

1 **RANKED CHOICE VOTING**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca Chavez-Houck**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code to provide for ranked choice voting in
10 races for certain offices where more than two candidates are seeking the same office or
11 the nomination of the same political party for the same office.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ provides for ranked choice voting in primary races for certain offices where more
16 than two candidates are seeking the same office or the nomination of the same
17 political party for the same office;
- 18 ▶ provides that a candidate in a race that is subject to ranked choice voting must
19 receive more than 50% of the valid votes cast, in accordance with the ranked choice
20 voting process described in this bill, to receive the nomination or win the office, as
21 applicable;
- 22 ▶ describes the ballot for ranked choice voting and provides instructions for voting the
23 ballot;
- 24 ▶ describes the procedures to be used in canvassing and evaluating ballots in a race
25 conducted by ranked choice voting, including procedures for eliminating a
26 candidate in each phase of a ranked choice vote canvass;
- 27 ▶ describes requirements for forms and records; and



28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **10-2a-215**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
36 amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination
37 Clause, Laws of Utah 2015, Chapter 352

38 **10-2a-305.2**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by
39 Coordination Clause, Laws of Utah 2015, Chapter 352

40 **10-2a-411**, as last amended by Laws of Utah 2016, Chapter 14

41 **10-3-208**, as last amended by Laws of Utah 2016, Chapters 94 and 409

42 **17B-1-303**, as last amended by Laws of Utah 2016, Chapter 233

43 **17B-1-306**, as last amended by Laws of Utah 2014, Chapters 362 and 377

44 **20A-1-102**, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176

45 **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352

46 **20A-1-303**, as enacted by Laws of Utah 1993, Chapter 1

47 **20A-2-101**, as last amended by Laws of Utah 2011, Chapter 395

48 **20A-3-101**, as last amended by Laws of Utah 2008, Chapter 276

49 **20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75

50 **20A-3-201**, as last amended by Laws of Utah 2009, Chapter 388

51 **20A-3-601**, as last amended by Laws of Utah 2015, Chapter 79

52 **20A-3-603**, as last amended by Laws of Utah 2013, Chapter 182

53 **20A-3-605**, as last amended by Laws of Utah 2013, Chapter 320

54 **20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225

55 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177

56 **20A-4-105**, as last amended by Laws of Utah 2013, Chapter 390

57 **20A-4-106**, as last amended by Laws of Utah 2012, Chapter 251

58 **20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377

- 59 **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309
- 60 **20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 61 **20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92
- 62 **20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329
- 63 **20A-5-401**, as last amended by Laws of Utah 2009, Chapter 45
- 64 **20A-5-404**, as last amended by Laws of Utah 2001, Chapter 9
- 65 **20A-5-406**, as last amended by Laws of Utah 2015, Chapter 392
- 66 **20A-6-203**, as last amended by Laws of Utah 2006, Chapter 326
- 67 **20A-6-301**, as last amended by Laws of Utah 2016, Chapter 66
- 68 **20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176
- 69 **20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28
- 70 **20A-9-409**, as enacted by Laws of Utah 2014, Chapter 17
- 71 **20A-13-301**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 72 **20A-13-302**, as last amended by Laws of Utah 2001, Chapter 78
- 73 **20A-16-402**, as last amended by Laws of Utah 2013, Chapter 198
- 74 **63I-1-220**, as last amended by Laws of Utah 2016, Chapters 176 and 348

75 ENACTS:

- 76 **20A-4-303.5**, Utah Code Annotated 1953
- 77 **20A-6-203.5**, Utah Code Annotated 1953

78 REPEALS AND REENACTS:

- 79 **20A-1-304**, as last amended by Laws of Utah 2001, Chapter 20

80 REPEALS:

- 81 **20A-6-401**, as last amended by Laws of Utah 2016, Chapter 176
- 82 **20A-6-401.1**, as last amended by Laws of Utah 2013, Chapter 320
- 83 **20A-9-404**, as last amended by Laws of Utah 2013, Chapter 402



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

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

87 **10-2a-215. Election of officers of new city -- Primary and final election dates --**
88 **County clerk duties -- Candidate duties -- Occupation of office.**

89 (1) For the election of city officers, the county legislative body shall~~[(a) unless a~~

90 primary election is prohibited by Subsection ~~20A-9-404~~(2), hold a primary election; and (b)],
 91 unless the election may be cancelled in accordance with Section ~~20A-1-206~~, hold [a final] an
 92 election.

93 (2) Each election under Subsection (1) shall be:

94 (a) appropriate to the form of government chosen by the voters at the incorporation
 95 election;

96 (b) consistent with the voters' decision about whether to elect commission or council
 97 members by district and, if applicable, consistent with the boundaries of those districts as
 98 determined by the petition sponsors; and

99 (c) consistent with the sponsors' determination of the number of commission or council
 100 members to be elected and the length of their initial term.

101 [~~(3)(a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall~~
 102 ~~be held at the earliest of the next:]~~

103 [~~(i) notwithstanding Subsection ~~20A-1-201.5~~(2), regular general election under Section~~
 104 ~~20A-1-201;~~]

105 [~~(ii) notwithstanding Subsection ~~20A-1-201.5~~(2), regular primary election under~~
 106 ~~Subsection ~~20A-1-201.5~~(1);]~~

107 [~~(iii) municipal primary election under Section ~~20A-9-404~~; or]~~

108 [~~(iv) notwithstanding Subsection ~~20A-1-201.5~~(2), municipal general election under~~
 109 ~~Section ~~20A-1-202~~;~~]

110 [~~(b) The county shall hold the primary election, if necessary, on the next earliest~~
 111 ~~election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:]~~

112 [~~(i) 75 days after the incorporation election under Section ~~10-2a-210~~; and]~~

113 [~~(ii) 65 days after the last day of the candidate filing period:]~~

114 [~~(4)~~] (3) (a) Subject to Subsection [~~(4)~~] (3)(b), the county shall hold the [final] election
 115 under Subsection (1)[~~(b)~~] on one of the following election dates:

116 (i) a regular general election under Section ~~20A-1-201~~;

117 [~~(ii) municipal primary election under Section ~~20A-9-404~~;~~]

118 [~~(iii)~~] (ii) a regular municipal general election under Section ~~20A-1-202~~; or

119 [~~(iv)~~] (iii) a regular primary election under Section ~~20A-1-201.5~~.

120 (b) The county shall hold the [final] election on the earliest of the next election date

121 that:

122 (i) is listed in Subsection [~~(4)(a)(i), (ii), (iii), or (iv)~~]: (3)(a); and

123 [~~(i) that is after a primary election; or~~

124 [~~(ii) if there is no primary election;~~

125 (ii) that is at least:

126 (A) 75 days after the incorporation election under Section [10-2a-210](#); and

127 (B) 65 days after the candidate filing period.

128 [~~(5)~~] (4) (a) (i) The county clerk shall publish notice of an election under this section:

129 (A) at least once a week for two successive weeks in a newspaper of general circulation
130 within the future city; and

131 (B) in accordance with Section [45-1-101](#) for two weeks.

132 (ii) The later notice under Subsection [~~(5)~~] (4)(a)(i) shall be at least one day but no
133 more than seven days before the election.

134 (b) (i) In accordance with Subsection [~~(5)~~] (4)(a)(i)(A), if there is no newspaper of
135 general circulation within the future city, the county clerk shall post at least one notice of the
136 election per 1,000 population in conspicuous places within the future city that are most likely
137 to give notice of the election to the voters.

138 (ii) The county clerk shall post the notices under Subsection [~~(5)~~] (4)(b)(i) at least
139 seven days before each election under Subsection (1).

140 [~~(6)~~] (5) (a) Until the city is incorporated, the county clerk:

141 (i) is the election officer for all purposes in an election of officers of the city approved
142 at an incorporation election; and

143 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
144 that are not otherwise contrary to law.

145 (b) The county clerk shall require and determine deadlines for the filing of campaign
146 financial disclosures of city officer candidates in accordance with Section [10-3-208](#).

147 (c) The county clerk is responsible to ensure that:

148 (i) a primary or final election for the officials of a newly incorporated city is held on a
149 date authorized by this section; and

150 (ii) the ballot for the election includes each office that is required to be included in the
151 election for officers of the newly incorporated city and the term of each office.

152 ~~[(7)]~~ (6) A person who has filed as a candidate for an office described in this section
 153 shall comply with the campaign finance disclosure requirements of Section 10-3-208 and
 154 requirements and deadlines as lawfully set forth by the county clerk.

155 ~~[(8)]~~ (7) Notwithstanding Section 10-3-201, the officers elected at a final election
 156 described in Subsection ~~[(4)]~~ (3)(a) shall take office:

157 (a) after taking the oath of office; and

158 (b) at noon on the first Monday following the day on which the election official
 159 transmits a certificate of nomination or election under the officer's seal to each elected
 160 candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

161 Section 2. Section 10-2a-305.2 is amended to read:

162 **10-2a-305.2. Election of officers of new town -- Primary and final election dates --**
 163 **County clerk duties -- Candidate duties -- Occupation of office.**

164 (1) For the election of town officers, the county legislative body shall ~~[(a) unless a~~
 165 ~~primary election is prohibited by Subsection 20A-9-404(2), hold a primary election; and (b)]~~
 166 hold a final election unless the election may be cancelled in accordance with Section
 167 20A-1-206.

168 (2) Each election under Subsection (1) shall be consistent with the petition sponsors'
 169 determination of the length of each council member's initial term.

170 ~~[(3)(a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall~~
 171 ~~be held on one of the following election dates:]~~

172 ~~[(i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section~~
 173 ~~20A-1-201;]~~

174 ~~[(ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under~~
 175 ~~Subsection 20A-1-201.5(1);]~~

176 ~~[(iii) municipal primary election under Section 20A-9-404; or]~~

177 ~~[(iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under~~
 178 ~~Section 20A-1-202;]~~

179 ~~[(b) The county shall hold the primary election, if necessary, at the earliest of the next~~
 180 ~~election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:]~~

181 ~~[(i) 75 days after the incorporation election under Section 10-2a-304; and]~~

182 ~~[(ii) 65 days after the last day of the candidate filing period.]~~

183 ~~[(4)]~~ (3) (a) Subject to Subsection ~~[(4)]~~ (3)(b), the county shall hold the ~~[final]~~ election
 184 under Subsection (1)~~[(b)]~~ on one of the following election dates:

185 (i) a regular general election under Section 20A-1-201;

186 ~~[(ii)]~~ ~~municipal primary election under Section 20A-9-404;~~

187 ~~[(iii)]~~ (ii) a municipal general election under Section 20A-1-202; or

188 ~~[(iv)]~~ (iii) a regular primary election under Section 20A-1-201.5.

