

Daniel McCay proposes the following substitute bill:

**Primary Election Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jason B. Kyle**

Senate Sponsor: Daniel McCay

---

---

**LONG TITLE**

**General Description:**

This bill addresses primary elections.

**Highlighted Provisions:**

This bill:

▸ provides that, for certain primary election races, 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 if:

- no candidate receives more than 50% of the votes in the race; and
- the candidate who receives the highest number of votes does not receive at least 10% more of the total votes cast in the race than the candidate who receives the second highest number of votes;

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

▸ includes coordination clauses:

- merging the changes to Section 20A-3a-601 in this bill and in H.B. 300, Amendments to Election Law, if both bills pass and become law; and

- merging the changes to Section 20A-1-304 and Section 20A-4-306 in this bill and in S.B. 341, Election Modifications, if both bills pass and become law; and

▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides coordination clauses.

**Utah Code Sections Affected:**

## AMENDS:

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

**20A-2-107**, as last amended by Laws of Utah 2023, Chapters 45, 89 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 89

**20A-2-107.5**, as last amended by Laws of Utah 2023, Chapter 45 and repealed and reenacted by Laws of Utah 2023, Chapter 89 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 89

**20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and amended by Laws of Utah 2020, Chapter 31

**20A-4-301**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

**20A-4-304**, as last amended by Laws of Utah 2024, Chapter 503

**20A-4-306**, as last amended by Laws of Utah 2024, Chapter 503

**20A-6-203**, as last amended by Laws of Utah 2020, Chapter 31

**20A-9-403**, as last amended by Laws of Utah 2024, Chapter 503

**20A-16-201**, as last amended by Laws of Utah 2023, Chapter 215

## ENACTS:

**20A-9-409.1**, Utah Code Annotated 1953

**Utah Code Sections affected by Coordination Clause:**

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

**20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and amended by Laws of Utah 2020, Chapter 31

**20A-4-306**, as last amended by Laws of Utah 2024, Chapter 503

---

---

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

*The following section is affected by a coordination clause at the end of this bill.*

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

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

(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.

(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:

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

(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.

(3)(a) [Hf] Except as 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:

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

(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.

(b) [Hf] Except as 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 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:

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

(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.

Section 2. Section **20A-2-107** is amended to read:

**20A-2-107 . Designating or changing party affiliation -- Times permitted.**

(1) As used in this section, "change of affiliation deadline" means:

(a) for an election held in an even-numbered year in which a presidential election will be held, the day after the declaration of candidacy deadline described in Subsection

20A-9-201.5(2)(b); or

(b) for an election held in an even-numbered year in which a presidential election will not be held, April 1.

(2) The county clerk shall:

(a) except as provided in Subsection (6) or 20A-2-107.5(3), record the party affiliation

designated by the voter on the voter registration form as the voter's party affiliation; or  
(b) if no political party affiliation is designated by the voter on the voter registration form:

(i) except as provided in Subsection (2)(b)(ii), record the voter's party affiliation as the party that the voter designated the last time that the voter designated a party on a voter registration form, unless the voter more recently registered as "unaffiliated"; or

(ii) record the voter's party affiliation as "unaffiliated" if the voter:

(A) did not previously designate a party;

(B) most recently designated the voter's party affiliation as "unaffiliated"; or

(C) did not previously register.

(3)(a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (3).

(b) A registered voter may designate or change the voter's political party affiliation by filing with the county clerk, the municipal clerk, or the lieutenant governor a voter registration form or another signed form that identifies the registered political party with which the voter chooses to affiliate.

(c) Except as provided in Subsection (3)(d), a voter registration form or another signed form designating or changing a voter's political party affiliation takes effect when the county clerk receives the signed form.

(d) The party affiliation of a voter who changes party affiliation, or who becomes unaffiliated from a political party, at any time on or after the change of affiliation deadline and on or before the date of the regular primary election, takes effect:

(i) the day after the statewide canvass for the regular primary election[-] ; or

(ii) if the regular primary election results in a primary runoff election under Section 20A-9-409.1, the day after the statewide canvass for the primary runoff election.

