

MUNICIPAL ALTERNATE VOTING METHODS PILOT PROJECT

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: Howard A. Stephenson

| | | |
|----------------------|-----------------|-------------|
| Cosponsors: | Brian M. Greene | Mike Winder |
| Patrice M. Arent | Brian S. King | |
| Rebecca Chavez-Houck | Adam Robertson | |
| Justin L. Fawson | | |

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

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52
- 32 **20A-1-303**, as enacted by Laws of Utah 1993, Chapter 1
- 33 **20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75
- 34 **20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225
- 35 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177
- 36 **20A-4-105**, as last amended by Laws of Utah 2017, Chapter 327
- 37 **20A-4-106**, as last amended by Laws of Utah 2012, Chapter 251
- 38 **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309
- 39 **20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92
- 40 **20A-5-404**, as last amended by Laws of Utah 2001, Chapter 9
- 41 **20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176
- 42 **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91
- 43 **63I-2-220**, as last amended by Laws of Utah 2017, Chapters 32 and 452

44 ENACTS:

- 45 **20A-4-601**, Utah Code Annotated 1953
- 46 **20A-4-602**, Utah Code Annotated 1953
- 47 **20A-4-603**, Utah Code Annotated 1953
- 48 **20A-4-604**, 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 Alternate Voting Methods 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 Alternate
 379 Voting Methods 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 Alternate
 384 Voting Methods 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 Alternate Voting Methods Pilot Project, if two or more candidates for a position
 397 have an equal and the highest number of votes for any office, the election officer shall, in a
 398 public meeting held within 30 days after the day on which the canvass is completed, determine
 399 the 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) [~~H~~] 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) [~~H~~] 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) [~~H~~] 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) ~~[If]~~ 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 Alternate Voting Methods Pilot Project, a voter:
- 451 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
- 452 first preference for the office; and
- 453 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
- 454 order of the voter's preference.
- 455 ~~[(5)]~~ (6) After preparation of the ballot:
- 456 (a) if a paper ballot or punch card ballot is used:
 - 457 (i) the voter shall:
 - 458 (A) leave the voting booth; and

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

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

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

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

466 (C) return the ballot to the voter;

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

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

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

471 (B) the poll worker shall:

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

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

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

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

476 (i) the voter shall:

477 (A) leave the voting booth; and

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

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

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

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

485 (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the

486 ballot in the ballot box; and

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

488 (i) cast the voter's ballot;

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

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

491 ~~[(6)]~~ (7) A voter voting a paper ballot in a regular primary election shall, after marking
492 the ballot:

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

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

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

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

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

502 ~~[(7)]~~ (8) (a) Each voter shall mark and cast or deposit the ballot without delay and shall
503 leave the voting area after voting.

504 (b) A voter may not:

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

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

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

510 ~~[(8)]~~ (9) If the official register shows any voter as having voted, that voter may not
511 reenter the voting area during that election unless that voter is an election official or watcher.

512 ~~[(9)]~~ (10) The poll workers may not allow more than four voters more than the number

513 of voting booths into the voting area at one time unless those excess voters are:

- 514 (a) election officials;
- 515 (b) watchers; or
- 516 (c) assisting voters with a disability.

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

518 **20A-4-101. Counting paper ballots during election day.**

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

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

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

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

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

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

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

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

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

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

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

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

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

540 judges for counting; and

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

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

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

550 (ii) When counting ballots in an instant runoff voting race described in Title 20A,
551 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall
552 comply with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4,
553 Part 6, Municipal Alternate Voting Methods Pilot Project.

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

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

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

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

561 (b) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6,
562 Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

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

564 **20A-4-102. Counting paper ballots after the polls close.**

565 (1) (a) Except as provided in Subsection (2) or a rule made under Subsection
566 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,

567 the election judges shall count the ballots by performing the tasks specified in this section in
568 the order that they are specified.

569 ~~[(b) The election judges shall apply the standards and requirements of Section~~
570 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

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

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

574 (ii) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6,
575 Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

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

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

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

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

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

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

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

591 (3) The judges shall:

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

594 (b) seal that envelope or container.
595 (4) The judges shall:
596 (a) place all of the provisional ballot envelopes in the envelope provided for them for
597 return to the election officer; and
598 (b) seal that envelope or container.
599 (5) (a) In counting the votes, the election judges shall read and count each ballot
600 separately.
601 (b) In regular primary elections the judges shall:
602 (i) count the number of ballots cast for each party;
603 (ii) place the ballots cast for each party in separate piles; and
604 (iii) count all the ballots for one party before beginning to count the ballots cast for
605 other parties.
606 (6) (a) In all elections, the counting judges shall, except as provided in Title 20A,
607 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under
608 Subsection 20A-4-101(2)(f)(i):
609 (i) count one vote for each candidate designated by the marks in the squares next to the
610 candidate's name;
611 (ii) count one vote for each candidate on the ticket beneath a marked circle, excluding
612 any candidate for an office for which a vote has been cast for a candidate for the same office
613 upon another ticket by the placing of a mark in the square opposite the name of that candidate
614 on the other ticket;
615 (iii) count each vote for each write-in candidate who has qualified by filing a
616 declaration of candidacy under Section 20A-9-601;
617 (iv) read every name marked on the ballot and mark every name upon the tally sheets
618 before another ballot is counted;
619 (v) evaluate each ballot and each vote based on the standards and requirements of
620 Section 20A-4-105;

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

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

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

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

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

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

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

634 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

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

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

641 (2) Except as provided in Subsection (11), Subsection 20A-3-105(5), or Title 20A,
642 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if a voter marks more
643 names than there are individuals to be elected to an office, or if the counting judges cannot
644 determine a voter's choice for an office, the counting judges may not count the voter's vote for
645 that office.

646 (3) [~~The~~] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal
647 Alternate Voting Methods Pilot Project, the counting judges shall count a defective or

648 incomplete mark on a paper ballot if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

686 **20A-4-106. Paper ballots -- Sealing.**

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

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

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

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

697 (b) The judges shall:

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

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

701 (c) The judges shall:

702 (i) destroy the ballots in the blank ballot box; or
703 (ii) if directed to do so by the election officer, return them to the election officer for
704 destruction.

705 (3) As soon as the judges have counted all the votes and sealed the ballots they shall
706 sign and certify the pollbooks.

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

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

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

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

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

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

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

720 "We, the undersigned, judges of election for precinct _____, (jurisdiction) _____,
721 Utah, certify that the required entries have been made for the election held
722 _____(month\day\year), including:

723 a list of the ballot numbers for each voter;

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

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

726 including any affidavits; and

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

728 (5) Each judge shall:

- 729 (a) write [his] the judge's name across the seal of each envelope or pouch;
- 730 (b) mark on the exterior of the envelope or pouch:
- 731 (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other
- 732 words plainly indicating the contents of the packages; and
- 733 (ii) the number of the voting precinct.

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

735 **20A-4-304. Declaration of results -- Canvassers' report.**

736 (1) Each board of canvassers shall:

737 (a) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting

738 Methods Pilot Project, declare "elected" or "nominated" those persons who:

- 739 (i) had the highest number of votes; and
- 740 (ii) sought election or nomination to an office completely within the board's
- 741 jurisdiction;

742 (b) declare:

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

- 744 (A) had more "yes" votes than "no" votes; and
- 745 (B) were submitted only to the voters within the board's jurisdiction;

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

- 747 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
- 748 votes; and

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

750 (c) certify the vote totals for persons and for and against ballot propositions that were

751 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to

752 the lieutenant governor; and

753 (d) if applicable, certify the results of each local district election to the local district

754 clerk.

755 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the

756 result, which shall contain:

757 (i) the total number of votes cast in the board's jurisdiction;

758 (ii) the names of each candidate whose name appeared on the ballot;

759 (iii) the title of each ballot proposition that appeared on the ballot;

760 (iv) each office that appeared on the ballot;

761 (v) from each voting precinct:

762 (A) the number of votes for each candidate; ~~and~~

763 (B) for each race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,

764 Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each

765 candidate for each potential ballot-counting phase and the name of the candidate excluded in

766 each canvassing phase; and

767 ~~[(B)]~~ (C) the number of votes for and against each ballot proposition;

768 (vi) the total number of votes given in the board's jurisdiction to each candidate, and

769 for and against each ballot proposition;

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

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

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

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

774 (ii) sign the report.

775 (c) The election officer shall:

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

777 (ii) prepare and transmit a certificate of nomination or election under the officer's seal

778 to each nominated or elected candidate;