189 (b) The county shall hold the final election on the next earliest election date that:

190 (i) is listed in Subsection ~~[(4)(a)(i), (ii), (iii), or (iv)]:~~ (3)(a); and

191 ~~[(i)] that is after a primary election; or~~

192 ~~[(ii)] if there is no primary election, that~~

193 (ii) is at least:

194 (A) 75 days after the incorporation election under Section 10-2a-210; and

195 (B) 65 days after the candidate filing period.

196 ~~[(5)]~~ (4) (a) (i) The county clerk shall publish notice of an election under this section:

197 (A) at least once a week for two successive weeks in a newspaper of general circulation
 198 within the future town; and

199 (B) in accordance with Section 45-1-101 for two weeks.

200 (ii) The later notice under Subsection ~~[(5)]~~ (4)(a)(i) shall be at least one day but no
 201 more than seven days before the election.

202 (b) (i) In accordance with Subsection ~~[(5)]~~ (4)(a)(i)(A), if there is no newspaper of
 203 general circulation within the future town, the county clerk shall post at least one notice of the
 204 election per 1,000 population in conspicuous places within the future town that are most likely
 205 to give notice of the election to the voters.

206 (ii) The county clerk shall post the notices under Subsection ~~[(5)]~~ (4)(b)(i) at least
 207 seven days before an election under Subsection (1)~~[(a) or (b)]~~.

208 ~~[(6)]~~ (5) (a) Until the town is incorporated, the county clerk:

209 (i) is the election officer for all purposes in an election of officers of the town approved
 210 at an incorporation election; and

211 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
 212 that are not otherwise contrary to law.

213 (b) The county clerk shall require and determine deadlines for the filing of campaign

214 financial disclosures of town officer candidates in accordance with Section 10-3-208.

215 (c) The county clerk is responsible to ensure that:

216 (i) a primary or final election for the officials of a newly incorporated town is held on a
217 date authorized by this section; and

218 (ii) the ballot for the election includes each office that is required to be included in the
219 election for officers of the newly incorporated town and the term of each office.

220 [(7)] (6) A person who has filed as a candidate for an office described in this section
221 shall comply with the campaign finance disclosure requirements of Section 10-3-208 and
222 requirements and deadlines as lawfully set forth by the county clerk.

223 [(8)] (7) Notwithstanding Section 10-3-201, the officers elected at a final election
224 described in Subsection [(4)] (3)(a) shall take office:

225 (a) after taking the oath of office; and

226 (b) at noon on the first Monday following the day on which the election official
227 transmits a certificate of nomination or election under the officer's seal to each elected
228 candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

229 Section 3. Section 10-2a-411 is amended to read:

230 **10-2a-411. Election of officers of new city, town, or metro township.**

231 (1) For the election of the initial office holders of a metro township, city, or town,
232 respectively, incorporated under Section 10-2a-404, the county legislative body shall~~[(a)~~
233 ~~unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary election at~~
234 ~~the next regular primary election, as described in Section 20A-1-201.5, following the~~
235 ~~November 3, 2015, election to incorporate; and (b) hold a final] hold an~~ election at the next
236 regular general election date following the election to incorporate.

237 (2) The number of officers elected under Subsection (1):

238 (a) for a metro township, regardless of the metro township's population, shall be
239 consistent with the number of council members described in Subsection 10-2a-404(1)(b)(i); or

240 (b) for a city or town, shall be consistent with the number of council members,
241 including the city mayor as a member of a city council, described in Subsection
242 10-2a-404(1)(b)(ii).

243 (3) (a) Until the metro township, city, or town is incorporated, the county clerk is the
244 election officer for all purposes in an election of officers of the metro township, city, or town.

- 245 (b) The county clerk is responsible to ensure that:
- 246 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date
- 247 described in Subsection (1)(a);
- 248 (ii) the final election described in Subsection (1)(b) is held on the date described in
- 249 Subsection (1)(b); and
- 250 (iii) the ballot for each election includes each office that is required to be included for
- 251 officials in the metro township, city, or town, and the length of term of each office.

252 (4) The officers elected at an election described in Subsection (1)(b) shall take office at

253 noon on the first Monday in January next following the election.

254 Section 4. Section **10-3-208** is amended to read:

255 **10-3-208. Campaign finance disclosure in municipal election.**

256 (1) Unless a municipality adopts by ordinance more stringent definitions, the following

257 are defined terms for purposes of this section:

- 258 (a) "Agent of a candidate" means:
- 259 (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- 260 (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- 261 (iii) the personal campaign committee of a candidate;
- 262 (iv) a member of the personal campaign committee of a candidate in the member's
- 263 capacity as a member of the personal campaign committee of the candidate; or
- 264 (v) a political consultant of a candidate.
- 265 (b) "Anonymous contribution limit" means for each calendar year:
- 266 (i) \$50; or
- 267 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.
- 268 (c) (i) "Candidate" means a person who:
- 269 (A) files a declaration of candidacy for municipal office; or
- 270 (B) receives contributions, makes expenditures, or gives consent for any other person
- 271 to receive contributions or make expenditures to bring about the person's nomination or
- 272 election to a municipal office.
- 273 (ii) "Candidate" does not mean a person who files for the office of judge.
- 274 (d) (i) "Contribution" means any of the following when done for political purposes:
- 275 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of

276 value given to a candidate;

277 (B) an express, legally enforceable contract, promise, or agreement to make a gift,
278 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
279 anything of value to the candidate;

280 (C) any transfer of funds from another reporting entity to the candidate;

281 (D) compensation paid by any person or reporting entity other than the candidate for
282 personal services provided without charge to the candidate;

283 (E) a loan made by a candidate deposited to the candidate's own campaign; and

284 (F) an in-kind contribution.

285 (ii) "Contribution" does not include:

286 (A) services provided by an individual volunteering a portion or all of the individual's
287 time on behalf of the candidate if the services are provided without compensation by the
288 candidate or any other person;

289 (B) money lent to the candidate by a financial institution in the ordinary course of
290 business; or

291 (C) goods or services provided for the benefit of a candidate at less than fair market
292 value that are not authorized by or coordinated with the candidate.

293 (e) "Coordinated with" means that goods or services provided for the benefit of a
294 candidate are provided:

295 (i) with the candidate's prior knowledge, if the candidate does not object;

296 (ii) by agreement with the candidate;

297 (iii) in coordination with the candidate; or

298 (iv) using official logos, slogans, and similar elements belonging to a candidate.

299 (f) (i) "Expenditure" means any of the following made by a candidate or an agent of the
300 candidate on behalf of the candidate:

301 (A) any disbursement from contributions, receipts, or from an account described in
302 Subsection (3)(a)(i);

303 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
304 or anything of value made for political purposes;

305 (C) an express, legally enforceable contract, promise, or agreement to make any
306 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of

307 value for a political purpose;

308 (D) compensation paid by a candidate for personal services rendered by a person
309 without charge to a reporting entity;

310 (E) a transfer of funds between the candidate and a candidate's personal campaign
311 committee as defined in Section 20A-11-101; or

312 (F) goods or services provided by a reporting entity to or for the benefit of the
313 candidate for political purposes at less than fair market value.

314 (ii) "Expenditure" does not include:

315 (A) services provided without compensation by an individual volunteering a portion or
316 all of the individual's time on behalf of a candidate; or

317 (B) money lent to a candidate by a financial institution in the ordinary course of
318 business.

319 (g) "In-kind contribution" means anything of value other than money, that is accepted
320 by or coordinated with a candidate.

321 (h) (i) "Political consultant" means a person who is paid by a candidate, or paid by
322 another person on behalf of and with the knowledge of the candidate, to provide political
323 advice to the candidate.

324 (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i),
325 where the person:

326 (A) has already been paid, with money or other consideration;

327 (B) expects to be paid in the future, with money or other consideration; or

328 (C) understands that the person may, in the discretion of the candidate or another
329 person on behalf of and with the knowledge of the candidate, be paid in the future, with money
330 or other consideration.

331 (i) "Political purposes" means an act done with the intent or in a way to influence or
332 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
333 against any candidate or a person seeking a municipal office at any caucus, political
334 convention, or election.

335 (j) "Reporting entity" means:

336 (i) a candidate;

337 (ii) a committee appointed by a candidate to act for the candidate;

- 338 (iii) a person who holds an elected municipal office;
- 339 (iv) a party committee as defined in Section 20A-11-101;
- 340 (v) a political action committee as defined in Section 20A-11-101;
- 341 (vi) a political issues committee as defined in Section 20A-11-101;
- 342 (vii) a corporation as defined in Section 20A-11-101; or
- 343 (viii) a labor organization as defined in Section 20A-11-1501.

344 (2) (a) A municipality may adopt an ordinance establishing campaign finance
 345 disclosure requirements for a candidate that are more stringent than the requirements provided
 346 in Subsections (3) and (4).

347 (b) The municipality may adopt definitions that are more stringent than those provided
 348 in Subsection (1).

349 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described
 350 in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained
 351 in Subsections (3) and (4).

352 (3) (a) Each candidate:

353 (i) shall deposit a contribution in a separate campaign account in a financial institution;
 354 and

355 (ii) may not deposit or mingle any campaign contributions received into a personal or
 356 business account.

357 ~~[(b) In a year in which a municipal primary is held, each candidate who will participate~~
 358 ~~in the municipal primary shall file a campaign finance statement with the municipal clerk or~~
 359 ~~recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).]~~

360 ~~[(c)]~~ (b) Each candidate ~~[who is not eliminated at a municipal primary election]~~ shall
 361 file with the municipal clerk or recorder a campaign finance statement:

362 (i) no later than seven days before the day on which the municipal general election is
 363 held; and

364 (ii) no later than 30 days after the day on which the municipal general election is held.

