

**Representative Norman K. Thurston** proposes the following substitute bill:

**MUNICIPAL INSTANT RUNOFF VOTING PILOT PROJECT**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marc K. Roberts**

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

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**LONG TITLE**

**General Description:**

This bill creates a pilot project to permit a municipality to conduct nonpartisan races using instant runoff voting.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ establishes a pilot project for a municipality to conduct certain nonpartisan municipal races by instant runoff voting;
- ▶ establishes a process for a municipality to opt in to the pilot project;
- ▶ establishes requirements and procedures for conducting an election under the pilot program, including the completion of ballots, the counting of votes, recount provisions, resolving a tie, and canvassing;
- ▶ provides a sunset date for the pilot project; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52
- 29 **20A-1-303**, as enacted by Laws of Utah 1993, Chapter 1
- 30 **20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75
- 31 **20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225
- 32 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177
- 33 **20A-4-105**, as last amended by Laws of Utah 2017, Chapter 327
- 34 **20A-4-106**, as last amended by Laws of Utah 2012, Chapter 251
- 35 **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309
- 36 **20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92
- 37 **20A-5-404**, as last amended by Laws of Utah 2001, Chapter 9
- 38 **20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176
- 39 **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91
- 40 **63I-2-220**, as last amended by Laws of Utah 2017, Chapters 32 and 452

41 ENACTS:

- 42 **20A-4-601**, Utah Code Annotated 1953
- 43 **20A-4-602**, Utah Code Annotated 1953
- 44 **20A-4-603**, Utah Code Annotated 1953
- 45 **20A-4-604**, Utah Code Annotated 1953
- 46 **20A-4-605**, Utah Code Annotated 1953
- 47 **20A-4-607**, Utah Code Annotated 1953
- 48 **20A-4-606**, Utah Code Annotated 1953
- 49 **20A-6-203.5**, Utah Code Annotated 1953

50 REPEALS AND REENACTS:

- 51 **20A-1-304**, as last amended by Laws of Utah 2001, Chapter 20



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

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

55 **20A-1-102. Definitions.**

56 As used in this title:

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

59 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
60 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

61 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
62 upon which a voter records the voter's votes.

63 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
64 envelopes.

65 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

66 (a) contain the names of offices and candidates and statements of ballot propositions to  
67 be voted on; and

68 (b) are used in conjunction with ballot sheets that do not display that information.

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

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

72 (b) a constitutional amendment;

73 (c) an initiative;

74 (d) a referendum;

75 (e) a bond proposition;

76 (f) a judicial retention question;

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

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

79 (6) "Ballot sheet":

80 (a) means a ballot that:

81 (i) consists of paper or a card where the voter's votes are marked or recorded; and

82 (ii) can be counted using automatic tabulating equipment; and

83 (b) includes punch card ballots and other ballots that are machine-countable.

84 (7) "Bind," "binding," or "bound" means securing more than one piece of paper  
85 together with a staple or stitch in at least three places across the top of the paper in the blank  
86 space reserved for securing the paper.

87 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and

88 [20A-4-306](#) to canvass election returns.

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

91 (10) "Book voter registration form" means voter registration forms contained in a  
92 bound book that are used by election officers and registration agents to register persons to vote.

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

95 (12) "By-mail voter registration form" means a voter registration form designed to be  
96 completed by the voter and mailed to the election officer.

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

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

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

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

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

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

109 (19) "Counting poll watcher" means a person selected as provided in Section  
110 [20A-3-201](#) to witness the counting of ballots.

111 (20) "Counting room" means a suitable and convenient private place or room,  
112 immediately adjoining the place where the election is being held, for use by the poll workers  
113 and counting judges to count ballots during election day.

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

116 (22) "Date of the election" or "election day" or "day of the election":

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

- 119 (b) does not include:
- 120 (i) deadlines established for absentee voting; or
- 121 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
- 122 Voting.
- 123 (23) "Elected official" means:
- 124 (a) a person elected to an office under Section [20A-1-303](#) or Title 20A, Chapter 4, Part
- 125 [6, Municipal Instant Runoff Voting Pilot Project](#);
- 126 (b) a person who is considered to be elected to a municipal office in accordance with
- 127 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or
- 128 (c) a person who is considered to be elected to a local district office in accordance with
- 129 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).
- 130 (24) "Election" means a regular general election, a municipal general election, a
- 131 statewide special election, a local special election, a regular primary election, a municipal
- 132 primary election, and a local district election.
- 133 (25) "Election Assistance Commission" means the commission established by the Help
- 134 America Vote Act of 2002, Pub. L. No. 107-252.
- 135 (26) "Election cycle" means the period beginning on the first day persons are eligible to
- 136 file declarations of candidacy and ending when the canvass is completed.
- 137 (27) "Election judge" means a poll worker that is assigned to:
- 138 (a) preside over other poll workers at a polling place;
- 139 (b) act as the presiding election judge; or
- 140 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 141 (28) "Election officer" means:
- 142 (a) the lieutenant governor, for all statewide ballots and elections;
- 143 (b) the county clerk for:
- 144 (i) a county ballot and election; and
- 145 (ii) a ballot and election as a provider election officer as provided in Section
- 146 [20A-5-400.1](#) or [20A-5-400.5](#);
- 147 (c) the municipal clerk for:
- 148 (i) a municipal ballot and election; and
- 149 (ii) a ballot and election as a provider election officer as provided in Section

150 20A-5-400.1 or 20A-5-400.5;

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

152 (i) a local district ballot and election; and

153 (ii) a ballot and election as a provider election officer as provided in Section

154 20A-5-400.1 or 20A-5-400.5; or

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

156 (i) a school district ballot and election; and

157 (ii) a ballot and election as a provider election officer as provided in Section

158 20A-5-400.1 or 20A-5-400.5.

159 (29) "Election official" means any election officer, election judge, or poll worker.

160 (30) "Election results" means:

161 (a) for an election other than a bond election, the count of votes cast in the election and

162 the election returns requested by the board of canvassers; or

163 (b) for bond elections, the count of those votes cast for and against the bond

164 proposition plus any or all of the election returns that the board of canvassers may request.

165 (31) "Election returns" includes the pollbook, the military and overseas absentee voter  
166 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all  
167 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition  
168 form, and the total votes cast form.

169 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
170 device or other voting device that records and stores ballot information by electronic means.

171 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
172 or logically associated with a record and executed or adopted by a person with the intent to sign  
173 the record.

174 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

175 (b) "Electronic voting device" includes a direct recording electronic voting device.

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

178 (36) "Inspecting poll watcher" means a person selected as provided in this title to  
179 witness the receipt and safe deposit of voted and counted ballots.

180 (37) "Judicial office" means the office filled by any judicial officer.

181 (38) "Judicial officer" means any justice or judge of a court of record or any county  
182 court judge.

183 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
184 Local Government Entities - Local Districts, and includes a special service district under Title  
185 17D, Chapter 1, Special Service District Act.

186 (40) "Local district officers" means those local district board members that are required  
187 by law to be elected.

188 (41) "Local election" means a regular county election, a regular municipal election, a  
189 municipal primary election, a local special election, a local district election, and a bond  
190 election.

191 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
192 local school district.

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

196 (44) "Municipal executive" means:

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

198 (b) the mayor in the council-manager form of government defined in Subsection  
199 10-3b-103(7); or

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

201 (45) "Municipal general election" means the election held in municipalities and, as  
202 applicable, local districts on the first Tuesday after the first Monday in November of each  
203 odd-numbered year for the purposes established in Section 20A-1-202.

204 (46) "Municipal legislative body" means:

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

206 (b) the council of a metro township.

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

208 (48) "Municipal officers" means those municipal officers that are required by law to be  
209 elected.

210 (49) "Municipal primary election" means an election held to nominate candidates for  
211 municipal office.

212 (50) "Municipality" means a city, town, or metro township.

213 (51) "Official ballot" means the ballots distributed by the election officer to the poll  
214 workers to be given to voters to record their votes.

215 (52) "Official endorsement" means:

216 (a) the information on the ballot that identifies:

217 (i) the ballot as an official ballot;

218 (ii) the date of the election; and

219 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the

220 facsimile signature required by Subsection [20A-6-401\(1\)\(b\)\(iii\)](#); or

221 (B) for a ballot prepared by a county clerk, the words required by Subsection

222 [20A-6-301\(1\)\(c\)\(iii\)](#); and

223 (b) the information on the ballot stub that identifies:

224 (i) the poll worker's initials; and

225 (ii) the ballot number.

226 (53) "Official register" means the official record furnished to election officials by the

227 election officer that contains the information required by Section [20A-5-401](#).

228 (54) "Paper ballot" means a paper that contains:

229 (a) the names of offices and candidates and statements of ballot propositions to be  
230 voted on; and

231 (b) spaces for the voter to record the voter's vote for each office and for or against each  
232 ballot proposition.

233 (55) "Political party" means an organization of registered voters that has qualified to  
234 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
235 and Procedures.

236 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
237 cast votes.

238 (57) "Polling place" means the building where voting is conducted.

239 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
240 election, voting, or counting votes.

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

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



243 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
244 in which the voter marks the voter's choice.

245 (60) "Primary convention" means the political party conventions held during the year  
246 of the regular general election.

247 (61) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

250 (62) "Provider election officer" means an election officer who enters into a contract or  
251 interlocal agreement with a contracting election officer to conduct an election for the  
252 contracting election officer's local political subdivision in accordance with Section  
253 [20A-5-400.1](#).

254 (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

261 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the  
262 duties of the position for which the person was elected.