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

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

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

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

783 (iv) file a copy of the certified report with the lieutenant governor.
784 (3) When there has been a regular general or a statewide special election for statewide
785 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
786 or more county ballot proposition, each board of canvassers shall:
787 (a) prepare a separate report detailing the number of votes for each candidate and the
788 number of votes for and against each ballot proposition; and
789 (b) transmit it by registered mail to the lieutenant governor.
790 (4) In each county election, municipal election, school election, local district election,
791 and local special election, the election officer shall transmit the reports to the lieutenant
792 governor within 14 days after the date of the election.
793 (5) In regular primary elections and in the Western States Presidential Primary, the
794 board shall transmit to the lieutenant governor:
795 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
796 governor:
797 (i) not later than the second Tuesday after the primary election for the regular primary
798 election; and
799 (ii) not later than the Tuesday following the election for the Western States Presidential
800 Primary; and
801 (b) a complete tabulation showing voting totals for all primary races, precinct by
802 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
803 primary election.
804 Section 10. Section **20A-4-401** is amended to read:
805 **20A-4-401. Recounts -- Procedure.**
806 (1) (a) This section does not apply to a race conducted by instant runoff voting under
807 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
808 ~~(1)(a)~~ (b) Except as provided in Subsection (1)~~(b)~~(c), for a race between
809 candidates, if the difference between the number of votes cast for a winning candidate in the

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

813 ~~(b)~~ (c) For a race between candidates where the total of all votes cast in the race is
814 400 or less, if the difference between the number of votes cast for a winning candidate in the
815 race and a losing candidate in the race is one vote, that losing candidate may file a request for a
816 recount in accordance with Subsection (1)~~(c)~~(d).

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

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

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

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

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

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

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

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

827 (i) supervise the recount;

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

829 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
830 3, Absentee Voting;

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

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

835 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
836 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of

837 the total votes cast for or against the proposition, any 10 voters who voted in the election where
838 the proposition was on the ballot may file a request for a recount within seven days of the
839 canvass with the person described in Subsection (2)(c).

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

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

- 847 (i) the municipal clerk, if the election is a municipal election;
- 848 (ii) the local district clerk, if the election is a local district election;
- 849 (iii) the county clerk, for propositions voted on entirely within a single county; or
- 850 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

851 (d) The election officer shall:

- 852 (i) supervise the recount;
- 853 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 854 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
855 3, Absentee Voting; and

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

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

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

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

863 (4) (a) Upon completion of the recount, the election officer shall immediately convene

864 the board of canvassers.

865 (b) The board of canvassers shall:

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

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

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

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

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

876 **Part 6. Municipal Alternate Voting Methods Pilot Project**

877 **20A-4-601. Definitions.**

878 As used in this part:

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

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

882 (b) .02%.

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

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

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

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

890 (4) "Pilot project" means the Municipal Alternate Voting Methods Pilot Project created

891 in Section 20A-4-602.

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

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

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

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

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

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

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

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

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

906 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**
907 **Participation.**

908 (1) There is created the Municipal Alternate Voting Methods Pilot Project.

909 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.

910 (3) A municipality may participate in the pilot project, in accordance with the
911 requirements of this section and all other applicable provisions of law, during any
912 odd-numbered year that the pilot project is in effect, if, before January 1 of the odd-numbered
913 year, the municipality provides written notice to the lieutenant governor:

914 (a) stating that the municipality intends to participate in the pilot project for the year
915 specified in the notice; and

916 (b) that includes a document, signed by the election officer of the municipality, stating
917 that the municipality has the resources and capability necessary to participate in the pilot

918 project.

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

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

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

927 (c) A municipality that has in effect an ordinance described in Subsection [20A-9-404](#)
928 (3) or (4) may not participate in the pilot project.

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

930 **20A-4-603. Instant runoff voting.**

931 (1) In a multi-candidate race, the election officer shall:

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

934 (ii) if, after complying with Subsection (5), one of the candidates receives more than
935 50% of the valid first preference votes counted, declare that candidate elected;

936 (b) if, after counting the valid first preference votes for each candidate, and complying
937 with Subsection (5), no candidate receives more than 50% of the valid first preference votes
938 counted, conduct the second ballot-counting phase by:

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

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

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

943 (6);

944 (ii) adding, to the valid first preference votes counted for the remaining candidates, the

945 valid second preference votes cast for the remaining candidates by the voters who cast a valid
946 first preference vote for the excluded candidate; and

947 (iii) if, after adding the votes in accordance with Subsection (1)(b)(ii) and complying
948 with Subsection (5), one candidate receives more than 50% of the valid votes counted,
949 declaring that candidate elected; and

950 (c) if, after adding the valid second preference votes in accordance with Subsection
951 (1)(b)(ii) and complying with Subsection (5), no candidate receives more than 50% of the valid
952 votes counted, conduct subsequent ballot-counting phases by continuing the process described
953 in Subsection (1)(b) until a candidate receives more than 50% of the valid votes counted, as
954 follows:

955 (i) after complying with Subsection (5), excluding from consideration the candidate
956 who has the fewest valid votes counted or, in the event of a tie for the fewest valid votes
957 counted, excluding one of the tied candidates, by lot, in accordance with Subsection (6); and

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

961 (2) The election officer shall declare elected the first candidate who receives more than
962 50% of the valid votes counted under the process described in Subsection (1).

