

Jordan D. Teuscher proposes the following substitute bill:

1

Primary Election Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses primary elections.

6 **Highlighted Provisions:**

7 This bill:

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

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

14 and

15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **20A-1-304 (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
24 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
26 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

28 **20A-6-203 (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

30 **20A-16-201 (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

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.**

37

38 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
 39 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

40 (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection
 41 20A-4-401(5), a tie vote occurs, the election officer shall, in a public meeting held no
 42 later than three days after the day on which the recount canvass is completed:

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

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

48 (3)(a) [Hf] Except as otherwise provided in Section 20A-9-409.1, if, after conducting a
 49 recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race
 50 for a national, statewide, or other office that represents more than one county, the
 51 governor, lieutenant governor, and attorney general shall, at a public meeting called
 52 by the governor no later than three days after the day on which the recount canvass is
 53 completed:

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

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

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

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

- 71 (1) Except as provided in Subsection 20A-9-409.1(4)(b) or Section 20A-7-609.5:
72 (a) an individual who is registered to vote may vote at a polling place before the election
73 date in accordance with this section; and
74 (b) except as provided in Subsection 20A-2-207(6), an individual who is not registered
75 to vote may register to vote and vote at a polling place before the election date in
76 accordance with this section if the individual:
77 (i) is otherwise legally entitled to vote the ballot; and
78 (ii) casts a provisional ballot in accordance with Section 20A-2-207.
- 79 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:
80 (a) begins on the date that is 14 days before the date of the election; and
81 (b) continues through the Friday before the election if the election date is a Tuesday.
- 82 (3)(a) An election officer may extend the end of the early voting period to the day before
83 the election date if the election officer provides notice of the extension in accordance
84 with Section 20A-3a-604.
85 (b) For a municipal election, the municipal clerk may reduce the early voting period
86 described in this section if:
87 (i) the municipal clerk conducts early voting on at least four days;
88 (ii) the early voting days are within the period beginning on the date that is 14 days
89 before the date of the election and ending on the day before the election; and
90 (iii) the municipal clerk provides notice of the reduced early voting period in
91 accordance with Section 20A-3a-604.
- 92 (c) For a county election, the county clerk may reduce the early voting period described
93 in this section if:
94 (i) the county clerk conducts early voting on at least four days;
95 (ii) the early voting days are within the period beginning on the date that is 14 days
96 before the date of the election and ending on the day before the election; and
97 (iii) the county clerk provides notice of the reduced early voting period in accordance

98 with Section 20A-3a-604.

99 (4) Except as provided in Section 20A-1-308, during the early voting period, the election
100 officer:

101 (a) for a local special election, a municipal primary election, and a municipal general
102 election:

103 (i) shall conduct early voting on a minimum of four days during each week of the
104 early voting period; and

105 (ii) shall conduct early voting on the last day of the early voting period; and

106 (b) for all other elections:

107 (i) shall conduct early voting on each weekday; and

108 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

109 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early
110 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 (Effective 05/07/25) (Applies beginning 06/21/24). Board of canvassers.**

113 (1)(a) Each county legislative body is the board of county canvassers for:

114 (i) the county; and

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
118 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
121 place of meeting of the county legislative body~~[, at a date and time determined by~~
122 ~~the county clerk that is] :~~

123 (A) for canvassing of returns from a regular general election, no sooner than seven
124 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
126 primary runoff election under Section 20A-9-409.1, on the seventh day after
127 the day of the election.

