- 223 (A) each candidate who had the highest number of votes for each office; and
- 224 (B) each of the presidential electors of the candidate for president who received a majority of the votes.
- 226 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a tie vote if:
- 228 (i) two or more officers receive an equal and the highest number of votes for an office; or
- 230 (ii) in a race for an at-large office:
- 231 (A) two or more candidates receive an equal number of votes; and
- 232 (B) a recount is necessary to determine which candidates are elected to the at-large office.
- 234 (3) If the lieutenant governor has not received election returns from all counties on the fifth day before
the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:
- 237 (a) send a messenger to the clerk of the board of county canvassers of the delinquent county;
- 239 (b) instruct the messenger to demand a certified copy of the board of canvasser's report required by
Section 20A-4-304 from the clerk; and
- 241 (c) pay the messenger the per diem provided by law as compensation.
- 242 (4) The state board of canvassers may not withhold the declaration of the result or any certificate
of election because of any defect or informality in the returns of any election if the board can
determine from the returns, with reasonable certainty, what office is intended and who is elected to
it.
- 246 (5)
- . (a) At noon [~~on the fourth Monday after the regular primary election~~] no later than 14 days after the day
of the regular primary election or a primary runoff election, the lieutenant governor shall:

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- (i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and
- 251 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 252 (b) ~~[Not later than the August 1 after the primary election, the]~~ The lieutenant governor shall certify the results of the primary canvass to the county clerks~~[-]~~ :
- 254 (i) no later than the August 1 after the primary election; or
- 255 (ii) if there is a primary runoff election under Section 20A-9-409.1, no later than the August 31 after the runoff election.
- 257 (6)
- . (a) At noon on the fourth Tuesday in March of a year in which a presidential election will be held, the lieutenant governor shall:
- 259 (i) canvass the returns of the presidential primary election; and
- 260 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 261 (b) The lieutenant governor shall certify the results of the presidential primary election canvass to each registered political party that participated in the primary not later than the April 15 after the primary election.
- 264 Section 5. Section **20A-6-203** is amended to read:
- 265 **20A-6-203. (Effective 05/07/25)Ballots for regular primary elections.**
- 107 (1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:
- 109 (a) develop ballots to be used in Utah's regular primary election;
- 110 (b) except to the extent otherwise provided in Subsection 20A-9-409.1(6), ensure that the ballots comply generally, where applicable, with the requirements of ~~[Title 20A, Chapter 6, Part 1, General Requirements for All Ballots]~~ Part 1, General Requirements for All Ballots, and this section; and
- 114 (c) provide voting booths, election records and supplies, ballot boxes, and as applicable, voting devices, for each voting precinct as required by Section 20A-5-403.
- 116 (2)
- . (a) Notwithstanding the requirements of Subsections (1)(b) and (c), ~~[Title 20A, Chapter 6, Part 1, General Requirements for All Ballots]~~ Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401, and 20A-6-401.1, the lieutenant governor, together with county clerks,

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suppliers of election materials, and representatives of registered political parties shall ensure that the ballots, voting booths, election records and supplies, and ballot boxes:

- 122 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all voters are
authorized to vote for a party's candidate;
- 124 (ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;
- 126 (iii) minimize the possibility of spoiled ballots due to voter confusion; and
- 127 (iv) protect against fraud.
- 128 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks,
suppliers of election materials, and representatives of registered political parties shall:
- 131 (i) mark ballots as being for a particular registered political party; and
- 132 (ii) instruct individuals counting the ballots to count only those votes for candidates from the registered
political party whose ballot the voter received.

293 Section 6. Section **20A-9-403** is amended to read:

294 **20A-9-403. (Effective 05/07/25)Regular primary elections -- Candidate nomination
process for a registered political party that is not a qualified political party -- Determining
winning nominee for any registered political party, including a qualified political party -- Election
expenses.**

- 139 (1)
- (a) Candidates for elective office that are to be filled at the next regular general election shall
be nominated in a regular primary election by direct vote of the people in the manner
[prescribed] described in this section and, as applicable, Section 20A-9-409.1. The regular primary
election is held on the date specified in Section 20A-1-201.5. Nothing in this section shall affect
a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate
under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under
Section 20A-9-601.
- 147 (b) Each registered political party that chooses to have the names of the registered political party's
candidates for elective office featured with party affiliation on the ballot at a regular general election
shall comply with the requirements of this section and shall nominate the registered political party's
candidates for elective office in the manner described in this section.
- 152 (c) A filing officer may not permit an official ballot at a regular general election to be produced or used
if the ballot denotes affiliation between a registered political party or any other political group and

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a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

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

158 (2)

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

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

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

169 (b)

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

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

176 (3)

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

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

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

184 (b)

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- (i) A candidate for elective office shall submit signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.
- 187 (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.
- 189 (c)
- . (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.
- 195 (ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.
- 197 (d) The filing officer shall:
- 198 (i) except as otherwise provided in Section 20A-21-201, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;
- 201 (ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);
- 204 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 205 (iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and
- 209 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).
- 214 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