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

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

968 (4) The election officer shall order a recount of the valid votes in the applicable
969 ballot-counting phase if one candidate appears to have received at least 50% of the vote, and
970 the difference between the number of votes counted for the candidate who received the most
971 valid votes for the applicable ballot-counting phase and any other candidate in the race is equal

972 to or less than the product of the following, rounded up to the nearest whole number:

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

975 (b) the recount threshold.

976 (5) Before excluding a candidate from a multi-candidate race under Subsection (1), the
977 election officer shall order a recount of the valid votes counted in the applicable
978 ballot-counting phase if the difference between the number of votes counted for the candidate
979 who received the fewest valid votes in the applicable ballot-counting phase of the race and any
980 other candidate in the race is equal to or less than the product of the following, rounded up to
981 the nearest whole number:

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

984 (b) the recount threshold.

985 (6) For each ballot-counting phase after the first phase, if, after a recount is completed
986 under Subsection (5), two or more candidates tie as having received the fewest valid votes
987 counted at that point in the ballot count, the election officer shall eliminate one of those
988 candidates from consideration, by lot, in the following manner:

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

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

993 (c) sign a public document that:

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

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

996 (7) In a multi-candidate race for an at-large office, where the number of candidates
997 who qualify for the race exceeds the total number of at-large seats to be filled for the office, the
998 election officer shall count the votes by:

999 (a) except as provided in Subsection (8), counting votes in the same manner as
1000 described in Subsections (1) through (6), until a candidate is declared elected;

1001 (b) repeating the process described in Subsection (7)(a) for all candidates that are not
1002 declared elected until another candidate is declared elected; and

1003 (c) continuing the process described in Subsection (7)(b) until all at-large seats in the
1004 race are filled.

1005 (8) After a candidate is declared elected under Subsection (7), the election officer shall,
1006 in repeating the process described in Subsections (1) through (6) to declare the next candidate
1007 elected, add to the vote totals the next valid preference vote of each voter whose vote was
1008 counted for a candidate already declared elected.

1009 Section 14. Section **20A-4-604** is enacted to read:

1010 **20A-4-604. Batch elimination.**

1011 (1) In any ballot count conducted under Section [20A-4-603](#), the election officer may
1012 exclude candidates through batch elimination by, instead of excluding only one candidate in a
1013 ballot-counting phase, excluding each candidate:

1014 (a) for which the number of remaining candidates with more valid votes than that
1015 candidate is greater than or equal to the number of offices to be filled; and

1016 (b) (i) for which the number of valid votes counted for the candidate in the phase plus
1017 the number of votes counting for all candidates with fewer valid votes in the phase is less than
1018 the number of valid votes for the candidate with the next highest amount of valid votes in the
1019 phase; or

1020 (ii) who has fewer valid votes in the phase than a candidate who is excluded under
1021 Subsection (1)(b)(i).

1022 (2) The requirements for a recount before excluding a candidate under Subsection
1023 [20A-4-603](#)(5) do not apply to candidates who are excluded through batch elimination.

1024 Section 15. Section **20A-5-404** is amended to read:

1025 **20A-5-404. Election forms -- Preparation and contents.**

1026 (1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

1027 (i) ballot disposition form;

1028 (ii) total votes cast form;

1029 (iii) tally sheet form; and

1030 (iv) pollbook.

1031 (b) For each election, the election officer shall:

1032 (i) provide a copy of each form to each of those precincts using paper ballots; and

1033 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting
1034 precincts using an automated voting system.

1035 (2) The election officer shall ensure that the ballot disposition form contains a space
1036 for the judges to identify:

1037 (a) the number of ballots voted;

1038 (b) the number of substitute ballots voted, if any;

1039 (c) the number of ballots delivered to the voters;

1040 (d) the number of spoiled ballots;

1041 (e) the number of registered voters listed in the official register;

1042 (f) the total number of voters voting according to the pollbook; and

1043 (g) the number of unused ballots.