128 (c) In an election described in Subsection (1)(b)(i) the county clerk shall, immediately
129 upon adjournment of the board of county canvassers, transmit to the lieutenant
130 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
- 134 board of county canvassers, the remaining members shall replace the absent member
- 135 by appointing in the order named:
- 136 (i) the county treasurer;
- 137 (ii) the county assessor; or
- 138 (iii) the county sheriff.
- 139 ~~(d)~~ (e) Attendance of the number of persons equal to a simple majority of the county
- 140 legislative body, but not less than three persons, shall constitute a quorum for
- 141 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
- 144 canvassers for the municipality.
- 145 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
- 146 place of meeting of the municipal legislative body:
- 147 (i) for canvassing of returns from a municipal general election, no sooner than seven
- 148 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
- 150 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
- 152 quorum for conducting the canvass.
- 153 (3)(a) The legislative body of the entity authorizing a bond election is the board of
- 154 canvassers for each bond election.
- 155 (b) The board of canvassers for the bond election shall comply with the canvassing
- 156 procedures and requirements of Section 11-14-207.
- 157 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
- 158 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
- 160 special district, the board of trustees or the administrative control board is the board
- 161 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
- 163 place of meeting for the board of trustees or the administrative control board, as
- 164 applicable, at a date and time determined by the special district clerk that is no sooner
- 165 than seven days after the day of the election and no later than 14 days after the day of

166 the election.

167 (c) Attendance of a simple majority of the board of trustees or the administrative control
168 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
170 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a
171 local school board for a new school district or a reorganized new school district under
172 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
174 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
176 municipality, but are all residents of the same county, the county legislative body; or

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

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

182 **20A-4-306 (Effective 05/07/25). 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
186 the returns of a statewide special election.

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

189 (c) Attendance of all members of the state board of canvassers is required to constitute a
190 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
194 propositions voted upon by the voters of the entire state or of two or more
195 counties.

196 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant
197 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

- 200 ballot;
- 201 (B) the candidates for each statewide office whose names appeared on the ballot,
202 plus any recorded write-in candidates;
- 203 (C) the number of votes from each county cast for each candidate and for and
204 against each ballot proposition;
- 205 (D) the total number of votes cast statewide for each candidate and for and against
206 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
210 ballot;
- 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
213 against each ballot proposition; and
- 214 (D) the total number of votes cast for each candidate and for and against each
215 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
220 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
225 majority of the votes.
- 226 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
227 tie vote if:
- 228 (i) two or more officers receive an equal and the highest number of votes for an
229 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
233 office.

- 234 (3) If the lieutenant governor has not received election returns from all counties on the fifth
 235 day before the day designated for the meeting of the state board of canvassers, the
 236 lieutenant governor shall:
- 237 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
 238 county;
- 239 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
 240 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
 243 certificate of election because of any defect or informality in the returns of any election
 244 if the board can determine from the returns, with reasonable certainty, what office is
 245 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
 247 days after the day of the regular primary election or a primary runoff election, the
 248 lieutenant governor shall:
- 249 (i) canvass the returns for all multicounty candidates required to file with the office
 250 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
 253 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
 256 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
 258 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
 262 canvass to each registered political party that participated in the primary not later
 263 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.**
- 266 (1) The lieutenant governor, together with county clerks, suppliers of election materials,
 267 and representatives of registered political parties, shall:

- 268 (a) develop ballots to be used in Utah's regular primary election;
- 269 (b) except to the extent otherwise provided in Subsection 20A-9-409.1(6), ensure that
 270 the ballots comply generally, where applicable, with the requirements of [Title 20A,
 271 Chapter 6, Part 1, General Requirements for All Ballots] Part 1, General
 272 Requirements for All Ballots, and this section; and
- 273 (c) provide voting booths, election records and supplies, ballot boxes, and as applicable,
 274 voting devices, for each voting precinct as required by Section 20A-5-403.
- 275 (2)(a) Notwithstanding the requirements of Subsections (1)(b) and (c), [~~Title 20A,~~
 276 ~~Chapter 6, Part 1, General Requirements for All Ballots] Part 1, General
 277 Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401, and 20A-6-401.1,
 278 the lieutenant governor, together with county clerks, suppliers of election materials,
 279 and representatives of registered political parties shall ensure that the ballots, voting
 280 booths, election records and supplies, and ballot boxes:~~
- 281 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all
 282 voters are authorized to vote for a party's candidate;
- 283 (ii) simplify the task of poll workers, particularly in determining a voter's party
 284 affiliation;
- 285 (iii) minimize the possibility of spoiled ballots due to voter confusion; and
 286 (iv) protect against fraud.
- 287 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
 288 county clerks, suppliers of election materials, and representatives of registered
 289 political parties shall:
- 290 (i) mark ballots as being for a particular registered political party; and
 291 (ii) instruct individuals counting the ballots to count only those votes for candidates
 292 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**
 295 **nomination process for a registered political party that is not a qualified political party --**
 296 **Determining winning nominee for any registered political party, including a qualified**
 297 **political party -- Election expenses.**

