

Andrew Stoddard proposes the following substitute bill:

Primary Election Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses primary elections.

Highlighted Provisions:

This bill:

- provides that a municipality may hold a primary election if the number of candidates for a municipal office exceeds twice but does not exceed three times the number of individuals needed to fill that office;
- requires a municipality to hold a primary election if the number of candidates for a municipal office exceeds three times the number of individuals needed to fill that office;
- clarifies the circumstances under which a special district may hold a primary election; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2a-215, as last amended by Laws of Utah 2025, First Special Session, Chapter 6

17B-1-306, as last amended by Laws of Utah 2025, Chapters 39, 161

20A-9-404, as last amended by Laws of Utah 2025, Chapter 448

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

Section 1. Section **10-2a-215** is amended to read:

10-2a-215 . Election of officers of new municipality -- Primary and final election dates -- Notice of election -- County clerk duties -- Candidate duties -- Occupation of

29 **office.**

30 (1) For the election of municipal officers, the county legislative body shall:

31 (a) unless a primary election is [~~prohibited~~] not held under Subsection 20A-9-404(2),
32 hold a primary election; and

33 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
34 final election.

35 (2) Each election described in Subsection (1) shall be held:

36 (a) consistent with the petition sponsors' determination of the length of each council
37 member's initial term; and

38 (b) for the incorporation of a city:

39 (i) appropriate to the form of government chosen by the voters at the incorporation
40 election;

41 (ii) consistent with the voters' decision about whether to elect city council members
42 by district and, if applicable, consistent with the boundaries of those districts as
43 determined by the petition sponsors; and

44 (iii) consistent with the sponsors' determination of the number of city council
45 members to be elected.

46 (3)(a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2), the
47 primary election described in Subsection (1)(a) shall be held at the earliest of the next:

48 (i) regular primary election described in Subsection 20A-1-201.5(1); or

49 (ii) municipal primary election described in Section 20A-9-404.

50 (b) The county shall hold the primary election, if necessary, on the next election date
51 described in Subsection (3)(a) that is after the incorporation election conducted under
52 Section 10-2a-210.

53 (4)(a) Subject to Subsection (4)(b), the county shall hold the final election described in
54 Subsection (1)(b):

55 (i) on the following election date that next follows the date of the incorporation
56 election held under Subsection 10-2a-210(1)(a);

57 (ii) [a] on the regular general election described in Section 20A-1-201; or

58 (iii) [a] on the regular municipal general election under Section 20A-1-202.

59 (b) The county shall hold the final election on the earliest of the next election date that is
60 listed in Subsection (4)(a)(i), (ii), or (iii):

61 (i) that is after a primary election; or

62 (ii) if there is no primary election, that is at least:

- 63 (A) 75 days after the incorporation election under Section 10-2a-210; and
64 (B) 65 days after the candidate filing period.
- 65 (5) The county clerk shall provide notice of an election under this section for the future
66 municipality, as a class A notice under Section 63G-30-102, for at least two weeks
67 before the day of the election.
- 68 (6) Until the municipality is incorporated, the county clerk:
- 69 (a) is the election officer for all purposes related to the election of municipal officers;
70 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
71 related to the election of municipal officers for a new municipality that are not
72 otherwise contrary to law;
- 73 (c) shall require and determine deadlines for municipal office candidates to file
74 campaign financial disclosures in accordance with Section 10-3-208; and
75 (d) shall ensure that the ballot for the election includes each office that is required to be
76 included in the election for officers of the newly incorporated municipality, including
77 the term of each office.
- 78 (7) An individual who has filed as a candidate for an office described in this section shall
79 comply with:
- 80 (a) the campaign finance disclosure requirements described in Section 10-3-208; and
81 (b) the requirements and deadlines established by the county clerk under this section.
- 82 (8) Notwithstanding Section 10-3-201, the officers elected at a final election described in
83 Subsection (4)(a) shall take office:
- 84 (a) after taking the oath of office; and
85 (b) at noon on the first Monday following the day on which the election official
86 transmits a certificate of nomination or election under the officer's seal to each
87 elected candidate in accordance with Subsection 20A-4-304(6)(b).
- 88 Section 2. Section **17B-1-306** is amended to read:
- 89 **17B-1-306 . Special district board -- Election procedures -- Notice.**
- 90 (1) Except as provided in Subsection (12), each elected board member shall be selected as
91 provided in this section.
- 92 (2)(a) Each election of a special district board member shall be held:
- 93 (i) at the same time as the municipal general election or the regular general election,
94 as applicable; and
95 (ii) at polling places designated by the special district board in consultation with the
96 county clerk for each county in which the special district is located, which polling

97 places shall coincide with municipal general election or regular general election
98 polling places, as applicable, whenever feasible.

