

Representative Karianne Lisonbee proposes the following substitute bill:

PRIMARY ELECTIONS MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions 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;
- 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



26 ▶ provides that, for certain primary races for offices where more than two candidates
27 are seeking the nomination of the same political party for the same office, if one
28 candidate does not receive more than a certain percentage of the votes cast in the
29 race, the nominee will be selected in a runoff primary election between the two
30 candidates who received the highest number of votes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **20A-1-102**, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354

38 **20A-1-201.5**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

39 **20A-4-304**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

40 **20A-4-306**, as last amended by Laws of Utah 2019, Chapter 433

41 **20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31

42 **20A-4-403**, as last amended by Laws of Utah 2007, Chapter 238

43 **20A-9-101**, as last amended by Laws of Utah 2020, Chapter 344

44 **20A-9-408**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

45 **20A-9-409**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

46 ENACTS:

47 **20A-4-701**, Utah Code Annotated 1953



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

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

51 **20A-1-102. Definitions.**

52 As used in this title:

53 (1) "Active voter" means a registered voter who has not been classified as an inactive
54 voter by the county clerk.

55 (2) "Automatic tabulating equipment" means apparatus that automatically examines
56 and counts votes recorded on ballots and tabulates the results.

57 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
58 storage medium, that records an individual voter's vote.

59 (b) "Ballot" does not include a record to tally multiple votes.

60 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
61 on the ballot for their approval or rejection including:

62 (a) an opinion question specifically authorized by the Legislature;

63 (b) a constitutional amendment;

64 (c) an initiative;

65 (d) a referendum;

66 (e) a bond proposition;

67 (f) a judicial retention question;

68 (g) an incorporation of a city or town; or

69 (h) any other ballot question specifically authorized by the Legislature.

70 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
71 together using staples or another means in at least three places across the top of the paper in the
72 blank space reserved for securing the paper.

73 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
74 [20A-4-306](#) to canvass election returns.

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

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

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

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

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

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

87 (13) "Counting center" means one or more locations selected by the election officer in

88 charge of the election for the automatic counting of ballots.

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

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

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

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

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

98 (b) does not include:

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

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

103 (18) "Elected official" means:

104 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
105 Municipal Alternate Voting Methods Pilot Project;

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

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

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

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

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

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

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

- 119 (b) act as the presiding election judge; or
- 120 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 121 (23) "Election officer" means:
- 122 (a) the lieutenant governor, for all statewide ballots and elections;
- 123 (b) the county clerk for:
- 124 (i) a county ballot and election; and
- 125 (ii) a ballot and election as a provider election officer as provided in Section
- 126 [20A-5-400.1](#) or [20A-5-400.5](#);
- 127 (c) the municipal clerk for:
- 128 (i) a municipal ballot and election; and
- 129 (ii) a ballot and election as a provider election officer as provided in Section
- 130 [20A-5-400.1](#) or [20A-5-400.5](#);
- 131 (d) the local district clerk or chief executive officer for:
- 132 (i) a local district ballot and election; and
- 133 (ii) a ballot and election as a provider election officer as provided in Section
- 134 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 135 (e) the business administrator or superintendent of a school district for:
- 136 (i) a school district ballot and election; and
- 137 (ii) a ballot and election as a provider election officer as provided in Section
- 138 [20A-5-400.1](#) or [20A-5-400.5](#).
- 139 (24) "Election official" means any election officer, election judge, or poll worker.
- 140 (25) "Election results" means:
- 141 (a) for an election other than a bond election, the count of votes cast in the election and
- 142 the election returns requested by the board of canvassers; or
- 143 (b) for bond elections, the count of those votes cast for and against the bond
- 144 proposition plus any or all of the election returns that the board of canvassers may request.
- 145 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
- 146 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
- 147 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 148 the total votes cast form.
- 149 (27) "Electronic signature" means an electronic sound, symbol, or process attached to

150 or logically associated with a record and executed or adopted by a person with the intent to sign
151 the record.

152 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
153 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

154 (29) "Judicial office" means the office filled by any judicial officer.