365 ~~[(d) Each candidate for municipal office who is eliminated at a municipal primary~~
 366 ~~election shall file with the municipal clerk or recorder a campaign finance statement 30 days~~
 367 ~~after the day on which the municipal primary election is held.]~~

368 (4) Each campaign finance statement described in Subsection (3) shall:

- 369 (a) except as provided in Subsection (4)(b):
- 370 (i) report all of the candidate's itemized and total:
- 371 (A) contributions, including in-kind and other nonmonetary contributions, received up
372 to and including five days before the campaign finance statement is due, excluding a
373 contribution previously reported; and
- 374 (B) expenditures made up to and including five days before the campaign finance
375 statement is due, excluding an expenditure previously reported; and
- 376 (ii) identify:
- 377 (A) for each contribution, the amount of the contribution and the name of the donor, if
378 known; and
- 379 (B) for each expenditure, the amount of the expenditure and the name of the recipient
380 of the expenditure; or
- 381 (b) report the total amount of all contributions and expenditures if the candidate
382 receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- 383 (c) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
384 exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a
385 candidate shall disburse the amount of the contribution to:
- 386 (i) the treasurer of the state or a political subdivision for deposit into the state's or
387 political subdivision's general fund; or
- 388 (ii) an organization that is exempt from federal income taxation under Section
389 501(c)(3), Internal Revenue Code.
- 390 (5) (a) A municipality may, by ordinance:
- 391 (i) provide an anonymous contribution limit less than \$50;
- 392 (ii) require greater disclosure of contributions or expenditures than is required in this
393 section; and
- 394 (iii) impose additional penalties on candidates who fail to comply with the applicable
395 requirements beyond those imposed by this section.
- 396 (b) A candidate is subject to the provisions of this section and not the provisions of an
397 ordinance adopted by the municipality under Subsection (5)(a) if:
- 398 (i) the municipal ordinance establishes requirements or penalties that differ from those
399 established in this section; and

400 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the
401 ordinance as required in Subsection (6).

402 (6) Each municipal clerk or recorder shall, at the time the candidate for municipal
403 office files a declaration of candidacy, and again 14 days before each municipal general
404 election, notify the candidate in writing of:

405 (a) the provisions of statute or municipal ordinance governing the disclosure of
406 contributions and expenditures;

407 (b) the dates when the candidate's campaign finance statement is required to be filed;
408 and

409 (c) the penalties that apply for failure to file a timely campaign finance statement,
410 including the statutory provision that requires removal of the candidate's name from the ballot
411 for failure to file the required campaign finance statement when required.

412 (7) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
413 Access and Management Act, the municipal clerk or recorder shall:

414 (a) make each campaign finance statement filed by a candidate available for public
415 inspection and copying no later than one business day after the statement is filed; and

416 (b) make the campaign finance statement filed by a candidate available for public
417 inspection by:

418 (i) (A) posting an electronic copy or the contents of the statement on the municipality's
419 website no later than seven business days after the statement is filed; and

420 (B) verifying that the address of the municipality's website has been provided to the
421 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

422 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
423 website established by the lieutenant governor under Section 20A-11-103 no later than two
424 business days after the statement is filed.

425 (8) (a) If a candidate fails to timely file a campaign finance statement required under
426 Subsection (3), the municipal clerk or recorder shall inform the appropriate election official
427 who:

428 (i) shall:

429 (A) if practicable, remove the candidate's name from the ballot by blacking out the
430 candidate's name before the ballots are delivered to voters; or

431 (B) if removing the candidate's name from the ballot is not practicable, inform the
432 voters by any practicable method that the candidate has been disqualified and that votes cast for
433 the candidate will not be counted; and

434 (ii) may not count any votes for that candidate.

435 (b) Notwithstanding Subsection (8)(a), a candidate who timely files each campaign
436 finance statement required under Subsection (3) is not disqualified if:

437 (i) the statement details accurately and completely the information required under
438 Subsection (4), except for inadvertent omissions or insignificant errors or inaccuracies; and

439 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the
440 next scheduled report.

441 (9) A campaign finance statement required under this section is considered filed if it is
442 received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.

443 (10) (a) A private party in interest may bring a civil action in district court to enforce
444 the provisions of this section or an ordinance adopted under this section.

445 (b) In a civil action under Subsection (10)(a), the court may award costs and attorney
446 fees to the prevailing party.

447 Section 5. Section **17B-1-303** is amended to read:

448 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
449 **of board member contact information.**

450 (1) (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a
451 board of trustees shall begin at noon on the January 1 following the member's election or
452 appointment.

453 (b) The term of each member of the initial board of trustees of a newly created local
454 district shall begin:

455 (i) upon appointment, for an appointed member; and

456 (ii) upon the member taking the oath of office after the canvass of the election at which
457 the member is elected, for an elected member.

458 (c) The term of each water conservancy district board member appointed by the
459 governor as provided in Subsection **17B-2a-1005(2)(c)** shall:

460 (i) begin on the later of the following:

461 (A) the date on which the Senate consents to the appointment; or

462 (B) the expiration date of the prior term; and

463 (ii) end on the February 1 that is approximately four years after the date described in
464 Subsection (1)(c)(i)(A) or (B).

465 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the
466 term of each member of a board of trustees shall be four years, except that approximately half
467 the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that
468 the term of approximately half the board members expires every two years.

469 (ii) (A) If the terms of members of the initial board of trustees of a newly created local
470 district do not begin on January 1 because of application of Subsection (1)(b), the terms of
471 those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in
472 the terms of their successors complying with:

473 (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following
474 a member's election or appointment; and

475 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

476 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or
477 subtract more than a year from a member's term.

478 (b) Each board of trustees member shall serve until a successor is duly elected or
479 appointed and qualified, unless the member earlier is removed from office or resigns or
480 otherwise leaves office.

481 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
482 [17B-1-302\(1\)](#), or if the member's term expires without a duly elected or appointed successor:

483 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

484 (ii) the member may continue to serve until a successor is duly elected or appointed
485 and qualified.

486 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
487 shall take the oath of office specified in Utah Constitution Article IV, Section 10.

488 (ii) An oath of office may be administered by a judge, county clerk, notary public, or
489 the local district clerk.

490 (b) Each oath of office shall be filed with the clerk of the local district.

491 (c) The failure of a board of trustees member to take the oath required by Subsection
492 (3)(a) does not invalidate any official act of that member.

493 (4) A board of trustees member is not limited in the number of terms the member may
494 serve.

495 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees
496 position shall be filled as provided in Section [20A-1-512](#).

497 (6) (a) For purposes of this Subsection (6):

498 (i) "Appointed official" means a person who:

499 (A) is appointed as a member of a local district board of trustees by a county or
500 municipality entitled to appoint a member to the board; and

501 (B) holds an elected position with the appointing county or municipality.

502 (ii) "Appointing entity" means the county or municipality that appointed the appointed
503 official to the board of trustees.

504 (b) The board of trustees shall declare a midterm vacancy for the board position held
505 by an appointed official if:

506 (i) during the appointed official's term on the board of trustees, the appointed official
507 ceases to hold the elected position with the appointing entity; and

508 (ii) the appointing entity submits a written request to the board to declare the vacancy.

509 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
510 appointing entity shall appoint another person to fill the remaining unexpired term on the board
511 of trustees.

512 (7) (a) Each member of a board of trustees shall give a bond for the faithful
513 performance of the member's duties, in the amount and with the sureties prescribed by the
514 board of trustees.

515 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

516 (8) The lieutenant governor may extend the term of an elected district board member
517 by one year in order to compensate for a change in the election year under Subsection
518 [17B-1-306](#)~~[(13)]~~ (12).

519 (9) (a) A local district shall:

520 (i) post on the Utah Public Notice Website created in Section [63F-1-701](#) the name,
521 phone number, and email address of each member of the local district's board of trustees;

522 (ii) update the information described in Subsection (9)(a)(i) when:

523 (A) the membership of the board of trustees changes; or

524 (B) a member of the board of trustees' phone number or email address changes; and
525 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day
526 on which the change requiring the update occurs.

527 (b) This Subsection (9) applies regardless of whether the county or municipal
528 legislative body also serves as the board of trustees of the local district.

529 Section 6. Section **17B-1-306** is amended to read:

530 **17B-1-306. Local district board -- Election procedures.**

531 (1) Except as provided in Subsection (11), each elected board member shall be selected
532 as provided in this section.

533 (2) (a) Each election of a local district board member shall be held:

534 (i) at the same time as the municipal general election or the regular general election, as
535 applicable; and

536 (ii) at polling places designated by the local district board in consultation with the
537 county clerk for each county in which the local district is located, which polling places shall
538 coincide with municipal general election or regular general election polling places, as
539 applicable, whenever feasible.

540 (b) The local district board, in consultation with the county clerk, may consolidate two
541 or more polling places to enable voters from more than one district to vote at one consolidated
542 polling place.

543 (c) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
544 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
545 polling place per division of the district, designated by the district board.

546 (ii) Each polling place designated by an irrigation district board under Subsection
547 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
548 (2)(a)(ii).

549 (3) (a) The clerk of each local district with a board member position to be filled at the
550 next municipal general election or regular general election, as applicable, shall provide notice
551 of:

552 (i) each elective position of the local district to be filled at the next municipal general
553 election or regular general election, as applicable;

554 (ii) the constitutional and statutory qualifications for each position; and

555 (iii) the dates and times for filing a declaration of candidacy.

556 (b) The notice required under Subsection (3)(a) shall be:

557 (i) posted in at least five public places within the local district at least 10 days before
558 the first day for filing a declaration of candidacy; or

559 (ii) (A) published in a newspaper of general circulation within the local district at least
560 three but no more than 10 days before the first day for filing a declaration of candidacy; and

561 (B) published, in accordance with Section 45-1-101, for 10 days before the first day for
562 filing a declaration of candidacy.

563 (4) (a) To become a candidate for an elective local district board position, the
564 prospective candidate shall file a declaration of candidacy in person with the local district,
565 during office hours, within the candidate filing period for the applicable election year in which
566 the election for the local district board is held.

567 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
568 filing time shall be extended until the close of normal office hours on the following regular
569 business day.

570 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
571 officer shall:

572 (A) read to the prospective candidate the constitutional and statutory qualification
573 requirements for the office that the candidate is seeking; and

574 (B) require the candidate to state whether or not the candidate meets those
575 requirements.

576 (ii) If the prospective candidate does not meet the qualification requirements for the
577 office, the filing officer may not accept the declaration of candidacy.

578 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
579 the filing officer shall accept the declaration of candidacy.

580 (d) The declaration of candidacy shall substantially comply with the following form:

581 "I, (print name) _____, being first duly sworn, say that I reside at (Street)

582 _____, City of _____, County of _____, State of Utah,

583 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications

584 for the office of board of trustees member for _____ (state the name of

585 the local district); that I am a candidate for that office to be voted upon at the next election, and

586 I hereby request that my name be printed upon the official ballot for that election.

587 (Signed) _____

588 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
589 of _____, _____.

590 (Signed) _____

591 (Clerk or Notary Public)"

592 (e) Each person wishing to become a valid write-in candidate for an elective local
593 district board position is governed by Section 20A-9-601.

594 (f) If at least one person does not file a declaration of candidacy as required by this
595 section, a person shall be appointed to fill that board position by following the procedures and
596 requirements for appointment established in Section 20A-1-512.

597 (g) If only one candidate files a declaration of candidacy and there is no write-in
598 candidate who complies with Section 20A-9-601, the board, in accordance with Section
599 20A-1-206, may:

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

601 (ii) cancel the election.