99 (b) The special district board, in consultation with the county clerk, may consolidate two
100 or more polling places to enable voters from more than one district to vote at one
101 consolidated polling place.

102 (c)(i) Subject to Subsections (5)(h) and (i), the number of polling places under
103 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall
104 be one polling place per division of the district, designated by the district board.

105 (ii) Each polling place designated by an irrigation district board under Subsection
106 (2)(c)(i) shall coincide with a polling place designated by the county clerk under
107 Subsection (2)(a)(ii).

108 (3)(a) The clerk of each special district with a board member position to be filled at the
109 next municipal general election or regular general election, as applicable, shall
110 provide notice of:

111 (i) each elective position of the special district to be filled at the next municipal
112 general election or regular general election, as applicable;

113 (ii) the constitutional and statutory qualifications for each position; and

114 (iii) the dates and times for filing a declaration of candidacy.

115 (b) If the election is to be held at the same time as the municipal general election, a
116 declaration of candidacy shall be filed between June 1 and June 7 of any
117 odd-numbered year.

118 (c) If the election is to be held at the same time as the regular general election, a
119 declaration of candidacy shall be filed between June 1 and June 7 of any
120 even-numbered year.

121 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a)
122 for the special district, as a class A notice under Section 63G-30-102, for at least 10 days
123 before the first day for filing a declaration of candidacy.

124 (5)(a) Except as provided in Subsection (5)(c), to become a candidate for an elective
125 special district board position, an individual shall file a declaration of candidacy in
126 person with an official designated by the special district within the candidate filing
127 period for the applicable election year in which the election for the special district
128 board is held and:

129 (i) during the special district's standard office hours, if the standard office hours
130 provide at least three consecutive office hours each day during the candidate filing

- 131 period that is not a holiday or weekend;
- 132 (ii) if the standard office hours of a special district do not provide at least three
 133 consecutive office hours each day, a three-hour consecutive time period each day
 134 designated by the special district during the candidate filing period that is not a
 135 holiday or weekend; or
- 136 (iii) during the special district's standard office hours if the special district has
 137 adopted a four day standard work week with standard office hours of at least eight
 138 hours each of those days.
- 139 (b) When the candidate filing deadline falls on a Saturday, Sunday, holiday, or a day that
 140 is not a regular business day for the special district [~~pursuant to~~] under Subsection
 141 (5)(a)(iii), the filing time shall be extended until the close of normal office hours on
 142 the following regular business day.
- 143 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
 144 declaration of candidacy with the official designated by the special district if:
- 145 (i) the individual is located outside of the state during the entire filing period;
- 146 (ii) the designated agent appears in person before the official designated by the
 147 special district; and
- 148 (iii) the individual communicates with the official designated by the special district
 149 using an electronic device that allows the individual and official to see and hear
 150 each other.
- 151 (d)(i) Before the filing officer may accept any declaration of candidacy from an
 152 individual, the filing officer shall:
- 153 (A) read to the individual the constitutional and statutory qualification
 154 requirements for the office that the individual is seeking; and
- 155 (B) require the individual to state whether the individual meets those requirements.
- 156 (ii) If the individual does not meet the qualification requirements for the office, the
 157 filing officer may not accept the individual's declaration of candidacy.
- 158 (iii) If it appears that the individual meets the requirements of candidacy, the filing
 159 officer shall accept the individual's declaration of candidacy.
- 160 (e) The declaration of candidacy shall be in substantially the following form:
- 161 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
 162 _____, City of _____, County of _____, state of Utah,
 163 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
 164 for the office of board of trustees member for _____ (state the name of

165 the special district); that I am a candidate for that office to be voted upon at the next election;
 166 and that, if filing via a designated agent, I will be out of the state of Utah during the entire
 167 candidate filing period, and I hereby request that my name be printed upon the official ballot
 168 for that election.

169 (Signed) _____

170 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
 171 of _____, ____.

172 (Signed) _____

173 (Clerk or Notary Public)".

174 (f) An agent designated under Subsection (5)(c) may not sign the form described in
 175 Subsection (5)(e).

176 (g) Each individual wishing to become a valid write-in candidate for an elective special
 177 district board position is governed by Section 20A-9-601.

