

Representative Karen M. Peterson proposes the following substitute bill:

ELECTION ADMINISTRATION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen M. Peterson

Senate Sponsor: David G. Buxton

LONG TITLE

General Description:

This bill modifies provisions related to recounts and tie votes in elections.

Highlighted Provisions:

This bill:

- ▶ requires an election officer to automatically conduct a recount if the board of canvassers certifies a tie vote;
- ▶ consolidates provisions related to tie votes in an election;
- ▶ provides that the selection of a winning candidate by lot occurs when, following the automatic recount described above, the board of canvassers certifies a tie vote;
- ▶ provides that the public meeting at which certain elected officials select the winning candidate among the candidates subject to a tie vote must occur no later than three days after the recount canvass;
- ▶ allows, but does not require, certain candidates subject to a tie vote to attend the public meeting described above;
- ▶ clarifies that the political subdivision administering an election shall pay for the cost of a recount; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill provides a coordination clause.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187

32 **20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435

33 **20A-4-306**, as last amended by Laws of Utah 2022, Chapter 18

34 **20A-4-401**, as last amended by Laws of Utah 2023, Chapter 15

35 **20A-9-403**, as last amended by Laws of Utah 2023, Chapter 116

36 **Utah Code Sections Affected By Coordination Clause:**

37 **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187

38 **20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435

39 **20A-4-401**, as last amended by Laws of Utah 2023, Chapter 15



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

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

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

44 **20A-1-304. Tie votes.**

45 [~~Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part~~
46 ~~6, Municipal Alternate Voting Methods Pilot Project, if two or more candidates for a position~~
47 ~~have an equal and the highest number of votes for any office, the election officer shall, in a~~
48 ~~public meeting held within 30 days after the day on which the canvass is completed, determine~~
49 ~~the candidate selected, by lot, in the presence of each candidate subject to the tie.]~~

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

52 (2) Except as provided in Subsection (3), if, after conducting a recount under
53 Subsection **20A-4-405**(5), a tie vote occurs, the election officer shall, in a public meeting held
54 no later than three days after the day on which the recount canvass is completed:

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

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

60 (3) (a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs
 61 in a primary election race for a national, statewide, or other office that represents more than one
 62 county, the governor, lieutenant governor, and attorney general shall, at a public meeting called
 63 by the governor no later than three days after the day on which the recount canvass is
 64 completed:

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

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

70 (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a
 71 primary election race for a county office, the district court judges of the district in which the
 72 county is located shall, at a public meeting called by the judges no later than three days after
 73 the day on which the recount canvass is completed:

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

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

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

80 Section 2. Section **20A-4-304** is amended to read:

81 **20A-4-304. Declaration of results -- Canvassers' report.**

82 [~~(1) Each board of canvassers shall:~~]

83 (1) (a) [~~except~~ Except as provided in Part 6, Municipal Alternate Voting Methods
 84 Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:

85 (i) had the highest number of votes; and

86 (ii) sought election or nomination to an office completely within the board's
 87 jurisdiction[;].

88 **(b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a**
89 **board of canvassers shall declare a "tie vote" if:**

90 **(i) two or more candidates for an office receive an equal and the highest number of**
91 **votes for that office; or**

92 **(ii) in a race for an at-large office:**

93 **(A) two or more candidates receive an equal number of votes; and**

94 **(B) a recount is necessary to determine which candidates are elected to the at-large**
95 **office.**

96 ~~[(b)]~~ **(c) A board of canvassers shall declare:**

97 **(i) "approved" those ballot propositions that:**

98 **(A) had more "yes" votes than "no" votes; and**

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

100 **(ii) "rejected" those ballot propositions that:**

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

103 **(B) were submitted only to the voters within the board's jurisdiction[;].**

104 ~~[(c)]~~ **(d) A board of canvassers shall:**

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

108 ~~[(d)]~~ **(ii) if applicable, certify the results of each special district election to the special**
109 **district clerk.**

110 **(2) The election officer shall submit a report to the board of canvassers that includes**
111 **the following information:**

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

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

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

115 **(d) each office that appeared on the ballot;**

116 **(e) from each voting precinct:**

117 **(i) the number of votes for each candidate;**

118 **(ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate**

119 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
120 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
121 phase; and

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

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

125 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:

126 (i) the number of ballots counted;

127 (ii) provisional ballots; and

128 (iii) the number of ballots rejected;

129 (h) a final ballot reconciliation report;

130 (i) other information required by law to be provided to the board of canvassers; and

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

132 (3) The election officer and the board of canvassers shall:

133 (a) review the report to ensure that the report is correct; and

134 (b) sign the report.

