

Presidential Electors Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor:

LONG TITLE**General Description:**

This bill modifies provisions governing the distribution of electoral votes.

Highlighted Provisions:

This bill:

- in an election for president and vice president of the United States:

- allocates one electoral vote for the presidential and vice presidential candidates who receive the highest number of votes in a Congressional district;

- allocates two electoral votes for the presidential and vice presidential candidates who receive the highest number of statewide votes; and

- requires a registered political party, or an unaffiliated candidate or a write-in candidate for president of the United States, to notify the lieutenant governor if a vacancy occurs in the office of a presidential elector;

- standardizes the deadlines to file a declaration of candidacy for the office of vice president of the United States and to choose presidential electors; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-4-306, as last amended by Laws of Utah 2025, Chapter 448

20A-8-106, as last amended by Laws of Utah 2019, Chapter 255

20A-9-202, as last amended by Laws of Utah 2025, Chapter 448

20A-9-504, as last amended by Laws of Utah 2024, Chapter 17

20A-13-301, as last amended by Laws of Utah 2025, Chapter 448

20A-13-302, as last amended by Laws of Utah 2020, Chapter 22

31 **20A-13-303**, as last amended by Laws of Utah 2020, Chapter 22

32

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

34 Section 1. Section **20A-4-306** is amended to read:

35 **20A-4-306 . Statewide canvass.**

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

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

38 (ii) at noon on the day following the day on which the lieutenant governor receives
39 the last of the returns of a statewide special election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64 (B) the candidates for those offices, plus any recorded write-in candidates;

- 65 (C) the number of votes from each county cast for each candidate and for and
66 against each ballot proposition; and
- 67 (D) the total number of votes cast for each candidate and for and against each
68 ballot proposition.
- 69 (c) Except as provided in Subsection (2)(d), the lieutenant governor shall:
- 70 (i) prepare certificates of election for:
- 71 (A) each successful candidate; and
- 72 (B) ~~[each of the presidential electors of the candidate for president who received a~~
73 ~~majority of the votes]~~ in a presidential election, each presidential elector who is
74 elected under Subsection 20A-13-301(4);
- 75 (ii) authenticate each certificate with the lieutenant governor's seal; and
- 76 (iii) deliver a certificate of election to:
- 77 (A) each candidate who had the highest number of votes for each office; and
- 78 (B) ~~[each of the presidential electors of the candidate for president who received a~~
79 ~~majority of the votes]~~ in a presidential election, each presidential elector who is
80 elected under Subsection 20A-13-301(4).
- 81 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
82 tie vote if:
- 83 (i) two or more officers receive an equal and the highest number of votes for an
84 office; or
- 85 (ii) in a race for an at-large office:
- 86 (A) two or more candidates receive an equal number of votes; and
- 87 (B) a recount is necessary to determine which candidates are elected to the at-large
88 office.
- 89 (3) If the lieutenant governor has not received election returns from all counties on the fifth
90 calendar day before the day designated for the meeting of the state board of canvassers,
91 the lieutenant governor shall:
- 92 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
93 county;
- 94 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
95 required by Section 20A-4-304 from the clerk; and
- 96 (c) pay the messenger the per diem provided by law as compensation.
- 97 (4) The state board of canvassers may not withhold the declaration of the result or any
98 certificate of election because of any defect or informality in the returns of any election

if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.

(5)(a) At noon on the fourth Monday after the regular primary 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 lieutenant governor shall certify the results of the primary canvass to the county clerks.

(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 2. Section **20A-8-106** is amended to read:

20A-8-106 . Organization as a political party -- Certification procedures.

(1) Before 5 p.m. no later than March 1 of the regular general election year, the prospective political ~~[- party's]~~ party's officers or governing board shall file the names of the ~~[-]~~party officers or governing board with the lieutenant governor.

(2) After reviewing the information and determining that all proper procedures have been completed, the lieutenant governor shall:

(a) issue a certificate naming the organization as a registered political party in Utah and designating ~~[its]~~ the registered political party's official name; and

(b) inform each county clerk that the organization is a registered political party in Utah.