- 298 (1)(a) Candidates for elective office that are to be filled at the next regular general
 299 election shall be nominated in a regular primary election by direct vote of the people
 300 in the manner [~~prescribed~~] described in this section and, as applicable, Section
 301 20A-9-409.1. The regular primary election is held on the date specified in Section

302 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a
303 regular general election's ballot as an unaffiliated candidate under Section 20A-9-501
304 or to participate in a regular general election as a write-in candidate under Section
305 20A-9-601.

306 (b) Each registered political party that chooses to have the names of the registered
307 political party's candidates for elective office featured with party affiliation on the
308 ballot at a regular general election shall comply with the requirements of this section
309 and shall nominate the registered political party's candidates for elective office in the
310 manner described in this section.

311 (c) A filing officer may not permit an official ballot at a regular general election to be
312 produced or used if the ballot denotes affiliation between a registered political party
313 or any other political group and a candidate for elective office who is not nominated
314 in the manner prescribed in this section or in Subsection 20A-9-202(4).

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

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

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

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

328 (b)(i) A registered political party that is a continuing political party shall file the
329 statement described in Subsection (2)(a) with the lieutenant governor no later than
330 5 p.m. on November 30 of each odd-numbered year.

331 (ii) An organization that is seeking to become a registered political party under
332 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
333 time that the registered political party files the petition described in Section
334 20A-8-103.

335 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration

- 336 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
337 on the regular primary ballot of the registered political party listed on the declaration
338 of candidacy only if the individual is certified by the appropriate filing officer as
339 having submitted a nomination petition that was:
- 340 (i) circulated and completed in accordance with Section 20A-9-405; and
 - 341 (ii) signed by at least 2% of the registered political party's members who reside in the
342 political division of the office that the individual seeks.
- 343 (b)(i) A candidate for elective office shall submit signatures for a nomination petition
344 to the appropriate filing officer for verification and certification no later than 5
345 p.m. on the final day in March.
- 346 (ii) A candidate may supplement the candidate's submissions at any time on or before
347 the filing deadline.
- 348 (c)(i) The lieutenant governor shall determine for each elective office the total
349 number of signatures that must be submitted under Subsection (3)(a)(ii) or
350 20A-9-408(8) by counting the aggregate number of individuals residing in each
351 elective office's political division who have designated a particular registered
352 political party on the individuals' voter registration forms on or before November
353 15 of each odd-numbered year.
- 354 (ii) The lieutenant governor shall publish the determination for each elective office
355 no later than November 30 of each odd-numbered year.
- 356 (d) The filing officer shall:
- 357 (i) except as otherwise provided in Section 20A-21-201, verify signatures on
358 nomination petitions in a transparent and orderly manner, no later than 14 days
359 after the day on which a candidate submits the signatures to the filing officer;
 - 360 (ii) for all qualifying candidates for elective office who submit nomination petitions
361 to the filing officer, issue certifications referenced in Subsection (3)(a) no later
362 than the deadline described in Subsection 20A-9-202(1)(b);
 - 363 (iii) consider active and inactive voters eligible to sign nomination petitions;
 - 364 (iv) consider an individual who signs a nomination petition a member of a registered
365 political party for purposes of Subsection (3)(a)(ii) if the individual has designated
366 that registered political party as the individual's party membership on the
367 individual's voter registration form; and
 - 368 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of
369 the county clerk as applicable, use the procedures described in Section 20A-1-1002

370 to verify submitted nomination petition signatures, or use statistical sampling
371 procedures to verify submitted nomination petition signatures in accordance with
372 rules made under Subsection (3)(f).