263 (66) "Receiving judge" means the poll worker that checks the voter's name in the  
264 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
265 after the voter has voted.

266 (67) "Registration form" means a book voter registration form and a by-mail voter  
267 registration form.

268 (68) "Regular ballot" means a ballot that is not a provisional ballot.

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

272 (70) "Regular primary election" means the election on the fourth Tuesday of June of  
273 each even-numbered year, to nominate candidates of political parties and candidates for

274 nonpartisan local school board positions to advance to the regular general election.

275 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

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

278 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
279 punch the ballot for one or more candidates who are members of different political parties or  
280 who are unaffiliated.

281 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
282 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
283 the voter's vote.

284 (75) "Special election" means an election held as authorized by Section [20A-1-203](#).

285 (76) "Spoiled ballot" means each ballot that:

286 (a) is spoiled by the voter;

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

288 (c) lacks the official endorsement.

289 (77) "Statewide special election" means a special election called by the governor or the  
290 Legislature in which all registered voters in Utah may vote.

291 (78) "Stub" means the detachable part of each ballot.

292 (79) "Substitute ballots" means replacement ballots provided by an election officer to  
293 the poll workers when the official ballots are lost or stolen.

294 (80) "Ticket" means a list of:

295 (a) political parties;

296 (b) candidates for an office; or

297 (c) ballot propositions.

298 (81) "Transfer case" means the sealed box used to transport voted ballots to the  
299 counting center.

300 (82) "Vacancy" means the absence of a person to serve in any position created by  
301 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
302 or other cause.

303 (83) "Valid voter identification" means:

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

305 include:

- 306 (i) a currently valid Utah driver license;
- 307 (ii) a currently valid identification card that is issued by:
- 308 (A) the state; or
- 309 (B) a branch, department, or agency of the United States;
- 310 (iii) a currently valid Utah permit to carry a concealed weapon;
- 311 (iv) a currently valid United States passport; or
- 312 (v) a currently valid United States military identification card;
- 313 (b) one of the following identification cards, whether or not the card includes a
- 314 photograph of the voter:
- 315 (i) a valid tribal identification card;
- 316 (ii) a Bureau of Indian Affairs card; or
- 317 (iii) a tribal treaty card; or
- 318 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
- 319 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 320 may include:
- 321 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 322 election;
- 323 (ii) a bank or other financial account statement, or a legible copy thereof;
- 324 (iii) a certified birth certificate;
- 325 (iv) a valid social security card;
- 326 (v) a check issued by the state or the federal government or a legible copy thereof;
- 327 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 328 (vii) a currently valid Utah hunting or fishing license;
- 329 (viii) certified naturalization documentation;
- 330 (ix) a currently valid license issued by an authorized agency of the United States;
- 331 (x) a certified copy of court records showing the voter's adoption or name change;
- 332 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 333 (xii) a currently valid identification card issued by:
- 334 (A) a local government within the state;
- 335 (B) an employer for an employee; or

336 (C) a college, university, technical school, or professional school located within the  
337 state; or

338 (xiii) a current Utah vehicle registration.

339 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in  
340 candidate by following the procedures and requirements of this title.

341 (85) "Voter" means a person who:

342 (a) meets the requirements for voting in an election;

343 (b) meets the requirements of election registration;

344 (c) is registered to vote; and

345 (d) is listed in the official register book.

346 (86) "Voter registration deadline" means the registration deadline provided in Section  
347 [20A-2-102.5](#).

348 (87) "Voting area" means the area within six feet of the voting booths, voting  
349 machines, and ballot box.

350 (88) "Voting booth" means:

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

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

354 (89) "Voting device" means:

355 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
356 piercing the ballots by the voter;

357 (b) a device for marking the ballots with ink or another substance;

358 (c) an electronic voting device or other device used to make selections and cast a ballot  
359 electronically, or any component thereof;

360 (d) an automated voting system under Section [20A-5-302](#); or

361 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
362 by means of automatic tabulating equipment.

363 (90) "Voting machine" means a machine designed for the sole purpose of recording  
364 and tabulating votes cast by voters at an election.

365 (91) "Voting poll watcher" means a person appointed as provided in this title to  
366 witness the distribution of ballots and the voting process.

367 (92) "Voting precinct" means the smallest voting unit established as provided by law  
368 within which qualified voters vote at one polling place.

369 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting  
370 poll watcher, and a testing watcher.

371 (94) "Western States Presidential Primary" means the election established in Chapter 9,  
372 Part 8, Western States Presidential Primary.

373 (95) "Write-in ballot" means a ballot containing any write-in votes.

374 (96) "Write-in vote" means a vote cast for a person whose name is not printed on the  
375 ballot according to the procedures established in this title.

376 Section 2. Section **20A-1-303** is amended to read:

377 **20A-1-303. Determining results.**

378 (1) (a) [~~When~~] Except as provided in Title 20A, Chapter 4, Part 6, Municipal Instant  
379 Runoff Voting Pilot Project, when one person is to be elected or nominated, the person  
380 receiving the highest number of votes at any:

- 381 (i) election for any office to be filled at that election is elected to that office; and  
382 (ii) primary for nomination for any office is nominated for that office.

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

- 386 (i) election for any office to filled at that election are elected to that office; and  
387 (ii) primary for nomination for any office are nominated for that office.

388 (2) Any ballot proposition submitted to voters for their approval or rejection:

- 389 (a) passes if the number of "yes" votes is greater than the number of "no" votes; and  
390 (b) fails if:

- 391 (i) the number of "yes" votes equal the number of "no" votes; or  
392 (ii) the number of "no" votes is greater than the number of "yes" votes.

393 Section 3. Section **20A-1-304** is repealed and reenacted to read:

394 **20A-1-304. Tie votes.**

395 Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,  
396 Municipal Instant Runoff Voting Pilot Project, if two or more candidates for a position have an  
397 equal and the highest number of votes for any office, the election officer shall, in a public

398 meeting held within 30 days after the day on which the canvass is completed, determine the  
399 candidate selected, by lot, in the presence of each candidate subject to the tie.

400 Section 4. Section **20A-3-105** is amended to read:

401 **20A-3-105. Marking and depositing ballots.**

402 (1) (a) [Hf] Except as provided in Subsection (5), if a paper ballot is used, the voter,  
403 upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking  
404 the appropriate position with a mark opposite the name of each candidate of the voter's choice  
405 for each office to be filled.

406 (b) [A] Except as provided in Subsections (5) and (6), a mark is not required opposite  
407 the name of a write-in candidate.

408 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in  
409 the appropriate square with a mark opposite the answer the voter intends to make.

410 (d) Before leaving the booth, the voter shall:

411 (i) fold the ballot so that its contents are concealed and the stub can be removed; and

412 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot  
413 envelope and complete the information printed on the envelope.

414 (2) (a) (i) [Hf] Subject to Subsection (5), if a punch card ballot is used, the voter shall  
415 insert the ballot sheet into the voting device and mark the ballot sheet according to the  
416 instructions provided on the device.

417 (ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the  
418 voter shall record any write-in votes on the long stub.

419 (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record  
420 any write-in votes on the secrecy envelope.

421 (b) After the voter has marked the ballot sheet, the voter shall either:

422 (i) place the ballot sheet inside the secrecy envelope, if one is provided; or

423 (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the  
424 vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.

425 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the  
426 provisional ballot envelope and complete the information printed on the envelope.

427 (3) (a) [Hf] Subject to Subsection (5), if a ballot sheet other than a punch card is used,  
428 the voter shall mark the ballot sheet according to the instructions provided on the voting device

429 or ballot sheet.

430 (b) [~~The~~] Except as provided in Subsections (5) and (6), the voter shall record a  
431 write-in vote by:

432 (i) marking the position opposite the area for entering a write-in candidate; and

433 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote  
434 for by means of:

435 (A) writing;

436 (B) a label; or

437 (C) entering the name using the voting device.

438 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the  
439 provisional ballot envelope and complete the information printed on the envelope.

440 (4) (a) [~~H~~] Subject to Subsection (5), if an electronic ballot is used, the voter shall:

441 (i) insert the ballot access card into the voting device; and

442 (ii) make the selections according to the instructions provided on the device.

443 (b) [~~The~~] Except as provided in Subsections (5) and (6), the voter shall record a  
444 write-in vote by:

445 (i) marking the appropriate position opposite the area for entering a write-in candidate;  
446 and

447 (ii) using the voting device to enter the name of the valid write-in candidate for whom  
448 the voter wishes to vote.

449 (5) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,  
450 Municipal Instant Runoff Voting Pilot Project, a voter:

451 (a) (i) shall indicate, as directed on the ballot, the name of the candidate who is the  
452 voter's first preference for the office; and

453 (ii) may indicate, as directed on the ballot, the names of the remaining candidates in  
454 order of the voter's preference; or

455 (b) for approval voting, shall vote for one or more candidates in the race.