~~(3) [All election officers and state officials]~~ Each election officer and state official shall consider the organization to be and shall treat the organization as a registered political party.

(4) The newly registered political party shall comply with all the provisions of Utah law governing registered political parties.

~~[(5)(a) If the newly registered political party does not hold a national party convention, the governing board of the political party may designate the names of the party's candidates for the offices of President and Vice President of the United States and the~~

names of the party's presidential electors to the lieutenant governor before 5 p.m. no later than August 15.]

~~[(b) If the party chooses to designate names, the governing board shall certify those names.]~~

(5)(a) If the newly registered political party does not hold a national party convention, the governing board of the registered political party may designate the names of the registered political party's candidates for the offices of president and vice president of the United States.

(b) If the governing board makes the designation described in Subsection (5)(a), the governing board shall:

- (i) certify to the lieutenant governor the names of the registered political party's candidates for president and vice president of the United States before 5 p.m. no later than August 31 of the year in which the presidential election will be held; and
- (ii) choose individuals to act as the registered political party's presidential electors in accordance with Section 20A-13-301.

Section 3. Section **20A-9-202** is amended to read:

20A-9-202 . Declarations of candidacy for regular general elections.

(1)(a) An individual seeking to become a candidate for an elective office that is to be filled at the next regular general election shall:

- (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person with the filing officer on or after January 1 of the regular general election year, and, if applicable, before the individual circulates nomination petitions under Section 20A-9-405; and
- (ii) pay the filing fee.

(b) Unless expressly provided otherwise in this title, for a registered political party that is not a qualified political party, the deadline for filing a declaration of candidacy for an elective office that is to be filled at the next regular general election is 5 p.m. on the first Monday after the fourth Saturday in April.

(c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file a declaration of candidacy with the filing officer if:

- (i) the individual is located outside of the state during the entire filing period;
- (ii) the designated agent appears in person before the filing officer;
- (iii) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other; and

- 167 (iv) the individual provides the filing officer with an email address to which the filing
168 officer may send the individual the copies described in Subsection 20A-9-201(5).
- 169 (d) Each county clerk who receives a declaration of candidacy from a candidate for
170 multicounty office shall transmit the filing fee and a copy of the candidate's
171 declaration of candidacy to the lieutenant governor within one business day after the
172 candidate files the declaration of candidacy.
- 173 (e) Each business day during the filing period, each county clerk shall notify the
174 lieutenant governor electronically or by telephone of candidates who have filed a
175 declaration of candidacy with the county clerk.
- 176 (f) Each individual seeking the office of lieutenant governor, the office of district
177 attorney, or the office of president or vice president of the United States shall comply
178 with the specific declaration of candidacy requirements established by this section.
- 179 (2)(a) Each individual intending to become a candidate for the office of district attorney
180 within a multicounty prosecution district that is to be filled at the next regular general
181 election shall:
- 182 (i) file a declaration of candidacy with the clerk designated in the interlocal
183 agreement creating the prosecution district on or after January 1 of the regular
184 general election year, and before the individual circulates nomination petitions
185 under Section 20A-9-405; and
- 186 (ii) pay the filing fee.
- 187 (b) The designated clerk shall provide to the county clerk of each county in the
188 prosecution district a certified copy of each declaration of candidacy filed for the
189 office of district attorney.
- 190 (3)(a) Before the deadline described in Subsection (1)(b), each lieutenant governor
191 candidate shall:
- 192 (i) file a declaration of candidacy with the lieutenant governor;
- 193 (ii) pay the filing fee; and
- 194 (iii) submit a letter from a candidate for governor who has received certification for
195 the primary-election ballot under Section 20A-9-403 that names the lieutenant
196 governor candidate as a joint-ticket running mate.
- 197 (b)(i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 198 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file
199 to replace the disqualified candidate.
- 200 (4) Before 5 p.m. no later than August 31, each registered political party shall:

(a) certify the names of the political party's candidates for president and vice president of the United States to the lieutenant governor; or

(b) provide written authorization for the lieutenant governor to accept the certification of candidates for president and vice president of the United States from the national office of the registered political party.