1044 (3) The election officer shall ensure that the total votes cast form contains:

1045 (a) the name of each candidate appearing on the ballot, the office for which the
1046 candidate is running, and a blank space for the election judges to record the number of votes
1047 that the candidate received;

1048 (b) for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,
1049 Municipal Alternate Voting Methods Pilot Project, the name of each candidate appearing on
1050 the ballot, the office for which the candidate is running, and blank spaces for the election
1051 judges to record the number of votes counted for each potential phase of the canvass;

1052 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of

1053 write-in candidates, if any, and a blank space for the election judges to record the number of
1054 votes that the write-in candidate received;

1055 ~~[(c)]~~ (d) a heading identifying each ballot proposition and blank spaces for the election
1056 judges to record the number of votes for and against each proposition; and

1057 ~~[(d)]~~ (e) a certification, in substantially the following form, to be signed by the judges
1058 when they have completed the total votes cast form:

1059 "TOTAL VOTES CAST

1060 At an election held at ____ in ____ voting precinct in _____ (name of entity
1061 holding the election) and State of Utah, on _____ (month\day\year), the following named
1062 persons received the number of votes annexed to their respective names for the following
1063 described offices: Total number of votes cast were as follows:

1064 Certified by us ____, ____, ____, Judges of Election."

1065 (4) The election officer shall ensure that the tally sheet form contains:

1066 (a) for each office, the names of the candidates for that office, and blank spaces to tally
1067 the votes that each candidate receives;

1068 (b) for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,
1069 Municipal Alternate Voting Methods Pilot Project, the name of each candidate for office and
1070 blank spaces to tally the number of valid votes counted for each candidate for each potential
1071 phase of the canvass;

1072 ~~[(b)]~~ (c) for each office, blank spaces for the election judges to record the names of
1073 write-in candidates, if any, and a blank space for the election judges to tally the votes for each
1074 write-in candidate;

1075 ~~[(c)]~~ (d) for each ballot proposition, a heading identifying the ballot proposition and the
1076 words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of
1077 them for the election judges to tally the ballot proposition votes; and

1078 ~~[(d)]~~ (e) a certification, in substantially the following form, to be signed by the judges
1079 when they have completed the tally sheet form:

1080 "Tally Sheet
 1081 We the undersigned election judges for voting precinct # _____,
 1082 _____(entity holding the election) certify that this is a true and correct list of all
 1083 persons voted for and ballot propositions voted on at the election held in that voting precinct on
 1084 _____(date of election) and is a tally of the votes cast for each of those
 1085 persons. Certified by us ____, ____, ____, Judges of Election."

1086 (5) The election officer shall ensure that the pollbook:

1087 (a) identifies the voting precinct number on its face; and

1088 (b) contains:

1089 (i) a section to record persons voting on election day, with columns entitled "Ballot
 1090 Number" and "Voter's Name";

1091 (ii) another section in which to record absentee ballots;

1092 (iii) a section in which to record voters who are challenged; and

1093 (iv) a certification, in substantially the following form:

1094 "We, the undersigned, judges of an election held at _____ voting precinct, in _____
 1095 County, state of Utah, on _____(month\day\year), having first been sworn according to
 1096 law, certify that the information listed in this book is a true statement of the number and names
 1097 of the persons voting in the voting precinct at the election, and that the total number of persons
 1098 voting at the election was ____."

1099 _____
 1100 _____
 1101 _____

Judges of Election

1103 Section 16. Section **20A-6-203.5** is enacted to read:

1104 **20A-6-203.5. Instant runoff voting ballot.**

1105 If, in an election, at least one of the races is conducted by instant runoff voting under

1106 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the portion of

1107 the ballot relating to that race shall:

1108 (1) list each candidate who qualifies to be placed on the election ballot for that race;

1109 (2) opposite each candidate's name, include a place where a voter can indicate the
1110 voter's vote in order of preference for each candidate, as described in Title 20A, Chapter 4, Part
1111 6, Municipal Alternate Voting Methods Pilot Project; and

1112 (3) provide the ability for a voter to enter a write-in candidate's name and indicate the
1113 voter's ordered preference for the write-in candidate.

1114 Section 17. Section **20A-6-402** is amended to read:

1115 **20A-6-402. Ballots for municipal general elections.**

1116 (1) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting
1117 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when
1118 using a paper ballot at municipal general elections, each election officer shall ensure that:

1119 (a) the names of the two candidates who received the highest number of votes for
1120 mayor in the municipal primary are placed upon the ballot;

1121 (b) if no municipal primary election was held, the names of the candidates who filed
1122 declarations of candidacy for municipal offices are placed upon the ballot;

1123 (c) for other offices:

1124 (i) twice the number of candidates as there are positions to be filled are certified as
1125 eligible for election in the municipal general election from those candidates who received the
1126 greater number of votes in the primary election; and

1127 (ii) the names of those candidates are placed upon the municipal general election
1128 ballot;

1129 (d) the names of the candidates are placed on the ballot in the order specified under
1130 Section **20A-6-305**;