456 [~~5~~] (6) After preparation of the ballot:

457 (a) if a paper ballot or punch card ballot is used:

458 (i) the voter shall:

459 (A) leave the voting booth; and

460 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;

461 (ii) the poll worker in charge of the ballot box shall:

462 (A) clearly and audibly announce the name of the voter and the number on the stub of  
463 the voter's ballot;

464 (B) if the stub number on the ballot corresponds with the number previously recorded  
465 in the official register, and bears the initials of the poll worker, remove the stub from the ballot;  
466 and

467 (C) return the ballot to the voter;

468 (iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by  
469 depositing the ballot in the ballot box; and

470 (iv) if the stub has been detached from the ballot:

471 (A) the poll worker may not accept the ballot; and

472 (B) the poll worker shall:

473 (I) treat the ballot as a spoiled ballot;

474 (II) provide the voter with a new ballot; and

475 (III) dispose of the spoiled ballot as provided in Section [20A-3-107](#);

476 (b) if a ballot sheet other than a punch card is used:

477 (i) the voter shall:

478 (A) leave the voting booth; and

479 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;

480 (ii) the poll worker in charge of the ballot box shall:

481 (A) clearly and audibly announce the name of the voter and the number on the stub of  
482 the voter's ballot; and

483 (B) if the stub number on the ballot corresponds with the number previously recorded  
484 in the official register, and bears the initials of the poll worker, return the ballot to the voter;  
485 and

486 (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the  
487 ballot in the ballot box; and

488 (c) if an electronic ballot is used, the voter shall:

489 (i) cast the voter's ballot;

490 (ii) remove the ballot access card from the voting device; and



491 (iii) return the ballot access card to a designated poll worker.

492 [~~(6)~~] (7) A voter voting a paper ballot in a regular primary election shall, after marking  
493 the ballot:

494 (a) (i) if the ballot is designed so that the names of all candidates for all political parties  
495 are on the same ballot, detach the part of the paper ballot containing the names of the  
496 candidates of the party [~~he~~] the voter has voted from the remainder of the paper ballot;

497 (ii) fold that portion of the paper ballot so that its face is concealed; and

498 (iii) deposit it in the ballot box; and

499 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of  
500 the parties that the elector did not vote; and

501 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot  
502 box.

503 [~~(7)~~] (8) (a) Each voter shall mark and cast or deposit the ballot without delay and shall  
504 leave the voting area after voting.

505 (b) A voter may not:

506 (i) occupy a voting booth occupied by another, except as provided in Section  
507 [20A-3-108](#);

508 (ii) remain within the voting area more than 10 minutes; or

509 (iii) occupy a voting booth for more than five minutes if all booths are in use and other  
510 voters are waiting to occupy them.

511 [~~(8)~~] (9) If the official register shows any voter as having voted, that voter may not  
512 reenter the voting area during that election unless that voter is an election official or watcher.

513 [~~(9)~~] (10) The poll workers may not allow more than four voters more than the number  
514 of voting booths into the voting area at one time unless those excess voters are:

515 (a) election officials;

516 (b) watchers; or

517 (c) assisting voters with a disability.

518 Section 5. Section **20A-4-101** is amended to read:

519 **20A-4-101. Counting paper ballots during election day.**

520 (1) Each county legislative body or municipal legislative body that has voting precincts  
521 that use paper ballots and each poll worker in those voting precincts shall comply with the

522 requirements of this section.

523 (2) (a) Each county legislative body or municipal legislative body shall provide:

524 (i) two sets of ballot boxes for all voting precincts where both receiving and counting  
525 judges have been appointed; and

526 (ii) a counting room for the use of the poll workers counting the ballots during the day.

527 (b) At any election in any voting precinct in which both receiving and counting judges  
528 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

529 (i) close the first ballot box and deliver it to the counting judges; and

530 (ii) prepare and use another ballot box to receive voted ballots.

531 (c) ~~Upon~~ Except as provided in Subsection (2)(f), upon receipt of the ballot box, the  
532 counting judges shall:

533 (i) take the ballot box to the counting room;

534 (ii) count the votes on the regular ballots in the ballot box;

535 (iii) place the provisional ballot envelopes in the envelope or container provided for  
536 them for return to the election officer; and

537 (iv) when they have finished counting the votes in the ballot box, return the emptied  
538 box to the receiving judges.

539 (d) (i) During the course of election day, whenever there are at least 20 ballots  
540 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting  
541 judges for counting; and

542 (ii) the counting judges shall immediately count the regular ballots and segregate the  
543 provisional ballots contained in that box.

544 (e) The counting judges shall continue to exchange the ballot boxes and count ballots  
545 until the polls close.

546 (f) (i) The director of elections within the Office of the Lieutenant Governor shall make  
547 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
548 describing the procedures that a counting judge is required to follow for counting ballots in an  
549 instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting  
550 Pilot Project.

551 (ii) When counting ballots in an instant runoff voting race described in Title 20A,  
552 Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, a counting judge shall comply

553 with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4, Part 6,  
554 Municipal Instant Runoff Voting Pilot Project.

555 (3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe  
556 the count.

557 ~~[(4) The counting judges shall apply the standards and requirements of Section~~  
558 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

559 (4) To resolve questions that arise during the counting of ballots, a counting judge shall  
560 apply the standards and requirements of:

561 (a) to the extent applicable, Section 20A-4-105; and

562 (b) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6,  
563 Municipal Instant Runoff Voting Pilot Project, Subsection 20A-4-603(6), 20A-4-604(4), or  
564 20A-4-605(3).

565 Section 6. Section 20A-4-102 is amended to read:

566 **20A-4-102. Counting paper ballots after the polls close.**

567 (1) (a) Except as provided in Subsection (2) or a rule made under Subsection  
568 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,  
569 the election judges shall count the ballots by performing the tasks specified in this section in  
570 the order that they are specified.

571 ~~[(b) The election judges shall apply the standards and requirements of Section~~  
572 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

573 (b) To resolve questions that arise during the counting of ballots, a counting judge shall  
574 apply the standards and requirements of:

575 (i) to the extent applicable, Section 20A-4-105; and

576 (ii) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6,  
577 Municipal Instant Runoff Voting Pilot Project, Subsection 20A-4-603(6), 20A-4-604(4), or  
578 20A-4-605(3).

579 (2) (a) First, the election judges shall count the number of ballots in the ballot box.

580 (b) (i) If there are more ballots in the ballot box than there are names entered in the  
581 pollbook, the judges shall examine the official endorsements on the ballots.

582 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper  
583 official endorsement, the judges shall put those ballots in an excess ballot file and not count

584 them.

585 (c) (i) If, after examining the official endorsements, there are still more ballots in the  
586 ballot box than there are names entered in the pollbook, the judges shall place the remaining  
587 ballots back in the ballot box.

588 (ii) One of the judges, without looking, shall draw a number of ballots equal to the  
589 excess from the ballot box.

590 (iii) The judges shall put those excess ballots into the excess ballot envelope and not  
591 count them.

592 (d) When the ballots in the ballot box equal the number of names entered in the  
593 pollbook, the judges shall count the votes.

594 (3) The judges shall:

595 (a) place all unused ballots in the envelope or container provided for return to the  
596 county clerk or city recorder; and

597 (b) seal that envelope or container.

598 (4) The judges shall:

599 (a) place all of the provisional ballot envelopes in the envelope provided for them for  
600 return to the election officer; and

601 (b) seal that envelope or container.

602 (5) (a) In counting the votes, the election judges shall read and count each ballot  
603 separately.

604 (b) In regular primary elections the judges shall:

605 (i) count the number of ballots cast for each party;

606 (ii) place the ballots cast for each party in separate piles; and

607 (iii) count all the ballots for one party before beginning to count the ballots cast for  
608 other parties.

609 (6) (a) In all elections, the counting judges shall, except as provided in Title 20A,  
610 Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, or a rule made under  
611 Subsection 20A-4-101(2)(f)(i):

612 (i) count one vote for each candidate designated by the marks in the squares next to the  
613 candidate's name;

614 (ii) count one vote for each candidate on the ticket beneath a marked circle, excluding

615 any candidate for an office for which a vote has been cast for a candidate for the same office  
616 upon another ticket by the placing of a mark in the square opposite the name of that candidate  
617 on the other ticket;

618 (iii) count each vote for each write-in candidate who has qualified by filing a  
619 declaration of candidacy under Section 20A-9-601;

620 (iv) read every name marked on the ballot and mark every name upon the tally sheets  
621 before another ballot is counted;

622 (v) evaluate each ballot and each vote based on the standards and requirements of  
623 Section 20A-4-105;

624 (vi) write the word "spoiled" on the back of each ballot that lacks the official  
625 endorsement and deposit it in the spoiled ballot envelope; and

626 (vii) read, count, and record upon the tally sheets the votes that each candidate and  
627 ballot proposition received from all ballots, except excess or spoiled ballots.

628 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or  
629 persons clearly not eligible to qualify for office.

630 (c) The judges shall certify to the accuracy and completeness of the tally list in the  
631 space provided on the tally list.

632 (d) When the judges have counted all of the voted ballots, they shall record the results  
633 on the total votes cast form.

634 (7) Only election judges and counting poll watchers may be present at the place where  
635 counting is conducted until the count is completed.

636 Section 7. Section 20A-4-105 is amended to read:

637 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

638 (1) (a) An election officer shall ensure that when a question arises regarding a vote  
639 recorded on a paper ballot, two counting judges jointly adjudicate the ballot, except as  
640 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot  
641 Project, in accordance with the requirements of this section.

642 (b) If the counting judges disagree on the disposition of a vote recorded on a ballot that  
643 is adjudicated under this section, the counting judges may not count the vote.

644 (2) Except as provided in Subsection (11), Subsection 20A-3-105(5), or Title 20A,  
645 Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, if a voter marks more names

646 than there are individuals to be elected to an office, or if the counting judges cannot determine  
647 a voter's choice for an office, the counting judges may not count the voter's vote for that office.

648 (3) [~~The~~] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal  
649 Instant Runoff Voting Pilot Project, the counting judges shall count a defective or incomplete  
650 mark on a paper ballot if:

651 (a) the defective or incomplete mark is in the proper place; and

652 (b) there is no other mark or cross on the ballot indicating the voter's intent to vote  
653 other than as indicated by the incomplete or defective mark.