(4) For purposes of Subsection (3)(d), a form described in Subsection (3)(c) is received by the county clerk before the change of affiliation deadline if:

(a) the individual submits the form in person at the county clerk's office no later than 5 p.m. on the day before the change of affiliation deadline;

(b) the individual submits the form electronically through the system described in Section 20A-2-206, at or before 11:59 p.m. before the day of the change of affiliation deadline; or

(c) the individual's form is clearly postmarked before the change of affiliation deadline.

(5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a voter registration form if:

- (a) the voter has not previously been registered to vote in the state; or
- (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county clerk under Subsection (6).

(6) If the most recent party affiliation designated by a voter is for a political party that is no longer a registered political party, the county clerk shall:

- (a) change the voter's party affiliation to "unaffiliated"; and
- (b) notify the voter electronically or by mail:
  - (i) that the voter's affiliation has been changed to "unaffiliated" because the most recent party affiliation designated by the voter is for a political party that is no longer a registered political party; and
  - (ii) of the methods and deadlines for changing the voter's party affiliation.

Section 3. Section **20A-2-107.5** is amended to read:

**20A-2-107.5 . Designating or changing party affiliation -- Regular primary election and presidential primary election -- Voting in primaries of multiple parties prohibited.**

(1) As used in this section, "change of affiliation deadline" means the same as that term is defined in Subsection 20A-2-107(1).

(2) Except as provided in Subsection (3), a registered voter who is classified as "unaffiliated" may, at a regular primary election or a presidential primary election:

- (a) affiliate with a political party by completing a change of party affiliation form or voter registration form and submitting the form to the county clerk or a poll worker; and
- (b) vote in that party's primary election.

(3) The party affiliation of a voter who changes party affiliation, or who becomes unaffiliated from a political party, at any time on or after the change of affiliation deadline and on or before the date of the regular primary election, takes effect:

- (a) the day after the statewide canvass for the regular primary election[-] ; or
- (b) if the regular primary election results in a primary runoff election under Section 20A-9-409.1, the day after the statewide canvass for the primary runoff election.

(4)(a) A voter who votes in the presidential primary election of a registered political party may not, for the same election, vote in the presidential primary election of another registered political party.

- (b) A voter who votes in the regular primary election of a registered political party may not, for the same election, vote in the regular primary election of another registered political party.

*The following section is affected by a coordination clause at the end of this bill.*

Section 4. Section **20A-3a-601** is amended to read:

**20A-3a-601 . Early voting.**

- (1) Except as provided in Subsection 20A-9-409.1(4)(b) or Section 20A-7-609.5:
- (a) an individual who is registered to vote may vote at a polling place before the election date in accordance with this section; and
  - (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:
    - (i) is otherwise legally entitled to vote the ballot; and
    - (ii) casts a provisional ballot in accordance with Section 20A-2-207.
- (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:
- (a) begins on the date that is 14 days before the date of the election; and
  - (b) continues through the Friday before the election if the election date is a Tuesday.
- (3)(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.
- (b) For a municipal election, the municipal clerk may reduce the early voting period described in this section if:
- (i) the municipal clerk conducts early voting on at least four days;
  - (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
  - (iii) the municipal clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.
- (c) For a county election, the county clerk may reduce the early voting period described in this section if:
- (i) the county clerk conducts early voting on at least four days;
  - (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
  - (iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.

- (4) Except as provided in Section 20A-1-308, during the early voting period, the election officer:
- (a) for a local special election, a municipal primary election, and a municipal general election:
    - (i) shall conduct early voting on a minimum of four days during each week of the early voting period; and
    - (ii) shall conduct early voting on the last day of the early voting period; and
  - (b) for all other elections:
    - (i) shall conduct early voting on each weekday; and
    - (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
- (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.