178 (h) If at least one individual does not file a declaration of candidacy as required by this
 179 section, an individual shall be appointed to fill that board position in accordance with
 180 the appointment provisions of Section 20A-1-512.

181 (i) If only one candidate files a declaration of candidacy and there is no write-in
 182 candidate who complies with Section 20A-9-601, the board, in accordance with
 183 Section 20A-1-206, may:

- 184 (i) consider the candidate to be elected to the position; and
- 185 (ii) cancel the election.

186 (6)(a) A primary election [~~may be held~~] for a particular local board position or office
 187 may be held only if:

- 188 (i) the primary election is authorized by the special district board; and
- 189 (ii) the number of candidates for [~~a particular local board position or~~] the position or
 190 office exceeds twice the number of [~~persons needed to fill that~~] individuals needed
 191 to fill that position or office.

192 (b) [~~The~~] A primary election authorized under Subsection (6)(a) shall be conducted:

- 193 (i) on the same date as the municipal primary election or the regular primary election,
 194 as applicable; and
- 195 (ii) according to the procedures for primary elections provided under Title 20A,
 196 Election Code.

197 (7)(a) Except as provided in Subsection (7)(c), within one business day after the
 198 deadline for filing a declaration of candidacy, the special district clerk shall certify

- 199 the candidate names to the clerk of each county in which the special district is located.
- 200 (b)(i) Except as provided in Subsection (7)(c) and in accordance with Sections
201 20A-6-109 and 20A-6-110, the clerk of each county in which the special district is
202 located and the special district clerk shall coordinate placement of the name of
203 each candidate for special district office in the nonpartisan section of the ballot
204 with the appropriate election officer.
- 205 (ii) If consolidation of the special district election ballot with the municipal general
206 election ballot or the regular general election ballot, as applicable, is not feasible,
207 the special district board of trustees, in consultation with the county clerk, shall
208 provide for a separate special district election ballot to be administered by poll
209 workers at polling places designated under Subsection (2).
- 210 (c)(i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
211 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 212 (ii) The board of an irrigation district shall:
- 213 (A) subject to Subsections (7)(c)(ii)(B) and (C), establish the form of the ballot for
214 a board member election;
- 215 (B) ensure that the ballot is in a nonpartisan format; and
- 216 (C) ensure that the name of each candidate is placed on the ballot in accordance
217 with Sections 20A-6-109 and 20A-6-110.
- 218 (8)(a) Each voter at an election for a board of trustees member of a special district shall:
- 219 (i) be a registered voter within the district, except for an election of:
- 220 (A) an irrigation district board of trustees member; or
- 221 (B) a basic special district board of trustees member who is elected by property
222 owners; and
- 223 (ii) meet the requirements to vote established by the district.
- 224 (b) Each voter may vote for as many candidates as there are offices to be filled.
- 225 (c) The candidates who receive the highest number of votes are elected.
- 226 (9) Except as otherwise provided by this section, the election of special district board
227 members is governed by Title 20A, Election Code.
- 228 (10)(a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
229 special district board shall serve a four-year term, beginning at noon on the January 1
230 after the person's election.
- 231 (b) A person elected shall be sworn in as soon as practical after January 1.
- 232 (11)(a) Except as provided in Subsection (11)(b), each special district shall reimburse

- 233 the county or municipality holding an election under this section for the costs of the
234 election attributable to that special district.
- 235 (b) Each irrigation district shall bear the district's own costs of each election the district
236 holds under this section.
- 237 (12) This section does not apply to an improvement district that provides electric or gas
238 service.
- 239 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
240 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 241 (14)(a) As used in this Subsection (14), "board" means:
- 242 (i) a special district board; or
243 (ii) the administrative control board of a special service district that has elected
244 members on the board.
- 245 (b) If a board desires to hold elections for membership on the board at a regular general
246 election instead of a municipal general election , or at a municipal general election
247 instead of a regular general election, the board may submit an application to the
248 lieutenant governor that:
- 249 (i) requests permission to change the election year for membership on the board in a
250 manner described in this Subsection (14)(b);
251 (ii) indicates that a change in the election year is beneficial, based on potential cost
252 savings, a potential increase in voter turnout, or another material reason; and
253 (iii) if a change in the election year may result in shortening a board member's term
254 of office, indicates that the members of the board unanimously support the
255 lieutenant governor taking that action.
- 256 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
257 governor may approve the application if:
- 258 (i) the lieutenant governor concludes that changing the election year is beneficial
259 based on the criteria described in Subsection (14)(b)(ii); and
260 (ii) for an application that may result in shortening a board member's term of office,
261 the application satisfies the unanimity requirement described in Subsection
262 (14)(b)(iii).
- 263 (d) If the lieutenant governor approves a board's application described in this section:
- 264 (i) all future elections for membership on the board shall be held at the time of the
265 general election specified in the application; and
266 (ii) the board may not hold elections at the time of an election other than the general