1131 (e) in an election in which a voter is authorized to cast a write-in vote and where a
1132 write-in candidate is qualified under Section **20A-9-601**, a write-in area is placed upon the
1133 ballot that contains, for each office in which there is a qualified write-in candidate:

- 1134 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
1135 (ii) a square or other conforming area that is adjacent to or opposite the blank
1136 horizontal line to enable the voter to indicate the voter's vote;
- 1137 (f) ballot propositions that have qualified for the ballot, including propositions
1138 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
1139 listed on the ballot in accordance with Section [20A-6-107](#); and
- 1140 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
1141 title assigned to each bond proposition under Section [11-14-206](#).
- 1142 (2) ~~When~~ Except as otherwise required for a race conducted by instant runoff voting
1143 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when
1144 using a punch card ballot at municipal general elections, each election officer shall ensure that:
- 1145 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
1146 the top of the ballot;
- 1147 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
1148 stub; and
- 1149 (iii) ballot stubs are numbered consecutively;
- 1150 (b) immediately below the perforated ballot stub, the following endorsements are
1151 printed in 18 point bold type:
- 1152 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
1153 (ii) the date of the election; and
1154 (iii) a facsimile of the signature of the election officer and the election officer's title in
1155 eight-point type;
- 1156 (c) immediately below the election officer's title, two one-point parallel horizontal
1157 rules separate endorsements from the rest of the ballot;
- 1158 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
1159 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the
1160 square following the name(s) of the person(s) you favor as the candidate(s) for each respective

1161 office." followed by two one-point parallel rules;

1162 (e) after the rules, the designation of the office for which the candidates seek election is
1163 printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____
1164 (the number of candidates for which the voter may vote)" are printed to extend to the extreme
1165 right of the column in 10-point bold type, followed by a hair-line rule;

1166 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
1167 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305
1168 with surnames last and grouped according to the office that they seek;

1169 (g) a square with sides not less than one-fourth inch long is printed immediately
1170 adjacent to the names of the candidates;

1171 (h) following the name of the last candidate for each office in which a write-in
1172 candidate is qualified under Section 20A-9-601, the ballot contains:

1173 (i) a write-in space for each elective office in which a write-in candidate is qualified
1174 where the voter may enter the name of a valid write-in candidate; and

1175 (ii) a square printed immediately adjacent to the write-in space or line where the voter
1176 may vote for a valid write-in candidate; and

1177 (i) the candidate groups are separated from each other by one light and one heavy line
1178 or rule.

1179 (3) ~~When~~ Except as otherwise required for a race conducted by instant runoff voting
1180 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when
1181 using a ballot sheet other than a punch card ballot at municipal general elections, each election
1182 officer shall ensure that:

1183 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

1184 (ii) the ballot number and the words "Poll Worker's Initial _____" are printed on the
1185 stub; and

1186 (iii) ballot stubs are numbered consecutively;

1187 (b) immediately below the perforated ballot stub, the following endorsements are

1188 printed:

1189 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1190 (ii) the date of the election; and

1191 (iii) a facsimile of the signature of the election officer and the election officer's title;

1192 (c) immediately below the election officer's title, a distinct border or line separates

1193 endorsements from the rest of the ballot;

1194 (d) immediately below the border or line, an "Instructions to Voters" section is printed

1195 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the

1196 candidate(s) for each respective office." followed by another border or line;

1197 (e) after the border or line, the designation of the office for which the candidates seek

1198 election is printed and the words, "Vote for one" or "Vote for up to ____ (the number of

1199 candidates for which the voter may vote)" are printed, followed by a line or border;

1200 (f) after the line or border, the names of the candidates are printed in the order

1201 specified under Section 20A-6-305 with surnames last and grouped according to the office that

1202 they seek;

1203 (g) an oval is printed adjacent to the names of the candidates;

1204 (h) following the name of the last candidate for each office in which a write-in

1205 candidate is qualified under Section 20A-9-601, the ballot contains:

1206 (i) a write-in space or blank line for each elective office in which a write-in candidate

1207 is qualified where the voter may enter the name of a valid write-in candidate; and

1208 (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a

1209 valid write-in candidate; and

1210 (i) the candidate groups are separated from each other by a line or border.

