

# HB0284S02 compared with HB0284

~~text~~ shows text that was in HB0284 but was deleted in HB0284S02.

text shows text that was not in HB0284 but was inserted into HB0284S02.

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Representative Karianne Lisonbee proposes the following substitute bill:

## PRIMARY ELECTIONS MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill amends provisions ~~of the Election Code in relation to the manner of selecting a political party nominee~~ relating to primary elections.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ changes the following times, dates, and deadlines in relation to a regular primary election:
  - the date of the regular primary election;
  - the deadline for an election officer to transmit election results to the lieutenant governor;
  - the date of the statewide canvass;

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- the deadline for filing a request for a recount;
  - the deadline to contest the results of a primary election;
  - the time during which a qualified political party is required to hold the party's convention;
  - the deadline for submitting signatures to qualify for the ballot; and
  - the deadline by which the lieutenant governor is required to certify names for the ballot; and
- ▶ provides that, for certain primary races for offices where more than two candidates are seeking the nomination of the same political party for the same office, if one candidate does not receive more than a certain percentage of the votes cast in the race, the ~~{party shall, in accordance with the party's bylaws, choose a nominee from among}~~ nominee will be selected in a runoff primary election between the two candidates who received the highest number of votes ~~{, and}~~.

~~{~~ → makes technical and conforming changes.

### ~~{~~ Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{~~ None This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354

~~{20A-1-303}~~ 20A-1-201.5, as last amended by Laws of Utah ~~{2018, Chapter 187~~

~~20A-1-304, as repealed and reenacted by Laws of Utah 2018, Chapter 187}~~ 2019, First Special Session, Chapter 4

20A-4-304, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

20A-4-306, as last amended by Laws of Utah 2019, Chapter 433

20A-4-401, as last amended by Laws of Utah 2020, Chapter 31

20A-4-403, as last amended by Laws of Utah 2007, Chapter 238

20A-9-101, as last amended by Laws of Utah 2020, Chapter 344

~~{~~ ~~20A-9-403, as last amended by Laws of Utah 2020, Chapter 22~~

~~20A-9-406, as last amended by Laws of Utah 2020, Chapters 22, 31, and 49~~

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~~20A-9-407, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6~~  
‡ 20A-9-408, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6  
20A-9-409, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

ENACTS:

~~{20A-4-303.5}~~ 20A-4-701, Utah Code Annotated 1953

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

Section 1. Section **20A-1-102** is amended to read:

**20A-1-102. Definitions.**

As used in this title:

- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.
- (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.
  - (b) "Ballot" does not include a record to tally multiple votes.
- (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
  - (a) an opinion question specifically authorized by the Legislature;
  - (b) a constitutional amendment;
  - (c) an initiative;
  - (d) a referendum;
  - (e) a bond proposition;
  - (f) a judicial retention question;
  - (g) an incorporation of a city or town; or
  - (h) any other ballot question specifically authorized by the Legislature.
- (5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.
- (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and

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20A-4-306 to canvass election returns.

(7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(8) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(9) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(11) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(12) "Convention" means the political party convention at which party officers and delegates are selected.

(13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(14) "Counting judge" means a poll worker designated to count the ballots during election day.

(15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.

(16) "County officers" means those county officers that are required by law to be elected.

(17) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day that the election occurs; and

(b) does not include:

(i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or

(ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.

(18) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,

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Municipal Alternate Voting Methods Pilot Project;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

(19) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election.

(20) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(22) "Election judge" means a poll worker that is assigned to:

(a) preside over other poll workers at a polling place;

(b) act as the presiding election judge; or

(c) serve as a canvassing judge, counting judge, or receiving judge.

