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Primary Election Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Michael K. McKell

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3

LONG TITLE

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General Description:

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This bill modifies the circumstances under which certain primary elections may be held.

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Highlighted Provisions:

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This bill:

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▸ makes municipal primary elections discretionary by requiring authorization of the

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municipal legislative body to hold a primary election; and

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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

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

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

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

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

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

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

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(a) unless a primary election is [~~prohibited~~] not authorized under Subsection

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20A-9-404(2), hold a primary election; and

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

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- 31 (2) Each election described in Subsection (1) shall be held:
- 32 (a) consistent with the petition sponsors' determination of the length of each council
- 33 member's initial term; and
- 34 (b) for the incorporation of a city:
- 35 (i) appropriate to the form of government chosen by the voters at the incorporation
- 36 election;
- 37 (ii) consistent with the voters' decision about whether to elect city council members
- 38 by district and, if applicable, consistent with the boundaries of those districts as
- 39 determined by the petition sponsors; and
- 40 (iii) consistent with the sponsors' determination of the number of city council
- 41 members to be elected.
- 42 (3)(a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2), the
- 43 primary election described in Subsection (1)(a) shall be held at the earliest of the next:
- 44 (i) regular primary election described in Subsection 20A-1-201.5(1); or
- 45 (ii) municipal primary election described in Section 20A-9-404.
- 46 (b) The county shall hold the primary election, if necessary, on the next election date
- 47 described in Subsection (3)(a) that is after the incorporation election conducted under
- 48 Section 10-2a-210.
- 49 (4)(a) Subject to Subsection (4)(b), the county shall hold the final election described in
- 50 Subsection (1)(b):
- 51 (i) on the following election date that next follows the date of the incorporation
- 52 election held under Subsection 10-2a-210(1)(a);
- 53 (ii) [a] on the regular general election described in Section 20A-1-201; or
- 54 (iii) [a] on the regular municipal general election under Section 20A-1-202.
- 55 (b) The county shall hold the final election on the earliest of the next election date that is
- 56 listed in Subsection (4)(a)(i), (ii), or (iii):
- 57 (i) that is after a primary election; or
- 58 (ii) if there is no primary election, that is at least:
- 59 (A) 75 days after the incorporation election under Section 10-2a-210; and
- 60 (B) 65 days after the candidate filing period.
- 61 (5) The county clerk shall provide notice of an election under this section for the future
- 62 municipality, as a class A notice under Section 63G-30-102, for at least two weeks
- 63 before the day of the election.
- 64 (6) Until the municipality is incorporated, the county clerk:

- 65 (a) is the election officer for all purposes related to the election of municipal officers;
 66 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
 67 related to the election of municipal officers for a new municipality that are not
 68 otherwise contrary to law;
 69 (c) shall require and determine deadlines for municipal office candidates to file
 70 campaign financial disclosures in accordance with Section 10-3-208; and
 71 (d) shall ensure that the ballot for the election includes each office that is required to be
 72 included in the election for officers of the newly incorporated municipality, including
 73 the term of each office.

74 (7) An individual who has filed as a candidate for an office described in this section shall
 75 comply with:

- 76 (a) the campaign finance disclosure requirements described in Section 10-3-208; and
 77 (b) the requirements and deadlines established by the county clerk under this section.

78 (8) Notwithstanding Section 10-3-201, the officers elected at a final election described in
 79 Subsection (4)(a) shall take office:

- 80 (a) after taking the oath of office; and
 81 (b) at noon on the first Monday following the day on which the election official
 82 transmits a certificate of nomination or election under the officer's seal to each
 83 elected candidate in accordance with Subsection 20A-4-304(6)(b).

84 Section 2. Section **17B-1-306** is amended to read:

85 **17B-1-306 . Special district board -- Election procedures -- Notice.**

86 (1) Except as provided in Subsection (12), each elected board member shall be selected as
 87 provided in this section.

88 (2)(a) Each election of a special district board member shall be held:

- 89 (i) at the same time as the municipal general election or the regular general election,
 90 as applicable; and
 91 (ii) at polling places designated by the special district board in consultation with the
 92 county clerk for each county in which the special district is located, which polling
 93 places shall coincide with municipal general election or regular general election
 94 polling places, as applicable, whenever feasible.