135 (4) The election officer shall:

136 (a) record or file the certified report in a book kept for that purpose;

137 (b) prepare and transmit a certificate of nomination or election under the officer's seal
138 to each nominated or elected candidate;

139 (c) publish a copy of the certified report in accordance with Subsection (5); and

140 (d) file a copy of the certified report with the lieutenant governor.

141 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
142 days after the day on which the board of canvassers declares the election results, publicize the
143 certified report described in Subsection (2) for the jurisdiction, as a class A notice under
144 Section [63G-30-102](#), for at least seven days.

145 (6) Instead of including a copy of the entire certified report, a notice required under
146 Subsection (5) may contain a statement that:

147 (a) includes the following: "The Board of Canvassers for [indicate name of
148 jurisdiction] has prepared a report of the election results for the [indicate type and date of
149 election]."; and

150 (b) specifies the following sources where an individual may view or obtain a copy of
151 the entire certified report:

152 (i) if the jurisdiction has a website, the jurisdiction's website;

153 (ii) the physical address for the jurisdiction; and

154 (iii) a mailing address and telephone number.

155 (7) When there has been a regular general or a statewide special election for statewide
156 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
157 or more county ballot proposition, each board of canvassers shall:

158 (a) prepare a separate report detailing the number of votes for each candidate and the
159 number of votes for and against each ballot proposition; and

160 (b) transmit the separate report by registered mail to the lieutenant governor.

161 (8) In each county election, municipal election, school election, special district
162 election, and local special election, the election officer shall transmit the reports to the
163 lieutenant governor within 14 days after the date of the election.

164 (9) In a regular primary election and in a presidential primary election, the board shall
165 transmit to the lieutenant governor:

166 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
167 governor not later than the second Tuesday after the election; and

168 (b) a complete tabulation showing voting totals for all primary races, precinct by
169 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
170 primary election.

171 Section 3. Section **20A-4-306** is amended to read:

172 **20A-4-306. Statewide canvass.**

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

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

175 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
176 returns of a statewide special election.

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

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

- 181 (2) (a) The state board of canvassers shall:
- 182 (i) meet in the lieutenant governor's office; and
- 183 (ii) compute and determine the vote for officers and for and against any ballot
- 184 propositions voted upon by the voters of the entire state or of two or more counties.
- 185 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant
- 186 governor's office that details:
- 187 (i) for each statewide officer and ballot proposition:
- 188 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
- 189 (B) the candidates for each statewide office whose names appeared on the ballot, plus
- 190 any recorded write-in candidates;
- 191 (C) the number of votes from each county cast for each candidate and for and against
- 192 each ballot proposition;
- 193 (D) the total number of votes cast statewide for each candidate and for and against each
- 194 ballot proposition; and
- 195 (E) the total number of votes cast statewide; and
- 196 (ii) for each officer or ballot proposition voted on in two or more counties:
- 197 (A) the name of each of those offices and ballot propositions that appeared on the
- 198 ballot;
- 199 (B) the candidates for those offices, plus any recorded write-in candidates;
- 200 (C) the number of votes from each county cast for each candidate and for and against
- 201 each ballot proposition; and
- 202 (D) the total number of votes cast for each candidate and for and against each ballot
- 203 proposition.
- 204 (c) ~~[The]~~ Except as provided in Subsection (2)(d), the lieutenant governor shall:
- 205 (i) prepare certificates of election for:
- 206 (A) each successful candidate; and
- 207 (B) each of the presidential electors of the candidate for president who received a
- 208 majority of the votes;
- 209 (ii) authenticate each certificate with the lieutenant governor's seal; and
- 210 (iii) deliver a certificate of election to:
- 211 (A) each candidate who had the highest number of votes for each office; and

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

214 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
215 tie vote if:

216 (i) two or more officers receive an equal and the highest number of votes for an office;
217 or

218 (ii) in a race for an at-large office:

219 (A) two or more candidates receive an equal number of votes; and

220 (B) a recount is necessary to determine which candidates are elected to the at-large
221 office.

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

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

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

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

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

234 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
235 governor shall:

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

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

239 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
240 certify the results of the primary canvass to the county clerks.