155 (30) "Judicial officer" means any justice or judge of a court of record or any county
156 court judge.

157 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
158 Local Government Entities - Local Districts, and includes a special service district under Title
159 17D, Chapter 1, Special Service District Act.

160 (32) "Local district officers" means those local district board members that are required
161 by law to be elected.

162 (33) "Local election" means a regular county election, a regular municipal election, a
163 municipal primary election, a local special election, a local district election, and a bond
164 election.

165 (34) "Local political subdivision" means a county, a municipality, a local district, or a
166 local school district.

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

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

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

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

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

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

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

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

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

184 (i) a United States congressional office;

185 (ii) a state legislative office;

186 (iii) governor;

187 (iv) attorney general;

188 (v) state treasurer;

189 (vi) state auditor; or

190 (vii) a partisan, elected county office.

191 [~~38~~] (39) "Municipal executive" means:

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

193 (b) the mayor in the council-manager form of government defined in Subsection
194 10-3b-103(7); or

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

196 [~~39~~] (40) "Municipal general election" means the election held in municipalities and,
197 as applicable, local districts on the first Tuesday after the first Monday in November of each
198 odd-numbered year for the purposes established in Section 20A-1-202.

199 [~~40~~] (41) "Municipal legislative body" means:

200 (a) the council of the city or town in any form of municipal government; or

201 (b) the council of a metro township.

202 [~~41~~] (42) "Municipal office" means an elective office in a municipality.

203 [~~42~~] (43) "Municipal officers" means those municipal officers that are required by
204 law to be elected.

205 [~~43~~] (44) "Municipal primary election" means an election held to nominate
206 candidates for municipal office.

207 [~~44~~] (45) "Municipality" means a city, town, or metro township.

208 [~~45~~] (46) "Official ballot" means the ballots distributed by the election officer for
209 voters to record their votes.

210 [~~46~~] (47) "Official endorsement" means the information on the ballot that identifies:

211 (a) the ballot as an official ballot;

212 (b) the date of the election; and

213 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
214 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

215 (ii) for a ballot prepared by a county clerk, the words required by Subsection
216 20A-6-301(1)(b)(iii).

217 [~~47~~] (48) "Official register" means the official record furnished to election officials
218 by the election officer that contains the information required by Section 20A-5-401.

219 [~~48~~] (49) "Political party" means an organization of registered voters that has
220 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
221 Formation and Procedures.

222 [~~49~~] (50) (a) "Poll worker" means a person assigned by an election official to assist
223 with an election, voting, or counting votes.

224 (b) "Poll worker" includes election judges.

225 (c) "Poll worker" does not include a watcher.

226 [~~50~~] (51) "Pollbook" means a record of the names of voters in the order that they
227 appear to cast votes.

228 [~~51~~] (52) "Polling place" means a building where voting is conducted.

229 [~~52~~] (53) "Position" means a square, circle, rectangle, or other geometric shape on a
230 ballot in which the voter marks the voter's choice.

231 [~~53~~] (54) "Presidential Primary Election" means the election established in Chapter 9,
232 Part 8, Presidential Primary Election.

233 [~~54~~] (55) "Primary convention" means the political party conventions held during the
234 year of the regular general election.

235 [~~55~~] (56) "Protective counter" means a separate counter, which cannot be reset, that:

236 (a) is built into a voting machine; and

237 (b) records the total number of movements of the operating lever.

238 [~~56~~] (57) "Provider election officer" means an election officer who enters into a
239 contract or interlocal agreement with a contracting election officer to conduct an election for
240 the contracting election officer's local political subdivision in accordance with Section
241 20A-5-400.1.

242 [~~57~~] (58) "Provisional ballot" means a ballot voted provisionally by a person:

243 (a) whose name is not listed on the official register at the polling place;

244 (b) whose legal right to vote is challenged as provided in this title; or

245 (c) whose identity was not sufficiently established by a poll worker.

246 ~~[(58)]~~ (59) "Provisional ballot envelope" means an envelope printed in the form
247 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
248 information to verify a person's legal right to vote.