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

98 (c)(i) Subject to Subsections (5)(h) and (i), the number of polling places under

- 99 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall
100 be one polling place per division of the district, designated by the district board.
- 101 (ii) Each polling place designated by an irrigation district board under Subsection
102 (2)(c)(i) shall coincide with a polling place designated by the county clerk under
103 Subsection (2)(a)(ii).
- 104 (3)(a) The clerk of each special district with a board member position to be filled at the
105 next municipal general election or regular general election, as applicable, shall
106 provide notice of:
- 107 (i) each elective position of the special district to be filled at the next municipal
108 general election or regular general election, as applicable;
- 109 (ii) the constitutional and statutory qualifications for each position; and
110 (iii) the dates and times for filing a declaration of candidacy.
- 111 (b) If the election is to be held at the same time as the municipal general election, a
112 declaration of candidacy shall be filed between June 1 and June 7 of any
113 odd-numbered year.
- 114 (c) If the election is to be held at the same time as the regular general election, a
115 declaration of candidacy shall be filed between June 1 and June 7 of any
116 even-numbered year.
- 117 (4) The clerk of the special district shall publish the notice described in Subsection (3)(a)
118 for the special district, as a class A notice under Section 63G-30-102, for at least 10 days
119 before the first day for filing a declaration of candidacy.
- 120 (5)(a) Except as provided in Subsection (5)(c), to become a candidate for an elective
121 special district board position, an individual shall file a declaration of candidacy in
122 person with an official designated by the special district within the candidate filing
123 period for the applicable election year in which the election for the special district
124 board is held and:
- 125 (i) during the special district's standard office hours, if the standard office hours
126 provide at least three consecutive office hours each day during the candidate filing
127 period that is not a holiday or weekend;
- 128 (ii) if the standard office hours of a special district do not provide at least three
129 consecutive office hours each day, a three-hour consecutive time period each day
130 designated by the special district during the candidate filing period that is not a
131 holiday or weekend; or
- 132 (iii) during the special district's standard office hours if the special district has

133 adopted a four day standard work week with standard office hours of at least eight
134 hours each of those days.

135 (b) When the candidate filing deadline falls on a Saturday, Sunday, holiday, or a day that
136 is not a regular business day for the special district [~~pursuant to~~] under Subsection
137 (5)(a)(iii), the filing time shall be extended until the close of normal office hours on
138 the following regular business day.

139 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
140 declaration of candidacy with the official designated by the special district if:

141 (i) the individual is located outside of the state during the entire filing period;

142 (ii) the designated agent appears in person before the official designated by the
143 special district; and

144 (iii) the individual communicates with the official designated by the special district
145 using an electronic device that allows the individual and official to see and hear
146 each other.

147 (d)(i) Before the filing officer may accept any declaration of candidacy from an
148 individual, the filing officer shall:

149 (A) read to the individual the constitutional and statutory qualification
150 requirements for the office that the individual is seeking; and

151 (B) require the individual to state whether the individual meets those requirements.

152 (ii) If the individual does not meet the qualification requirements for the office, the
153 filing officer may not accept the individual's declaration of candidacy.

154 (iii) If it appears that the individual meets the requirements of candidacy, the filing
155 officer shall accept the individual's declaration of candidacy.

156 (e) The declaration of candidacy shall be in substantially the following form:

157 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
158 _____, City of _____, County of _____, state of Utah,
159 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
160 for the office of board of trustees member for _____ (state the name of
161 the special district); that I am a candidate for that office to be voted upon at the next election;
162 and that, if filing via a designated agent, I will be out of the state of Utah during the entire
163 candidate filing period, and I hereby request that my name be printed upon the official ballot
164 for that election.

165 (Signed) _____

166 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day

167 of _____, _____.

168 (Signed) _____

169 (Clerk or Notary Public)".

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

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

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

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

180 (i) consider the candidate to be elected to the position; and

181 (ii) cancel the election.

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

184 (i) the primary election is authorized by the special district board; and

185 (ii) the number of candidates for [~~a particular local board position or~~] the position or
186 office exceeds twice the number of [~~persons needed to fill that~~] individuals needed
187 to fill that position or office.

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

189 (i) on the same date as the municipal primary election or the regular primary election,
190 as applicable; and

191 (ii) according to the procedures for primary elections provided under Title 20A,
192 Election Code.

193 (7)(a) Except as provided in Subsection (7)(c), within one business day after the
194 deadline for filing a declaration of candidacy, the special district clerk shall certify
195 the candidate names to the clerk of each county in which the special district is located.

196 (b)(i) Except as provided in Subsection (7)(c) and in accordance with Sections
197 20A-6-109 and 20A-6-110, the clerk of each county in which the special district is
198 located and the special district clerk shall coordinate placement of the name of
199 each candidate for special district office in the nonpartisan section of the ballot
200 with the appropriate election officer.