373 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant
374 governor may appear on the regular primary ballot of a registered political party
375 without submitting nomination petitions if the candidate files a declaration of
376 candidacy and complies with Subsection 20A-9-202(3).

377 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
378 director of elections, within the Office of the Lieutenant Governor, may make rules
379 that:

380 (i) provide for the use of statistical sampling procedures that:

381 (A) filing officers are required to use to verify signatures under Subsection (3)(d);

382 and

383 (B) reflect a bona fide effort to determine the validity of a candidate's entire
384 submission, using widely recognized statistical sampling techniques; and

385 (ii) provide for the transparent, orderly, and timely submission, verification, and
386 certification of nomination petition signatures.

387 (g) The county clerk shall:

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

390 (ii) place the names of all candidates who have filed a declaration of candidacy for a
391 local board of education seat on the nonpartisan section of the ballot if more than
392 two candidates have filed for the same seat; and

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

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

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

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

- 404 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
405 joint-ticket running mates shall appear jointly on the primary election ballot.
- 406 (c) After the county clerk receives the certified list from the lieutenant governor under
407 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
408 substantially the following form:
- 409 "Notice is given that a primary election will be held Tuesday, June _____,
410 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
411 local school board positions listed on the primary ballot. The polling place for voting precinct
412 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
413 Attest: county clerk."
- 414 (5)(a) A candidate who, at the regular primary election, receives the highest number of
415 votes cast for the office sought by the candidate is:
- 416 (i) except as otherwise provided in Section 20A-9-409.1, nominated for that office by
417 the candidate's registered political party; or
418 (ii) for a nonpartisan local school board position, nominated for that office.
- 419 (b) If two or more candidates are to be elected to the office at the regular general
420 election, those party candidates equal in number to positions to be filled who receive
421 the highest number of votes at the regular primary election are the nominees of the
422 candidates' party for those positions.
- 423 (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
- 424 (A) no individual other than the candidate receives a certification under
425 Subsection (3) for the regular primary election ballot of the candidate's
426 registered political party for a particular elective office; or
427 (B) for an office where more than one individual is to be elected or nominated, the
428 number of candidates who receive certification under Subsection (3) for the
429 regular primary election of the candidate's registered political party does not
430 exceed the total number of candidates to be elected or nominated for that office.
- 431 (ii) A candidate who is unopposed for an elective office in the regular primary
432 election of a registered political party is nominated by the party for that office
433 without appearing on the primary election ballot.
- 434 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary
435 election provided for by this section, and all expenses necessarily incurred in the
436 preparation for or the conduct of that primary election shall be paid out of the treasury of
437 the county or state, in the same manner as for the regular general elections.

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

441 Section 7. Section **20A-9-409.1** is enacted to read:

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

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

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

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

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

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

460 (a) the election officer; or

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

463 (i) the attorney general;

464 (ii) the state treasurer; or

465 (iii) the state auditor.

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

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

469 (b) conduct the election in accordance with Section 20A-3a-202, except that the election
470 officer may not provide early voting for the runoff election;

471 (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
473 notice under Section 63G-30-102, for the county or jurisdiction to which the
474 election relates; and
- 475 (ii)(A) at least two days before the day of the election, publishing the notice in a
476 newspaper of general circulation in the jurisdiction to which the election
477 pertains; or
- 478 (B) at least five days before the day of the election, mailing the notice to each
479 registered voter who resides in the jurisdiction to which the election pertains;
480 and
- 481 (d) except as provided in Subsection (5), include in the notice described in Subsection
482 (4)(c):
- 483 (i) at the top of the notice, the following statement:
- 484 "NOTICE OF RUNOFF ELECTION
485 Notice is given that a runoff election will be held at the date and times
486 indicated below to nominate the candidate for the [name of registered political
487 party] to run for [name of office] in the upcoming regular general election. The
488 candidates in the runoff election are:
489 [list the names of the two candidates participating in the runoff election, in the
490 same order as the candidates will appear on the ballot]
491 A voter who is eligible to vote in the primary election for the [insert the name
492 of the applicable political party] may cast a vote in the runoff election.";
- 493 (ii) the hours during which the polls will be open;
- 494 (iii) the polling places for each voting precinct and election day voting center;
- 495 (iv) the address of the Statewide Electronic Voter Information Website and the
496 election officer's website, with a statement indicating that the election officer will
497 post on the websites any changes to the location of a polling place and the location
498 of any additional polling place;
- 499 (v) a phone number that a voter may call to obtain information regarding the location
500 of a polling place; and
- 501 (vi) the qualifications for an individual to vote in the election; and
- 502 (e) no later than 14 days after the day of the election, declaring nominated by the
503 applicable party:
- 504 (i) the candidate who receives the highest number of votes in the runoff election; or
505 (ii) in the case of a tie, the candidate selected by lot, in the presence of the tied