249 ~~[(59)]~~ (60) (a) "Public figure" means an individual who, due to the individual being
250 considered for, holding, or having held a position of prominence in a public or private capacity,
251 or due to the individual's celebrity status, has an increased risk to the individual's safety.

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

253 (i) elected to public office; or

254 (ii) appointed to fill a vacancy in an elected public office.

255 ~~[(60)]~~ (61) "Qualify" or "qualified" means to take the oath of office and begin
256 performing the duties of the position for which the individual was elected.

257 ~~[(61)]~~ (62) "Receiving judge" means the poll worker that checks the voter's name in the
258 official register at a polling location and provides the voter with a ballot.

259 ~~[(62)]~~ (63) "Registration form" means a form by which an individual may register to
260 vote under this title.

261 ~~[(63)]~~ (64) "Regular ballot" means a ballot that is not a provisional ballot.

262 ~~[(64)]~~ (65) "Regular general election" means the election held throughout the state on
263 the first Tuesday after the first Monday in November of each even-numbered year for the
264 purposes established in Section 20A-1-201.

265 ~~[(65)]~~ (66) "Regular primary election" means the election, held on the date specified in
266 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
267 local school board positions to advance to the regular general election.

268 ~~[(66)]~~ (67) "Resident" means a person who resides within a specific voting precinct in
269 Utah.

270 ~~[(67)]~~ (68) "Return envelope" means the envelope, described in Subsection
271 20A-3a-202(4), provided to a voter with a manual ballot:

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

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

275 [~~(68)~~] (69) "Sample ballot" means a mock ballot similar in form to the official ballot
276 printed and distributed as provided in Section 20A-5-405.

277 [~~(69)~~] (70) "Special election" means an election held as authorized by Section
278 20A-1-203.

279 [~~(70)~~] (71) "Spoiled ballot" means each ballot that:

280 (a) is spoiled by the voter;

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

282 (c) lacks the official endorsement.

283 [~~(71)~~] (72) "Statewide special election" means a special election called by the governor
284 or the Legislature in which all registered voters in Utah may vote.

285 [~~(72)~~] (73) "Tabulation system" means a device or system designed for the sole
286 purpose of tabulating votes cast by voters at an election.

287 [~~(73)~~] (74) "Ticket" means a list of:

288 (a) political parties;

289 (b) candidates for an office; or

290 (c) ballot propositions.

291 [~~(74)~~] (75) "Transfer case" means the sealed box used to transport voted ballots to the
292 counting center.

293 [~~(75)~~] (76) "Vacancy" means the absence of a person to serve in any position created
294 by statute, whether that absence occurs because of death, disability, disqualification,
295 resignation, or other cause.

296 [~~(76)~~] (77) "Valid voter identification" means:

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

299 (i) a currently valid Utah driver license;

300 (ii) a currently valid identification card that is issued by:

301 (A) the state; or

302 (B) a branch, department, or agency of the United States;

303 (iii) a currently valid Utah permit to carry a concealed weapon;

304 (iv) a currently valid United States passport; or

- 305 (v) a currently valid United States military identification card;
- 306 (b) one of the following identification cards, whether or not the card includes a
307 photograph of the voter:
- 308 (i) a valid tribal identification card;
- 309 (ii) a Bureau of Indian Affairs card; or
- 310 (iii) a tribal treaty card; or
- 311 (c) two forms of identification not listed under Subsection [~~(76)~~] (77)(a) or (b) but that
312 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
313 which may include:
- 314 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
315 election;
- 316 (ii) a bank or other financial account statement, or a legible copy thereof;
- 317 (iii) a certified birth certificate;
- 318 (iv) a valid social security card;
- 319 (v) a check issued by the state or the federal government or a legible copy thereof;
- 320 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 321 (vii) a currently valid Utah hunting or fishing license;
- 322 (viii) certified naturalization documentation;
- 323 (ix) a currently valid license issued by an authorized agency of the United States;
- 324 (x) a certified copy of court records showing the voter's adoption or name change;
- 325 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 326 (xii) a currently valid identification card issued by:
- 327 (A) a local government within the state;
- 328 (B) an employer for an employee; or
- 329 (C) a college, university, technical school, or professional school located within the
330 state; or
- 331 (xiii) a current Utah vehicle registration.
- 332 [~~(77)~~] (78) "Valid write-in candidate" means a candidate who has qualified as a
333 write-in candidate by following the procedures and requirements of this title.
- 334 [~~(78)~~] (79) "Vote by mail" means to vote, using a manual ballot that is mailed to the
335 voter, by:

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

338 [~~(79)~~] (80) "Voter" means an individual who:

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

343 [~~(80)~~] (81) "Voter registration deadline" means the registration deadline provided in
344 Section [20A-2-102.5](#).

345 [~~(81)~~] (82) "Voting area" means the area within six feet of the voting booths, voting
346 machines, and ballot box.

347 [~~(82)~~] (83) "Voting booth" means:

- 348 (a) the space or compartment within a polling place that is provided for the preparation
349 of ballots, including the voting enclosure or curtain; or
- 350 (b) a voting device that is free standing.

351 [~~(83)~~] (84) "Voting device" means any device provided by an election officer for a
352 voter to vote a mechanical ballot.

353 [~~(84)~~] (85) "Voting precinct" means the smallest geographical voting unit, established
354 under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

355 [~~(85)~~] (86) "Watcher" means an individual who complies with the requirements
356 described in Section [20A-3a-801](#) to become a watcher for an election.

357 [~~(86)~~] (87) "Write-in ballot" means a ballot containing any write-in votes.

358 [~~(87)~~] (88) "Write-in vote" means a vote cast for an individual, whose name is not
359 printed on the ballot, in accordance with the procedures established in this title.

360 Section 2. Section [20A-1-201.5](#) is amended to read:

361 **[20A-1-201.5. Primary election dates.](#)**

362 (1) The regular primary election shall be held throughout the state on the [~~fourth~~] first
363 Tuesday of June of each even numbered year as provided in Section [20A-9-403](#), [20A-9-407](#), or
364 [20A-9-408](#), as applicable, to nominate persons for:

- 365 (a) national, state, school board, and county offices; and
- 366 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

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

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

372 Section 3. Section **20A-4-304** is amended to read:

373 **20A-4-304. Declaration of results -- Canvassers' report.**

374 (1) Each board of canvassers shall:

375 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
376 declare "elected" or "nominated" those persons who:

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

378 (ii) sought election or nomination to an office completely within the board's
379 jurisdiction;

380 (b) declare:

381 (i) "approved" those ballot propositions that:

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

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

384 (ii) "rejected" those ballot propositions that:

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

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

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

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

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

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

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

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

- 398 (d) each office that appeared on the ballot;
- 399 (e) from each voting precinct:
- 400 (i) the number of votes for each candidate;
- 401 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 402 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 403 potential ballot-counting phase and the name of the candidate excluded in each canvassing
- 404 phase; and
- 405 (iii) the number of votes for and against each ballot proposition;
- 406 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 407 and against each ballot proposition;
- 408 (g) the number of ballots that were rejected; and
- 409 (h) a statement certifying that the information contained in the report is accurate.
- 410 (3) The election officer and the board of canvassers shall:
- 411 (a) review the report to ensure that it is correct; and
- 412 (b) sign the report.
- 413 (4) The election officer shall:
- 414 (a) record or file the certified report in a book kept for that purpose;
- 415 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 416 to each nominated or elected candidate;
- 417 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 418 (d) file a copy of the certified report with the lieutenant governor.
- 419 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 420 days after the day on which the board of canvassers declares the election results, publicize the
- 421 certified report described in Subsection (2):
- 422 (a) (i) by publishing notice at least once in a newspaper of general circulation within
- 423 the jurisdiction;
- 424 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
- 425 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents
- 426 of the jurisdiction, subject to a maximum of 10 notices; or
- 427 (iii) by mailing notice to each residence within the jurisdiction;
- 428 (b) by posting notice on the Utah Public Notice Website, created in Section

429 63A-16-601, for one week; and

430 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
431 one week.