1211 (4) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting

1212 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when

1213 using an electronic ballot at municipal general elections, each election officer shall ensure that:

1214 (a) the following endorsements are displayed on the first screen of the ballot:

- 1215 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
1216 (ii) the date of the election; and
1217 (iii) a facsimile of the signature of the election officer and the election officer's title;
1218 (b) immediately below the election officer's title, a distinct border or line separates the
1219 endorsements from the rest of the ballot;
1220 (c) immediately below the border or line, an "Instructions to Voters" section is
1221 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
1222 the candidate(s) for each respective office." followed by another border or line;
1223 (d) after the border or line, the designation of the office for which the candidates seek
1224 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
1225 candidates for which the voter may vote)" are displayed, followed by a line or border;
1226 (e) after the line or border, the names of the candidates are displayed in the order
1227 specified under Section [20A-6-305](#) with surnames last and grouped according to the office that
1228 they seek;
1229 (f) a voting square or position is located adjacent to the name of each candidate;
1230 (g) following the name of the last candidate for each office in which a write-in
1231 candidate is qualified under Section [20A-9-601](#), the ballot contains a write-in space where the
1232 voter may enter the name of and vote for a valid write-in candidate for the office; and
1233 (h) the candidate groups are separated from each other by a line or border.
1234 (5) When a municipality has chosen to nominate candidates by convention or
1235 committee, the election officer shall ensure that the party name is included with the candidate's
1236 name on the ballot.

1237 Section 18. Section [20A-9-404](#) is amended to read:

1238 **[20A-9-404. Municipal primary elections.](#)**

1239 (1) (a) Except as otherwise provided in this section or Title 20A, Chapter 4, Part 6,
1240 Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all
1241 municipalities shall be nominated at a municipal primary election.

- 1242 (b) Municipal primary elections shall be held:
- 1243 (i) consistent with Section [20A-1-201.5](#), on the second Tuesday following the first
- 1244 Monday in the August before the regular municipal election; and
- 1245 (ii) whenever possible, at the same polling places as the regular municipal election.
- 1246 (2) [Hf] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal
- 1247 Alternate Voting Methods Pilot Project, if the number of candidates for a particular municipal
- 1248 office does not exceed twice the number of individuals needed to fill that office, a primary
- 1249 election for that office may not be held and the candidates are considered nominated.
- 1250 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
- 1251 of voters or delegates.
- 1252 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
- 1253 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
- 1254 by providing that the nomination of candidates for municipal office to be voted upon at a
- 1255 municipal election be nominated by a political party convention or committee.
- 1256 (ii) Any primary election exemption ordinance adopted under the authority of this
- 1257 Subsection (3) remains in effect until repealed by ordinance.
- 1258 (c) (i) A convention or committee may not nominate:
- 1259 (A) an individual who has not submitted a declaration of candidacy, or has not been
- 1260 nominated by a nomination petition, under Section [20A-9-203](#); or
- 1261 (B) more than one group of candidates, or have placed on the ballot more than one
- 1262 group of candidates, for the municipal offices to be voted upon at the municipal election.
- 1263 (ii) A convention or committee may nominate an individual who has been nominated
- 1264 by a different convention or committee.
- 1265 (iii) A political party may not have more than one group of candidates placed upon the
- 1266 ballot and may not group the same candidates on different tickets by the same party under a
- 1267 different name or emblem.
- 1268 (d) (i) The convention or committee shall prepare a certificate of nomination for each

1269 individual nominated.

1270 (ii) The certificate of nomination shall:

1271 (A) contain the name of the office for which each individual is nominated, the name,
1272 post office address, and, if in a city, the street number of residence and place of business, if
1273 any, of each individual nominated;

1274 (B) designate in not more than five words the political party that the convention or
1275 committee represents;

1276 (C) contain a copy of the resolution passed at the convention that authorized the
1277 committee to make the nomination;

1278 (D) contain a statement certifying that the name of the candidate nominated by the
1279 political party will not appear on the ballot as a candidate for any other political party;

1280 (E) be signed by the presiding officer and secretary of the convention or committee;
1281 and

1282 (F) contain a statement identifying the residence and post office address of the
1283 presiding officer and secretary and certifying that the presiding officer and secretary were
1284 officers of the convention or committee and that the certificates are true to the best of their
1285 knowledge and belief.

1286 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
1287 before the municipal general election.

1288 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1289 may also make nominations or fill vacancies in nominations made at a convention.

1290 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1291 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1292 be included with the candidate's name.

1293 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
1294 that falls before the regular municipal election that:

1295 (i) exempts the city from the other methods of nominating candidates to municipal

1296 office provided in this section; and

1297 (ii) provides for a partisan primary election method of nominating candidates as
1298 provided in this Subsection (4).

1299 (b) (i) Any party that was a registered political party at the last regular general election
1300 or regular municipal election is a municipal political party under this section.