241 (6) (a) At noon on the fourth Tuesday in March of a year in which a presidential
242 election will be held, the lieutenant governor shall:

- 243 (i) canvass the returns of the presidential primary election; and
- 244 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 245 (b) The lieutenant governor shall certify the results of the presidential primary election
- 246 canvass to each registered political party that participated in the primary not later than the April
- 247 15 after the primary election.

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

249 Section 4. Section **20A-4-401** is amended to read:

250 **20A-4-401. Recounts -- Procedure.**

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

253 ~~[(b) Except as provided in Subsection (1)(c), for a race between candidates, if the~~
254 ~~difference between the number of votes cast for a winning candidate in the race and a losing~~
255 ~~candidate in the race is equal to or less than .25% of the total number of votes cast for all~~
256 ~~candidates in the race, that losing candidate may file a request for a recount in accordance with~~
257 ~~Subsection (1)(d).]~~

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

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

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

266 ~~[(ii) for all other elections, before 5 p.m. within seven days after the canvass with:]~~

267 ~~[(A) the municipal clerk, if the election is a municipal general election;]~~

268 ~~[(B) the special district clerk, if the election is a special district election;]~~

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

270 ~~[(D) the lieutenant governor, for statewide races and multicounty races.]~~

271 ~~[(e) The election officer shall:]~~

272 ~~[(i) supervise the recount;]~~

273 ~~[(ii) recount all ballots cast for that race;]~~

274 ~~[(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,~~
275 ~~Disposition of Ballots;]~~

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

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

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

282 (2) The election officer shall conduct a recount of votes cast in a race if:

283 (a) two or more candidates for an office receive an equal and the highest number of
284 votes for that office; or

285 (b) in a race for an at-large office, two or more candidates receive an equal number of
286 votes and at least one of the candidates must be eliminated to determine which candidates are
287 elected.

288 (3) (a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if
289 the difference between the number of votes cast for a winning candidate in the race and a
290 losing candidate in the race is equal to or less than .25% of the total number of votes cast for all
291 candidates in the race, the losing candidate may file a request for a recount in accordance with
292 Subsection (4).

293 (b) Except as provided in Subsection (2), for a race between candidates where the total
294 of all votes cast in the race is 400 or less, if the difference between the number of votes cast for
295 a winning candidate in the race and a losing candidate in the race is one vote, the losing
296 candidate may file a request for a recount in accordance with Subsection (4).

297 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b)
298 shall file the request:

299 (a) for a municipal primary election, with the municipal clerk, before 5 p.m., no later
300 than three days after the day on which the canvass is completed; or

301 (b) for all other elections, before 5 p.m., no later than seven days after the day on which
302 the canvass is completed, with:

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

304 (ii) the special district clerk, if the election is a special district election;

305 (iii) the county clerk, for a race voted on entirely within a single county; or
306 (iv) the lieutenant governor, for a statewide race or multi-county race.
307 (5) (a) The election officer shall conduct the recount:
308 (i) for a race described in Subsection (2), no later than 10 days after the day on which
309 the board of canvassers certifies the vote totals; or
310 (ii) for a race described in Subsection (3), no later than seven days after the day on
311 which the losing candidate requests the recount.
312 (b) In conducting the recount, the election officer shall:
313 (i) supervise the recount;
314 (ii) recount all ballots cast in the race;
315 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
316 Disposition of Ballots; and
317 (iv) (A) for a race between candidates for a single office, declare elected the candidate
318 who receives the highest number of votes on the recount;
319 (B) for a race for an at-large office, declare elected the candidate who receives the
320 highest number of votes on the recount, until all offices are filled by the candidates who
321 received the highest number of votes;
322 (C) for a race described in Subsection (5)(b)(i) in which two or more candidates
323 receive an equal and the highest number of votes, declare a tie vote; or
324 (D) for a race described in Subsection (5)(b)(ii) in which two or more candidates
325 receive an equal number of votes, declare a tie vote if the selection of the winning candidate by
326 lot under Section [20A-1-304](#) is necessary to determine which candidate is elected to the
327 at-large office.
328 (6) The cost of a recount under Subsection (5) shall be paid by:
329 (a) for a statewide race or multi-county race, the state; or
330 (b) for all other races:
331 (i) the political subdivision that conducts the election; or
332 (ii) the political subdivision that enters into a contract or interlocal agreement under
333 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct the
334 election.
335 ~~[(2)]~~ (7) (a) Except as provided in Subsection ~~[(2)(b)]~~ (7)(b), for a ballot proposition or

336 a bond proposition, if the proposition passes or fails by a margin that is equal to or less than
337 .25% of the total votes cast for or against the proposition, any 10 voters who voted in the
338 election where the proposition was on the ballot may file a request for a recount before 5 p.m.
339 within seven days after the day of the canvass with the person described in Subsection ~~[(2)(c)]~~
340 (8).