(5)(a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor no later than 5 p.m. on the last business day that is at least 10 calendar days before the deadline described in Subsection 20A-9-409(4)(c).

(b) If an objection is made, the clerk or lieutenant governor shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after it is filed.

(c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by:

(i) amending the declaration or petition no later than 5 p.m. on the first business day that is at least three calendar days after the day on which the objection is sustained; or

(ii) filing a new declaration no later than 5 p.m. on the first business day that is at least three calendar days after the day on which the objection is sustained.

(d)(i) The clerk's or lieutenant governor's decision upon objections to form is final.

(ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.

(7)(a) Except for a candidate who is certified by a registered political party under Subsection (4), ~~[and except as provided in Section 20A-9-504, before 5 p.m. no later than August 31 of a general election year,]~~ each individual running as a candidate for vice president of the United States shall, before 5 p.m. no later than August 31 of a general election year:

(i) file a declaration of candidacy, in person or via a designated agent, on a form developed by the lieutenant governor, that:

- 235 (A) contains the individual's name, address, and telephone number;
236 (B) states that the individual meets the qualifications for the office of vice
237 president of the United States;
238 (C) names the presidential candidate, who has qualified for the general election
239 ballot, with which the individual is running as a joint-ticket running mate;
240 (D) states that the individual agrees to be the running mate of the presidential
241 candidate described in Subsection (7)(a)(i)(C); and
242 (E) contains any other necessary information identified by the lieutenant governor;
243 (ii) pay the filing fee; and
244 (iii) submit a letter from the presidential candidate described in Subsection
245 (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice
246 presidential candidate.
- 247 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
248 candidacy.
- 249 (c) A vice presidential candidate who fails to meet the requirements described in this
250 Subsection (7) may not appear on the general election ballot.
- 251 (8) An individual filing a declaration of candidacy for president or vice president of the
252 United States shall pay a filing fee of \$500.

253 Section 4. Section **20A-9-504** is amended to read:

254 **20A-9-504 . Unaffiliated candidates -- Governor and president of the United**
255 **States.**

- 256 (1)(a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than June 15
257 of the regular general election year, select a running mate to file as an unaffiliated
258 candidate for the office of lieutenant governor.
- 259 (b) The unaffiliated lieutenant governor candidate shall, before 5 p.m. no later than June
260 15 of the regular general election year, file as an unaffiliated candidate by following
261 the procedures and requirements of this part.
- 262 (2)(a) Each unaffiliated candidate for president of the United States shall, before 5 p.m.
263 no later than August ~~[15]~~ 31 of a regular general election year, select a running mate
264 to file as an unaffiliated candidate for the office of vice president of the United States.
- 265 (b) Before 5 p.m. no later than August ~~[15]~~ 31 of a regular general election year, the
266 unaffiliated candidate for vice president of the United States described in Subsection
267 (2)(a) shall comply with the requirements of Subsection 20A-9-202(7).

268 Section 5. Section **20A-13-301** is amended to read:

20A-13-301 . Presidential elections -- Allocation of electoral votes.

- ~~[(1)(a) Each registered political party shall choose individuals to act as presidential electors and to fill vacancies in the office of presidential electors for their party's candidates for president and vice president of the United States according to the procedures established in their bylaws.]~~
- ~~[(b) Each registered political party shall certify to the lieutenant governor the names and addresses of the individuals selected by the political party as the party's presidential electors before 5 p.m. no later than August 31.]~~
- ~~[(c) An unaffiliated candidate or write-in candidate for the office of president of the United States shall, no later than 5 p.m. on the first business day that is at least 10 calendar days after the day on which the candidate files a declaration of candidacy, certify to the lieutenant governor the names and addresses of each individual selected by the candidate as a presidential elector for the candidate and each individual selected by the candidate to fill a vacancy in the office of presidential elector for the candidate.]~~
- ~~[(2) The highest number of votes cast for candidates for president and vice president of the United States elects the presidential electors for:]~~
- ~~[(a) except as provided in Subsection (2)(b), the political party of those candidates; or]~~
- ~~[(b) if the candidates receiving the highest number of votes are unaffiliated candidates or write-in candidates, the presidential electors selected for those candidates under Subsection (1)(c).]~~
- (1) A registered political party shall choose individuals to act as presidential electors for the registered political party's candidates for president and vice president of the United States in accordance with the registered political party's bylaws and the requirements of this section.
- (2) For a registered political party's candidates for president and vice president of the United States, the registered political party shall:
- (a) choose an individual to act as a presidential elector for each Congressional district;
- (b) choose two individuals to each act as a statewide presidential elector;
- (c) choose an individual to fill a vacancy in each office of presidential elector described in Subsections (2)(a) and (b); and
- (d) certify to the lieutenant governor the name and address of each individual described in Subsection (2)(a) through (c) before 5 p.m. no later than August 31 of the year in which the presidential election will be held.