602 [~~(5) (a) A primary election may be held if:~~]

603 [~~(i) the election is authorized by the local district board; and]~~

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

606 [~~(b) The primary election shall be conducted:~~]

607 [~~(i) on the same date as the municipal primary election or the regular primary election;~~
608 ~~as applicable; and]~~

609 [~~(ii) according to the procedures for primary elections provided under Title 20A;~~
610 ~~Election Code.]~~

611 [(6) (5) (a) Except as provided in Subsection [(6) (5)(c), within one business day after
612 the deadline for filing a declaration of candidacy, the local district clerk shall certify the
613 candidate names to the clerk of each county in which the local district is located.

614 (b) (i) Except as provided in Subsection [(6) (5)(c) and in accordance with Section
615 20A-6-305, the clerk of each county in which the local district is located and the local district
616 clerk shall coordinate the placement of the name of each candidate for local district office in

617 the nonpartisan section of the ballot with the appropriate election officer.

618 (ii) If consolidation of the local district election ballot with the municipal general
619 election ballot or the regular general election ballot, as applicable, is not feasible, the local
620 district board of trustees, in consultation with the county clerk, shall provide for a separate
621 local district election ballot to be administered by poll workers at polling locations designated
622 under Subsection (2).

623 (c) (i) Subsections ~~[(6)]~~ (5)(a) and (b) do not apply to an election of a member of the
624 board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

625 (ii) (A) Subject to Subsection ~~[(6)]~~ (5)(c)(ii)(B), the board of each irrigation district
626 shall prescribe the form of the ballot for each board member election.

627 (B) Each ballot for an election of an irrigation district board member shall be in a
628 nonpartisan format.

629 (C) The name of each candidate shall be placed on the ballot in the order specified
630 under Section 20A-6-305.

631 ~~[(7)]~~ (6) (a) Each voter at an election for a board of trustees member of a local district
632 shall:

633 (i) be a registered voter within the district, except for an election of:

634 (A) an irrigation district board of trustees member; or

635 (B) a basic local district board of trustees member who is elected by property owners;
636 and

637 (ii) meet the requirements to vote established by the district.

638 (b) Each voter may vote for as many candidates as there are offices to be filled.

639 (c) The candidates who receive the highest number of votes are elected.

640 ~~[(8)]~~ (7) Except as otherwise provided by this section, the election of local district
641 board members is governed by Title 20A, Election Code.

642 ~~[(9)]~~ (8) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve
643 on a local district board shall serve a four-year term, beginning at noon on the January 1 after
644 the person's election.

645 (b) A person elected shall be sworn in as soon as practical after January 1.

646 ~~[(10)]~~ (9) (a) Except as provided in Subsection ~~[(10)]~~ (9)(b), each local district shall
647 reimburse the county or municipality holding an election under this section for the costs of the

648 election attributable to that local district.

649 (b) Each irrigation district shall bear its own costs of each election it holds under this
650 section.

651 [~~(11)~~] (10) This section does not apply to an improvement district that provides electric
652 or gas service.

653 [~~(12)~~] (11) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title
654 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

655 [~~(13)~~] (12) (a) As used in this Subsection [~~(13)~~] (12), "board" means:

656 (i) a local district board; or

657 (ii) the administrative control board of a special service district that has elected
658 members on the board.

659 (b) A board may hold elections for membership on the board at a regular general
660 election instead of a municipal general election if the board submits an application to the
661 lieutenant governor that:

662 (i) requests permission to hold elections for membership on the board at a regular
663 general election instead of a municipal general election; and

664 (ii) indicates that holding elections at the time of the regular general election is
665 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
666 material reason.

667 (c) Upon receipt of an application described in Subsection [~~(13)~~] (12)(b), the lieutenant
668 governor may approve the application if the lieutenant governor concludes that holding the
669 elections at the regular general election is beneficial based on the criteria described in
670 Subsection [~~(13)~~] (12)(b)(ii).

671 (d) If the lieutenant governor approves a board's application described in this section:

672 (i) all future elections for membership on the board shall be held at the time of the
673 regular general election; and

674 (ii) the board may not hold elections at the time of a municipal general election unless
675 the board receives permission from the lieutenant governor to hold all future elections for
676 membership on the board at a municipal general election instead of a regular general election,
677 under the same procedure, and by applying the same criteria, described in this Subsection
678 [~~(13)~~] (12).

679 Section 7. Section **20A-1-102** is amended to read:

680 **20A-1-102. Definitions.**

681 As used in this title:

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

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

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

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

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

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

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

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

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

697 (b) a constitutional amendment;

698 (c) an initiative;

699 (d) a referendum;

700 (e) a bond proposition;

701 (f) a judicial retention question;

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

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

704 (6) "Ballot sheet":

705 (a) means a ballot that:

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

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

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

709 (7) "Bind," "binding," or "bound" means securing more than one piece of paper

710 together with a staple or stitch in at least three places across the top of the paper in the blank
711 space reserved for securing the paper.

712 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
713 [20A-4-306](#) to canvass election returns.

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

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

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

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

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

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

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

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

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

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

734 (19) "Counting poll watcher" means a person selected as provided in Section
735 [20A-3-201](#) to witness the counting of ballots.

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

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

- 741 (22) "Date of the election" or "election day" or "day of the election":
742 (a) means the day that is specified in the calendar year as the day that the election
743 occurs; and
744 (b) does not include:
745 (i) deadlines established for absentee voting; or
746 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
747 Voting.
- 748 (23) "Elected official" means:
749 (a) a person elected to an office under Section 20A-1-303;
750 (b) a person who is considered to be elected to a municipal office in accordance with
751 Subsection 20A-1-206(1)(c)(ii); or
752 (c) a person who is considered to be elected to a local district office in accordance with
753 Subsection 20A-1-206(3)(c)(ii).
- 754 (24) "Election" means a regular general election, a municipal general election, a
755 statewide special election, a local special election, a regular primary election, [~~a municipal~~
756 ~~primary election;~~] and a local district election.
- 757 (25) "Election Assistance Commission" means the commission established by the Help
758 America Vote Act of 2002, Pub. L. No. 107-252.
- 759 (26) "Election cycle" means the period beginning on the first day persons are eligible to
760 file declarations of candidacy and ending when the canvass is completed.
- 761 (27) "Election judge" means a poll worker that is assigned to:
762 (a) preside over other poll workers at a polling place;
763 (b) act as the presiding election judge; or
764 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 765 (28) "Election officer" means:
766 (a) the lieutenant governor, for all statewide ballots and elections;
767 (b) the county clerk for:
768 (i) a county ballot and election; and
769 (ii) a ballot and election as a provider election officer as provided in Section
770 20A-5-400.1 or 20A-5-400.5;
771 (c) the municipal clerk for:

- 772 (i) a municipal ballot and election; and
- 773 (ii) a ballot and election as a provider election officer as provided in Section
- 774 [20A-5-400.1](#) or [20A-5-400.5](#);
- 775 (d) the local district clerk or chief executive officer for:
- 776 (i) a local district ballot and election; and
- 777 (ii) a ballot and election as a provider election officer as provided in Section
- 778 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 779 (e) the business administrator or superintendent of a school district for:
- 780 (i) a school district ballot and election; and
- 781 (ii) a ballot and election as a provider election officer as provided in Section
- 782 [20A-5-400.1](#) or [20A-5-400.5](#).
- 783 (29) "Election official" means any election officer, election judge, or poll worker.
- 784 (30) "Election results" means:
- 785 (a) for an election other than a bond election, the count of votes cast in the election and
- 786 the election returns requested by the board of canvassers; or
- 787 (b) for bond elections, the count of those votes cast for and against the bond
- 788 proposition plus any or all of the election returns that the board of canvassers may request.
- 789 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 790 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 791 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 792 form, and the total votes cast form.
- 793 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 794 device or other voting device that records and stores ballot information by electronic means.
- 795 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 796 or logically associated with a record and executed or adopted by a person with the intent to sign
- 797 the record.
- 798 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 799 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 800 (35) "Inactive voter" means a registered voter who has:
- 801 (a) been sent the notice required by Section [20A-2-306](#); and
- 802 (b) failed to respond to that notice.

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

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

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

808 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
809 Local Government Entities - Local Districts, and includes a special service district under Title
810 17D, Chapter 1, Special Service District Act.

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

813 (41) "Local election" means a regular county election, a regular municipal election, [~~a~~
814 ~~municipal primary election,~~] a local special election, a local district election, and a bond
815 election.

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

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

821 (44) "Multi-candidate general race" means a regular general election race or a
822 municipal general election race in which more than twice the number of candidates who may
823 be elected for a particular office qualify for placement on the ballot for that office, if the office
824 is one of the following:

825 (a) president and vice president of the United States;

826 (b) United States Senate;

827 (c) United States House of Representatives;

828 (d) state Senate;

829 (e) state House of Representatives;

830 (f) governor and lieutenant governor;

831 (g) attorney general;

832 (h) state auditor;

833 (i) state treasurer;

834 (j) State Board of Education member;

835 (k) local board of education member;

836 (l) county elected office;

837 (m) municipal elected office; or

838 (n) an elective local district board position.

839 (45) "Multi-candidate primary race" means a partisan primary race in which more than

840 two candidates qualify for placement on the primary election ballot for the same political party

841 and for the same office, if the office is one of the following:

842 (a) president and vice president of the United States;

843 (b) United States Senate;

844 (c) United States House of Representatives;

845 (d) state Senate;

846 (e) state House of Representatives;

847 (f) governor and lieutenant governor;

848 (g) attorney general;

849 (h) state auditor;

850 (i) state treasurer;

851 (j) State Board of Education member;

852 (k) county elected office; or

853 (l) an elective local district board position.

854 ~~[(44)]~~ (46) "Municipal executive" means:

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

856 (b) the mayor in the council-manager form of government defined in Subsection

857 10-3b-103(7); or

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

859 ~~[(45)]~~ (47) "Municipal general election" means the election held in municipalities and,

860 as applicable, local districts on the first Tuesday after the first Monday in November of each

861 odd-numbered year for the purposes established in Section 20A-1-202.

862 ~~[(46)]~~ (48) "Municipal legislative body" means:

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

864 (b) the council of a metro township.

865 ~~[(50)]~~ (49) "Municipality" means a city, town, or metro township.

866 ~~[(47)]~~ (50) "Municipal office" means an elective office in a municipality.

867 ~~[(48)]~~ (51) "Municipal officers" means those municipal officers that are required by
868 law to be elected.

869 ~~[(49)]~~ ~~"Municipal primary election" means an election held to nominate candidates for~~
870 ~~municipal office.]~~

871 ~~[(51)]~~ (52) "Official ballot" means the ballots distributed by the election officer to the
872 poll workers to be given to voters to record their votes.