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

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

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

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

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

441 (iii) a mailing address and telephone number.

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

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

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

448 (8) In each county election, municipal election, school election, local district election,
449 and local special election, the election officer shall transmit the reports to the lieutenant
450 governor within [~~14~~] 10 days after the date of the election.

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

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

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

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

459 **20A-4-306. Statewide canvass.**

- 460 (1) (a) The state board of canvassers shall convene:
461 (i) on the fourth Monday of November, at noon; or
462 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
463 returns of a statewide special election.
- 464 (b) The state auditor, the state treasurer, and the attorney general are the state board of
465 canvassers.
- 466 (c) Attendance of all members of the state board of canvassers shall be required to
467 constitute a quorum for conducting the canvass.
- 468 (2) (a) The state board of canvassers shall:
469 (i) meet in the lieutenant governor's office; and
470 (ii) compute and determine the vote for officers and for and against any ballot
471 propositions voted upon by the voters of the entire state or of two or more counties.
- 472 (b) The lieutenant governor, as secretary of the board shall file a report in his office
473 that details:
- 474 (i) for each statewide officer and ballot proposition:
475 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
476 (B) the candidates for each statewide office whose names appeared on the ballot, plus
477 any recorded write-in candidates;
478 (C) the number of votes from each county cast for each candidate and for and against
479 each ballot proposition;
480 (D) the total number of votes cast statewide for each candidate and for and against each
481 ballot proposition; and
482 (E) the total number of votes cast statewide; and
483 (ii) for each officer or ballot proposition voted on in two or more counties:
484 (A) the name of each of those offices and ballot propositions that appeared on the
485 ballot;
486 (B) the candidates for those offices, plus any recorded write-in candidates;
487 (C) the number of votes from each county cast for each candidate and for and against
488 each ballot proposition; and
489 (D) the total number of votes cast for each candidate and for and against each ballot
490 proposition.

- 491 (c) The lieutenant governor shall:
- 492 (i) prepare certificates of election for:
- 493 (A) each successful candidate; and
- 494 (B) each of the presidential electors of the candidate for president who received a
- 495 majority of the votes;
- 496 (ii) authenticate each certificate with his seal; and
- 497 (iii) deliver a certificate of election to:
- 498 (A) each candidate who had the highest number of votes for each office; and
- 499 (B) each of the presidential electors of the candidate for president who received a
- 500 majority of the votes.
- 501 (3) If the lieutenant governor has not received election returns from all counties on the
- 502 fifth day before the day designated for the meeting of the state board of canvassers, the
- 503 lieutenant governor shall:
- 504 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
- 505 county;
- 506 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
- 507 required by Section 20A-4-304 from the clerk; and
- 508 (c) pay the messenger the per diem provided by law as compensation.
- 509 (4) The state board of canvassers may not withhold the declaration of the result or any
- 510 certificate of election because of any defect or informality in the returns of any election if the
- 511 board can determine from the returns, with reasonable certainty, what office is intended and
- 512 who is elected to it.
- 513 (5) (a) [~~At noon on the fourth Monday after~~] Four days after the day of the county
- 514 canvass for the regular primary election, the lieutenant governor shall:
- 515 (i) canvass the returns for all multicounty candidates required to file with the office of
- 516 the lieutenant governor; and
- 517 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 518 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
- 519 certify the results of the primary canvass to the county clerks.
- 520 (6) (a) At noon on the fourth Tuesday in March of a year in which a presidential
- 521 election will be held, the lieutenant governor shall:

- 522 (i) canvass the returns of the presidential primary election; and
- 523 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 524 (b) The lieutenant governor shall certify the results of the presidential primary election
- 525 canvass to each registered political party that participated in the primary not later than the April
- 526 15 after the primary election.