- (3) An unaffiliated candidate or a write-in candidate for president of the United States shall:
- (a) choose an individual to act as a presidential elector for each Congressional district;
 - (b) choose two individuals to each act as a statewide presidential elector;
 - (c) choose an individual to fill a vacancy in each office of presidential elector described in Subsections (3)(a) and (b); and
 - (d) certify to the lieutenant governor the name and address of each individual described in Subsections (3)(a) through (c) no later than 5 p.m. on the first business day that is at least 10 calendar days after the day on which the candidate files a declaration of candidacy.
- (4)(a) The highest number of votes cast in a Congressional district for candidates for president and vice president of the United States elects:
- (i) if the candidate for president is the nominee of a registered political party, the presidential elector that the registered political party chooses for that Congressional district under Subsection (2)(a); or
 - (ii) if the candidate for president is an unaffiliated candidate or a write-in candidate, the presidential elector that the candidate chooses for that Congressional district under Subsection (3)(a).
- (b) The highest number of statewide votes cast for candidates for president and vice president of the United States elects:
- (i) if the candidate for president is the nominee of a registered political party, the statewide presidential electors that the registered political party chooses under Subsection (2)(b); or
 - (ii) if the candidate for president is an unaffiliated candidate or a write-in candidate, the statewide presidential electors that the candidate chooses under Subsection (3)(b).

Section 6. Section **20A-13-302** is amended to read:

20A-13-302 . Certificate of election.

- ~~[(1) The lieutenant governor shall transmit certificates of election to each of the electors selected under Section 20A-13-301:]~~
- ~~[(a) if the candidates for president and vice president of the United States who receive the highest number of votes in the state are unaffiliated candidates or write-in candidates, by the candidate for president; or]~~
 - ~~[(b) if the candidates for president and vice president of the United States who receive the highest number of votes in the state are the nominees of a registered political~~

party, by the registered political party.]

~~[(2) Presidential electors may not receive compensation for their services.]~~

(1) The lieutenant governor shall transmit certificates of election to each presidential elector who is elected under Subsection 20A-13-301(4).

(2) A presidential elector may not receive compensation for the presidential elector's services.

Section 7. Section **20A-13-303** is amended to read:

20A-13-303 . Filling vacancies.

(1) ~~[If there is a vacancy in the office of presidential elector because of death, refusal to act, failure to attend, ineligibility, or any other cause, the individual or political party represented by the elector who caused the vacancy shall immediately fill the vacancy.]~~ If a vacancy occurs in the office of presidential elector for any reason, the registered political party, unaffiliated candidate, or write-in candidate represented by the elector who causes the vacancy shall immediately:

(a) notify the lieutenant governor; and

(b) fill the vacancy with the individual that:

(i) the registered political party chooses under Subsection 20A-13-301(2)(c); or

(ii) the unaffiliated candidate or write-in candidate chooses under Subsection

20A-13-301(3)(c).

(2) Upon receiving the notice described in Subsection (1)(a), the lieutenant governor shall immediately prepare and transmit a certificate of election to the individual described in Subsection (1)(b).

Section 8. **Effective Date.**

This bill takes effect on May 6, 2026.