341 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
342 against the proposition is 400 or less, if the difference between the number of votes cast for the
343 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
344 voted in the election where the proposition was on the ballot may file a request for a recount
345 before 5 p.m. within seven days after the day of the canvass with the person described in
346 Subsection ~~[(2)(c)]~~ (8).

347 ~~[(c)]~~ (8) The 10 voters who file a request for a recount under Subsection ~~[(2)(a)]~~ (7)(a)
348 or (b) shall file the request with:

349 ~~[(i)]~~ (a) the municipal clerk, if the election is a municipal election;

350 ~~[(ii)]~~ (b) the special district clerk, if the election is a special district election;

351 ~~[(iii)]~~ (c) the county clerk, for ~~[propositions]~~ a proposition voted on entirely within a
352 single county; or

353 ~~[(iv)]~~ (d) the lieutenant governor, for ~~[statewide propositions and multicounty~~
354 ~~propositions]~~ a statewide proposition or multi-county proposition.

355 ~~[(d) The election officer shall]~~

356 (9) (a) In conducting the recount, the election officer shall:

357 (i) supervise the recount;

358 (ii) recount all ballots cast for ~~[that]~~ the ballot proposition or bond proposition;

359 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
360 Disposition of Ballots; and

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

363 ~~[(e)]~~ (b) Proponents and opponents of the ballot proposition or bond proposition may
364 designate representatives to witness the recount.

365 ~~[(f)]~~ (10) The voters requesting ~~[the recount]~~ a recount under Subsection (7)(a) or (b)
366 shall pay the costs of the recount.

367 ~~[(3) Costs incurred by recount under Subsection (1) may not be assessed against the~~
368 ~~person requesting the recount.]~~

369 ~~[(4)]~~ (11) (a) Upon ~~[completion of the recount]~~ completing a recount described in
370 Subsection (5) or (9), the election officer shall immediately convene the board of canvassers.

371 (b) The board of canvassers shall:

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

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

376 (c) If the recount is for a statewide ~~[or multicounty race or for a]~~ race, multi-county
377 race, or a statewide proposition, the board of county canvassers shall prepare and transmit a
378 separate report to the lieutenant governor as required by Subsection [20A-4-304\(7\)](#).

379 (d) The canvassers' report prepared as provided in this Subsection ~~[(4)]~~ (11) is the
380 official result of the race or proposition that is the subject of the recount.

381 Section 5. Section **20A-9-403** is amended to read:

382 **20A-9-403. Regular primary elections.**

383 (1) (a) Candidates for elective office that are to be filled at the next regular general
384 election shall be nominated in a regular primary election by direct vote of the people in the
385 manner prescribed in this section. The regular primary election is held on the date specified in
386 Section [20A-1-201.5](#). Nothing in this section shall affect a candidate's ability to qualify for a
387 regular general election's ballot as an unaffiliated candidate under Section [20A-9-501](#) or to
388 participate in a regular general election as a write-in candidate under Section [20A-9-601](#).

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

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

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

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

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

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

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

413 (ii) An organization that is seeking to become a registered political party under Section
414 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
415 political party files the petition described in Section 20A-8-103.

416 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
417 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
418 office on the regular primary ballot of the registered political party listed on the declaration of
419 candidacy only if the individual is certified by the appropriate filing officer as having submitted
420 a nomination petition that was:

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

422 (ii) signed by at least 2% of the registered political party's members who reside in the
423 political division of the office that the individual seeks.

424 (b) (i) A candidate for elective office shall submit signatures for a nomination petition
425 to the appropriate filing officer for verification and certification no later than 5 p.m. on the final
426 day in March.

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

429 (c) (i) The lieutenant governor shall determine for each elective office the total number
430 of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting
431 the aggregate number of individuals residing in each elective office's political division who
432 have designated a particular registered political party on the individuals' voter registration
433 forms on or before November 15 of each odd-numbered year.

434 (ii) The lieutenant governor shall publish the determination for each elective office no
435 later than November 30 of each odd-numbered year.