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

- 235 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
236 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 237 (14)(a) As used in this Subsection (14), "board" means:
238 (i) a special district board; or
239 (ii) the administrative control board of a special service district that has elected
240 members on the board.
- 241 (b) If a board desires to hold elections for membership on the board at a regular general
242 election instead of a municipal general election , or at a municipal general election
243 instead of a regular general election, the board may submit an application to the
244 lieutenant governor that:
245 (i) requests permission to change the election year for membership on the board in a
246 manner described in this Subsection (14)(b);
247 (ii) indicates that a change in the election year is beneficial, based on potential cost
248 savings, a potential increase in voter turnout, or another material reason; and
249 (iii) if a change in the election year may result in shortening a board member's term
250 of office, indicates that the members of the board unanimously support the
251 lieutenant governor taking that action.
- 252 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
253 governor may approve the application if:
254 (i) the lieutenant governor concludes that changing the election year is beneficial
255 based on the criteria described in Subsection (14)(b)(ii); and
256 (ii) for an application that may result in shortening a board member's term of office,
257 the application satisfies the unanimity requirement described in Subsection
258 (14)(b)(iii).
- 259 (d) If the lieutenant governor approves a board's application described in this section:
260 (i) all future elections for membership on the board shall be held at the time of the
261 general election specified in the application; and
262 (ii) the board may not hold elections at the time of an election other than the general
263 election specified in the application, unless the board receives permission from the
264 lieutenant governor to change the election under the same procedure, and by
265 applying the same criteria, described in this Subsection (14).
- 266 (15)(a) This Subsection (15) applies to a special district if:
267 (i) the special district's board members are elected by the owners of real property, as
268 provided in Subsection 17B-1-1402(1)(b); and

- 269 (ii) the special district was created before January 1, 2020.
- 270 (b) The board of a special district described in Subsection (15)(a) may conduct an
271 election:
- 272 (i) to fill a board member position that expires at the end of the term for that board
273 member's position; and
- 274 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
275 term of a board member.
- 276 (c) An election under Subsection (15)(b) may be conducted as determined by the special
277 district board, subject to Subsection (15)(d).
- 278 (d)(i) The special district board shall provide to property owners eligible to vote at
279 the special district election:
- 280 (A) notice of the election; and
- 281 (B) a form to nominate an eligible individual to be elected as a board member.
- 282 (ii)(A) The special district board may establish a deadline for a property owner to
283 submit a nomination form.
- 284 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
285 after the board provides the notice and nomination form under Subsection
286 (15)(d)(i).
- 287 (iii)(A) After the deadline for submitting nomination forms, the special district
288 board shall provide a ballot to all property owners eligible to vote at the special
289 district election.
- 290 (B) A special district board shall allow at least five days for ballots to be returned.
- 291 (iv) A special district board shall certify the results of an election under this
292 Subsection (15) during an open meeting of the board.

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

294 **20A-9-404 . Municipal primary elections.**

- 295 (1)(a) Except as otherwise provided in this section [~~or Chapter 4, Part 6, Municipal~~
296 ~~Alternate Voting Methods Pilot Project~~], candidates for municipal office in all
297 municipalities shall be nominated at a municipal primary election.
- 298 (b) Municipal primary elections shall be held:
- 299 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
300 Monday in the August before the regular municipal election; and
- 301 (ii) whenever possible, at the same polling places as the regular municipal election.
- 302 (c) Subsections (3) through (5) do not apply to an election to elect local school board

303 members under Section 53G-3-302.

304 ~~[(d) Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, does not apply~~
 305 ~~to an election to elect local school board members under Section 53G-3-302.]~~

306 (2)(a) ~~[Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting~~
 307 ~~Methods Pilot Project, if the number of candidates for a particular municipal office~~
 308 ~~does not exceed twice the number of individuals needed to fill that office, a primary~~
 309 ~~election for that office may not be held and the candidates are considered nominated.]~~

310 A primary election for a particular municipal office ~~shall~~ **[may] shall** ~~be held~~ **[**
 310a **only]** ~~if~~ **[** ~~:~~

311 ~~[(i) the primary election is authorized by the municipal legislative body; and]~~

312 ~~[(ii) the number of candidates for the municipal office exceeds~~ **[twice] three**
 312a **times** ~~the number of~~
 313 individuals needed to fill that office.

314 (b) If a primary election is not ~~held~~ **[authorized] held** ~~under Subsection (2)(a),~~
 314a the candidates for the
 315 office are considered nominated.

316 (3)(a) For purposes of this Subsection (3), "convention" means an organized assembly of
 317 voters or delegates.

318 (b)(i) By ordinance adopted before the May 1 that falls before a regular municipal
 319 election, any third, fourth, or fifth class city or town may exempt itself from a
 320 primary election by providing that the nomination of candidates for municipal
 321 office to be voted upon at a municipal election be nominated by a municipal party
 322 convention or committee.

323 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
 324 shall be held on or before May 30 of an odd-numbered year.

325 (iii) Any primary election exemption ordinance adopted under this Subsection (3)
 326 remains in effect until repealed by ordinance.