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- 218 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of
elections, within the Office of the Lieutenant Governor, may make rules that:
- 221 (i) provide for the use of statistical sampling procedures that:
- 222 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and
- 224 (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely
recognized statistical sampling techniques; and
- 226 (ii) provide for the transparent, orderly, and timely submission, verification, and certification of
nomination petition signatures.
- 228 (g) The county clerk shall:
- 229 (i) 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;
- 231 (ii) 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
- 234 (iii) determine the order of the local board of education candidates' names on the ballot in accordance
with Section 20A-6-305.
- 236 (4)
- . (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide
to the county clerks:
- 238 (i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and
county offices who have received certifications under Subsection (3), along with instructions
on how those names shall appear on the primary election ballot in accordance with Section
20A-6-305; and
- 242 (ii) a list of unopposed candidates for elective office who have been nominated by a registered
political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed
candidates from the primary election ballot.
- 245 (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket
running mates shall appear jointly on the primary election ballot.
- 247 (c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)
(a), the county clerk shall post or publish a primary election notice in substantially the following
form:

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250 "Notice is given that a primary election will be held Tuesday, June ____, ____ (year), to
nominate party candidates for the parties and candidates for nonpartisan local school board positions
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."

255 (5)

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

257 (i) except as otherwise provided in Section 20A-9-409.1, nominated for that office by the
candidate's registered political party; or

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

260 (b) If two or more 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 the candidates' party for those positions.

264 (c)

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

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

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

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

275 (6) 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.

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

441 Section 7. Section 7 is enacted to read:

442 **20A-9-409.1. (Effective 05/07/25)Determining winner of certain primary election races**
where a candidate does not receive a majority of the votes cast -- Runoff primary election for
certain races -- Election requirements and notice.

286 (1) In a regular primary election race for a qualified political party, the election officer shall determine
the winning nominee in accordance with Subsection (2) if:

288 (a) the race is to nominate a qualified political party candidate for United States senator, United States
representative, governor, attorney general, state treasurer, state auditor, state senator, or state
representative; and

291 (b) the candidate who receives the most votes in the initial primary election race does not receive more
than 50% of the votes in the race.

293 (2) To determine the winning nominee for a race described in Subsection (1), the election officer
shall declare as the nominee for that race the candidate who wins the runoff election, described in
Subsection (4), between the two candidates who received the highest number of votes in the initial
primary race.

297 (3) If a tie in the number of votes received in the initial primary election race makes it impossible to
determine, under Subsection (2), the two candidates who received the highest number of votes
in the initial primary race, the tie shall be broken, by lot, in the presence of the tied candidates or
representatives of the tied candidates, by:

301 (a) the election officer; or

302 (b) if the election officer is the lieutenant governor and the race is for governor, one of the following, as
designated by the lieutenant governor:

304 (i) the attorney general;

305 (ii) the state treasurer; or

306 (iii) the state auditor.

307 (4) To conduct a runoff election described in Subsection (2), the election officer shall:

308 (a) 35 days after the day of the regular primary election, hold a runoff election between the two
candidates identified under Subsection (2);

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- 310 (b) conduct the election in accordance with Section 20A-3a-202, except that the election officer may
not provide early voting for the runoff election;
- 312 (c) provide notice of the runoff election by:
- 472 (i) for 14 days before the day of the election, publishing the notice, as a class A notice under Section
63G-30-102, for the county or jurisdiction to which the election relates; and
- 313 ~~{(i)}~~ (ii)
- . (A) at least two days before the day of the election, publishing the notice in a newspaper of general
circulation in the jurisdiction to which the election pertains;or
- 316 ~~{(B) {at least two days before the day of the election, posting one copy of the notice, and at least one~~
~~additional copy per 2,000 population of the jurisdiction, in places within the jurisdiction that are~~
~~most likely to give notice of the election to the voters in the jurisdiction, subject to a maximum of 10~~
~~notices; or} }~~
- 320 ~~{(C)}~~ (B) at least five days before the day of the election, mailing the notice to each registered voter
who resides in the jurisdiction to which the election pertains;and
- 322 ~~{(ii) {for 14 days before the day of the election, posting the notice on the Utah Public Notice Website,~~
~~created in Section 63A-16-601; and} }~~
- 324 ~~{(iii) {for 14 days before the day of the election, posting notice on the jurisdiction's website;}~~
- 326 (d) except as provided in Subsection (5), include in the notice described in Subsection (4)(c):
- 328 (i) at the top of the notice, the following statement:"NOTICE OF RUNOFF ELECTIONNotice is given
that a runoff election will be held at the date and times indicated below to nominate the candidate
for the [name of registered political party] to run for [name of office] in the upcoming regular
general election. The candidates in the runoff election are:[list the names of the two candidates
participating in the runoff election, in the same order as the candidates will appear on the ballot]A
voter who is eligible to vote in the primary election for the [insert the name of the applicable
political party] may cast a vote in the runoff election.";
- 338 (ii) the hours during which the polls will be open;
- 339 (iii) the polling places for each voting precinct and election day voting center;
- 340 (iv) the address of the Statewide Electronic Voter Information Website and the election officer's
website, with a statement indicating that the election officer will post on the websites any changes to
the location of a polling place and the location of any additional polling place;