(23) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots and elections;

(b) the county clerk for:

(i) a county ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

(i) a municipal ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(d) the local district clerk or chief executive officer for:

(i) a local district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

(e) the business administrator or superintendent of a school district for:

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- (i) a school district ballot and election; and
  - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- (24) "Election official" means any election officer, election judge, or poll worker.
- (25) "Election results" means:
- (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
  - (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
- (26) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
- (27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).
- (29) "Judicial office" means the office filled by any judicial officer.
- (30) "Judicial officer" means any justice or judge of a court of record or any county court judge.
- (31) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- (32) "Local district officers" means those local district board members that are required by law to be elected.
- (33) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election.
- (34) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

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(35) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(36) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

(37) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

(a) is created via electronic or mechanical means; and

(b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

(38) "Multi-candidate primary race" means a primary race for a political party nomination:

(a) where only one individual is to be nominated;

(b) in which more than two candidates qualify for placement on the primary election ballot for the same political party and for the same office; and

(c) where the race is for one of the following offices:

(i) a United States congressional office;

(ii) a state legislative office;

(iii) governor;

(iv) attorney general;

(v) state treasurer;

(vi) state auditor; or

(vii) a partisan, elected county office.

~~(38)~~ (39) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7); or

(c) the chair of a metro township form of government defined in Section 10-3b-102.

~~(39)~~ (40) "Municipal general election" means the election held in municipalities and, as applicable, local districts on the first Tuesday after the first Monday in November of each

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odd-numbered year for the purposes established in Section 20A-1-202.

~~[(40)]~~ (41) "Municipal legislative body" means:

- (a) the council of the city or town in any form of municipal government; or
- (b) the council of a metro township.

~~[(41)]~~ (42) "Municipal office" means an elective office in a municipality.

~~[(42)]~~ (43) "Municipal officers" means those municipal officers that are required by law to be elected.

~~[(43)]~~ (44) "Municipal primary election" means an election held to nominate candidates for municipal office.

~~[(44)]~~ (45) "Municipality" means a city, town, or metro township.

~~[(45)]~~ (46) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

~~[(46)]~~ (47) "Official endorsement" means the information on the ballot that identifies:

- (a) the ballot as an official ballot;
- (b) the date of the election; and
- (c) (i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- (ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

~~[(47)]~~ (48) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

~~[(48)]~~ (49) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

~~[(49)]~~ (50) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

- (b) "Poll worker" includes election judges.
- (c) "Poll worker" does not include a watcher.

~~[(50)]~~ (51) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

~~[(51)]~~ (52) "Polling place" means a building where voting is conducted.



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~~[(52)]~~ (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

~~[(53)]~~ (54) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

~~[(54)]~~ (55) "Primary convention" means the political party conventions held during the year of the regular general election.

~~[(55)]~~ (56) "Protective counter" means a separate counter, which cannot be reset, that:

- (a) is built into a voting machine; and
- (b) records the total number of movements of the operating lever.

~~[(56)]~~ (57) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

~~[(57)]~~ (58) "Provisional ballot" means a ballot voted provisionally by a person:

- (a) whose name is not listed on the official register at the polling place;
- (b) whose legal right to vote is challenged as provided in this title; or
- (c) whose identity was not sufficiently established by a poll worker.

~~[(58)]~~ (59) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

~~[(59)]~~ (60) (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.

(b) "Public figure" does not include an individual:

- (i) elected to public office; or
- (ii) appointed to fill a vacancy in an elected public office.

~~[(60)]~~ (61) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.

~~[(61)]~~ (62) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling location and provides the voter with a ballot.

~~[(62)]~~ (63) "Registration form" means a form by which an individual may register to

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vote under this title.

~~[(63)]~~ (64) "Regular ballot" means a ballot that is not a provisional ballot.

~~[(64)]~~ (65) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

~~[(65)]~~ (66) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

~~[(66)]~~ (67) "Resident" means a person who resides within a specific voting precinct in Utah.

~~[(67)]~~ (68) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:

(a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and

(b) that includes the voter affidavit and a place for the voter's signature.

~~[(68)]~~ (69) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

~~[(69)]~~ (70) "Special election" means an election held as authorized by Section 20A-1-203.

~~[(70)]~~ (71) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or a poll worker; or

(c) lacks the official endorsement.

~~[(71)]~~ (72) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

~~[(72)]~~ (73) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.

~~[(73)]~~ (74) "Ticket" means a list of:

(a) political parties;

(b) candidates for an office; or

(c) ballot propositions.