873 ~~[(52)]~~ (53) "Official endorsement" means:

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

875 (i) the ballot as an official ballot;

876 (ii) the date of the election; and

877 (iii) (A) for a ballot prepared by an election officer other than a county clerk, ~~[the~~
878 ~~facsimile signature required by Subsection 20A-6-401(1)(b)(iii)]~~ a facsimile signature of the
879 election officer and the election officer's title in eight point type; or

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

881 20A-6-301(1)(c)(iii); and

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

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

884 (ii) the ballot number.

885 ~~[(53)]~~ (54) "Official register" means the official record furnished to election officials
886 by the election officer that contains the information required by Section 20A-5-401.

887 ~~[(54)]~~ (55) "Paper ballot" means a paper that contains:

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

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

892 ~~[(55)]~~ (56) "Political party" means an organization of registered voters that has
893 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
894 Formation and Procedures.

895 ~~[(56)]~~ (57) "Pollbook" means a record of the names of voters in the order that they

896 appear to cast votes.

897 ~~[(57)]~~ (58) "Polling place" means the building where voting is conducted.

898 ~~[(58)]~~ (59) (a) "Poll worker" means a person assigned by an election official to assist
899 with an election, voting, or counting votes.

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

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

902 ~~[(59)]~~ (60) "Position" means a square, circle, rectangle, or other geometric shape on a
903 ballot in which the voter marks the voter's choice.

904 ~~[(60)]~~ (61) "Primary convention" means the political party conventions held during the
905 year of the regular general election.

906 ~~[(61)]~~ (62) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

909 ~~[(62)]~~ (63) "Provider election officer" means an election officer who enters into a
910 contract or interlocal agreement with a contracting election officer to conduct an election for
911 the contracting election officer's local political subdivision in accordance with Section
912 [20A-5-400.1](#).

913 ~~[(63)]~~ (64) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

917 ~~[(64)]~~ (65) "Provisional ballot envelope" means an envelope printed in the form
918 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
919 information to verify a person's legal right to vote.

920 ~~[(65)]~~ (66) "Qualify" or "qualified" means to take the oath of office and begin
921 performing the duties of the position for which the person was elected.

922 ~~[(66)]~~ (67) "Receiving judge" means the poll worker that checks the voter's name in the
923 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
924 after the voter has voted.

925 ~~[(67)]~~ (68) "Registration form" means a book voter registration form and a by-mail
926 voter registration form.

927 [~~(68)~~] (69) "Regular ballot" means a ballot that is not a provisional ballot.

928 [~~(69)~~] (70) "Regular general election" means the election held throughout the state on
929 the first Tuesday after the first Monday in November of each even-numbered year for the
930 purposes established in Section [20A-1-201](#).

931 [~~(70)~~] (71) "Regular primary election" means the election on the fourth Tuesday of
932 June of each even-numbered year, to nominate candidates of political parties and candidates for
933 nonpartisan local school board positions to advance to the regular general election.

934 [~~(71)~~] (72) "Resident" means a person who resides within a specific voting precinct in
935 Utah.

936 [~~(72)~~] (73) "Sample ballot" means a mock ballot similar in form to the official ballot
937 printed and distributed as provided in Section [20A-5-405](#).

938 [~~(73)~~] (74) "Scratch vote" means to mark or punch the straight party ticket and then
939 mark or punch the ballot for one or more candidates who are members of different political
940 parties or who are unaffiliated.

941 [~~(74)~~] (75) "Secrecy envelope" means the envelope given to a voter along with the
942 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
943 secrecy of the voter's vote.

944 [~~(75)~~] (76) "Special election" means an election held as authorized by Section
945 [20A-1-203](#).

946 [~~(76)~~] (77) "Spoiled ballot" means each ballot that:

947 (a) is spoiled by the voter;

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

949 (c) lacks the official endorsement.

950 [~~(77)~~] (78) "Statewide special election" means a special election called by the governor
951 or the Legislature in which all registered voters in Utah may vote.

952 [~~(78)~~] (79) "Stub" means the detachable part of each ballot.

953 [~~(79)~~] (80) "Substitute ballots" means replacement ballots provided by an election
954 officer to the poll workers when the official ballots are lost or stolen.

955 [~~(80)~~] (81) "Ticket" means a list of:

956 (a) political parties;

957 (b) candidates for an office; or

958 (c) ballot propositions.

959 [~~(81)~~] (82) "Transfer case" means the sealed box used to transport voted ballots to the
960 counting center.

961 [~~(82)~~] (83) "Vacancy" means the absence of a person to serve in any position created
962 by statute, whether that absence occurs because of death, disability, disqualification,
963 resignation, or other cause.

964 (84) "Valid," as it relates to a ranked choice vote cast in a multi-candidate primary race
965 or a multi-candidate general race, means that the ballot is marked in a manner that permits the
966 vote to be counted during the applicable canvassing phase, in accordance with Subsection
967 [20A-4-303.5\(5\)](#).

968 [~~(83)~~] (85) "Valid voter identification" means:

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

- 971 (i) a currently valid Utah driver license;
972 (ii) a currently valid identification card that is issued by:
973 (A) the state; or
974 (B) a branch, department, or agency of the United States;
975 (iii) a currently valid Utah permit to carry a concealed weapon;
976 (iv) a currently valid United States passport; or
977 (v) a currently valid United States military identification card;

978 (b) one of the following identification cards, whether or not the card includes a
979 photograph of the voter:

- 980 (i) a valid tribal identification card;
981 (ii) a Bureau of Indian Affairs card; or
982 (iii) a tribal treaty card; or

983 (c) two forms of identification not listed under Subsection [~~(83)~~] (85)(a) or (b) but that
984 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
985 which may include:

- 986 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
987 election;
988 (ii) a bank or other financial account statement, or a legible copy thereof;

- 989 (iii) a certified birth certificate;
- 990 (iv) a valid social security card;
- 991 (v) a check issued by the state or the federal government or a legible copy thereof;
- 992 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 993 (vii) a currently valid Utah hunting or fishing license;
- 994 (viii) certified naturalization documentation;
- 995 (ix) a currently valid license issued by an authorized agency of the United States;
- 996 (x) a certified copy of court records showing the voter's adoption or name change;
- 997 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 998 (xii) a currently valid identification card issued by:
 - 999 (A) a local government within the state;
 - 1000 (B) an employer for an employee; or
 - 1001 (C) a college, university, technical school, or professional school located within the
 - 1002 state; or
 - 1003 (xiii) a current Utah vehicle registration.

1004 [~~84~~] (86) "Valid write-in candidate" means a candidate who has qualified as a
 1005 write-in candidate by following the procedures and requirements of this title.

1006 [~~85~~] (87) "Voter" means a person who:

- 1007 (a) meets the requirements for voting in an election;
- 1008 (b) meets the requirements of election registration;
- 1009 (c) is registered to vote; and
- 1010 (d) is listed in the official register book.

1011 [~~86~~] (88) "Voter registration deadline" means the registration deadline provided in
 1012 Section [20A-2-102.5](#).

1013 [~~87~~] (89) "Voting area" means the area within six feet of the voting booths, voting
 1014 machines, and ballot box.

1015 [~~88~~] (90) "Voting booth" means:

- 1016 (a) the space or compartment within a polling place that is provided for the preparation
 1017 of ballots, including the voting machine enclosure or curtain; or
- 1018 (b) a voting device that is free standing.

1019 [~~89~~] (91) "Voting device" means:

1020 (a) an apparatus in which ballot sheets are used in connection with a punch device for
1021 piercing the ballots by the voter;

1022 (b) a device for marking the ballots with ink or another substance;

1023 (c) an electronic voting device or other device used to make selections and cast a ballot
1024 electronically, or any component thereof;

1025 (d) an automated voting system under Section [20A-5-302](#); or

1026 (e) any other method for recording votes on ballots so that the ballot may be tabulated
1027 by means of automatic tabulating equipment.

1028 ~~[(90)]~~ (92) "Voting machine" means a machine designed for the sole purpose of
1029 recording and tabulating votes cast by voters at an election.

1030 ~~[(91)]~~ (93) "Voting poll watcher" means a person appointed as provided in this title to
1031 witness the distribution of ballots and the voting process.

1032 ~~[(92)]~~ (94) "Voting precinct" means the smallest voting unit established as provided by
1033 law within which qualified voters vote at one polling place.

1034 ~~[(93)]~~ (95) "Watcher" means a voting poll watcher, a counting poll watcher, an
1035 inspecting poll watcher, and a testing watcher.

1036 ~~[(94)]~~ (96) "Western States Presidential Primary" means the election established in
1037 Chapter 9, Part 8, Western States Presidential Primary.

1038 ~~[(95)]~~ (97) "Write-in ballot" means a ballot containing any write-in votes.

1039 ~~[(96)]~~ (98) "Write-in vote" means a vote cast for a person whose name is not printed on
1040 the ballot according to the procedures established in this title.

1041 Section 8. Section **20A-1-201.5** is amended to read:

1042 **20A-1-201.5. Primary election dates.**

1043 (1) A regular primary election shall be held throughout the state on the fourth Tuesday
1044 of June of each even numbered year as provided in Section [20A-9-403](#), [20A-9-407](#), or
1045 [20A-9-408](#), as applicable, to nominate persons for:

1046 (a) national, state, school board, and county offices; and

1047 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

1048 ~~[(2) A municipal primary election shall be held, if necessary, on the second Tuesday
1049 following the first Monday in August before the regular municipal election to nominate persons
1050 for municipal offices.]~~

- 1051 (2) (a) A municipality or a local district may not hold a primary election.
- 1052 (b) Elective office for a municipality or a local district will be decided by ranked
- 1053 choice voting in accordance with Section [20A-4-303.5](#).
- 1054 (c) For a municipality that conducts partisan elections, each party may submit only one
- 1055 candidate selected by party convention or another process designated by the party.
- 1056 (3) If the Legislature makes an appropriation for a Western States Presidential Primary
- 1057 election, the Western States Presidential Primary election shall be held throughout the state on
- 1058 the first Tuesday in February in the year in which a presidential election will be held.
- 1059 Section 9. Section **20A-1-303** is amended to read:
- 1060 **20A-1-303. Determining results.**
- 1061 (1) (a) [~~When~~] Except as provided in Section [20A-4-303.5](#), when one person is to be
- 1062 elected or nominated, the person receiving the highest number of votes at any:
- 1063 (i) election for any office to be filled at that election is elected to that office; and
- 1064 (ii) primary for nomination for any office is nominated for that office.
- 1065 (b) When more than one person is to be elected or nominated, the persons receiving the
- 1066 highest number of votes at any:
- 1067 (i) election for any office to filled at that election are elected to that office; and
- 1068 (ii) primary for nomination for any office are nominated for that office.
- 1069 (2) Any ballot proposition submitted to voters for their approval or rejection:
- 1070 (a) passes if the number of "yes" votes is greater than the number of "no" votes; and
- 1071 (b) fails if:
- 1072 (i) the number of "yes" votes equal the number of "no" votes; or
- 1073 (ii) the number of "no" votes is greater than the number of "yes" votes.
- 1074 Section 10. Section **20A-1-304** is repealed and reenacted to read:
- 1075 **20A-1-304. Tie votes.**
- 1076 Except for a multi-candidate primary race or a multi-candidate general race, if two or
- 1077 more candidates for a position have an equal and the highest number of votes for any office, the
- 1078 election officer shall, in a public meeting held within 30 days after the day on which the
- 1079 canvass is completed, determine the candidate selected, by lot, in the presence of each
- 1080 candidate subject to the tie.
- 1081 Section 11. Section **20A-2-101** is amended to read:

1082 **20A-2-101. Eligibility for registration.**

1083 (1) Except as provided in Subsection (2), any person may apply to register to vote in an
1084 election who:

1085 (a) is a citizen of the United States;

1086 (b) has been a resident of Utah for at least the 30 days immediately before the election;

1087 (c) will be at least 18 years old on the day of the election; and

1088 (d) currently resides within the voting district or precinct in which the person applies to
1089 register to vote.