Section 5. Section **20A-4-301** is amended to read:

**20A-4-301 . Board of canvassers.**

- (1)(a) Each county legislative body is the board of county canvassers for:
- (i) the county; and
  - (ii) each special district whose election is conducted by the county if:
    - (A) the election relates to the creation of the special district;
    - (B) the county legislative body serves as the governing body of the special district; or
    - (C) there is no duly constituted governing body of the special district.
- (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]~~ :
- (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
  - (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 calendar day after the day of the election.
- (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:
- (i) the county totals for the election; and
  - (ii) the signed canvassing report described in Section 20A-4-304.

[~~(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:

- (i) the county treasurer;
- (ii) the county assessor; or
- (iii) the county sheriff.

[~~(d)~~] (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.

[~~(e)~~] (f) The county clerk is the clerk of the board of county canvassers.

(2)(a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.

(b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:

- (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
- (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.

(c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.

(3)(a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.

(b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.

(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.

(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.

(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.



(c) Attendance of a simple majority of the board of trustees or the administrative control board is a quorum for conducting the canvass.

(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:

- (a) if the voters permitted to vote in the election are all residents of the same municipality, the mayor and the municipal legislative body;
- (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
- (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.

Section 6. Section **20A-4-304** is amended to read:

**20A-4-304 . Declaration of results -- Canvassers' report.**

- (1)(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:
- (i) had the highest number of votes; and
  - (ii) sought election or nomination to an office completely within the board's jurisdiction.
- (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare a "tie vote" if:
- (i) two or more candidates for an office receive an equal and the highest number of votes for that office; or
  - (ii) in a race for an at-large office:
    - (A) two or more candidates receive an equal number of votes; and
    - (B) a recount is necessary to determine which candidates are elected to the at-large office.
- (c) A board of canvassers shall declare:
- (i) "approved" those ballot propositions that:
    - (A) had more "yes" votes than "no" votes; and
    - (B) were submitted only to the voters within the board's jurisdiction; or
  - (ii) "rejected" those ballot propositions that:

- 302 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and  
303 "yes" votes; and  
304 (B) were submitted only to the voters within the board's jurisdiction.
- 305 (d) A board of canvassers shall:
- 306 (i) certify the vote totals for persons and for and against ballot propositions that were  
307 submitted to voters within and beyond the board's jurisdiction and transmit those  
308 vote totals to the lieutenant governor; and  
309 (ii) if applicable, certify the results of each special district election to the special  
310 district clerk.
- 311 (2) The election officer shall submit a report to the board of canvassers that includes the  
312 following information:
- 313 (a) the total number of votes cast in the board's jurisdiction;  
314 (b) the names of each candidate whose name appeared on the ballot;  
315 (c) the title of each ballot proposition that appeared on the ballot;  
316 (d) each office that appeared on the ballot;  
317 (e) from each voting precinct:  
318 (i) the number of votes for each candidate;  
319 (ii) for each race conducted by instant runoff voting under Part 6, Municipal  
320 Alternate Voting Methods Pilot Project, the number of valid votes cast for each  
321 candidate for each potential ballot-counting phase and the name of the candidate  
322 excluded in each ballot-counting phase; and  
323 (iii) the number of votes for and against each ballot proposition;  
324 (f) the total number of votes given in the board's jurisdiction to each candidate, and for  
325 and against each ballot proposition;  
326 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:  
327 (i) the number of ballots counted;  
328 (ii) provisional ballots; and  
329 (iii) the number of ballots rejected;  
330 (h) a final ballot reconciliation report;  
331 (i) other information required by law to be provided to the board of canvassers; and  
332 (j) a statement certifying that the information contained in the report is accurate.
- 333 (3) The election officer and the board of canvassers shall:
- 334 (a) review the report to ensure that the report is correct; and  
335 (b) sign the report.

