{deleted text} shows text that was in HB0515 but was deleted in HB0515S01.

inserted text shows text that was not in HB0515 but was inserted into HB0515S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Karen M. Peterson proposes the following substitute bill:

ELECTION ADMINISTRATION MODIFICATIONS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: \{ \text{Karen M. Peterson} \}

Senate Sponsor: {-}_____

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:

None

Other Special Clauses:

None This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

20A-1-304, as repealed and reenacted by Laws of Utah 2018, Chapter 187

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

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

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

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

Utah Code Sections Affected By Coordination Clause:

20A-1-304, as repealed and reenacted by Laws of Utah 2018, Chapter 187

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

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

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

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

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

20A-1-304. Tie votes.

[Except 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.]

(1) This section does not apply to a race conducted by instant runoff voting under

- Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection 20A-4-405(5), a tie vote occurs, the election officer shall, in a public meeting held no later than three days after the day on which the recount canvass is completed:
- (a) determine the winning candidate, by lot, in whatever manner the election officer determines; and
- (b) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.
- (3) (a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a national, statewide, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor no later than three days after the day on which the recount canvass is completed:
- (i) determine the winning nominee, by lot, in whatever manner the governor determines; and
- (ii) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.
- (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election race for a county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges no later than three days after the day on which the recount canvass is completed:
- (i) determine the winning nominee, by lot, in whatever manner the judges determine; and
- (ii) provide notice and an opportunity for each candidate involved in the tie to observe the casting or drawing of the lot or to send a representative to observe the casting or drawing of the lot.

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

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

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

- [(1) Each board of canvassers shall:]
- (1) (a) [except] Except as provided in Part 6, Municipal Alternate Voting Methods
 Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:
 - (i) had the highest number of votes; and
- (ii) sought election or nomination to an office completely within the board's jurisdiction[†].
- (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare a "tie vote" if:
- (i) two or more candidates for an office receive an equal and the highest number of votes for that office; or
 - (ii) in a race for an at-large office:
 - (A) two or more candidates receive an equal number of votes; and
- (B) a recount is necessary to determine which candidates are elected to the at-large office.
 - [(b)] (c) A board of canvassers shall ← declare:
 - (i) "approved" those ballot propositions that:
 - (A) had more "yes" votes than "no" votes; and
 - (B) were submitted only to the voters within the board's jurisdiction; or
 - (ii) "rejected" those ballot propositions that:
- (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[5].
 - [(c)] (d) A board of canvassers shall:
- (i) 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)] ((e)ii) if applicable, certify the results of each special district election to the special district clerk.
- (2) The election officer shall submit a report to the board of canvassers that includes the following information:
 - (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 ballot-counting 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) standardized statistics, on a form provided by the lieutenant governor, disclosing:
 - (i) the number of ballots counted;
 - (ii) provisional ballots; and
 - (iii) the number of ballots rejected;
 - (h) a final ballot reconciliation report;
 - (i) other information required by law to be provided to the board of canvassers; and
 - (i) a statement certifying that the information contained in the report is accurate.
 - (3) The election officer and the board of canvassers shall:
 - (a) review the report to ensure that the report 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) for the jurisdiction, as a class A notice under

Section 63G-30-102, for at least seven days.

- (6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:
- (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and
- (b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:
 - (i) if the jurisdiction has a website, the jurisdiction's website;
 - (ii) the physical address for the jurisdiction; and
 - (iii) a mailing address and telephone number.
- (7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:
- (a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and
 - (b) transmit the separate report by registered mail to the lieutenant governor.
- (8) In each county election, municipal election, school election, special district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.
- (9) In a regular primary election and in a 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 3. Section **20A-4-306** is amended to read:

20A-4-306. Statewide canvass.

- (1) (a) The state board of canvassers shall convene:
- (i) on the fourth Monday of November, at noon; or

- (ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.
- (b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.
- (c) Attendance of all members of the state board of canvassers is required to constitute a quorum for conducting the canvass.
 - (2) (a) The state board of canvassers shall:
 - (i) meet in the lieutenant governor's office; and
- (ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.
- (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant governor's office that details:
 - (i) for each statewide officer and ballot proposition:
 - (A) the name of the statewide office or ballot proposition that appeared on the ballot;
- (B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;
- (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;
- (D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and
 - (E) the total number of votes cast statewide; and
 - (ii) for each officer or ballot proposition voted on in two or more counties:
- (A) the name of each of those offices and ballot propositions that appeared on the ballot;
 - (B) the candidates for those offices, plus any recorded write-in candidates;
- (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] Except as provided in Subsection (2)(d), 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 the lieutenant governor's 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.
- (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a tie vote if:
- (i) two or more officers receive an equal and the highest number of votes for an office; or
 - (ii) in a race for an at-large office:
 - (A) two or more candidates receive an equal number of votes; and
- (B) a recount is necessary to determine which candidates are elected to the at-large office.
- (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 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 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.