506 candidates or representatives of the tied candidates, by the individual described in
507 Subsection (3).

508 (5) Instead of including the information described in Subsection (4)(d) in the notice
509 described in Subsection (4)(c), the election officer may include the following in the
510 notice:

511 (a) the statement described in Subsection (4)(d)(i):

512 (b) the following statement: "The election will be held in [indicate the jurisdiction] on
513 [indicate date of election]. Information relating to the election, including polling
514 places, polling place hours, and qualifications of voters may be obtained from the
515 following sources:"; and

516 (c) a list of the following sources where an individual may view or obtain the
517 information described in Subsections (4)(d)(ii) through (vi):

518 (i) the jurisdiction's website;

519 (ii) the physical address of the jurisdiction offices; and

520 (iii) a mailing address and telephone number.

521 (6)(a) In order to comply with Chapter 16, Uniform Military and Overseas Voters Act,
522 the election officer shall, for a regular primary election race that may result in a
523 runoff election under this section:

524 (i) provide each voter with a ballot that permits the voter to rank the candidates in the
525 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
528 regular primary election race; and

529 (B) a separate ballot that permits the voter to rank the candidates in the regular
530 primary election race, in accordance with Subsection (6)(a)(i).

531 (b) To count a vote cast in a race described in Subsection (6)(a), where the voter ranked
532 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
534 Subsection (6)(a)(i):

535 (A) initially, only count a vote for the candidate who the voter ranked highest; and

536 (B) if the race results in a runoff election, count a vote in the runoff election for
537 the candidate who is the voter's highest choice preference among the two
538 candidates participating in the election; or

539 (ii) for a race in which the election officer provides the voter with the ballots

- 540 described in Subsection (6)(a)(ii):
 541 (A) initially, count a vote for the candidate the voter selects on the ballot
 542 described in Subsection (6)(a)(ii)(A); and
 543 (B) if the race results in a runoff election, use the ballot described in Subsection
 544 (6)(a)(ii)(B) to count a vote in the runoff election in accordance with
 545 Subsection (6)(b)(i)(B).

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

547 **20A-16-201 (Effective 05/07/25). Duties of lieutenant governor.**

548 The lieutenant governor shall:

- 549 (1) implement this chapter and the state's responsibilities under the Uniformed and
 550 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
 552 covered voters and procedures for casting military-overseas ballots;
- 553 (3) establish an electronic transmission system through which a covered voter may apply
 554 for and receive voter registration materials, military-overseas ballots, and other
 555 information under this chapter;
- 556 (4)(a) develop standardized absentee-voting materials, including privacy and
 557 transmission envelopes and electronic equivalents of the envelopes, authentication
 558 materials, and voting instructions, including instructions for casting a vote in a
 559 primary election race that may result in a runoff election under Section 20A-9-409.1,
 560 to be used with the military-overseas ballot of a voter authorized to vote in any
 561 jurisdiction in the state; and
- 562 (b) to the extent reasonably possible, coordinate with other states on the development
 563 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
 566 the voter's identity, eligibility to vote, status as a covered voter, and timely and proper
 567 completion of an overseas-military ballot;
- 568 (b) that is based on the declaration prescribed to accompany a federal write-in absentee
 569 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
 571 required, including an indication of the date of execution of the declaration.

572 Section 9. **Effective Date.**

573 This bill takes effect on May 7, 2025.