1090 (2) (a) (i) A person who is involuntarily confined or incarcerated in a jail, prison, or
1091 other facility within a voting precinct is not a resident of that voting precinct and may not
1092 register to vote in that voting precinct unless the person was a resident of that voting precinct
1093 before the confinement or incarceration.

1094 (ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident
1095 of the voting precinct in which the person resided before the confinement or incarceration.

1096 (b) A person who has been convicted of a felony or a misdemeanor for an offense
1097 under this title may not register to vote or remain registered to vote unless the person's right to
1098 vote has been restored as provided in Section [20A-2-101.3](#) or [20A-2-101.5](#).

1099 (c) A person whose right to vote has been restored, as provided in Section [20A-2-101.3](#)
1100 or [20A-2-101.5](#), is eligible to register to vote.

1101 (3) A person who is eligible to vote and who resides within the geographic boundaries
1102 of the entity in which the election is held may register to vote in a:

1103 (a) regular general election;

1104 (b) regular primary election;

1105 (c) municipal general election;

1106 [~~(d) municipal primary election;~~]

1107 [~~(e)~~] (d) statewide special election;

1108 [~~(f)~~] (e) local special election;

1109 [~~(g)~~] (f) local district election; and

1110 [~~(h)~~] (g) bond election.

1111 Section 12. Section **20A-3-101** is amended to read:

1112 **20A-3-101. Residency and age requirements of voters.**

1113 (1) A person may vote in any regular general election or statewide special election if
1114 that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration.

1115 (2) A person may vote in the Western States Presidential Primary election or a regular
1116 primary election if:

1117 (a) that person has registered to vote in accordance with Title 20A, Chapter 2, Voter
1118 Registration; and

1119 (b) that person's political party affiliation, or unaffiliated status, allows the person to
1120 vote in the election.

1121 (3) A person may vote in a municipal general election, [~~municipal primary, in~~] a local
1122 special election, [~~in~~] a local district election, [~~and in~~] or a bond election if that person:

1123 (a) has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration;
1124 and

1125 (b) is a resident of a voting district or precinct within the local entity that is holding the
1126 election.

1127 Section 13. Section **20A-3-105** is amended to read:

1128 **20A-3-105. Marking and depositing ballots.**

1129 (1) (a) [~~Hf~~] Except as provided in Subsection (5), if a paper ballot is used, the voter,
1130 upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking
1131 the appropriate position with a mark opposite the name of each candidate of the voter's choice
1132 for each office to be filled.

1133 (b) [~~A~~] Except as provided in Subsections (5) and (6), a mark is not required opposite
1134 the name of a write-in candidate.

1135 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in
1136 the appropriate square with a mark opposite the answer the voter intends to make.

1137 (d) Before leaving the booth, the voter shall:

1138 (i) fold the ballot so that its contents are concealed and the stub can be removed; and

1139 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
1140 envelope and complete the information printed on the envelope.

1141 (2) (a) (i) [~~Hf~~] Subject to Subsection (5), if a punch card ballot is used, the voter shall
1142 insert the ballot sheet into the voting device and mark the ballot sheet according to the
1143 instructions provided on the device.

1144 (ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the
1145 voter shall record any write-in votes on the long stub.

1146 (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record
1147 any write-in votes on the secrecy envelope.

1148 (b) After the voter has marked the ballot sheet, the voter shall either:

1149 (i) place the ballot sheet inside the secrecy envelope, if one is provided; or

1150 (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the
1151 vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.

1152 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
1153 provisional ballot envelope and complete the information printed on the envelope.

1154 (3) (a) ~~[If]~~ Subject to Subsection (5), if a ballot sheet other than a punch card is used,
1155 the voter shall mark the ballot sheet according to the instructions provided on the voting device
1156 or ballot sheet.

1157 (b) ~~[The]~~ Except as provided in Subsections (5) and (6), the voter shall record a
1158 write-in vote by:

1159 (i) marking the position opposite the area for entering a write-in candidate; and

1160 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
1161 for by means of:

1162 (A) writing;

1163 (B) a label; or

1164 (C) entering the name using the voting device.

1165 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
1166 provisional ballot envelope and complete the information printed on the envelope.

1167 (4) (a) ~~[If]~~ Subject to Subsection (5), if an electronic ballot is used, the voter shall:

1168 (i) insert the ballot access card into the voting device; and

1169 (ii) make the selections according to the instructions provided on the device.

1170 (b) ~~[The]~~ Except as provided in Subsections (5) and (6), the voter shall record a
1171 write-in vote by:

1172 (i) marking the appropriate position opposite the area for entering a write-in candidate;
1173 and

1174 (ii) using the voting device to enter the name of the valid write-in candidate for whom

1175 the voter wishes to vote.

1176 (5) (a) To vote in a multi-candidate primary race, a voter:

1177 (i) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
1178 first preference as the party's nominee for the office; and

1179 (ii) may indicate, as directed on the ballot, the names of the remaining candidates in
1180 order of the voter's preference for each remaining candidate to be selected as the party's
1181 nominee for the office in the event that the voter's first preference is not selected as the
1182 nominee.

1183 (b) To vote in a multi-candidate general race, a voter:

1184 (i) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
1185 first preference for the office; and

1186 (ii) may indicate, as directed on the ballot, the names of the remaining candidates in
1187 order of the voter's preference for each remaining candidate to be selected for the office in the
1188 event that the voter's first preference is not selected for the office.

1189 (6) A voter may include no more than one write-in candidate in the voter's list of
1190 preferences for a multi-candidate primary race or a multi-candidate general race.

1191 ~~[(5)]~~ (7) After preparation of the ballot:

1192 (a) if a paper ballot or punch card ballot is used:

1193 (i) the voter shall:

1194 (A) leave the voting booth; and

1195 (B) announce ~~[his]~~ the voter's name to the poll worker in charge of the ballot box;

1196 (ii) the poll worker in charge of the ballot box shall:

1197 (A) clearly and audibly announce the name of the voter and the number on the stub of
1198 the voter's ballot;

1199 (B) if the stub number on the ballot corresponds with the number previously recorded
1200 in the official register, and bears the initials of the poll worker, remove the stub from the ballot;
1201 and

1202 (C) return the ballot to the voter;

1203 (iii) the voter shall, in full view of the poll workers, cast ~~[his]~~ the voter's vote by
1204 depositing the ballot in the ballot box; and

1205 (iv) if the stub has been detached from the ballot:

- 1206 (A) the poll worker may not accept the ballot; and
- 1207 (B) the poll worker shall:
- 1208 (I) treat the ballot as a spoiled ballot;
- 1209 (II) provide the voter with a new ballot; and
- 1210 (III) dispose of the spoiled ballot as provided in Section 20A-3-107;
- 1211 (b) if a ballot sheet other than a punch card is used:
- 1212 (i) the voter shall:
- 1213 (A) leave the voting booth; and
- 1214 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;
- 1215 (ii) the poll worker in charge of the ballot box shall:
- 1216 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 1217 the voter's ballot; and
- 1218 (B) if the stub number on the ballot corresponds with the number previously recorded
- 1219 in the official register, and bears the initials of the poll worker, return the ballot to the voter;
- 1220 and
- 1221 (iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by
- 1222 depositing the ballot in the ballot box; and
- 1223 (c) if an electronic ballot is used, the voter shall:
- 1224 (i) cast the voter's ballot;
- 1225 (ii) remove the ballot access card from the voting device; and
- 1226 (iii) return the ballot access card to a designated poll worker.
- 1227 [~~(6)~~] (8) A voter voting a paper ballot in a regular primary election shall, after marking
- 1228 the ballot:
- 1229 (a) (i) if the ballot is designed so that the names of all candidates for all political parties
- 1230 are on the same ballot, detach the part of the paper ballot containing the names of the
- 1231 candidates of the party [~~he~~] the voter has voted from the remainder of the paper ballot;
- 1232 (ii) fold that portion of the paper ballot so that its face is concealed; and
- 1233 (iii) deposit it in the ballot box; and
- 1234 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of
- 1235 the parties that the elector did not vote; and
- 1236 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot

1237 box.

1238 ~~[(7)]~~ (9) (a) Each voter shall mark and cast or deposit the ballot without delay and shall
 1239 leave the voting area after voting.

1240 (b) A voter may not:

1241 (i) occupy a voting booth occupied by another, except as provided in Section
 1242 [20A-3-108](#);

1243 (ii) remain within the voting area more than 10 minutes; or

1244 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
 1245 voters are waiting to occupy them.

1246 ~~[(8)]~~ (10) If the official register shows any voter as having voted, that voter may not
 1247 reenter the voting area during that election unless that voter is an election official or watcher.

1248 ~~[(9)]~~ (11) The poll workers may not allow more than four voters more than the number
 1249 of voting booths into the voting area at one time unless those excess voters are:

1250 (a) election officials;

1251 (b) watchers; or

1252 (c) assisting voters with a disability.

1253 Section 14. Section **20A-3-201** is amended to read:

1254 **20A-3-201. Watchers.**

1255 (1) (a) (i) For each regular general election or statewide special election, and for each
 1256 regular primary and Western States Presidential Primary, each registered political party and any
 1257 person interested in a ballot proposition appearing on the ballot may appoint one person to act
 1258 as a voting poll watcher to observe the casting of ballots, another person to act as a counting
 1259 poll watcher to observe the counting of ballots, and another person to act as an inspecting poll
 1260 watcher to inspect the condition and observe the securing of ballot packages.