654 (4) (a) When a voter has marked a ballot so that it appears that the voter has voted  
655 more than one straight ticket, the counting judges may not count any votes on the ballot for  
656 party candidates.

657 (b) The counting judges shall count the remainder of the ballot if the remainder of the  
658 ballot is voted correctly.

659 (5) [~~The~~] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal  
660 Instant Runoff Voting Pilot Project, the counting judges may not reject a ballot marked by the  
661 voter because of marks on the ballot other than those marks allowed by this section unless the  
662 extraneous marks on a ballot show an intent by an individual to mark the individual's ballot so  
663 that the individual's ballot can be identified.

664 (6) (a) In counting the ballots, the counting judges shall give full consideration to the  
665 intent of the voter.

666 (b) The counting judges may not invalidate a ballot because of mechanical or technical  
667 defects in voting or failure on the part of the voter to follow strictly the rules for balloting  
668 required by Chapter 3, Voting.

669 (7) The counting judges may not reject a ballot because of an error in:

670 (a) stamping or writing an official endorsement; or

671 (b) delivering the wrong ballots to a polling place.

672 (8) The counting judges may not count a paper ballot that does not have the official  
673 endorsement by an election officer.

674 (9) The counting judges may not count a ballot proposition vote or candidate vote for  
675 which the voter is not legally entitled to vote, as defined in Section [20A-4-107](#).

676 (10) If the counting judges discover that the name of a candidate is misspelled on a

677 ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole  
678 or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is  
679 apparent that the voter intended to vote for the candidate.

680 (11) The counting judges shall count a vote for the president and the vice president of  
681 any political party as a vote for the presidential electors selected by the political party.

682 (12) [Hr] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal  
683 Instant Runoff Voting Pilot Project, in counting the valid write-in votes, if, by casting a valid  
684 write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that  
685 office, the counting judges shall count the valid write-in vote as being the obvious intent of the  
686 voter.

687 Section 8. Section **20A-4-106** is amended to read:

688 **20A-4-106. Paper ballots -- Sealing.**

689 (1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read  
690 and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate  
691 strings.

692 (ii) After the ballots are strung, they may not be examined by anyone, except when  
693 examined during a recount conducted under the authority of Section [20A-4-401](#) or Title 20A,  
694 Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project.

695 (b) The judges shall carefully seal all of the strung ballots in a strong envelope.

696 (2) (a) For regular primary elections, after all the ballots have been counted, certified  
697 to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate  
698 envelopes.

699 (b) The judges shall:

700 (i) seal each of the envelopes containing the votes of each of the political parties in one  
701 large envelope; and

702 (ii) return that envelope to the county clerk.

703 (c) The judges shall:

704 (i) destroy the ballots in the blank ballot box; or

705 (ii) if directed to do so by the election officer, return them to the election officer for  
706 destruction.

707 (3) As soon as the judges have counted all the votes and sealed the ballots they shall

708 sign and certify the pollbooks.

709 (4) (a) The judges, before they adjourn, shall:

710 (i) enclose and seal the official register, the posting book, the pollbook, the ballot  
711 disposition form, the military and overseas absentee voter registration and voting certificates,  
712 one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;

713 (ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been  
714 strung and placed in a separate envelope or pouch as required by Subsection (1);

715 (iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot  
716 disposition form in a separate envelope or pouch;

717 (iv) place all provisional ballots in a separate envelope or pouch; and

718 (v) place the total votes cast form and the judges' vouchers requesting compensation  
719 for services rendered in a separate pouch.

720 (b) Before enclosing the official register in the envelope or pouch, the election judges  
721 shall certify it substantially as follows:

722 "We, the undersigned, judges of election for precinct \_\_\_\_\_, (jurisdiction) \_\_\_\_\_,

723 Utah, certify that the required entries have been made for the election held

724 \_\_\_\_\_(month\day\year), including:

725 a list of the ballot numbers for each voter;

726 the voters' signatures, except where a judge has signed for the absentee voters;

727 a list of information surrounding a voter who is challenged,

728 including any affidavits; and

729 a notation for each time a voter was assisted with a ballot."

730 (5) Each judge shall:

731 (a) write [~~his~~] the judge's name across the seal of each envelope or pouch;

732 (b) mark on the exterior of the envelope or pouch:

733 (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other  
734 words plainly indicating the contents of the packages; and

735 (ii) the number of the voting precinct.

736 Section 9. Section **20A-4-304** is amended to read:

737 **20A-4-304. Declaration of results -- Canvassers' report.**

738 (1) Each board of canvassers shall:



739 (a) except as provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting  
740 Pilot Project, declare "elected" or "nominated" those persons who:  
741 (i) had the highest number of votes; and  
742 (ii) sought election or nomination to an office completely within the board's  
743 jurisdiction;  
744 (b) declare:  
745 (i) "approved" those ballot propositions that:  
746 (A) had more "yes" votes than "no" votes; and  
747 (B) were submitted only to the voters within the board's jurisdiction;  
748 (ii) "rejected" those ballot propositions that:  
749 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
750 votes; and  
751 (B) were submitted only to the voters within the board's jurisdiction;  
752 (c) certify the vote totals for persons and for and against ballot propositions that were  
753 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
754 the lieutenant governor; and  
755 (d) if applicable, certify the results of each local district election to the local district  
756 clerk.  
757 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the  
758 result, which shall contain:  
759 (i) the total number of votes cast in the board's jurisdiction;  
760 (ii) the names of each candidate whose name appeared on the ballot;  
761 (iii) the title of each ballot proposition that appeared on the ballot;  
762 (iv) each office that appeared on the ballot;  
763 (v) from each voting precinct:  
764 (A) the number of votes for each candidate; ~~and~~  
765 (B) for each race conducted by instant runoff voting, other than approval voting, under  
766 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, the number of  
767 valid votes cast for each candidate for each potential ballot-counting phase and the name of the  
768 candidate excluded in each canvassing phase; and  
769 ~~(B)~~ (C) the number of votes for and against each ballot proposition;

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

772 (vii) the number of ballots that were rejected; and

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

774 (b) The election officer and the board of canvassers shall:

775 (i) review the report to ensure that it is correct; and

776 (ii) sign the report.

777 (c) The election officer shall:

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

779 (ii) prepare and transmit a certificate of nomination or election under the officer's seal  
780 to each nominated or elected candidate;

781 (iii) publish a copy of the certified report:

782 (A) in one or more conspicuous places within the jurisdiction;

783 (B) in a conspicuous place on the county's website; and

784 (C) in a newspaper with general circulation in the board's jurisdiction; and

785 (iv) file a copy of the certified report with the lieutenant governor.

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

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

791 (b) transmit it by registered mail to the lieutenant governor.

792 (4) In each county election, municipal election, school election, local district election,  
793 and local special election, the election officer shall transmit the reports to the lieutenant  
794 governor within 14 days after the date of the election.

795 (5) In regular primary elections and in the Western States Presidential Primary, the  
796 board shall transmit to the lieutenant governor:

797 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
798 governor:

799 (i) not later than the second Tuesday after the primary election for the regular primary  
800 election; and

801 (ii) not later than the Tuesday following the election for the Western States Presidential  
802 Primary; and

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

806 Section 10. Section **20A-4-401** is amended to read:

807 **20A-4-401. Recounts -- Procedure.**

808 (1) (a) This section does not apply to a race conducted by instant runoff voting under  
809 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project.

810 ~~(1)(a)~~ (b) Except as provided in Subsection (1)~~(b)~~(c), for a race between  
811 candidates, if the difference between the number of votes cast for a winning candidate in the  
812 race and a losing candidate in the race is equal to or less than .25% of the total number of votes  
813 cast for all candidates in the race, that losing candidate may file a request for a recount in  
814 accordance with Subsection (1)~~(c)~~(d).

815 ~~(b)~~ (c) For a race between candidates where the total of all votes cast in the race is  
816 400 or less, if the difference between the number of votes cast for a winning candidate in the  
817 race and a losing candidate in the race is one vote, that losing candidate may file a request for a  
818 recount in accordance with Subsection (1)~~(c)~~(d).

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

821 (i) for a municipal primary election, with the municipal clerk, within three days after  
822 the canvass; or

823 (ii) for all other elections, within seven days after the canvass with:

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

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

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

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

828 ~~(d)~~ (e) The election officer shall:

829 (i) supervise the recount;

830 (ii) recount all ballots cast for that race;

831 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part

832 3, Absentee Voting;

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

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

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

842 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or  
843 against the proposition is 400 or less, if the difference between the number of votes cast for the  
844 proposition and the number of votes cast against the proposition is one vote, any 10 voters who  
845 voted in the election where the proposition was on the ballot may file a request for a recount  
846 within seven days of the canvass with the person described in Subsection (2)(c).

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

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

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

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

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

853 (d) The election officer shall:

854 (i) supervise the recount;

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

856 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part

857 3, Absentee Voting; and

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

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

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

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

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

867 (b) The board of canvassers shall:

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

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

872 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,  
873 the board of county canvassers shall prepare and transmit a separate report to the lieutenant  
874 governor as required by Subsection 20A-4-304(3).

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

877 Section 11. Section 20A-4-601 is enacted to read:

878 **Part 6. Municipal Instant Runoff Voting Pilot Project**

879 **20A-4-601. Definitions.**

880 As used in this part:

881 (1) "Candidate amplifier" means the product of:

882 (a) two less than the total number of candidates in a given canvassing phase of a  
883 multi-candidate race; and

884 (b) .02%.