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~~[(74)]~~ (75) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

~~[(75)]~~ (76) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

~~[(76)]~~ (77) "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
  - (A) the state; or
  - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection ~~[(76)]~~ (77)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid social security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;

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- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- (xii) a currently valid identification card issued by:
  - (A) a local government within the state;
  - (B) an employer for an employee; or
  - (C) a college, university, technical school, or professional school located within the

state; or

- (xiii) a current Utah vehicle registration.

~~[(77)]~~ (78) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

~~[(78)]~~ (79) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

- (a) mailing the ballot to the location designated in the mailing; or
- (b) depositing the ballot in a ballot drop box designated by the election officer.

~~[(79)]~~ (80) "Voter" means an individual who:

- (a) meets the requirements for voting in an election;
- (b) meets the requirements of election registration;
- (c) is registered to vote; and
- (d) is listed in the official register book.

~~[(80)]~~ (81) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

~~[(81)]~~ (82) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

~~[(82)]~~ (83) "Voting booth" means:

(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or

- (b) a voting device that is free standing.

~~[(83)]~~ (84) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.

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~~[(84)]~~ (85) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

~~[(85)]~~ (86) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.

~~[(86)]~~ (87) "Write-in ballot" means a ballot containing any write-in votes.

~~[(87)]~~ (88) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

### Section 2. Section 20A-1-201.5 is amended to read:

#### **20A-1-201.5. Primary election dates.**

(1) The regular primary election shall be held throughout the state on the ~~[fourth]~~ first Tuesday of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate persons for:

(a) national, state, school board, and county offices; and

(b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

(2) A municipal primary election shall be held, if necessary, on the second Tuesday following the first Monday in August before the regular municipal election to nominate persons for municipal offices.

(3) A presidential primary election shall be held throughout the state on the first Tuesday in March in the year in which a presidential election will be held.

Section ~~{2}~~3. Section ~~{20A-1-303}~~20A-4-304 is amended to read:

#### ~~{~~20A-1-303. Determining results.

~~———— (1) (a) Except as provided in [Title 20A,] Section 20A-4-303.5 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when one person is to be elected or nominated, the person receiving the highest number of votes at any:~~

~~———— (i) election for any office to be filled at that election is elected to that office; and~~

~~———— (ii) primary for nomination for any office is nominated for that office.~~

~~———— (b) Except as provided in [Title 20A,] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:~~

~~———— (i) election for any office to filled at that election are elected to that office; and~~

~~———— (ii) primary for nomination for any office are nominated for that office.~~

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- ~~———— (2) Any ballot proposition submitted to voters for their approval or rejection:~~
- ~~———— (a) passes if the number of "yes" votes is greater than the number of "no" votes; and~~
- ~~———— (b) fails if:~~
- ~~———— (i) the number of "yes" votes equal the number of "no" votes; or~~
- ~~———— (ii) the number of "no" votes is greater than the number of "yes" votes.~~

~~———— Section 3. Section **20A-1-304** is amended to read:~~

~~———— **20A-1-304. Tie votes:**~~

~~———— Except as provided in Section 20A-4-303.5, or for a race conducted by instant runoff voting under [Title 20A,] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall, in a public meeting held within 30 days after the day on which the canvass is completed, determine the candidate selected, by lot, in the presence of each candidate subject to the tie:~~

~~———— Section 4. Section **20A-4-303.5** is enacted to read:~~

~~———— **20A-4-303.5. Determining nominee in multi-candidate primary race:**~~

~~———— (1) Except as provided in Subsection (2), in a multi-candidate primary race the candidate who receives the highest number of votes is nominated.~~

~~———— (2) If the candidate who receives the highest number of votes in a multi-candidate primary race does not receive more than 40% of the total votes cast in that race, the party shall, within 30 days after the day on which the board of canvassers certifies the vote totals:~~

~~———— (a) in accordance with the party's bylaws, choose, as the party's nominee, one of the two candidates who received the highest number of votes; and~~

~~———— (b) provide to the election officer for the next general election a certificate of nomination stating the name of the candidate chosen.~~

~~———— Section 5. Section **20A-4-304** is amended to read:~~

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

- (1) Each board of canvassers shall:
  - (a) except as provided in ~~{~~Section 20A-4-303.5 or~~}~~ Part 6, Municipal Alternate Voting Methods Pilot Project, 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

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jurisdiction;

(b) 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;

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and

(d) if applicable, certify the results of each local district election to the local district clerk.