- (4) The election officer shall:
- (a) record or file the certified report in a book kept for that purpose;
  - (b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
  - (c) publish a copy of the certified report in accordance with Subsection (5); and
  - (d) file a copy of the certified report with the lieutenant governor.
- (5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days.
- (6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:
- (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and
  - (b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:
    - (i) if the jurisdiction has a website, the jurisdiction's website;
    - (ii) the physical address for the jurisdiction; and
    - (iii) a mailing address and telephone number.
- (7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:
- (a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and
  - (b) transmit the separate report by registered mail to the lieutenant governor.
- (8) In each county election, municipal election, school election, special district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.
- (9) In a regular primary election~~[- and in a ]~~, primary runoff election, or presidential primary election, the board shall transmit to the lieutenant governor:
- (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not later than the second Tuesday after the election; and
  - (b) a complete tabulation showing voting totals for all primary races, precinct by

precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

*The following section is affected by a coordination clause at the end of this bill.*

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

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

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

- (i) on the fourth Monday of November, at noon; or
- (ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.

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

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

(2)(a) The state board of canvassers shall:

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

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

(i) for each statewide officer and ballot proposition:

- (A) the name of the statewide office or ballot proposition that appeared on the ballot;
- (B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;
- (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;
- (D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and
- (E) the total number of votes cast statewide; and

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

- (A) the name of each of those offices and ballot propositions that appeared on the ballot;
- (B) the candidates for those offices, plus any recorded write-in candidates;

- 404 (C) the number of votes from each county cast for each candidate and for and  
405 against each ballot proposition; and
- 406 (D) the total number of votes cast for each candidate and for and against each  
407 ballot proposition.
- 408 (c) Except as provided in Subsection (2)(d), the lieutenant governor shall:
- 409 (i) prepare certificates of election for:
- 410 (A) each successful candidate; and
- 411 (B) each of the presidential electors of the candidate for president who received a  
412 majority of the votes;
- 413 (ii) authenticate each certificate with the lieutenant governor's seal; and
- 414 (iii) deliver a certificate of election to:
- 415 (A) each candidate who had the highest number of votes for each office; and
- 416 (B) each of the presidential electors of the candidate for president who received a  
417 majority of the votes.
- 418 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a  
419 tie vote if:
- 420 (i) two or more officers receive an equal and the highest number of votes for an  
421 office; or
- 422 (ii) in a race for an at-large office:
- 423 (A) two or more candidates receive an equal number of votes; and
- 424 (B) a recount is necessary to determine which candidates are elected to the at-large  
425 office.
- 426 (3) If the lieutenant governor has not received election returns from all counties on the fifth  
427 day before the day designated for the meeting of the state board of canvassers, the  
428 lieutenant governor shall:
- 429 (a) send a messenger to the clerk of the board of county canvassers of the delinquent  
430 county;
- 431 (b) instruct the messenger to demand a certified copy of the board of canvasser's report  
432 required by Section 20A-4-304 from the clerk; and
- 433 (c) pay the messenger the per diem provided by law as compensation.
- 434 (4) The state board of canvassers may not withhold the declaration of the result or any  
435 certificate of election because of any defect or informality in the returns of any election  
436 if the board can determine from the returns, with reasonable certainty, what office is  
437 intended and who is elected to it.

(5)(a) At noon ~~[on the fourth Monday after the regular primary election]~~ no later than 14 calendar days after the day of the regular primary election or a primary runoff election, the lieutenant governor shall:

(i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(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[-] :

(i) no later than the August 1 after the primary election; or

(ii) if there is a primary runoff election under Section 20A-9-409.1, no later than the August 31 after the runoff election.

(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:

(i) canvass the returns of the presidential primary election; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(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.

Section 8. Section **20A-6-203** is amended to read:

**20A-6-203 . Ballots for regular primary elections.**

(1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:

(a) develop ballots to be used in Utah's regular primary election;

(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

(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.

(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, suppliers of election materials, and representatives of registered political parties shall ensure that the ballots, voting

booths, election records and supplies, and ballot boxes:

- (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;
- (ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;
- (iii) minimize the possibility of spoiled ballots due to voter confusion; and
- (iv) protect against fraud.