885 (2) "Multi-candidate race" means a nonpartisan municipal race where:

886 (a) for the election of at-large officers, the number of candidates who qualify for the  
887 race exceeds the total number of seats to be filled; or

888 (b) for the election of an officer other than an at-large officer, more than two  
889 candidates qualify to run for one office.

890 (3) "Participating municipality" means a municipality that is participating in the pilot  
891 project, in accordance with Subsection 20A-4-602(3).

892 (4) "Pilot project" means the Municipal Instant Runoff Voting Pilot Project created in  
893 Section 20A-4-602.

894 (5) "Recount threshold" means the sum of the candidate amplifier and the following:

895 (a) for a canvassing phase in which fewer than 100 valid votes are counted, 0.21%;

896 (b) for a canvassing phase in which at least 100, but fewer than 500, valid votes are  
897 counted, 0.19%;

898 (c) for a canvassing phase in which at least 500, but fewer than 1,000, valid votes are  
899 counted, 0.17%;

900 (d) for a canvassing phase in which at least 1,000, but fewer than 5,000, valid votes are  
901 counted, 0.15%;

902 (e) for a canvassing phase in which at least 5,000, but fewer than 10,000, valid votes  
903 are counted, 0.13%; and

904 (f) for a canvassing phase in which 10,000 or more valid votes are counted, 0.11%.

905 (6) "Valid" means that the ballot is marked in a manner that permits the vote to be  
906 counted during the applicable ballot-counting phase.

907 Section 12. Section **20A-4-602** is enacted to read:

908 **20A-4-602. Municipal Instant Runoff Voting Pilot Project -- Creation --**  
909 **Participation.**

910 (1) There is created the Municipal Instant Runoff Voting Pilot Project.

911 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2028.

912 (3) A municipality may participate in the pilot project, in accordance with the  
913 requirements of this section and all other applicable provisions of law, during any

914 odd-numbered year that the pilot project is in effect, if, before January 1 of the odd-numbered  
915 year, the municipality provides written notice to the lieutenant governor stating:

916 (a) that the municipality intends to participate in the pilot project for the year specified  
917 in the notice;

918 (b) whether, for races where only one office is to be filled, the municipality will use:

919 (i) elimination instant runoff voting, described in Section [20A-4-603](#) and [20A-4-604](#);

920 or

921 (ii) approval voting, described in Section [20A-4-606](#); and

922 (c) whether, for races where more than one at-large office is to be filled, the  
923 municipality will use:

924 (i) elimination instant runoff voting, described in Section [20A-4-603](#);

925 (ii) sequential instant runoff voting, described in Section 20A-4-605; or

926 (iii) approval voting, described in Section 20A-4-606.

927 (4) The lieutenant governor shall maintain, in a prominent place on the lieutenant  
928 governor's website, a current list of the municipalities that are participating in the pilot project.

929 (5) (a) An election officer of a participating municipality shall, in accordance with the  
930 provisions of this part, conduct a multi-candidate race during the municipal general election  
931 using instant runoff voting.

932 (b) An election officer of a participating municipality that will conduct a  
933 multi-candidate race under Subsection (5)(a) may not conduct a municipal primary election  
934 relating to that race.

935 (c) A municipality that has in effect an ordinance described in Subsection 20A-9-404  
936 (3) or (4) may not participate in the pilot project.

937 Section 13. Section **20A-4-603** is enacted to read:

938 **20A-4-603. Elimination instant runoff voting for at-large officers.**

939 (1) This section does not apply to a municipal race where:

940 (a) only one office is to be filled, if the municipality gave the notice described in  
941 Subsection 20A-4-602(3)(b)(ii), relating to using approval voting; or

942 (b) more than one at-large office is to be filled, if the municipality gave the notice  
943 described in Subsection 20A-4-602(3)(c)(ii) or (iii), relating to using approval voting.

944 (2) Except as provided in Subsection (1), in a multi-candidate race to fill one or more  
945 at-large seats for the same office, where the number of candidates who qualify for the race  
946 exceeds the total number of at-large seats to be filled for that office by at least two, the election  
947 officer shall conduct the first phase of the ballot count by:

948 (a) counting the valid first preference votes for each candidate;

949 (b) after complying with Subsection (7):

950 (i) excluding from the race the candidate who received the fewest valid first preference  
951 votes; or

952 (ii) in the event of a tie for the fewest valid first preference votes counted, excluding  
953 one of the tied candidates, determined by the election officer by lot, in accordance with  
954 Subsection (8); and

955 (c) after excluding a candidate under Subsection (2)(b), adding, to the valid first

956 preference votes counted for the remaining candidates, the valid second preference votes cast  
957 for the remaining candidates by the voters who cast a valid first preference vote for the  
958 excluded candidate.

959 (3) If, after complying with Subsection (2), the number of remaining candidates is two  
960 or more than the number of seats to be filled for that office, the election officer shall continue  
961 the process described in Subsections (2)(a) through (c), until the number of remaining  
962 candidates is one more than the number of seats to be filled for that office, as follows:

963 (a) after complying with Subsection (7):

964 (i) excluding from consideration the candidate who has the fewest valid votes counted;  
965 or

966 (ii) in the event of a tie for the fewest valid votes counted, excluding one of the tied  
967 candidates, by lot, in accordance with Subsection (8); and

968 (b) adding the next valid preference vote cast by each voter whose vote was counted  
969 for the last excluded candidate to one of the remaining candidates, in the order of the next  
970 preference indicated by the voter.

971 (4) When, after complying with Subsections (2) and (3), the number of remaining  
972 candidates is one more than the number of seats to be filled for that office, the election officer  
973 shall, after complying with Subsection (7):

974 (a) (i) exclude the candidate with the fewest valid votes; or

975 (ii) in the event of a tie for the fewest valid votes counted, exclude one of the tied  
976 candidates, by lot, in accordance with Subsection (8); and

977 (b) declare the remainder of the candidates elected.

978 (5) Except as provided in Subsection (1), in a multi-candidate race to fill one or more  
979 at-large seats for the same office, where the number of candidates who qualify for the race  
980 exceeds the total number of at-large seats to be filled for that office by one, the election officer  
981 shall:

982 (a) count the valid first preference votes for each candidate; and

983 (b) after complying with Subsection (7):

984 (i) (A) exclude the candidate with the fewest valid first preference votes; or

985 (B) in the event of a tie for the fewest valid first preference votes counted, exclude one  
986 of the candidates who received the fewest valid votes counted, by lot, in accordance with



987 Subsection (8); and

988 (ii) declare the remainder of the candidates elected.

989 (6) (a) A vote is valid for a particular phase of a multi-candidate race only if the voter  
990 indicates the voter's preference for that phase and all previous phases.

991 (b) A vote is not valid for a particular phase of a multi-candidate race, and for all  
992 subsequent phases, if the voter indicates the same rank for more than one candidate for that  
993 phase.

994 (7) Before excluding a candidate from a multi-candidate general race under  
995 Subsections (2) through (4), the election officer shall order a recount of the valid votes counted  
996 in the applicable ballot-counting phase if the difference between the number of valid votes  
997 counted for the candidate who received the fewest valid votes in the applicable ballot-counting  
998 phase of the race and any other candidate in the race is equal to or less than the product of the  
999 following, rounded up to the nearest whole number:

1000 (a) the total number of voters who cast a valid vote counted in that ballot-counting  
1001 phase; and

1002 (b) the recount threshold.

1003 (8) If, after a recount is completed under Subsection (7), two or more candidates tie as  
1004 having received the fewest valid votes counted at that point in the ballot count, the election  
1005 officer shall eliminate one of those candidates from consideration, by lot, in the following  
1006 manner:

1007 (a) determine the names of the candidates who tie as having received the fewest valid  
1008 votes for that ballot-counting phase;

1009 (b) cast the lot in the presence of at least two election officials and any counting poll  
1010 watchers who are present and desire to witness the casting of the lot; and

1011 (c) sign a public document that:

1012 (i) certifies the method used for casting the lot and the result of the lot; and

1013 (ii) includes the name of each individual who witnessed the casting of the lot.

1014 Section 14. Section **20A-4-604** is enacted to read:

1015 **20A-4-604. Elimination instant runoff voting for officers other than at-large**  
1016 **officers.**

1017 (1) This section does not apply to a municipal race where only one office is to be filled,

1018 if the municipality gave the notice described in Subsection [20A-4-602\(3\)\(b\)\(ii\)](#).

1019 (2) In a multi-candidate race for an officer other than an at-large officer, the election  
1020 officer shall:

1021 (a) (i) conduct the first ballot-counting phase by counting the valid first preference  
1022 votes for each candidate; and

1023 (ii) if, after complying with Subsection (6), one of the candidates receives more than  
1024 50% of the valid first preference votes counted, declare that candidate elected;

1025 (b) if, after counting the valid first preference votes for each candidate, and complying  
1026 with Subsection (6), no candidate receives more than 50% of the valid first preference votes  
1027 counted, conduct the second ballot-counting phase by:

1028 (i) excluding from the multi-candidate race:

1029 (A) the candidate who received the fewest valid first preference votes counted; or

1030 (B) in the event of a tie for the fewest valid first preference votes counted, one of the  
1031 tied candidates, determined by the tied election officer by lot, in accordance with Subsection  
1032 (7);

1033 (ii) adding, to the valid first preference votes counted for the remaining candidates, the  
1034 valid second preference votes cast for the remaining candidates by the voters who cast a valid  
1035 first preference vote for the excluded candidate; and

1036 (iii) if, after adding the votes in accordance with Subsection (2)(b)(ii) and complying  
1037 with Subsection (6), one candidate receives more than 50% of the valid votes counted,  
1038 declaring that candidate elected; and

1039 (c) if, after adding the valid second preference votes in accordance with Subsection  
1040 (2)(b)(ii) and complying with Subsection (6), no candidate receives more than 50% of the valid  
1041 votes counted, conduct subsequent ballot-counting phases by continuing the process described  
1042 in Subsection (2)(b) until a candidate receives more than 50% of the valid votes counted, as  
1043 follows:

1044 (i) after complying with Subsection (6), excluding from consideration the candidate  
1045 who has the fewest valid votes counted or, in the event of a tie for the fewest valid votes  
1046 counted, excluding one of the tied candidates, by lot, in accordance with Subsection (7); and

1047 (ii) adding the next valid preference vote cast by each voter whose vote was counted  
1048 for the last excluded candidate to one of the remaining candidates, in the order of the next

1049 preference indicated by the voter.