(2) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:

(a) the total number of votes cast in the board's jurisdiction;

(b) the names of each candidate whose name appeared on the ballot;

(c) the title of each ballot proposition that appeared on the ballot;

(d) each office that appeared on the ballot;

(e) from each voting precinct:

(i) the number of votes for each candidate;

(ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each canvassing phase; and

(iii) the number of votes for and against each ballot proposition;

(f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;

(g) the number of ballots that were rejected; and

(h) a statement certifying that the information contained in the report is accurate.

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- (3) The election officer and the board of canvassers shall:
  - (a) review the report to ensure that it is correct; and
  - (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):
  - (a) (i) by publishing notice at least once in a newspaper of general circulation within the jurisdiction;
  - (ii) by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents of the jurisdiction, subject to a maximum of 10 notices; or
  - (iii) by mailing notice to each residence within the jurisdiction;
  - (b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for one week; and
  - (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for one week.
- (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



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(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, local district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within ~~14~~ 10 days after the date of the election.

(9) In a regular primary election and in a 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.

### Section 4. 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 shall be 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.

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

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

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

(c) The lieutenant governor shall:

(i) prepare certificates of election for:

(A) each successful candidate; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes;

(ii) authenticate each certificate with his seal; and

(iii) deliver a certificate of election to:

(A) each candidate who had the highest number of votes for each office; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes.

(3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the

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lieutenant governor shall:

(a) send a messenger to the clerk of the board of county canvassers of the delinquent county;

(b) instruct the messenger to demand a certified copy of the board of canvasser's report required by Section 20A-4-304 from the clerk; and

(c) pay the messenger the per diem provided by law as compensation.

(4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.

(5) (a) ~~[At noon on the fourth Monday after]~~ Four days after the day of the county canvass for 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 5. Section 20A-4-401 is amended to read:

### **20A-4-401. Recounts -- Procedure.**

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

(b) Except as provided in Subsection (1)(c), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all

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candidates in the race, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(c) For a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall file the request:

(i) for a municipal primary election, with the municipal clerk, before 5 p.m. within three days after the canvass; or

(ii) for all other elections, before 5 p.m. within ~~seven~~ three days after the day of the canvass with:

(A) the municipal clerk, if the election is a municipal general election;

(B) the local district clerk, if the election is a local district election;

(C) the county clerk, for races voted on entirely within a single county; or

(D) the lieutenant governor, for statewide races and multicounty races.

(e) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

Disposition of Ballots;

(iv) for a race where only one candidate may win, declare elected the candidate who receives the highest number of votes on the recount; and

(v) for a race where multiple candidates may win, declare elected the applicable number of candidates who receive the highest number of votes on the recount.

(2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for or against the proposition, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(b) For a ballot proposition or a bond proposition where the total of all votes cast for or

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against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall file the request with:

- (i) the municipal clerk, if the election is a municipal election;
- (ii) the local district clerk, if the election is a local district election;
- (iii) the county clerk, for propositions voted on entirely within a single county; or
- (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

(d) The election officer shall:

- (i) supervise the recount;
- (ii) recount all ballots cast for that ballot proposition or bond proposition;
- (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

Disposition of Ballots; and

(iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.

(e) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.

(f) The voters requesting the recount shall pay the costs of the recount.

(3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.

(4) (a) Upon completion of the recount, the election officer shall immediately convene the board of canvassers.

(b) The board of canvassers shall:

(i) canvass the election returns for the race or proposition that was the subject of the recount; and

(ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.

(c) If the recount is for a statewide or multicounty race or for a statewide proposition,

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the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection 20A-4-304 (7).