(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:

- (i) mark ballots as being for a particular registered political party; and
- (ii) instruct individuals counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

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

**20A-9-403 . 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.**

- (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.
- (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.
- (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 a candidate for elective office who is not nominated

in the manner prescribed in this section or in Subsection 20A-9-202(4).

(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.

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

(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

(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.

(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.

(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.

(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:

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

(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.

(b)(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.

(ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.



- (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.
- (ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.
- (d) The filing officer shall:
- (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;
  - (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);
  - (iii) consider active and inactive voters eligible to sign nomination petitions;
  - (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
  - (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).
- (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).
- (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:
- (i) provide for the use of statistical sampling procedures that:
    - (A) filing officers are required to use to verify signatures under Subsection (3)(d);

- 574 and
- 575 (B) reflect a bona fide effort to determine the validity of a candidate's entire
- 576 submission, using widely recognized statistical sampling techniques; and
- 577 (ii) provide for the transparent, orderly, and timely submission, verification, and
- 578 certification of nomination petition signatures.
- 579 (g) The county clerk shall:
- 580 (i) review the declarations of candidacy filed by candidates for local boards of
- 581 education to determine if more than two candidates have filed for the same seat;
- 582 (ii) place the names of all candidates who have filed a declaration of candidacy for a
- 583 local board of education seat on the nonpartisan section of the ballot if more than
- 584 two candidates have filed for the same seat; and
- 585 (iii) determine the order of the local board of education candidates' names on the
- 586 ballot in accordance with Section 20A-6-305.
- 587 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
- 588 governor shall provide to the county clerks:
- 589 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
- 590 county, and county offices who have received certifications under Subsection (3),
- 591 along with instructions on how those names shall appear on the primary election
- 592 ballot in accordance with Section 20A-6-305; and
- 593 (ii) a list of unopposed candidates for elective office who have been nominated by a
- 594 registered political party under Subsection (5)(c) and instruct the county clerks to
- 595 exclude the unopposed candidates from the primary election ballot.
- 596 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
- 597 joint-ticket running mates shall appear jointly on the primary election ballot.
- 598 (c) After the county clerk receives the certified list from the lieutenant governor under
- 599 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
- 600 substantially the following form:
- 601 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,
- 602 \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan
- 603 local school board positions listed on the primary ballot. The polling place for voting precinct
- 604 \_\_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
- 605 Attest: county clerk."
- 606 (5)(a) A candidate who, at the regular primary election, receives the highest number of
- 607 votes cast for the office sought by the candidate is:

- 608 (i) except as otherwise provided in Section 20A-9-409.1, nominated for that office by  
609 the candidate's registered political party; or  
610 (ii) for a nonpartisan local school board position, nominated for that office.
- 611 (b) If two or more candidates are to be elected to the office at the regular general  
612 election, those party candidates equal in number to positions to be filled who receive  
613 the highest number of votes at the regular primary election are the nominees of the  
614 candidates' party for those positions.
- 615 (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:  
616 (A) no individual other than the candidate receives a certification under  
617 Subsection (3) for the regular primary election ballot of the candidate's  
618 registered political party for a particular elective office; or  
619 (B) for an office where more than one individual is to be elected or nominated, the  
620 number of candidates who receive certification under Subsection (3) for the  
621 regular primary election of the candidate's registered political party does not  
622 exceed the total number of candidates to be elected or nominated for that office.
- 623 (ii) A candidate who is unopposed for an elective office in the regular primary  
624 election of a registered political party is nominated by the party for that office  
625 without appearing on the primary election ballot.
- 626 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary  
627 election provided for by this section, and all expenses necessarily incurred in the  
628 preparation for or the conduct of that primary election shall be paid out of the treasury of  
629 the county or state, in the same manner as for the regular general elections.
- 630 (7) An individual may not file a declaration of candidacy for a registered political party of  
631 which the individual is not a member, except to the extent that the registered political  
632 party permits otherwise under the registered political party's bylaws.