527 Section 5. Section **20A-4-401** is amended to read:

528 **20A-4-401. Recounts -- Procedure.**

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

530 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

531 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the

532 difference between the number of votes cast for a winning candidate in the race and a losing

533 candidate in the race is equal to or less than .25% of the total number of votes cast for all

534 candidates in the race, that losing candidate may file a request for a recount in accordance with

535 Subsection (1)(d).

536 (c) For a race between candidates where the total of all votes cast in the race is 400 or

537 less, if the difference between the number of votes cast for a winning candidate in the race and

538 a losing candidate in the race is one vote, that losing candidate may file a request for a recount

539 in accordance with Subsection (1)(d).

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

541 file the request:

542 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within

543 three days after the canvass; or

544 (ii) for all other elections, before 5 p.m. within [~~seven~~] three days after the day of the

545 canvass with:

- 546 (A) the municipal clerk, if the election is a municipal general election;
- 547 (B) the local district clerk, if the election is a local district election;
- 548 (C) the county clerk, for races voted on entirely within a single county; or
- 549 (D) the lieutenant governor, for statewide races and multicounty races.

550 (e) The election officer shall:

- 551 (i) supervise the recount;
- 552 (ii) recount all ballots cast for that race;

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

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

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

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

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

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

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

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

574 (iii) the county clerk, for propositions voted on entirely within a single county; or

575 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

576 (d) The election officer shall:

577 (i) supervise the recount;

578 (ii) recount all ballots cast for that ballot proposition or bond proposition;

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

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

583 (e) Proponents and opponents of the ballot proposition or bond proposition may

584 designate representatives to witness the recount.

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

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

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

590 (b) The board of canvassers shall:

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

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

595 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
596 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
597 governor as required by Subsection 20A-4-304 (7).

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

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

601 **20A-4-403. Election contest -- Petition and response.**

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

606 (b) The complaint shall include:

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

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

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

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

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

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

614 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a

615 ground for the contest, the name and address of all persons who allegedly cast illegal votes or
616 whose legal vote was rejected.

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

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

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

625 (d) (i) The court may not take or receive evidence of any of the votes described in
626 Subsection (1)(c) unless the party contesting the election delivers to the opposite party, at least
627 three days before the trial, a written list of the number of contested votes and by whom the
628 contested votes were given or offered, which he intends to prove at trial.

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

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

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

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

641 (b) The complaint shall include:

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

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

645 (iii) the name of the person whose right to nomination is contested or the name of the

646 person who failed to have their name placed in nomination;

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

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

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

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

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

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

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

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

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

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

671 (b) The complaint shall include:

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

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

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

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

677 and

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

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

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

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

687 (d) (i) The court may not take or receive evidence of any of the votes described in
688 Subsection (3)(c) unless the party contesting the election delivers to the opposite party, at least
689 three days before the trial, a written list of the number of contested votes and by whom the
690 contested votes were given or offered, which he intends to prove at trial.

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

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

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

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

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

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

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

707 (e) If the answer contains a counterclaim, the petitioner shall file a reply within 10 days

708 after service of the counterclaim.

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

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

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

717 (ii) The affidavit shall include:

718 (A) the petitioner's name;

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

720 (C) the respondent's name;

721 (D) the elective office contested;

722 (E) the time of election; and

723 (F) the grounds for the contest.

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

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

728 Section 7. Section **20A-4-701** is enacted to read:

729 **20A-4-701. Determining nominee in multi-candidate primary race -- Runoff**
730 **election.**

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

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

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

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

740 **20A-9-101. Definitions.**

741 As used in this chapter:

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

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

746 (i) justice or judge of court of record or not of record;

747 (ii) presidential elector;

748 (iii) any political party offices; and

749 (iv) municipal or local district offices.

750 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
751 attorney general, state auditor, and state treasurer.

752 (3) "Continuing political party" means the same as that term is defined in Section
753 **20A-8-101**.