(d) The canvassers' report prepared as provided in this Subsection (4) is the official result of the race or proposition that is the subject of the recount.

Section 6. Section 20A-4-403 is amended to read:

### **20A-4-403. Election contest -- Petition and response.**

(1) (a) In contesting the results of all elections, except for primary elections and bond elections, a registered voter shall contest the right of any person declared elected to any office by filing a verified written complaint with the district court of the county in which he resides within 40 days after the canvass.

(b) The complaint shall include:

(i) the name of the party contesting the election;

(ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;

(iii) the name of the person whose right to the office is contested;

(iv) the office to which that person was ostensibly elected;

(v) one or more of the grounds for an election contest specified in Section 20A-4-402;

(vi) the person who was purportedly elected to the office as respondent; and

(vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were given in one or more specified voting precincts to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

(ii) that legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.

(d) (i) The court may not take or receive evidence of any of the votes described in Subsection (1)(c) unless the party contesting the election delivers to the opposite party, at least

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three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(2) (a) In contesting the results of a primary election, when contesting the petition nominating an independent candidate, or when challenging any person, election officer, election official, board, or convention for failing to nominate a person, a registered voter shall contest the right of any person declared nominated to any office by filing a verified written complaint within ~~[10]~~ three days after the date of the canvass for the primary election, after the date of filing of the petition, or after the date of the convention, respectively, with:

(i) the district court of the county in which he resides if he is contesting a nomination made only by voters from that county; or

(ii) the Utah Supreme Court, if he is contesting a nomination made by voters in more than one county.

(b) The complaint shall include:

(i) the name of the party contesting the nomination;

(ii) a statement that the contesting party is a registered voter in the jurisdiction in which the election was held;

(iii) the name of the person whose right to nomination is contested or the name of the person who failed to have their name placed in nomination;

(iv) the office to which that person was nominated or should have been nominated;

(v) one or more of the grounds for an election contest specified in Subsection (1);

(vi) the person who was purportedly nominated to the office as respondent; and

(vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were given to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

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(ii) legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.

(d) (i) The court may not take or receive evidence of any the votes described in Subsection (2)(c), unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(3) (a) In contesting the results of a bond election, a registered voter shall contest the validity of the declared results by filing a verified written complaint with the district court of the county in which he resides within 40 days after the date of the official finding entered under Section 11-14-207.

(b) The complaint shall include:

(i) the name of the party contesting the election;

(ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;

(iii) the bond proposition that is the subject of the contest;

(iv) one or more of the grounds for an election contest specified in Section 20A-4-402;

and

(v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were counted in one or more specified voting precincts which, if taken out of the count, would change the declared result of the vote on the proposition; or

(ii) legal votes were rejected in one or more specified voting precincts, which, if counted, would change the declared result of the vote on the proposition.

(d) (i) The court may not take or receive evidence of any of the votes described in Subsection (3)(c) unless the party contesting the election delivers to the opposite party, at least



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three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(4) The court may not reject any statement of the grounds of contest or dismiss the proceedings because of lack of form, if the grounds of the contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the election is contested.

(5) (a) The petitioner shall serve a copy of the petition on the respondent.

(b) (i) If the petitioner cannot obtain personal service of the petition on the respondent, the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the court with which the petition was filed.

(ii) The clerk shall make diligent inquiry and attempt to inform the respondent that he has five days to answer the complaint.

(c) The respondent shall answer the petition within five days after the service.

(d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the defendant shall set forth in the answer the name and address of all persons whom the defendant believes were properly or improperly admitted or denied the vote.

(e) If the answer contains a counterclaim, the petitioner shall file a reply within 10 days after service of the counterclaim.

(6) (a) The provisions of this Subsection (6) provide additional requirements that apply to municipal election contests that are in addition to the other requirements of this section governing election contest.

(b) Municipal election contests shall be filed, tried, and determined in the district court of the county in which the municipality is located.

(c) (i) As a condition precedent to filing a municipal election contest, the petitioner shall file a written affidavit of intention to contest the election with the clerk of the court within seven days after the votes are canvassed.