633 Section 10. Section **20A-9-409.1** is enacted to read:

634 **20A-9-409.1 . Determining winner of certain primary election races where a**  
635 **candidate does not receive a majority of the votes cast -- Runoff primary election for**  
636 **certain races -- Election requirements and notice.**

- 637 (1) In a regular primary election race for a qualified political party, the election officer shall  
638 determine the winning nominee in accordance with Subsection (2) if:  
639 (a) the race is to nominate a qualified political party candidate for United States senator,  
640 United States representative, governor, attorney general, state treasurer, state auditor,  
641 state senator, or state representative; and

(b) the candidate who receives the most votes in the initial primary election race:  
(i) does not receive more than 50% of the votes in the race; and  
(ii) does not receive at least 10% more of the total votes cast in the race than the  
candidate who received the second highest number of votes.

(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.

(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:

(a) the election officer; or

(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:

(i) the attorney general;

(ii) the state treasurer; or

(iii) the state auditor.

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

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

(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;

(c) provide notice of the runoff election by:

(i) for 14 calendar 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

(ii)(A) at least two calendar 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

(B) at least five calendar 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

(d) except as provided in Subsection (5), include in the notice described in Subsection

(4)(c):

(i) at the top of the notice, the following statement:

"NOTICE OF RUNOFF ELECTION

Notice 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.";

(ii) the hours during which the polls will be open;

(iii) the polling places for each voting precinct and election day voting center;

(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;

(v) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(vi) the qualifications for an individual to vote in the election; and

(e) no later than 14 calendar days after the day of the election, declaring nominated by the applicable party:

(i) the candidate who receives the highest number of votes in the runoff election; or

(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).

(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:

(a) the statement described in Subsection (4)(d)(i);

(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

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

(i) the jurisdiction's website;

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

(iii) a mailing address and telephone number.

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

(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

(ii) provide each voter with:

(A) a ballot that permits the voter to cast a vote for only one candidate in the regular primary election race; and

(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).

(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:

(i) for a race in which the election officer provides the voter with a ballot described in Subsection (6)(a)(i):

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

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

(ii) for a race in which the election officer provides the voter with the ballots described in Subsection (6)(a)(ii):

(A) initially, count a vote for the candidate the voter selects on the ballot described in Subsection (6)(a)(ii)(A); and

(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).

Section 11. Section **20A-16-201** is amended to read:

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

The lieutenant governor shall:

(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.;

(2) make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots;

(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;

(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

(b) to the extent reasonably possible, coordinate with other states on the development required by Subsection (4)(a); and

(5) prescribe the form and content of a declaration:

(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;

(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

(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.

#### Section 12. **Effective Date.**

This bill takes effect on May 7, 2025.

#### Section 13. **Coordinating H.B. 231 with H.B. 300.**

If H.B. 231, Primary Election Amendments, and H.B. 300, Amendments to Election Law, both pass and become law, the Legislature intends that, on May 7, 2025, Subsection 20A-3a-601(1) be amended to read:

"(1) Except as provided in [Section 20A-7-609.5] Subsection 20A-9-409.1(4)(b):

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

(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:

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

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

**Section 14. Coordinating H.B. 231 with S.B. 341.**

If H.B. 231, Primary Election Amendments, and S.B. 341, Election Modifications, both pass and become law, the Legislature intends that, on May 7, 2025:

(1) Subsection 20A-1-304(3)(a) in H.B. 231 and Subsection 20A-1-304(4)(a) in S.B. 341 be amended to read:

"(a) [H] Except as provided in Subsection (4)(c) or 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:

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

(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."; and

(2) Subsection 20A-4-306(1) in S.B. 341 be amended to read:

"(1)[(a)] The state board of canvassers shall convene:

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

(b) for a regular primary election, on the second Tuesday after the regular primary election, at noon;

(c) for a primary runoff election, on the second Tuesday after the primary runoff election, at noon;

[(i)] (d) for a regular general election, on the fourth Monday of November, at noon; or

[(ii)] (e) for a statewide special election, at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election."