1050 (3) The election officer shall declare elected the first candidate who receives more than  
1051 50% of the valid votes counted under the process described in Subsection (2).

1052 (4) (a) A vote is valid for a particular phase of a multi-candidate race only if the voter  
1053 indicates the voter's preference for that phase and all previous phases.

1054 (b) A vote is not valid for a particular phase of a multi-candidate race, and for all  
1055 subsequent phases, if the voter indicates the same rank for more than one candidate for that  
1056 phase.

1057 (5) The election officer shall order a recount of the valid votes in the applicable  
1058 ballot-counting phase if one candidate appears to have received at least 50% of the vote, and  
1059 the difference between the number of votes counted for the candidate who received the most  
1060 valid votes for the applicable ballot-counting phase and any other candidate in the race is equal  
1061 to or less than the product of the following, rounded up to the nearest whole number:

1062 (a) the total number of voters who cast a valid vote that is counted in the applicable  
1063 ballot-counting phase of the race; and

1064 (b) the recount threshold.

1065 (6) Before excluding a candidate from a multi-candidate race under Subsection (2), the  
1066 election officer shall order a recount of the valid votes counted in the applicable  
1067 ballot-counting phase if the difference between the number of votes counted for the candidate  
1068 who received the fewest valid votes in the applicable ballot-counting phase of the race and any  
1069 other candidate in the race is equal to or less than the product of the following, rounded up to  
1070 the nearest whole number:

1071 (a) the total number of voters who cast a valid vote counted in that ballot-counting  
1072 phase; and

1073 (b) the recount threshold.

1074 (7) For each ballot-counting phase after the first phase, if, after a recount is completed  
1075 under Subsection (6), two or more candidates tie as having received the fewest valid votes  
1076 counted at that point in the ballot count, the election officer shall eliminate one of those  
1077 candidates from consideration, by lot, in the following manner:

1078 (a) determine the names of the candidates who tie as having received the fewest valid  
1079 votes for that ballot-counting phase;

1080 (b) cast the lot in the presence of at least two election officials and any counting poll  
1081 watchers who are present and desire to witness the casting of the lot; and

1082 (c) sign a public document that:

1083 (i) certifies the method used for casting the lot and the result of the lot; and

1084 (ii) includes the name of each individual who witnessed the casting of the lot.

1085 (8) For a multi-candidate race, if, after eliminating all but two of the candidates in the  
1086 race and after a recount is completed under Subsection (5), the two remaining candidates have  
1087 an equal number of valid votes counted in the latest ballot-counting phase, the election officer  
1088 shall, in a public meeting held within 30 days after the day on which the canvass is completed,  
1089 determine the election winner by lot in the presence of each candidate subject to the tie.

1090 Section 15. Section **20A-4-605** is enacted to read:

1091 **20A-4-605. Sequential instant runoff voting for at-large office races.**

1092 (1) This section applies to a municipal multi-candidate race where more than one  
1093 at-large office is to be filled, if the municipality gave the notice described in Subsection  
1094 20A-4-602(3)(c)(ii), regarding the municipality's intent to use sequential instant runoff voting.

1095 (2) In a multi-candidate race described in Subsection (1) where the number of  
1096 candidates who qualify for the race exceeds the total number of at-large seats to be filled for  
1097 the office, the election officer shall count the votes by:

1098 (a) counting votes in the same manner as described in Section 20A-4-604, except for  
1099 Subsection 20A-4-604(8), until a candidate is declared elected;

1100 (b) repeating the process described in Subsection (2)(a) for all candidates that are not  
1101 declared elected until another candidate is declared elected; and

1102 (c) continuing the process described in Subsection (2)(b) until all at large seats in the  
1103 race are filled.

1104 Section 16. Section **20A-4-606** is enacted to read:

1105 **20A-4-606. Approval voting.**

1106 (1) This section applies to a municipal multi-candidate race where:

1107 (a) only one office is to be filled, if the municipality gave the notice described in  
1108 Subsection 20A-4-602(3)(b)(ii), regarding the municipality's intent to use approval voting; or

1109 (b) more than one at-large office is to be filled, if the municipality gave the notice  
1110 described in Subsection 20A-4-602(3)(c)(iii), regarding the municipality's intent to use

1111 approval voting.

1112 (2) In a multi-candidate race described in Subsection (1), the ballot for the race shall:

1113 (a) name each candidate who qualifies for placement on the ballot for the race and,

1114 adjacent to each name, provide a place where a voter may vote for the candidate;

1115 (b) provide the ability for a voter to vote for a write-on candidate by entering a write-in  
1116 candidate's name; and

1117 (c) state that the voter may vote for as many candidates as the voter desires for that  
1118 race.

1119 (3) The election officer shall count ballots for a vote conducted under this section by:

1120 (a) counting the total number of valid votes cast for each candidate; and

1121 (b) after complying with Subsection (4):

1122 (i) declaring elected the number of candidates necessary to fill the open seats who  
1123 received the highest number of votes; or

1124 (ii) in the event that it is necessary to resolve a tie, resolve the tie in accordance with  
1125 Subsection (5).

1126 (4) Before taking the action described in Subsection (3)(b), the election officer shall  
1127 order a recount of the valid votes counted if, after ranking the candidates in order of the most  
1128 valid votes received, the difference between a candidate who receives, or ties for receiving, the  
1129 least number of valid votes while still qualifying for a seat in the race, and any other candidate  
1130 in the race is equal to or less than the product of the following, rounded up to the nearest whole  
1131 number:

1132 (a) the total number of voters who cast a valid vote counted in that canvassing phase;

1133 and

1134 (b) the recount threshold.

1135 (5) An election officer shall resolve a tie described in Subsection (3)(b)(ii), in a public  
1136 meeting held within 30 days after the day on which the canvass is completed, by lot, in the  
1137 presence of each candidate subject to the tie.

1138 Section 17. Section **20A-4-607** is enacted to read:

1139 **20A-4-607. Batch Elimination.**

1140 (1) In any ballot count conducted under Section [20A-4-603](#), [20A-4-604](#), or [20A-4-605](#),  
1141 the election officer may exclude candidates through batch elimination by, instead of excluding

1142 only one candidate in a ballot-counting phase, excluding each candidate:

1143 (a) for which the number of remaining candidates with more valid votes than that  
1144 candidate is greater than or equal to the number of offices to be filled; and

1145 (b) (i) for which the number of valid votes counted for the candidate in the phase plus  
1146 the number of votes counting for all candidates with fewer valid votes in the phase is less than  
1147 the number of valid votes for the candidate with the next-highest amount of valid votes in the  
1148 phase; or

1149 (ii) who has fewer valid votes in the phase than a candidate who is excluded under  
1150 Subsection (1)(b)(i).

1151 (2) The requirements for a recount before excluding a candidate under Subsection  
1152 20A-4-603(7) or 20A-4-604(6) do not apply to candidates who are excluded through batch  
1153 elimination.

1154 Section 18. Section **20A-5-404** is amended to read:

1155 **20A-5-404. Election forms -- Preparation and contents.**

1156 (1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

1157 (i) ballot disposition form;

1158 (ii) total votes cast form;

1159 (iii) tally sheet form; and

1160 (iv) pollbook.

1161 (b) For each election, the election officer shall:

1162 (i) provide a copy of each form to each of those precincts using paper ballots; and

1163 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting  
1164 precincts using an automated voting system.

1165 (2) The election officer shall ensure that the ballot disposition form contains a space  
1166 for the judges to identify:

1167 (a) the number of ballots voted;

1168 (b) the number of substitute ballots voted, if any;

1169 (c) the number of ballots delivered to the voters;

1170 (d) the number of spoiled ballots;

1171 (e) the number of registered voters listed in the official register;

1172 (f) the total number of voters voting according to the pollbook; and

1173 (g) the number of unused ballots.