1261 (ii) Each party poll watcher shall be designated, and his selection made known to the
 1262 poll workers, by an affidavit made by the county chair of each of the parties.

1263 (iii) Each issue poll watcher shall be designated, and his selection made known to the
 1264 poll workers, by an affidavit made by the individual appointing him.

1265 (b) (i) For each municipal general election, ~~[municipal primary,]~~ local special election,
 1266 or bond election that uses paper ballots, each candidate and any person interested in an issue
 1267 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the

1268 casting of ballots, another person to act as a counting poll watcher to observe the counting of
1269 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
1270 observe the securing of ballot packages.

1271 (ii) For each municipal general election, [~~municipal primary~~,] local special election, or
1272 bond election that uses ballot sheets, each candidate and any person interested in an issue
1273 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
1274 casting of ballots, another person to act as a counting poll watcher to observe the counting of
1275 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
1276 observe the securing of ballot packages.

1277 (iii) Each candidate poll watcher shall be designated, and his selection made known to
1278 the poll workers, by an affidavit made by the candidate appointing him.

1279 (iv) Each issue poll watcher shall be designated, and his selection made known to the
1280 poll workers, by an affidavit made by the individual appointing him.

1281 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
1282 absent, that poll watcher may substitute some other watcher of similar political beliefs by
1283 informing the poll workers of the substitution by affidavit.

1284 (3) Voting poll watchers may watch and observe the voting process, and may make a
1285 written memorandum, but they may not interfere in any way with the process of voting except
1286 to challenge a voter as provided in this part.

1287 (4) The counting poll watcher shall remain in the counting room, except in the case of
1288 necessity, until the close of the polls and may not divulge the progress of the count until the
1289 count is completed.

1290 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,
1291 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other
1292 information about the count.

1293 (b) Any person who violates this subsection is guilty of a third degree felony.

1294 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to
1295 whom ballots are delivered after elections to:

- 1296 (a) inspect the condition of the packages containing the ballots upon their arrival; and
- 1297 (b) observe the placement of these packages in a safe and secure place.

1298 (7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any

1299 interested person may act as a testing watcher to observe a demonstration of logic and accuracy
1300 testing of the voting devices prior to the commencement of voting.

1301 (b) The election officer shall give prior notice of the logic and accuracy testing
1302 demonstration at least two days prior to the date of the demonstration by publishing notice of
1303 the date, time, and location of the demonstration:

1304 (i) in at least one newspaper of general circulation in the jurisdiction holding the
1305 election; and

1306 (ii) as required in Section 45-1-101.

1307 (c) An election official shall provide, upon request, a copy of testing results to a testing
1308 watcher.

1309 Section 15. Section 20A-3-601 is amended to read:

1310 **20A-3-601. Early voting.**

1311 (1) (a) An individual who is registered to vote may vote before the election date in
1312 accordance with this section.

1313 (b) An individual who is not registered to vote may register to vote and vote before the
1314 election date in accordance with this section if the individual:

1315 (i) is otherwise legally entitled to vote the ballot in a jurisdiction that is approved by
1316 the lieutenant governor to participate in the pilot project described in Section 20A-4-108; and

1317 (ii) casts a provisional ballot in accordance with Section 20A-4-108.

1318 (2) Except as provided in Section 20A-1-308, the early voting period shall:

1319 (a) begin on the date that is 14 days before the date of the election; and

1320 (b) continue through the Friday before the election if the election date is a Tuesday.

1321 (3) Except as provided in Section 20A-1-308, during the early voting period, the
1322 election officer:

1323 (a) for a local special election[~~, a municipal primary election, and~~] or a municipal
1324 general election:

1325 (i) shall conduct early voting on a minimum of four days during each week of the early
1326 voting period; and

1327 (ii) shall conduct early voting on the last day of the early voting period; and

1328 (b) for all other elections:

1329 (i) shall conduct early voting on each weekday; and

1330 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

1331 (4) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,
1332 early voting shall be administered according to the requirements of this title.

1333 Section 16. Section 20A-3-603 is amended to read:

1334 **20A-3-603. Early voting polling places.**

1335 (1) Except as provided in Section 20A-1-308, the election officer shall designate one or
1336 more polling places for early voting, provided that:

1337 (a) at least one polling place is open on each day that polls are open during the early
1338 voting period;

1339 (b) each polling place meets the requirements for polling places under Chapter 5,
1340 Election Administration;

1341 (c) for all elections other than local special elections[~~municipal primary elections;~~
1342 ~~and~~] or municipal general elections, at least 10% of the voting devices at a polling place are
1343 accessible for individuals with disabilities in accordance with Public Law 107-252, the Help
1344 America Vote Act of 2002; and

1345 (d) each polling place is located in a government building or office, unless the election
1346 officer determines that, in the area designated by the election officer, there is no government
1347 building or office available that:

1348 (i) can be scheduled for use during early voting hours;

1349 (ii) has the physical facilities necessary to accommodate early voting requirements;

1350 (iii) has adequate space for voting equipment, poll workers, and voters; and

1351 (iv) has adequate security, public accessibility, and parking.

1352 (2) (a) Except as provided in Section 20A-1-308, in the event the election officer
1353 determines that the number of early voting polling places is insufficient due to the number of
1354 registered voters who are voting, the election officer may designate additional polling places
1355 during the early voting period.

1356 (b) Except as provided in Section 20A-1-308, if an additional early voting polling place
1357 is designated, the election officer shall, as soon as is reasonably possible, give notice of the
1358 dates, times, and location of the additional polling place by:

1359 (i) publishing the notice:

1360 (A) in one issue of a newspaper of general circulation in the county; and

- 1361 (B) as required in Section 45-1-101; and
1362 (ii) posting the notice at the additional polling place.
1363 (3) Except as provided in Section 20A-1-308, for each regular general election and
1364 regular primary election, counties of the first class shall ensure that the early voting polling
1365 places are approximately proportionately distributed based on population within the county.

1366 Section 17. Section 20A-3-605 is amended to read:

1367 **20A-3-605. Exemptions from early voting.**

1368 (1) (a) This part does not apply to an election of a board member of a local district.

1369 (b) Notwithstanding Subsection (1)(a), a local district may, at its discretion, provide
1370 early voting in accordance with this part for an election of a board member.

1371 (2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth
1372 class or a town as described in Section 10-2-301 may provide early voting as provided under
1373 this part for [~~:(a) a municipal primary election; or (b)~~] a municipal general election.

1374 (3) A municipality or county that administers an election entirely by absentee ballot, in
1375 accordance with Section 20A-3-302, is not required to conduct early voting for the election.

1376 Section 18. Section 20A-4-101 is amended to read:

1377 **20A-4-101. Counting paper ballots during election day.**

1378 (1) Each county legislative body or municipal legislative body that has voting precincts
1379 that use paper ballots and each poll worker in those voting precincts shall comply with the
1380 requirements of this section.

1381 (2) (a) Each county legislative body or municipal legislative body shall provide:

1382 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
1383 judges have been appointed; and

1384 (ii) a counting room for the use of the poll workers counting the ballots during the day.

1385 (b) At any election in any voting precinct in which both receiving and counting judges
1386 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

1387 (i) close the first ballot box and deliver it to the counting judges; and

1388 (ii) prepare and use another ballot box to receive voted ballots.

1389 (c) ~~Upon~~ Except as provided in Subsection (2)(f), upon receipt of the ballot box, the
1390 counting judges shall:

1391 (i) take the ballot box to the counting room;

1392 (ii) count the votes on the regular ballots in the ballot box;
1393 (iii) place the provisional ballot envelopes in the envelope or container provided for
1394 them for return to the election officer; and

1395 (iv) when they have finished counting the votes in the ballot box, return the emptied
1396 box to the receiving judges.

1397 (d) (i) During the course of election day, whenever there are at least 20 ballots
1398 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
1399 judges for counting; and

1400 (ii) the counting judges shall immediately count the regular ballots and segregate the
1401 provisional ballots contained in that box.

1402 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
1403 until the polls close.

1404 (f) (i) The director of elections, within the Office of the Lieutenant Governor, shall
1405 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1406 describing the procedures that a counting judge is required to follow for counting ballots in a
1407 multi-candidate primary race or a multi-candidate general race.

1408 (ii) When counting ballots in a multi-candidate primary race or a multi-candidate
1409 general race, a counting judge shall comply with the procedures established under Subsection
1410 (2)(f)(i) and Section 20A-4-303.5.

1411 (3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe
1412 the count.

1413 [~~4) The counting judges shall apply the standards and requirements of Section~~
1414 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

1415 (4) To resolve questions that arise during the counting of ballots, a counting judge shall
1416 apply the standards and requirements of:

1417 (a) to the extent applicable, Section 20A-4-105; and

1418 (b) for a multi-candidate primary race or a multi-candidate general race, Subsection
1419 20A-4-303.5(5).

1420 Section 19. Section 20A-4-102 is amended to read:

1421 **20A-4-102. Counting paper ballots after the polls close.**

1422 (1) (a) Except as provided in Subsection (2) or a rule made under Subsection

1423 [20A-4-101\(2\)\(f\)\(i\)](#), as soon as the polls have been closed and the last qualified voter has voted,
1424 the election judges shall count the ballots by performing the tasks specified in this section in
1425 the order that they are specified.

1426 ~~[(b) The election judges shall apply the standards and requirements of Section~~
1427 ~~[20A-4-105](#) to resolve any questions that arise as they count the ballots.]~~

1428 (b) To resolve questions that arise during the counting of ballots, an election judge
1429 shall apply the standards and requirements of:

1430 (i) to the extent applicable, Section [20A-4-105](#); and

1431 (ii) for a multi-candidate primary race or a multi-candidate general race, Subsection
1432 [20A-4-303.5\(5\)](#).

1433 (2) (a) First, the election judges shall count the number of ballots in the ballot box.

1434 (b) (i) If there are more ballots in the ballot box than there are names entered in the
1435 pollbook, the judges shall examine the official endorsements on the ballots.

1436 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper
1437 official endorsement, the judges shall put those ballots in an excess ballot file and not count
1438 them.

1439 (c) (i) If, after examining the official endorsements, there are still more ballots in the
1440 ballot box than there are names entered in the pollbook, the judges shall place the remaining
1441 ballots back in the ballot box.

1442 (ii) One of the judges, without looking, shall draw a number of ballots equal to the
1443 excess from the ballot box.

1444 (iii) The judges shall put those excess ballots into the excess ballot envelope and not
1445 count them.

1446 (d) When the ballots in the ballot box equal the number of names entered in the
1447 pollbook, the judges shall count the votes.