(ii) The affidavit shall include:

(A) the petitioner's name;

(B) the fact that the petitioner is a qualified voter of the municipality;

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- (C) the respondent's name;
- (D) the elective office contested;
- (E) the time of election; and
- (F) the grounds for the contest.

(d) (i) Before the district court takes jurisdiction of a municipal election contest, the petitioner shall file a bond with the clerk of the court with the sureties required by the court.

(ii) The bond shall name the respondent as obligee and be conditioned for the payment of all costs incurred by the respondent if the respondent prevails.

Section ~~{6}~~7. Section ~~{20A-9-101}~~20A-4-701 is ~~{amended}~~enacted to read:

**20A-4-701. Determining nominee in multi-candidate primary race -- Runoff election.**

(1) Except as provided in Subsection (2), in a multi-candidate primary race, the candidate who receives the highest number of votes is nominated.

(2) If the candidate who receives the highest number of votes in a multi-candidate primary race does not receive more than 40% of the total votes cast in that race, the nominee will be selected in a runoff primary election between the two candidates who received the highest number of votes.

(3) A runoff primary election described in Subsection (2) will be held on the third Tuesday in August.

Section 8. Section 20A-9-101 is amended to read:

**20A-9-101. Definitions.**

As used in this chapter:

(1) (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

(b) "Candidates for elective office" does not mean candidates for:

- (i) justice or judge of court of record or not of record;
- (ii) presidential elector;
- (iii) any political party offices; and
- (iv) municipal or local district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor,

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attorney general, state auditor, and state treasurer.

(3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

(4) (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.

(b) "County office" does not mean:

(i) the office of justice or judge of any court of record or not of record;

(ii) the office of presidential elector;

(iii) any political party offices;

(iv) any municipal or local district offices; and

(v) the office of United States Senator and United States Representative.

(5) "Federal office" means an elective office for United States Senator and United States Representative.

(6) "Filing officer" means:

(a) the lieutenant governor, for:

(i) the office of United States Senator and United States Representative; and

(ii) all constitutional offices;

(b) for the office of a state senator or state representative, the lieutenant governor or the applicable clerk described in Subsection (6)(c) or (d);

(c) the county clerk, for county offices and local school district offices;

(d) the county clerk in the filer's county of residence, for multicounty offices;

(e) the city or town clerk, for municipal offices; or

(f) the local district clerk, for local district offices.

(7) "Local district office" means an elected office in a local district.

(8) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.

(9) (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.

(b) "Multicounty office" does not mean:

(i) a county office;

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- (ii) a federal office;
- (iii) the office of justice or judge of any court of record or not of record;
- (iv) the office of presidential elector;
- (v) any political party offices; or
- (vi) any municipal or local district offices.

(10) "Municipal office" means an elective office in a municipality.

(11) (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.

(b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.

(12) "Qualified political party" means a registered political party that:

(a) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or

(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;

~~(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;~~

(b) holds the registered political party's convention after the general session of the Legislature and no later than the last Saturday in March;

(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407 ~~{, including, as applicable, Section 20A-4-303.5}~~; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d) (i) if the registered political party is a continuing political party, no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

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(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

Section ~~{7}9~~. Section ~~{20A-9-403}~~20A-9-408 is amended to read:

~~{20A-9-403. Regular primary elections.~~

~~———— (1) (a) [Candidates] Except as provided in Section 20A-4-303.5, 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 in this section. 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~~

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~~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)(c), 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 set of nomination petitions 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 nomination petitions 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) verify signatures on nomination petitions in a transparent and orderly manner, no~~

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~~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) utilize procedures described in Section 20A-7-206.3 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); and~~

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

~~—— (ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures:~~

~~—— (g) The county clerk shall:~~

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

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

~~—— (iii) determine the order of the local board of education candidates' names on the ballot~~

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~~in accordance with Section 20A-6-305.~~

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

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

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

~~—— (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.~~

~~—— (c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:~~

~~—— "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_, \_\_\_\_\_ (year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct \_\_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.  
Attest: county clerk."~~