1174 (3) The election officer shall ensure that the total votes cast form contains:

1175 (a) the name of each candidate appearing on the ballot, the office for which the  
1176 candidate is running, and a blank space for the election judges to record the number of votes  
1177 that the candidate received;

1178 (b) for a race conducted by instant runoff voting, other than approval voting, under  
1179 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, the name of each  
1180 candidate appearing on the ballot, the office for which the candidate is running, and blank  
1181 spaces for the election judges to record the number of votes counted for each potential phase of  
1182 the canvass;

1183 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of  
1184 write-in candidates, if any, and a blank space for the election judges to record the number of  
1185 votes that the write-in candidate received;

1186 [~~(c)~~] (d) a heading identifying each ballot proposition and blank spaces for the election  
1187 judges to record the number of votes for and against each proposition; and

1188 [~~(d)~~] (e) a certification, in substantially the following form, to be signed by the judges  
1189 when they have completed the total votes cast form:

1190 "TOTAL VOTES CAST

1191 At an election held at \_\_\_\_ in \_\_\_\_ voting precinct in \_\_\_\_\_ (name of entity  
1192 holding the election) and State of Utah, on \_\_\_\_\_ (month\day\year), the following named  
1193 persons received the number of votes annexed to their respective names for the following  
1194 described offices: Total number of votes cast were as follows:

1195 Certified by us \_\_\_\_, \_\_\_\_, \_\_\_\_, Judges of Election."

1196 (4) The election officer shall ensure that the tally sheet form contains:

1197 (a) for each office, the names of the candidates for that office, and blank spaces to tally  
1198 the votes that each candidate receives;

1199 (b) for a race conducted by instant runoff voting, other than approval voting, under  
1200 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, the name of each  
1201 candidate for office and blank spaces to tally the number of valid votes counted for each  
1202 candidate for each potential phase of the canvass;

1203 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of

1204 write-in candidates, if any, and a blank space for the election judges to tally the votes for each  
1205 write-in candidate;

1206 [~~(c)~~] (d) for each ballot proposition, a heading identifying the ballot proposition and the  
1207 words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of  
1208 them for the election judges to tally the ballot proposition votes; and

1209 [~~(d)~~] (e) a certification, in substantially the following form, to be signed by the judges  
1210 when they have completed the tally sheet form:

1211 "Tally Sheet

1212 We the undersigned election judges for voting precinct # \_\_\_\_\_,  
1213 \_\_\_\_\_(entity holding the election) certify that this is a true and correct list of all  
1214 persons voted for and ballot propositions voted on at the election held in that voting precinct on  
1215 \_\_\_\_\_(date of election) and is a tally of the votes cast for each of those  
1216 persons. Certified by us \_\_\_\_, \_\_\_\_, \_\_\_\_, Judges of Election."

1217 (5) The election officer shall ensure that the pollbook:

1218 (a) identifies the voting precinct number on its face; and

1219 (b) contains:

1220 (i) a section to record persons voting on election day, with columns entitled "Ballot  
1221 Number" and "Voter's Name";

1222 (ii) another section in which to record absentee ballots;

1223 (iii) a section in which to record voters who are challenged; and

1224 (iv) a certification, in substantially the following form:

1225 "We, the undersigned, judges of an election held at \_\_\_\_\_ voting precinct, in \_\_\_\_\_  
1226 County, state of Utah, on \_\_\_\_\_(month\day\year), having first been sworn according to  
1227 law, certify that the information listed in this book is a true statement of the number and names  
1228 of the persons voting in the voting precinct at the election, and that the total number of persons  
1229 voting at the election was \_\_\_\_."

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Judges of Election

1234 Section 19. Section 20A-6-203.5 is enacted to read:



1235 **20A-6-203.5. Instant runoff voting ballot.**

1236 If, in an election, at least one of the races is a conducted by instant runoff voting under  
1237 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, the portion of the  
1238 ballot relating to that race shall, except as provided in Subsection [20A-4-606\(2\)](#):

1239 (1) list each candidate who qualifies to be placed on the election ballot for that race;

1240 (2) opposite each candidate's name, include a place where a voter can indicate the  
1241 voter's vote in order of preference for each candidate, as described in Title 20A, Chapter 4, Part  
1242 6, Municipal Instant Runoff Voting Pilot Project; and

1243 (3) provide the ability for a voter to enter a write-in candidate's name and indicate the  
1244 voter's ordered preference for the write-in candidate.

1245 Section 20. Section **20A-6-402** is amended to read:

1246 **20A-6-402. Ballots for municipal general elections.**

1247 (1) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting  
1248 under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, when using  
1249 a paper ballot at municipal general elections, each election officer shall ensure that:

1250 (a) the names of the two candidates who received the highest number of votes for  
1251 mayor in the municipal primary are placed upon the ballot;

1252 (b) if no municipal primary election was held, the names of the candidates who filed  
1253 declarations of candidacy for municipal offices are placed upon the ballot;

1254 (c) for other offices:

1255 (i) twice the number of candidates as there are positions to be filled are certified as  
1256 eligible for election in the municipal general election from those candidates who received the  
1257 greater number of votes in the primary election; and

1258 (ii) the names of those candidates are placed upon the municipal general election  
1259 ballot;

1260 (d) the names of the candidates are placed on the ballot in the order specified under  
1261 Section [20A-6-305](#);

1262 (e) in an election in which a voter is authorized to cast a write-in vote and where a  
1263 write-in candidate is qualified under Section [20A-9-601](#), a write-in area is placed upon the  
1264 ballot that contains, for each office in which there is a qualified write-in candidate:

1265 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

- 1266 (ii) a square or other conforming area that is adjacent to or opposite the blank  
1267 horizontal line to enable the voter to indicate the voter's vote;
- 1268 (f) ballot propositions that have qualified for the ballot, including propositions  
1269 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are  
1270 listed on the ballot in accordance with Section [20A-6-107](#); and
- 1271 (g) bond propositions that have qualified for the ballot are listed on the ballot under the  
1272 title assigned to each bond proposition under Section [11-14-206](#).
- 1273 (2) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting  
1274 under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, when using  
1275 a punch card ballot at municipal general elections, each election officer shall ensure that:
- 1276 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across  
1277 the top of the ballot;
- 1278 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
1279 stub; and
- 1280 (iii) ballot stubs are numbered consecutively;
- 1281 (b) immediately below the perforated ballot stub, the following endorsements are  
1282 printed in 18 point bold type:
- 1283 (i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";  
1284 (ii) the date of the election; and  
1285 (iii) a facsimile of the signature of the election officer and the election officer's title in  
1286 eight-point type;
- 1287 (c) immediately below the election officer's title, two one-point parallel horizontal  
1288 rules separate endorsements from the rest of the ballot;
- 1289 (d) immediately below the horizontal rules, an "Instructions to Voters" section is  
1290 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the  
1291 square following the name(s) of the person(s) you favor as the candidate(s) for each respective  
1292 office." followed by two one-point parallel rules;
- 1293 (e) after the rules, the designation of the office for which the candidates seek election is  
1294 printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to \_\_\_\_  
1295 (the number of candidates for which the voter may vote)" are printed to extend to the extreme  
1296 right of the column in 10-point bold type, followed by a hair-line rule;

1297 (f) after the hair-line rule, the names of the candidates are printed in heavy face type  
1298 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305  
1299 with surnames last and grouped according to the office that they seek;

1300 (g) a square with sides not less than one-fourth inch long is printed immediately  
1301 adjacent to the names of the candidates;

1302 (h) following the name of the last candidate for each office in which a write-in  
1303 candidate is qualified under Section 20A-9-601, the ballot contains:

1304 (i) a write-in space for each elective office in which a write-in candidate is qualified  
1305 where the voter may enter the name of a valid write-in candidate; and

1306 (ii) a square printed immediately adjacent to the write-in space or line where the voter  
1307 may vote for a valid write-in candidate; and

1308 (i) the candidate groups are separated from each other by one light and one heavy line  
1309 or rule.

1310 (3) ~~When~~ Except as otherwise required for a race conducted by instant runoff voting  
1311 under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, when using  
1312 a ballot sheet other than a punch card ballot at municipal general elections, each election  
1313 officer shall ensure that:

1314 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

1315 (ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the  
1316 stub; and

1317 (iii) ballot stubs are numbered consecutively;

1318 (b) immediately below the perforated ballot stub, the following endorsements are  
1319 printed:

1320 (i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

1321 (ii) the date of the election; and

1322 (iii) a facsimile of the signature of the election officer and the election officer's title;

1323 (c) immediately below the election officer's title, a distinct border or line separates  
1324 endorsements from the rest of the ballot;

1325 (d) immediately below the border or line, an "Instructions to Voters" section is printed  
1326 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the  
1327 candidate(s) for each respective office." followed by another border or line;

1328 (e) after the border or line, the designation of the office for which the candidates seek  
1329 election is printed and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
1330 candidates for which the voter may vote)" are printed, followed by a line or border;

1331 (f) after the line or border, the names of the candidates are printed in the order  
1332 specified under Section 20A-6-305 with surnames last and grouped according to the office that  
1333 they seek;

1334 (g) an oval is printed adjacent to the names of the candidates;

1335 (h) following the name of the last candidate for each office in which a write-in  
1336 candidate is qualified under Section 20A-9-601, the ballot contains:

1337 (i) a write-in space or blank line for each elective office in which a write-in candidate  
1338 is qualified where the voter may enter the name of a valid write-in candidate; and

1339 (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a  
1340 valid write-in candidate; and

1341 (i) the candidate groups are separated from each other by a line or border.

1342 (4) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting  
1343 under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, when using  
1344 an electronic ballot at municipal general elections, each election officer shall ensure that:

1345 (a) the following endorsements are displayed on the first screen of the ballot:

1346 (i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

1347 (ii) the date of the election; and

1348 (iii) a facsimile of the signature of the election officer and the election officer's title;

1349 (b) immediately below the election officer's title, a distinct border or line separates the  
1350 endorsements from the rest of the ballot;

1351 (c) immediately below the border or line, an "Instructions to Voters" section is  
1352 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as  
1353 the candidate(s) for each respective office." followed by another border or line;

1354 (d) after the border or line, the designation of the office for which the candidates seek  
1355 election is displayed, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
1356 candidates for which the voter may vote)" are displayed, followed by a line or border;

1357 (e) after the line or border, the names of the candidates are displayed in the order  
1358 specified under Section 20A-6-305 with surnames last and grouped according to the office that

1359 they seek;

1360 (f) a voting square or position is located adjacent to the name of each candidate;

1361 (g) following the name of the last candidate for each office in which a write-in  
1362 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the  
1363 voter may enter the name of and vote for a valid write-in candidate for the office; and

1364 (h) the candidate groups are separated from each other by a line or border.