1301 (ii) Any political party may qualify as a municipal political party by presenting a
1302 petition to the city recorder that:

1303 (A) is signed, with a holographic signature, by registered voters within the municipality
1304 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1305 municipal election at which a mayor was elected;

1306 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1307 (C) is substantially similar to the form of the signature sheets described in Section
1308 [20A-7-303](#); and

1309 (D) contains the name of the municipal political party using not more than five words.

1310 (c) (i) If the number of candidates for a particular office does not exceed twice the
1311 number of offices to be filled at the regular municipal election, no partisan primary election for
1312 that office shall be held and the candidates are considered to be nominated.

1313 (ii) If the number of candidates for a particular office exceeds twice the number of
1314 offices to be filled at the regular municipal election, those candidates for municipal office shall
1315 be nominated at a partisan primary election.

1316 (d) The clerk shall ensure that:

1317 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1318 Sections [20A-6-401](#) and [20A-6-401.1](#);

1319 (ii) the candidates for each municipal political party are listed in one or more columns
1320 under their party name and emblem;

1321 (iii) the names of candidates of all parties are printed on the same ballot, but under
1322 their party designation;

1323 (iv) every ballot is folded and perforated in a manner that separates the candidates of
1324 one party from those of the other parties and enables the voter to separate the part of the ballot
1325 containing the names of the party of the voter's choice from the remainder of the ballot; and

1326 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
1327 when detached, are similar in appearance to inside sections when detached.

1328 (e) After marking a municipal primary ballot, the voter shall:

1329 (i) detach the part of the ballot containing the names of the candidates of the party the
1330 voter has voted from the rest of the ballot;

1331 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
1332 and

1333 (iii) fold the remainder of the ballot containing the names of the candidates of the
1334 parties for whom the elector did not vote and deposit it in the blank ballot box.

1335 (f) Immediately after the canvass, the election judges shall, without examination,
1336 destroy the tickets deposited in the blank ballot box.

1337 Section 19. Section **63I-2-220** is amended to read:

1338 **63I-2-220. Repeal dates, Title 20A.**

1339 (1) Subsection [20A-5-803](#)(8) is repealed July 1, 2023.

1340 (2) Section [20A-5-804](#) is repealed July 1, 2023.

1341 (3) On July 1, 2018, in Subsection [20A-11-101](#)(21), the language that states "
1342 [10-2a-302](#)," is repealed.

1343 (4) On January 1, 2026:

1344 (a) In Subsection [20A-1-102](#)(23)(a), the language that states "or Title 20A, Chapter 4,
1345 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1346 (b) In Subsections [20A-1-303](#)(1)(a) and (b), the language that states "Except as
1347 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1348 repealed.

1349 (c) In Section [20A-1-304](#), the language that states "Except for a race conducted by

1350 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
1351 Pilot Project," is repealed.

1352 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
1353 Subsection (5)," is repealed.

1354 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
1355 as provided in Subsections (5) and (6)," is repealed.

1356 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states
1357 "Subject to Subsection (5)," is repealed.

1358 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section
1359 20A-3-105 are renumbered accordingly.

1360 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in
1361 Subsection (2)(f)," is repealed.

1362 (i) Subsection 20A-4-101(2)(f) is repealed.

1363 (j) Subsection 20A-4-101(4) is repealed and replaced with the following:

1364 "(4) To resolve questions that arise during the counting of ballots, a counting judge
1365 shall apply the standards and requirements of Section 20A-4-105.".

1366 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under
1367 Subsection 20A-4-101(2)(f)(i)" is repealed.

1368 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

1369 "(b) To resolve questions that arise during the counting of ballots, a counting judge
1370 shall apply the standards and requirements of Section 20A-4-105.".

1371 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
1372 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made
1373 under Subsection 20A-4-101(2)(f)(i)" is repealed.

1374 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
1375 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1376 repealed.

1377 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or
1378 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1379 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
1380 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
1381 Project," is repealed.

1382 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter
1383 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1384 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
1385 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1386 (s) Subsection 20A-4-304(2)(a)(v) is repealed and replaced with the following:

1387 "(v) from each voting precinct:

1388 (A) the number of votes for each candidate; and

1389 (B) the number of votes for and against each ballot proposition;".

1390 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
1391 are renumbered accordingly, and the cross-references to those subsections are renumbered
1392 accordingly.

1393 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
1394 repealed.

1395 (v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
1396 Subsection (3) are renumbered accordingly.

1397 (w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
1398 Subsection (4) are renumbered accordingly.

1399 (x) Section 20A-6-203.5 is repealed.

1400 (y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
1401 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
1402 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1403 (z) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,

1404 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1405 (aa) In Subsection [20A-9-404\(2\)](#), the language that states "Except as otherwise

1406 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is

1407 repealed.