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

756 (b) "County office" does not mean:

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

758 (ii) the office of presidential elector;

759 (iii) any political party offices;

760 (iv) any municipal or local district offices; and

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

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

764 (6) "Filing officer" means:

765 (a) the lieutenant governor, for:

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

767 (ii) all constitutional offices;

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

- 770 (c) the county clerk, for county offices and local school district offices;
- 771 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 772 (e) the city or town clerk, for municipal offices; or
- 773 (f) the local district clerk, for local district offices.
- 774 (7) "Local district office" means an elected office in a local district.
- 775 (8) "Local government office" includes county offices, municipal offices, and local
- 776 district offices and other elective offices selected by the voters from a political division entirely
- 777 within one county.
- 778 (9) (a) "Multicounty office" means an elective office where the officeholder is selected
- 779 by the voters from more than one county.
- 780 (b) "Multicounty office" does not mean:
- 781 (i) a county office;
- 782 (ii) a federal office;
- 783 (iii) the office of justice or judge of any court of record or not of record;
- 784 (iv) the office of presidential elector;
- 785 (v) any political party offices; or
- 786 (vi) any municipal or local district offices.
- 787 (10) "Municipal office" means an elective office in a municipality.
- 788 (11) (a) "Political division" means a geographic unit from which an officeholder is
- 789 elected and that an officeholder represents.
- 790 (b) "Political division" includes a county, a city, a town, a local district, a school
- 791 district, a legislative district, and a county prosecution district.
- 792 (12) "Qualified political party" means a registered political party that:
- 793 (a) (i) permits a delegate for the registered political party to vote on a candidate
- 794 nomination in the registered political party's convention remotely; or
- 795 (ii) provides a procedure for designating an alternate delegate if a delegate is not
- 796 present at the registered political party's convention;
- 797 ~~[(b) does not hold the registered political party's convention before the fourth Saturday~~
- 798 ~~in March of an even-numbered year;]~~
- 799 (b) holds the registered political party's convention after the general session of the
- 800 Legislature and no later than the last Saturday in March;

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

804 (i) seeking the nomination through the registered political party's convention process,
805 in accordance with the provisions of Section 20A-9-407; or

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

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

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

816 Section 9. Section 20A-9-408 is amended to read:

817 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
818 **political party.**

819 (1) This section describes the requirements for a member of a qualified political party
820 who is seeking the nomination of the qualified political party for an elective office through the
821 signature-gathering process described in this section.

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

826 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
827 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
828 nomination of the qualified political party for an elective office that is to be filled at the next
829 general election shall:

830 (a) within the period beginning on January 1 before the next regular general election
831 and ending at 5 p.m. 52 days after the day on which the Legislature's general session begins, as

832 provided in Section 36-3-201, and before gathering signatures under this section, file with the
833 filing officer on a form approved by the lieutenant governor a notice of intent to gather
834 signatures for candidacy that includes:

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

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

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

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

841 (v) other information required by the lieutenant governor;

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

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

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

848 (c) pay the filing fee.

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

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

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

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

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

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

862 (v) other information required by the lieutenant governor;

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

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

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

869 (c) pay the filing fee.

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

876 (6) The lieutenant governor shall ensure that the certification described in Subsection
877 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
878 under this section.

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

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

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

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

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

892 (ii) for a congressional district race, 7,000 signatures of registered voters who are
893 residents of the congressional district and are permitted by the qualified political party to vote

894 for the qualified political party's candidates in a primary election;

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

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

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

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

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

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

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

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

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

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

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

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

925 required to comply with; and

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

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

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

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

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

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

943 (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
944 election officer shall, no later than one day before the day on which the qualified political party
945 holds the convention to select a nominee for the elective office to which the signature packets
946 relate, notify the qualified political party and the lieutenant governor of the name of each
947 member of the qualified political party who qualifies as a nominee of the qualified political
948 party, under this section, for the elective office to which the convention relates.

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

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

954 **20A-9-409. Primary election provisions relating to qualified political party.**

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

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

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

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

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

970 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section
971 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election
972 for a county commission office if:

973 (a) there is more than one:

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

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

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

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

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

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

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

988 (i) provide to the county clerks:

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

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

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

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

999 Section 11. **Effective date.**

1000 This bill takes effect on January 1, 2023.