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- (v) a phone number that a voter may call to obtain information regarding the location of a polling place;
and
- 346 (vi) the qualifications for an individual to vote in the election; and
- 347 (e) no later than 14 days after the day of the election, declaring nominated by the applicable party:
- 349 (i) the candidate who receives the highest number of votes in the runoff election; or
- 350 (ii) in the case of a tie, the candidate selected by lot, in the presence of the tied candidates or
representatives of the tied candidates, by the individual described in Subsection (3).
- 353 (5) Instead of including the information described in Subsection (4)(d) in the notice described in
Subsection (4)(c), the election officer may include the following in the notice:
- 356 (a) the statement described in Subsection (4)(d)(i);
- 357 (b) the following statement: "The election will be held in [indicate the jurisdiction] on [indicate date
of election]. Information relating to the election, including polling places, polling place hours, and
qualifications of voters may be obtained from the following sources:"; and
- 361 (c) a list of the following sources where an individual may view or obtain the information described in
Subsections (4)(d)(ii) through (vi):
- 363 (i) the jurisdiction's website;
- 364 (ii) the physical address of the jurisdiction offices; and
- 365 (iii) a mailing address and telephone number.
- 366 (6)
- . (a) In order to comply with Chapter 16, Uniform Military and Overseas Voters Act, the election
officer shall, {when sending or providing a ballot under that chapter, provide the ability to rank the
candidates in regular primary election race } for a ballot under that chapter, provide the ability to
rank the candidates in regular primary election race {, in the order the voter prefers the candidates, if
the race } that may result in a runoff election under this section{ : } :
- 524 (i) provide each voter with a ballot that permits the voter to rank the candidates in the regular
primary election race, in the order the voter prefers the candidates; or
- 526 (ii) provide each voter with:
- 527 (A) a ballot that permits the voter to cast a vote for only one candidate in the regular primary election
race; and
- 529 (B) a separate ballot that permits the voter to rank the candidates in the regular primary election race, in
accordance with Subsection (6)(a)(i).

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- 371 (b) To count a vote cast in a race described in Subsection (6)(a), where the voter ranked at least two of
the candidates on a ballot, the election officer shall:
- 533 (i) for a race in which the election officer provides the voter with a ballot described in Subsection (6)(a)
(i):
- 373 ~~{(i)}~~ (A) initially, only count a vote for the candidate who the voter ranked highest; and
- 374 ~~{(ii)}~~ (B) if the race results in a runoff election ~~{under this section}~~, count a vote in the runoff election
for the ~~{remaining}~~ candidate ~~{ranked highest by}~~ who is the voter's highest choice preference
among the two candidates participating in the {voter.} election; or
- 539 (ii) for a race in which the election officer provides the voter with the ballots described in Subsection
(6)(a)(ii):
- 541 (A) initially, count a vote for the candidate the voter selects on the ballot described in Subsection (6)(a)
(ii)(A); and
- 543 (B) if the race results in a runoff election, use the ballot described in Subsection (6)(a)(ii)(B) to count a
vote in the runoff election in accordance with Subsection (6)(b)(i)(B).

546 Section 8. Section 20A-16-201 is amended to read:

547 **20A-16-201. Duties of lieutenant governor.**

The lieutenant governor shall:

- 549 (1) implement this chapter and the state's responsibilities under the Uniformed and Overseas Citizens
Absentee Voting Act, 52 U.S.C. 20301 et seq.;
- 551 (2) make available to covered voters information regarding voter registration procedures for covered
voters and procedures for casting military-overseas ballots;
- 553 (3) establish an electronic transmission system through which a covered voter may apply for and
receive voter registration materials, military-overseas ballots, and other information under this
chapter;
- 556 (4)
- . (a) develop standardized absentee-voting materials, including privacy and transmission envelopes and
electronic equivalents of the envelopes, authentication materials, and voting instructions, including
instructions for casting a vote in a primary election race that may result in a runoff election under
Section 20A-9-409.1, to be used with the military-overseas ballot of a voter authorized to vote in
any jurisdiction in the state; and

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- (b) to the extent reasonably possible, coordinate with other states on the development required by Subsection (4)(a); and
- 564 (5) prescribe the form and content of a declaration:
- 565 (a) for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot;
- 568 (b) that is based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter; and
- 570 (c) that is a prominent part of all balloting materials for which the declaration is required, including an indication of the date of execution of the declaration.

572 Section 9. **Effective date.**

This bill takes effect on May 7, 2025.

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