267 election specified in the application, unless the board receives permission from the
 268 lieutenant governor to change the election under the same procedure, and by
 269 applying the same criteria, described in this Subsection (14).

270 (15)(a) This Subsection (15) applies to a special district if:

271 (i) the special district's board members are elected by the owners of real property, as
 272 provided in Subsection 17B-1-1402(1)(b); and

273 (ii) the special district was created before January 1, 2020.

274 (b) The board of a special district described in Subsection (15)(a) may conduct an
 275 election:

276 (i) to fill a board member position that expires at the end of the term for that board
 277 member's position; and

278 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
 279 term of a board member.

280 (c) An election under Subsection (15)(b) may be conducted as determined by the special
 281 district board, subject to Subsection (15)(d).

282 (d)(i) The special district board shall provide to property owners eligible to vote at
 283 the special district election:

284 (A) notice of the election; and

285 (B) a form to nominate an eligible individual to be elected as a board member.

286 (ii)(A) The special district board may establish a deadline for a property owner to
 287 submit a nomination form.

288 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
 289 after the board provides the notice and nomination form under Subsection
 290 (15)(d)(i).

291 (iii)(A) After the deadline for submitting nomination forms, the special district
 292 board shall provide a ballot to all property owners eligible to vote at the special
 293 district election.

294 (B) A special district board shall allow at least five days for ballots to be returned.

295 (iv) A special district board shall certify the results of an election under this
 296 Subsection (15) during an open meeting of the board.

297 Section 3. Section **20A-9-404** is amended to read:

298 **20A-9-404 . Municipal primary elections.**

299 (1)(a) Except as otherwise provided in this section [~~or Chapter 4, Part 6, Municipal~~
 300 ~~Alternate Voting Methods Pilot Project~~], candidates for municipal office in all

- 301 municipalities shall be nominated at a municipal primary election.
- 302 (b) Municipal primary elections shall be held:
- 303 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
- 304 Monday in the August before the regular municipal election; and
- 305 (ii) whenever possible, at the same polling places as the regular municipal election.
- 306 (c) Subsections (3) through (5) do not apply to an election to elect local school board
- 307 members under Section 53G-3-302.
- 308 (d) Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, does not apply
- 309 to an election to elect local school board members under Section 53G-3-302.
- 310 ~~[(2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting~~
- 311 ~~Methods Pilot Project, if the number of candidates for a particular municipal office does~~
- 312 ~~not exceed twice the number of individuals needed to fill that office, a primary election~~
- 313 ~~for that office may not be held and the candidates are considered nominated.]~~
- 314 (2) If the number of candidates for a particular municipal office:
- 315 (a) does not exceed twice the number of individuals needed to fill that office, a primary
- 316 election for the office may not be held and the candidates are considered nominated;
- 317 (b) exceeds twice but does not exceed three times the number of individuals needed to
- 318 fill that office, a primary election for the office may be held; or
- 319 (c) exceeds three times the number of individuals needed to file that office, a primary
- 320 election for the office shall be held.
- 321 (3)(a) For purposes of this Subsection (3), "convention" means an organized assembly of
- 322 voters or delegates.
- 323 (b)(i) By ordinance adopted before the May 1 that falls before a regular municipal
- 324 election, any third, fourth, or fifth class city or town may exempt itself from a
- 325 primary election by providing that the nomination of candidates for municipal
- 326 office to be voted upon at a municipal election be nominated by a municipal party
- 327 convention or committee.
- 328 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
- 329 shall be held on or before May 30 of an odd-numbered year.
- 330 (iii) Any primary election exemption ordinance adopted under this Subsection (3)
- 331 remains in effect until repealed by ordinance.
- 332 (c)(i) A convention or committee may not nominate more than one candidate for each
- 333 of the municipal offices to be voted upon at the municipal election.
- 334 (ii) A convention or committee may not nominate an individual who has accepted the