327 (c)(i) A convention or committee may not nominate more than one candidate for each
 328 of the municipal offices to be voted upon at the municipal election.

329 (ii) A convention or committee may not nominate an individual who has accepted the
 330 nomination of a different convention or committee.

331 (iii) A municipal party may not have more than one group of candidates placed upon
 332 the ballot and may not group the same candidates on different tickets by the same
 333 party under a different name or emblem.

- 334 (d)(i) On or before May 31 of an odd-numbered year, a convention or committee
335 shall prepare and submit to the filing officer a certificate of nomination for each
336 individual nominated.
- 337 (ii) The certificate of nomination shall:
- 338 (A) contain the name of the office for which each individual is nominated, the
339 name, post office address, and, if in a city, the street number of residence and
340 place of business, if any, of each individual nominated;
- 341 (B) designate in not more than five words the party that the convention or
342 committee represents;
- 343 (C) contain a copy of the resolution passed at the convention that authorized the
344 committee to make the nomination;
- 345 (D) contain a statement certifying that the name of the candidate nominated by the
346 political party will not appear on the ballot as a candidate for any other
347 political party;
- 348 (E) be signed by the presiding officer and secretary of the convention or
349 committee; and
- 350 (F) contain a statement identifying the residence and post office address of the
351 presiding officer and secretary and certifying that the presiding officer and
352 secretary were officers of the convention or committee and that the certificates
353 are true to the best of their knowledge and belief.
- 354 (iii) A candidate nominated by a municipal party convention or committee shall file a
355 declaration with the filing officer in accordance with Subsection 20A-9-203(3)
356 that includes:
- 357 (A) the name of the municipal party or convention that nominated the candidate;
358 and
- 359 (B) the office for which the convention or committee nominated the candidate.
- 360 (e) A committee appointed at a convention, if authorized by an enabling resolution, may
361 also make nominations or fill vacancies in nominations made at a convention if the
362 committee makes the nomination before the deadline for a write-in candidate to file a
363 declaration of candidacy under Section 20A-9-601.
- 364 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,
365 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
366 be included with the candidate's name.
- 367 (4)(a) Any third, fourth, or fifth class city or a town may adopt an ordinance before~~the~~

- 368 May 1 that falls before the regular municipal election that:
- 369 (i) exempts the city or town from the other methods of nominating candidates to
370 municipal office provided in this section; and
- 371 (ii) provides for a municipal partisan convention method of nominating candidates as
372 provided in this Subsection (4).
- 373 (b)(i) Any party that was a registered political party at the last regular general
374 election or regular municipal election is a municipal political party under this
375 section.
- 376 (ii) Any political party may qualify as a municipal political party by presenting a
377 petition to the city recorder that:
- 378 (A) is signed, with a holographic signature, by registered voters within the
379 municipality equal to at least 20% of the number of votes cast for all
380 candidates for mayor in the last municipal election at which a mayor was
381 elected;
- 382 (B) is filed with the city recorder or town clerk no later than 5 p.m. on the last
383 business day before the day on which the municipal party holds a convention to
384 nominate a candidate under this Subsection (4);
- 385 (C) is substantially similar to the form of the signature sheets described in Section
386 20A-7-303; and
- 387 (D) contains the name of the municipal political party using not more than five
388 words.
- 389 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use
390 the procedures described in Section 20A-1-1002 to determine whether each signer
391 is a registered voter who is qualified to sign the petition.
- 392 (c)(i) If the number of candidates for a particular office does not exceed twice the
393 number of offices to be filled at the regular municipal election, no primary
394 election for that office shall be held and the candidates are considered to be
395 nominated.
- 396 (ii) If the number of candidates for a particular office exceeds twice the number of
397 offices to be filled at the regular municipal election, those candidates for
398 municipal office shall be nominated at a municipal primary election.
- 399 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the
400 ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.
- 401 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the

- 402 blank ballot box.
- 403 (f) Immediately after the canvass, the election judges shall, without examination, destroy
404 the tickets deposited in the blank ballot box.
- 405 (5)(a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's
406 signature removed from the petition by, no later than 5 p.m. three business days after
407 the day on which the petition is filed with the city recorder or town clerk, submitting
408 to the city recorder or town clerk a statement requesting that the voter's signature be
409 removed.
- 410 (b) A statement described in Subsection (5)(a) shall comply with the requirements
411 described in Subsection 20A-1-1003(2).
- 412 (c) With the assistance of the county clerk and using the procedures described in
413 Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to
414 remove an individual's signature from a petition after receiving a timely, valid
415 statement requesting removal of the signature.

416 Section 4. **Effective Date.**

417 This bill takes effect on May 6, 2026.