~~—— (5) (a) [A] Except as provided in Section 20A-4-303.5, a candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:~~

~~—— (i) nominated for that office by the candidate's registered political party; or~~

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

~~—— (b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.~~

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

~~—— (A) no individual other than the candidate receives a certification under Subsection (3)~~



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~~for the regular primary election ballot of the candidate's registered political party for a particular elective office; or~~

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

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

~~—— (6) Except as provided in Section 20A-4-303.5:~~

~~—— [(6)] (a) [When] when a tie vote occurs in any primary election for any national, state, 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 and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines[.]; and~~

~~—— (b) [When] when a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.~~

~~—— (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.~~

~~—— (8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.~~

~~—— Section 8. Section **20A-9-406** is amended to read:~~

~~—— **20A-9-406. Qualified political party -- Requirements and exemptions.**~~

~~—— The following provisions apply to a qualified political party:~~

~~—— (1) the qualified political party shall, no later than 5 p.m. on November 30 of each odd-numbered year, certify to the lieutenant governor the identity of one or more registered~~

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~~political parties whose members may vote for the qualified political party's candidates and whether unaffiliated voters may vote for the qualified political party's candidates;~~

~~—— (2) the following provisions do not apply to a nomination for the qualified political party:~~

~~—— (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);~~

~~—— (b) Subsection 20A-9-403(5)(c); and~~

~~—— (c) Section 20A-9-405;~~

~~—— (3) except as provided in Section 20A-4-303.5, an individual may only seek the nomination of the qualified political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both;~~

~~—— (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;~~

~~—— (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(c), or (2)(a), each election officer shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated by a qualified political party:~~

~~—— (a) under the qualified political party's name, if any; or~~

~~—— (b) under the title of the qualified registered political party as designated by the qualified political party in the certification described in Subsection (1), or, if none is designated, then under some suitable title;~~

~~—— (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for ballots in regular general elections, that each candidate who is nominated by the qualified political party is listed by party;~~

~~—— (7) notwithstanding Subsection 20A-6-304(1)(c), each election officer shall ensure that the party designation of each candidate who is nominated by the qualified political party is displayed adjacent to the candidate's name on a mechanical ballot;~~

~~—— (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an individual who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office;~~

~~—— (9) an individual who is nominated by, or seeking the nomination of, the qualified political party is not required to comply with Subsection 20A-9-201(1)(c);~~

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~~———— (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled to have each of the qualified political party's candidates for elective office appear on the primary ballot of the qualified political party with an indication that each candidate is a candidate for the qualified political party;~~

~~———— (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include on the list provided by the lieutenant governor to the county clerks:~~

~~———— (a) the names of all candidates of the qualified political party for federal, constitutional, multicounty, and county offices; and~~

~~———— (b) the names of unopposed candidates for elective office who have been nominated by the qualified political party and instruct the county clerks to exclude such candidates from the primary election ballot;~~

~~———— (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot; and~~

~~———— (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political party is entitled to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election.~~

~~———— Section 9. Section 20A-9-407 is amended to read:~~

~~———— 20A-9-407. Convention; **20A-9-408. Signature-gathering process to seek the nomination of a qualified political party.**~~

(1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of ~~{a}~~ the qualified political party for an elective office through the ~~{qualified political party's convention}~~ signature-gathering process described in this section.

(2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.

(3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election ~~{, shall:}~~

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~~(a)~~ shall:

(a) within the period beginning on January 1 before the next regular general election and ending at 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in person with the filing officer:

(i) on or after 48 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and

(ii) before 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and

~~(b)~~(c) pay the filing fee.

(4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:

(a) on or after January 1 before the next regular general election, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

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(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy with the county clerk designated in the interlocal agreement creating the prosecution district, in person, with the filing officer:

(i) on or after 48 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and

(ii) before 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and

~~(b)~~(c) pay the filing fee.

(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, before the deadline described in Subsection 20A-9-202(1)(b), file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

~~(6) (a) A qualified political party that nominates a candidate under this section shall certify the name of the candidate to the~~ The lieutenant governor ~~{before }~~ shall ensure that the ~~{deadline}~~ certification described in Subsection ~~{20A-9-202(1)(b)}~~.