436 (d) The filing officer shall:

437 (i) except as otherwise provided in Section 20A-21-201, verify signatures on
438 nomination petitions in a transparent and orderly manner, no later than 14 days after the day on
439 which a candidate submits the signatures to the filing officer;

440 (ii) for all qualifying candidates for elective office who submit nomination petitions to
441 the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline
442 described in Subsection 20A-9-202(1)(b);

443 (iii) consider active and inactive voters eligible to sign nomination petitions;

444 (iv) consider an individual who signs a nomination petition a member of a registered
445 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
446 registered political party as the individual's party membership on the individual's voter
447 registration form; and

448 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the
449 county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify
450 submitted nomination petition signatures, or use statistical sampling procedures to verify
451 submitted nomination petition signatures in accordance with rules made under Subsection
452 (3)(f).

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

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

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

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

461 (B) reflect a bona fide effort to determine the validity of a candidate's entire

462 submission, using widely recognized statistical sampling techniques; and

463 (ii) provide for the transparent, orderly, and timely submission, verification, and

464 certification of nomination petition signatures.

465 (g) The county clerk shall:

466 (i) review the declarations of candidacy filed by candidates for local boards of

467 education to determine if more than two candidates have filed for the same seat;

468 (ii) place the names of all candidates who have filed a declaration of candidacy for a

469 local board of education seat on the nonpartisan section of the ballot if more than two

470 candidates have filed for the same seat; and

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

472 in accordance with Section [20A-6-305](#).

473 (4) (a) Before the deadline described in Subsection [20A-9-409\(4\)\(c\)](#), the lieutenant

474 governor shall provide to the county clerks:

475 (i) a list of the names of all candidates for federal, constitutional, multi-county, single

476 county, and county offices who have received certifications under Subsection (3), along with

477 instructions on how those names shall appear on the primary election ballot in accordance with

478 Section [20A-6-305](#); and

479 (ii) a list of unopposed candidates for elective office who have been nominated by a

480 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the

481 unopposed candidates from the primary election ballot.

482 (b) A candidate for lieutenant governor and a candidate for governor campaigning as

483 joint-ticket running mates shall appear jointly on the primary election ballot.

484 (c) After the county clerk receives the certified list from the lieutenant governor under

485 Subsection (4)(a), the county clerk shall post or publish a primary election notice in

486 substantially the following form:

487 "Notice is given that a primary election will be held Tuesday, June ____,

488 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan

489 local school board positions listed on the primary ballot. The polling place for voting precinct

490 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

491 Attest: county clerk."

492 (5) (a) A candidate who, at the regular primary election, receives the highest number of
493 votes cast for the office sought by the candidate is:

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

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

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

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

501 (A) no individual other than the candidate receives a certification under Subsection (3)
502 for the regular primary election ballot of the candidate's registered political party for a
503 particular elective office; or

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

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

511 [~~(6) (a) When a tie vote occurs in any primary election for any national, state, or other
512 office that represents more than one county, the governor, lieutenant governor, and attorney
513 general shall, at a public meeting called by the governor and in the presence of the candidates
514 involved, select the nominee by lot cast in whatever manner the governor determines.]~~

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

519 [(7)] (6) The expense of providing all ballots, blanks, or other supplies to be used at
520 any primary election provided for by this section, and all expenses necessarily incurred in the
521 preparation for or the conduct of that primary election shall be paid out of the treasury of the

522 county or state, in the same manner as for the regular general elections.

523 ~~[(8)]~~ (7) An individual may not file a declaration of candidacy for a registered political
524 party of which the individual is not a member, except to the extent that the registered political
525 party permits otherwise under the registered political party's bylaws.

526 Section 6. **Effective date.**

527 This bill takes effect on May 1, 2024.

528 Section 7. **Coordinating H.B. 515 with H.B. 290.**

529 If H.B. 515, Election Administration Modifications, and H.B. 290, Ranked Choice
530 Voting Amendments, both pass and become law, the Legislature intends that, on May 1, 2024:

531 (1) Subsection 20A-4-304(1)(b) enacted in H.B. 515 be amended to read:

532 "(b) A board of canvassers shall declare a "tie vote" if:

533 (i) two or more candidates for an office receive an equal and the highest number of
534 votes for that office; or

535 (ii) in a race for an at-large office:

536 (A) two or more candidates receive an equal number of votes; and

537 (B) a recount is necessary to determine which candidates are elected to the at-large
538 office."; and

539 (2) Subsections 20A-1-304(1) and 20A-4-401(1) enacted by H.B. 515 be deleted and
540 the remaining subsections renumbered accordingly.