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

Section 4. 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 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 days after the canvass with:]
 - [(A) the municipal clerk, if the election is a municipal general election;]

- (B) the special district clerk, if the election is a special 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.]
- (1) This section does not apply to a race conducted by instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
 - (2) The election officer shall conduct a recount of votes cast in a race if:
- (a) two or more candidates for an office receive an equal and the highest number of votes for that office; or
- (b) in a race for an at-large office, two or more candidates receive an equal number of votes and at least one of the candidates must be eliminated to determine which candidates are elected.
- (3) (a) Except as provided in Subsection (2) or (3)(b), 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 candidates in the race, the losing candidate may file a request for a recount in accordance with Subsection (4).
- (b) Except as provided in Subsection (2), 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, the losing candidate may file a request for a recount in accordance with Subsection (4).
- (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall file the request:

- (a) for a municipal primary election, with the municipal clerk, before 5 p.m., no later than three days after the day on which the canvass is completed; or
- (b) for all other elections, before 5 p.m., no later than seven days after the day on which the canvass is completed, with:
 - (i) the municipal clerk, if the election is a municipal general election;
 - (ii) the special district clerk, if the election is a special district election;
 - (iii) the county clerk, for a race voted on entirely within a single county; or
 - (iv) the lieutenant governor, for a statewide race or multi-county race.
 - (5) (a) The election officer shall conduct the recount:
- (i) for a race described in Subsection (2), no later than 10 days after the day on which the board of canvassers certifies the vote totals; or
- (ii) for a race described in Subsection (3), no later than seven days after the day on which the losing candidate requests the recount.
 - (b) In conducting the recount, the election officer shall:
 - (i) supervise the recount;
 - (ii) recount all ballots cast in the race;
- (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

 <u>Disposition of Ballots; and</u>
- (iv) (A) for a race between candidates for a single office, declare elected the candidate who receives the highest number of votes on the recount;
- (B) for a race for an at-large office, declare elected the candidate who receives the highest number of votes on the recount, until all offices are filled by the candidates who received the highest number of votes;
- (C) for a race described in Subsection (5)(b)(i) in which two or more candidates receive an equal and the highest number of votes, declare a tie vote; or
- (D) for a race described in Subsection (5)(b)(ii) in which two or more candidates receive an equal number of votes, declare a tie vote if the selection of the winning candidate by lot under Section 20A-1-304 is necessary to determine which candidate is elected to the at-large office.
 - (6) The cost of a recount under Subsection (5) shall be paid by:
 - (a) for a statewide race or multi-county race, the state; or

- (b) for all other races \(\frac{\frac{1}{2}}{2}\):
- (i) the political subdivision {administering}that conducts the election; or
- (ii) the political subdivision that enters into a contract or interlocal agreement under

 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct the election.
- [(2)] (7) (a) Except as provided in Subsection [(2)(b)] (7)(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)] (8).
- (b) For a ballot proposition or a bond proposition where the total of all votes cast for or 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)(e)] (8).
- [(c)] (8) The 10 voters who file a request for a recount under Subsection [(2)(a)] (7)(a) or (b) shall file the request with:
 - [(i)] (a) the municipal clerk, if the election is a municipal election;
 - [(ii)] (b) the special district clerk, if the election is a special district election;
- [(iii)] (c) the county clerk, for [propositions] a proposition voted on entirely within a single county; or
- [(iv)] (d) the lieutenant governor, for [statewide propositions and multicounty propositions] a statewide proposition or multi-county proposition.
 - $[(d)\{] (9) (a)\} \{[\}$ The election officer shall $]\{\}$
 - (9) (a) In conducting the recount, the election officer shall:
 - (i) supervise the recount;
 - (ii) recount all ballots cast for [that] the 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)] (b) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.
- [(f)] (10) The voters requesting [the recount] a recount under Subsection (7)(a) or (b) 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)] (11) (a) Upon [completion of the recount] completing a recount described in Subsection (5) or (9), 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] race, multi-county race, or a statewide proposition, 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)] (11) is the official result of the race or proposition that is the subject of the recount.
 - Section 5. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

- (1) (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed 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 election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.
- (b) (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.
- (ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.
- (3) (a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a nomination petition that was:
 - (i) circulated and completed in accordance with Section 20A-9-405; and
 - (ii) signed by at least 2% of the registered political party's members who reside in the

political division of the office that the individual seeks.

- (b) (i) A candidate for elective office shall submit signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.
- (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.
- (c) (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.
- (ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.
 - (d) The filing officer shall:
- (i) except as otherwise provided in Section 20A-21-201, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;
- (ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);
 - (iii) consider active and inactive voters eligible to sign nomination petitions;
- (iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and
- (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).
 - (e) Notwithstanding any other provision in this Subsection (3), a candidate for

lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

- (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:
 - (i) provide for the use of statistical sampling procedures that:
 - (A) filing officers are required to use to verify signatures under Subsection (3)(d); 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 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:

- (5) (a) 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) 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) (a) 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.]
 - [(b) 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)] (6) 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)] (7) 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 6. Effective date.

This bill takes effect on May 1, 2024.

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

<u>If H.B. 515, Election Administration Modifications, and H.B. 290, Ranked Choice</u>

<u>Voting Amendments, both pass and become law, the Legislature intends that, on May 1, 2024:</u>

- (1) Subsection 20A-4-304(1)(b) enacted in H.B. 515 be amended to read:
- "(b) A board of canvassers shall declare a "tie vote" if:
- (i) two or more candidates for an office receive an equal and the highest number of votes for that office; or
 - (ii) in a race for an at-large office:
 - (A) two or more candidates receive an equal number of votes; and
- (B) a recount is necessary to determine which candidates are elected to the at-large office."; and
- (2) Subsections 20A-1-304(1) and 20A-4-401(1) enacted by H.B. 515 be deleted and the remaining subsections renumbered accordingly.