~~———— (b) The lieutenant governor shall include, in the primary ballot certification or, for a race where a primary is not held because the candidate is unopposed, in the general election ballot certification,~~ 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section ~~{or Section 20A-4-303.5}~~.

(7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

~~{ ——— Section 10. Section 20A-9-408 is amended to read:~~

~~———— 20A-9-408. Signature-gathering process to seek the nomination of a qualified political party.~~

~~———— (1) This section describes the requirements for a member of a qualified political party~~

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~~who is seeking the nomination of the qualified political party for an elective office through the signature-gathering process described in this section:~~

~~—— (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.~~

~~—— (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:~~

~~—— (a) within the period beginning on January 1 before the next regular general election and ending at 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:~~

~~—— (i) the name of the member who will attempt to become a candidate for a registered political party under this section;~~

~~—— (ii) the name of the registered political party for which the member is seeking nomination;~~

~~—— (iii) the office for which the member is seeking to become a candidate;~~

~~—— (iv) the address and telephone number of the member; and~~

~~—— (v) other information required by the lieutenant governor;~~

~~—— (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer:~~

~~—— (i) on or after 48 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and~~

~~—— (ii) before 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and~~

~~—— (c) pay the filing fee.~~

~~—— (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the~~

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~~office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:~~

~~—— (a) on or after January 1 before the next regular general election, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:~~

~~—— (i) the name of the member who will attempt to become a candidate for a registered political party under this section;~~

~~—— (ii) the name of the registered political party for which the member is seeking nomination;~~

~~—— (iii) the office for which the member is seeking to become a candidate;~~

~~—— (iv) the address and telephone number of the member; and~~

~~—— (v) other information required by the lieutenant governor;~~

~~—— (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer:~~

~~—— (i) on or after 48 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and~~

~~—— (ii) before 5 p.m. 52 days after the day on which the Legislature's general session begins, as provided in Section 36-3-201; and~~

~~—— (c) pay the filing fee.~~

~~—— (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, before the deadline described in Subsection 20A-9-202(1)(b), file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.~~

~~—— (6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section or Section 20A-4-303.5.~~

~~—— (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section or Section 20A-4-303.5, designate the qualified political party that nominated the candidate.~~

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† (8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:

(a) complying with the requirements described in this section; and

(b) collecting signatures, on a form approved by the lieutenant governor, during the period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

(i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(v) for a State Board of Education race, the lesser of:

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

(B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and

(vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.

(9) (a) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall:



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(i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

(ii) submit the signatures to the election officer before 5 p.m. ~~[no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination]~~ on the third Wednesday in March.

(b) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.

(c) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:

(i) required to comply with the reporting requirements that a candidate for office is required to comply with; and

(ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (9)(c)(i).

(d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the election officer shall, no later than ~~[the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate]~~ 14 days after the third Wednesday in March:

(i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;

(ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

(iii) determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-7-206.3, used to verify a signature on a petition; and

(iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

(e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the

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election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

(f) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that the lieutenant governor posts a declaration of candidacy.

Section 10. Section 20A-9-409 is amended to read:

20A-9-409. Primary election provisions relating to qualified political party.

(1) The regular primary election is held on the date specified in Section 20A-1-201.5.

(2) (a) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the primary election for that office.

(b) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.

(c) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.

(d) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.

(3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election for a county commission office if:

(a) there is more than one:

(i) open position as defined in Section 17-52a-201; or

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(ii) midterm vacancy as defined in Section 17-52a-201; and

(b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.

(4) (a) As used in this Subsection (4), a candidate is "unopposed" if:

(i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

(ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

(b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:

(i) provide to the county clerks:

(A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and

(B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and

(ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.

(c) The deadline described in Subsection (4)(b) is 5 p.m. [on the first Wednesday after the fourth Saturday in April], 65 days before the day of the regular primary election.

Section 11. **Effective date.**

This bill takes effect on January 1, 2023.