1365 (5) When a municipality has chosen to nominate candidates by convention or  
1366 committee, the election officer shall ensure that the party name is included with the candidate's  
1367 name on the ballot.

1368 Section 21. Section 20A-9-404 is amended to read:

1369 **20A-9-404. Municipal primary elections.**

1370 (1) (a) Except as otherwise provided in this section or Title 20A, Chapter 4, Part 6,  
1371 Municipal Instant Runoff Voting Pilot Project, candidates for municipal office in all  
1372 municipalities shall be nominated at a municipal primary election.

1373 (b) Municipal primary elections shall be held:

1374 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first  
1375 Monday in the August before the regular municipal election; and

1376 (ii) whenever possible, at the same polling places as the regular municipal election.

1377 (2) [H] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Instant  
1378 Runoff Voting Pilot Project, if the number of candidates for a particular municipal office does  
1379 not exceed twice the number of individuals needed to fill that office, a primary election for that  
1380 office may not be held and the candidates are considered nominated.

1381 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly  
1382 of voters or delegates.

1383 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal  
1384 election, any third, fourth, or fifth class city or town may exempt itself from a primary election  
1385 by providing that the nomination of candidates for municipal office to be voted upon at a  
1386 municipal election be nominated by a political party convention or committee.

1387 (ii) Any primary election exemption ordinance adopted under the authority of this  
1388 Subsection (3) remains in effect until repealed by ordinance.

1389 (c) (i) A convention or committee may not nominate:

1390 (A) an individual who has not submitted a declaration of candidacy, or has not been  
1391 nominated by a nomination petition, under Section 20A-9-203; or

1392 (B) more than one group of candidates, or have placed on the ballot more than one  
1393 group of candidates, for the municipal offices to be voted upon at the municipal election.

1394 (ii) A convention or committee may nominate an individual who has been nominated  
1395 by a different convention or committee.

1396 (iii) A political party may not have more than one group of candidates placed upon the  
1397 ballot and may not group the same candidates on different tickets by the same party under a  
1398 different name or emblem.

1399 (d) (i) The convention or committee shall prepare a certificate of nomination for each  
1400 individual nominated.

1401 (ii) The certificate of nomination shall:

1402 (A) contain the name of the office for which each individual is nominated, the name,  
1403 post office address, and, if in a city, the street number of residence and place of business, if  
1404 any, of each individual nominated;

1405 (B) designate in not more than five words the political party that the convention or  
1406 committee represents;

1407 (C) contain a copy of the resolution passed at the convention that authorized the  
1408 committee to make the nomination;

1409 (D) contain a statement certifying that the name of the candidate nominated by the  
1410 political party will not appear on the ballot as a candidate for any other political party;

1411 (E) be signed by the presiding officer and secretary of the convention or committee;  
1412 and

1413 (F) contain a statement identifying the residence and post office address of the  
1414 presiding officer and secretary and certifying that the presiding officer and secretary were  
1415 officers of the convention or committee and that the certificates are true to the best of their  
1416 knowledge and belief.

1417 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days  
1418 before the municipal general election.

1419 (e) A committee appointed at a convention, if authorized by an enabling resolution,  
1420 may also make nominations or fill vacancies in nominations made at a convention.

1421 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,  
1422 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall  
1423 be included with the candidate's name.

1424 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1  
1425 that falls before the regular municipal election that:

1426 (i) exempts the city from the other methods of nominating candidates to municipal  
1427 office provided in this section; and

1428 (ii) provides for a partisan primary election method of nominating candidates as  
1429 provided in this Subsection (4).

1430 (b) (i) Any party that was a registered political party at the last regular general election  
1431 or regular municipal election is a municipal political party under this section.

1432 (ii) Any political party may qualify as a municipal political party by presenting a  
1433 petition to the city recorder that:

1434 (A) is signed, with a holographic signature, by registered voters within the municipality  
1435 equal to at least 20% of the number of votes cast for all candidates for mayor in the last  
1436 municipal election at which a mayor was elected;

1437 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1438 (C) is substantially similar to the form of the signature sheets described in Section  
1439 [20A-7-303](#); and

1440 (D) contains the name of the municipal political party using not more than five words.

1441 (c) (i) If the number of candidates for a particular office does not exceed twice the  
1442 number of offices to be filled at the regular municipal election, no partisan primary election for  
1443 that office shall be held and the candidates are considered to be nominated.

1444 (ii) If the number of candidates for a particular office exceeds twice the number of  
1445 offices to be filled at the regular municipal election, those candidates for municipal office shall  
1446 be nominated at a partisan primary election.

1447 (d) The clerk shall ensure that:

1448 (i) the partisan municipal primary ballot is similar to the ballot forms required by  
1449 Sections [20A-6-401](#) and [20A-6-401.1](#);

1450 (ii) the candidates for each municipal political party are listed in one or more columns  
1451 under their party name and emblem;

1452 (iii) the names of candidates of all parties are printed on the same ballot, but under  
1453 their party designation;

1454 (iv) every ballot is folded and perforated in a manner that separates the candidates of  
1455 one party from those of the other parties and enables the voter to separate the part of the ballot  
1456 containing the names of the party of the voter's choice from the remainder of the ballot; and

1457 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,  
1458 when detached, are similar in appearance to inside sections when detached.

1459 (e) After marking a municipal primary ballot, the voter shall:

1460 (i) detach the part of the ballot containing the names of the candidates of the party the  
1461 voter has voted from the rest of the ballot;

1462 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;  
1463 and

1464 (iii) fold the remainder of the ballot containing the names of the candidates of the  
1465 parties for whom the elector did not vote and deposit it in the blank ballot box.

1466 (f) Immediately after the canvass, the election judges shall, without examination,  
1467 destroy the tickets deposited in the blank ballot box.

1468 Section 22. Section **63I-2-220** is amended to read:

1469 **63I-2-220. Repeal dates, Title 20A.**

1470 (1) Subsection [20A-5-803](#)(8) is repealed July 1, 2023.

1471 (2) Section [20A-5-804](#) is repealed July 1, 2023.

1472 (3) On July 1, 2018, in Subsection [20A-11-101](#)(21), the language that states "  
1473 [10-2a-302](#)," is repealed.

1474 (4) On January 1, 2028:

1475 (a) In Subsection [20A-1-102](#)(23)(a), the language that states "or Title 20A, Chapter 4,  
1476 Part 6, Municipal Instant Runoff Voting Pilot Project" is repealed.

1477 (b) In Subsections [20A-1-303](#)(1)(a) and (b), the language that states "Except as  
1478 provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is  
1479 repealed.

1480 (c) In Section [20A-1-304](#), the language that states "Except for a race conducted by  
1481 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot  
1482 Project," is repealed.



- 1483           (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in  
1484 Subsection (5)," is repealed.
- 1485           (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except  
1486 as provided in Subsections (5) and (6)," is repealed.
- 1487           (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states  
1488 "Subject to Subsection (5)," is repealed.
- 1489           (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section  
1490 20A-3-105 are renumbered accordingly.
- 1491           (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in  
1492 Subsection (2)(f)," is repealed.
- 1493           (i) Subsection 20A-4-101(2)(f) is repealed.
- 1494           (j) Subsection 20A-4-101(4) is repealed and replaced with the following:  
1495 "(4) To resolve questions that arise during the counting of ballots, a counting judge  
1496 shall apply the standards and requirements of Section 20A-4-105."
- 1497           (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under  
1498 Subsection 20A-4-101(2)(f)(i)" is repealed.
- 1499           (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:  
1500 "(b) To resolve questions that arise during the counting of ballots, a counting judge  
1501 shall apply the standards and requirements of Section 20A-4-105."
- 1502           (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in  
1503 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, or a rule made  
1504 under Subsection 20A-4-101(2)(f)(i)" is repealed.
- 1505           (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise  
1506 provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is  
1507 repealed.
- 1508           (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or  
1509 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is repealed.
- 1510           (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as  
1511 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot  
1512 Project," is repealed.
- 1513           (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter

- 1514 4, Part 6, Municipal Instant Runoff Voting Pilot Project" is repealed.
- 1515 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
- 1516 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is repealed.
- 1517 (s) Subsection 20A-4-304(2)(a)(v) is repealed and replaced with the following:
- 1518 "(v) from each voting precinct:
- 1519 (A) the number of votes for each candidate; and
- 1520 (B) the number of votes for and against each ballot proposition;".
- 1521 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
- 1522 are renumbered accordingly, and the cross-references to those subsections are renumbered
- 1523 accordingly.
- 1524 (u) Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, is
- 1525 repealed.
- 1526 (v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
- 1527 Subsection (3) are renumbered accordingly.
- 1528 (w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
- 1529 Subsection (4) are renumbered accordingly.
- 1530 (x) Section 20A-6-203.5 is repealed.
- 1531 (y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
- 1532 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
- 1533 Part 6, Municipal Instant Runoff Voting Pilot Project," is repealed.
- 1534 (z) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
- 1535 Part 6, Municipal Instant Runoff Voting Pilot Project" is repealed.
- 1536 (aa) In Subsection 20A-9-404(2), the language that states "Except as otherwise
- 1537 provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is
- 1538 repealed.