- 335 nomination of a different convention or committee.
- 336 (iii) A municipal party may not have more than one group of candidates placed upon
337 the ballot and may not group the same candidates on different tickets by the same
338 party under a different name or emblem.
- 339 (d)(i) On or before May 31 of an odd-numbered year, a convention or committee
340 shall prepare and submit to the filing officer a certificate of nomination for each
341 individual nominated.
- 342 (ii) The certificate of nomination shall:
- 343 (A) contain the name of the office for which each individual is nominated, the
344 name, post office address, and, if in a city, the street number of residence and
345 place of business, if any, of each individual nominated;
- 346 (B) designate in not more than five words the party that the convention or
347 committee represents;
- 348 (C) contain a copy of the resolution passed at the convention that authorized the
349 committee to make the nomination;
- 350 (D) contain a statement certifying that the name of the candidate nominated by the
351 political party will not appear on the ballot as a candidate for any other
352 political party;
- 353 (E) be signed by the presiding officer and secretary of the convention or
354 committee; and
- 355 (F) contain a statement identifying the residence and post office address of the
356 presiding officer and secretary and certifying that the presiding officer and
357 secretary were officers of the convention or committee and that the certificates
358 are true to the best of their knowledge and belief.
- 359 (iii) A candidate nominated by a municipal party convention or committee shall file a
360 declaration with the filing officer in accordance with Subsection 20A-9-203(3)
361 that includes:
- 362 (A) the name of the municipal party or convention that nominated the candidate;
363 and
- 364 (B) the office for which the convention or committee nominated the candidate.
- 365 (e) A committee appointed at a convention, if authorized by an enabling resolution, may
366 also make nominations or fill vacancies in nominations made at a convention if the
367 committee makes the nomination before the deadline for a write-in candidate to file a
368 declaration of candidacy under Section 20A-9-601.

- 369 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,
370 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
371 be included with the candidate's name.
- 372 (4)(a) Any third, fourth, or fifth class city or a town may adopt an ordinance before[~~the~~]
373 May 1 that falls before the regular municipal election that:
- 374 (i) exempts the city or town from the other methods of nominating candidates to
375 municipal office provided in this section; and
376 (ii) provides for a municipal partisan convention method of nominating candidates as
377 provided in this Subsection (4).
- 378 (b)(i) Any party that was a registered political party at the last regular general
379 election or regular municipal election is a municipal political party under this
380 section.
- 381 (ii) Any political party may qualify as a municipal political party by presenting a
382 petition to the city recorder that:
- 383 (A) is signed, with a holographic signature, by registered voters within the
384 municipality equal to at least 20% of the number of votes cast for all
385 candidates for mayor in the last municipal election at which a mayor was
386 elected;
- 387 (B) is filed with the city recorder or town clerk no later than 5 p.m. on the last
388 business day before the day on which the municipal party holds a convention to
389 nominate a candidate under this Subsection (4);
- 390 (C) is substantially similar to the form of the signature sheets described in Section
391 20A-7-303; and
- 392 (D) contains the name of the municipal political party using not more than five
393 words.
- 394 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use
395 the procedures described in Section 20A-1-1002 to determine whether each signer
396 is a registered voter who is qualified to sign the petition.
- 397 (c)(i) If the number of candidates for a particular office does not exceed twice the
398 number of offices to be filled at the regular municipal election, no primary
399 election for that office shall be held and the candidates are considered to be
400 nominated.
- 401 (ii) If the number of candidates for a particular office exceeds twice the number of
402 offices to be filled at the regular municipal election, those candidates for

- 403 municipal office shall be nominated at a municipal primary election.
- 404 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the
- 405 ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.
- 406 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
- 407 blank ballot box.
- 408 (f) Immediately after the canvass, the election judges shall, without examination, destroy
- 409 the tickets deposited in the blank ballot box.
- 410 (5)(a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's
- 411 signature removed from the petition by, no later than 5 p.m. three business days after
- 412 the day on which the petition is filed with the city recorder or town clerk, submitting
- 413 to the city recorder or town clerk a statement requesting that the voter's signature be
- 414 removed.
- 415 (b) A statement described in Subsection (5)(a) shall comply with the requirements
- 416 described in Subsection 20A-1-1003(2).
- 417 (c) With the assistance of the county clerk and using the procedures described in
- 418 Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to
- 419 remove an individual's signature from a petition after receiving a timely, valid
- 420 statement requesting removal of the signature.

421 Section 4. **Effective Date.**

422 This bill takes effect on May 6, 2026.