1448 (3) The judges shall:

1449 (a) place all unused ballots in the envelope or container provided for return to the
1450 county clerk or city recorder; and

1451 (b) seal that envelope or container.

1452 (4) The judges shall:

1453 (a) place all of the provisional ballot envelopes in the envelope provided for them for

1454 return to the election officer; and

1455 (b) seal that envelope or container.

1456 (5) (a) In counting the votes, the election judges shall read and count each ballot
1457 separately.

1458 (b) In regular primary elections the judges shall:

1459 (i) count the number of ballots cast for each party;

1460 (ii) place the ballots cast for each party in separate piles; and

1461 (iii) count all the ballots for one party before beginning to count the ballots cast for
1462 other parties.

1463 (6) (a) In all elections, the counting judges shall, except as provided in Section
1464 20A-4-303.5 or a rule made under Subsection 20A-4-101(2)(f)(i):

1465 (i) count one vote for each candidate designated by the marks in the squares next to the
1466 candidate's name;

1467 (ii) count one vote for each candidate on the ticket beneath a marked circle, excluding
1468 any candidate for an office for which a vote has been cast for a candidate for the same office
1469 upon another ticket by the placing of a mark in the square opposite the name of that candidate
1470 on the other ticket;

1471 (iii) count each vote for each write-in candidate who has qualified by filing a
1472 declaration of candidacy under Section 20A-9-601;

1473 (iv) read every name marked on the ballot and mark every name upon the tally sheets
1474 before another ballot is counted;

1475 (v) evaluate each ballot and each vote based on the standards and requirements of
1476 Section 20A-4-105;

1477 (vi) write the word "spoiled" on the back of each ballot that lacks the official
1478 endorsement and deposit it in the spoiled ballot envelope; and

1479 (vii) read, count, and record upon the tally sheets the votes that each candidate and
1480 ballot proposition received from all ballots, except excess or spoiled ballots.

1481 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or
1482 persons clearly not eligible to qualify for office.

1483 (c) The judges shall certify to the accuracy and completeness of the tally list in the
1484 space provided on the tally list.

1485 (d) When the judges have counted all of the voted ballots, they shall record the results
1486 on the total votes cast form.

1487 (7) Only election judges and counting poll watchers may be present at the place where
1488 counting is conducted until the count is completed.

1489 Section 20. Section **20A-4-105** is amended to read:

1490 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

1491 (1) [~~Each~~] Except as otherwise provided in Subsection [20A-4-303.5\(5\)](#) for a
1492 multi-candidate primary race or a multi-candidate general race, each person counting ballots
1493 shall apply the standards and requirements of this section to resolve any questions that arise as
1494 ballots are counted.

1495 (2) Except as provided in Subsection (11), Subsection [20A-3-105\(5\)](#), or Section
1496 [20A-4-303.5](#), if a voter marks more names than there are persons to be elected to an office, or
1497 if for any reason it is impossible to determine the choice of any voter for any office to be filled,
1498 the counter may not count that voter's ballot for that office.

1499 (3) [~~The~~] Except as otherwise provided in Section [20A-4-303.5](#), a counter shall count a
1500 defective or incomplete mark on any paper ballot if:

1501 (a) it is in the proper place; and

1502 (b) there is no other mark or cross on the paper ballot indicating the voter's intent to
1503 vote other than as indicated by the defective mark.

1504 (4) (a) When the voter has marked the ballot so that it appears that the voter has voted
1505 more than one straight ticket, the election judges may not count any votes for party candidates.

1506 (b) The election judges shall count the remainder of the ballot if it is voted correctly.

1507 (5) [~~A~~] Except as provided in Section [20A-4-303.5](#), a counter may not reject a ballot
1508 marked by the voter because of marks on the ballot other than those marks allowed by this
1509 section unless the extraneous marks on a ballot or group of ballots show an intent by a person
1510 or group to mark their ballots so that their ballots can be identified.

1511 (6) (a) In counting the ballots, the counters shall give full consideration to the intent of
1512 the voter.

1513 (b) The counters may not invalidate a ballot because of mechanical and technical
1514 defects in voting or failure on the part of the voter to follow strictly the rules for balloting
1515 required by Chapter 3, Voting.

1516 (7) The counters may not reject a ballot because of any error in:

1517 (a) stamping or writing any official endorsement; or

1518 (b) delivering the wrong ballots to any polling place.

1519 (8) The counter may not count any paper ballot that does not have the official

1520 endorsement by an election officer.

1521 (9) The counter may not count any ballot proposition vote or candidate vote for which

1522 the voter is not "legally entitled to vote" as used in Section [20A-4-107](#).

1523 (10) If the counter discovers that the name of a candidate voted for is misspelled or that

1524 the initial letters of a candidate's given name are transposed or omitted in part or altogether, the

1525 counter shall count the voter's vote for that candidate if it is apparent that the voter intended to

1526 vote for that candidate.

1527 (11) The counter shall count a vote for the president and the vice president of any

1528 political party as a vote for the presidential electors selected by the political party.

1529 (12) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has

1530 cast more votes for an office than that voter is entitled to vote for that office, the judges shall

1531 count the valid write-in vote as being the obvious intent of the voter.

1532 Section 21. Section [20A-4-106](#) is amended to read:

1533 **20A-4-106. Paper ballots -- Sealing.**

1534 (1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read

1535 and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate

1536 strings.

1537 (ii) After the ballots are strung, they may not be examined by anyone, except when

1538 examined during a recount conducted under the authority of Section [20A-4-303.5](#) or

1539 [20A-4-401](#).

1540 (b) The judges shall carefully seal all of the strung ballots in a strong envelope.

1541 (2) (a) For regular primary elections, after all the ballots have been counted, certified

1542 to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate

1543 envelopes.

1544 (b) The judges shall:

1545 (i) seal each of the envelopes containing the votes of each of the political parties in one

1546 large envelope; and

- 1547 (ii) return that envelope to the county clerk.
- 1548 (c) The judges shall:
- 1549 (i) destroy the ballots in the blank ballot box; or
- 1550 (ii) if directed to do so by the election officer, return them to the election officer for
- 1551 destruction.
- 1552 (3) As soon as the judges have counted all the votes and sealed the ballots they shall
- 1553 sign and certify the pollbooks.
- 1554 (4) (a) The judges, before they adjourn, shall:
- 1555 (i) enclose and seal the official register, the posting book, the pollbook, the ballot
- 1556 disposition form, the military and overseas absentee voter registration and voting certificates,
- 1557 one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;
- 1558 (ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been
- 1559 strung and placed in a separate envelope or pouch as required by Subsection (1);
- 1560 (iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot
- 1561 disposition form in a separate envelope or pouch;
- 1562 (iv) place all provisional ballots in a separate envelope or pouch; and
- 1563 (v) place the total votes cast form and the judges' vouchers requesting compensation
- 1564 for services rendered in a separate pouch.
- 1565 (b) Before enclosing the official register in the envelope or pouch, the election judges
- 1566 shall certify it substantially as follows:
- 1567 "We, the undersigned, judges of election for precinct _____, (jurisdiction) _____,
- 1568 Utah, certify that the required entries have been made for the election held
- 1569 _____(month\day\year), including:
- 1570 a list of the ballot numbers for each voter;
- 1571 the voters' signatures, except where a judge has signed for the absentee voters;
- 1572 a list of information surrounding a voter who is challenged,
- 1573 including any affidavits; and
- 1574 a notation for each time a voter was assisted with a ballot."
- 1575 (5) Each judge shall:
- 1576 (a) write his name across the seal of each envelope or pouch;
- 1577 (b) mark on the exterior of the envelope or pouch:

1578 (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other
1579 words plainly indicating the contents of the packages; and

1580 (ii) the number of the voting precinct.

1581 Section 22. Section **20A-4-301** is amended to read:

1582 **20A-4-301. Board of canvassers.**

1583 (1) (a) Each county legislative body is the board of county canvassers for:

1584 (i) the county; and

1585 (ii) each local district whose election is conducted by the county if:

1586 (A) the election relates to the creation of the local district;

1587 (B) the county legislative body serves as the governing body of the local district; or

1588 (C) there is no duly constituted governing body of the local district.

1589 (b) The board of county canvassers shall meet to canvass the returns at the usual place
1590 of meeting of the county legislative body, at a date and time determined by the county clerk
1591 that is no sooner than seven days after the election and no later than 14 days after the election.

1592 (c) If one or more of the county legislative body fails to attend the meeting of the board
1593 of county canvassers, the remaining members shall replace the absent member by appointing in
1594 the order named:

1595 (i) the county treasurer;

1596 (ii) the county assessor; or

1597 (iii) the county sheriff.

1598 (d) Attendance of the number of persons equal to a simple majority of the county
1599 legislative body, but not less than three persons, shall constitute a quorum for conducting the
1600 canvass.

1601 (e) The county clerk is the clerk of the board of county canvassers.

1602 (2) (a) The mayor and the municipal legislative body are the board of municipal
1603 canvassers for the municipality.

1604 (b) The board of municipal canvassers shall meet [~~to canvass the returns~~] at the usual
1605 place of meeting of the municipal legislative body[~~-(i) for canvassing of~~] to canvass the returns
1606 from a municipal general election[;] no sooner than seven days after the election and no later
1607 than 14 days after the election[; ~~or~~].

1608 [~~(ii) for canvassing of returns from a municipal primary election, no sooner than seven~~

1609 ~~days after the election and no later than 14 days after the election.]~~

1610 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
1611 quorum for conducting the canvass.

1612 (3) (a) The legislative body of the entity authorizing a bond election is the board of
1613 canvassers for each bond election.

1614 (b) The board of canvassers for the bond election shall comply with the canvassing
1615 procedures and requirements of Section [11-14-207](#).

1616 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
1617 bond election shall constitute a quorum for conducting the canvass.

1618 Section 23. Section **20A-4-303.5** is enacted to read:

1619 **20A-4-303.5. Counting ballots and evaluating votes for multi-candidate primary**
1620 **race or multi-candidate general race.**

1621 (1) As used in this section:

1622 (a) "Candidate amplifier" means the product of:

1623 (i) two less than the total number of candidates in a given canvassing phase of a
1624 multi-candidate primary race; and

1625 (ii) .02%.

1626 (b) "Recount threshold" means the sum of the candidate amplifier and the following:

1627 (i) for a canvassing phase in which fewer than 1,000 valid votes are counted, 0.21%;

1628 (ii) for a canvassing phase in which at least 1,000, but fewer than 5,000, valid votes are
1629 counted, 0.19%;

1630 (iii) for a canvassing phase in which at least 5,000, but fewer than 25,000, valid votes
1631 are counted, 0.17%;

1632 (iv) for a canvassing phase in which at least 25,000, but fewer than 75,000, valid votes
1633 are counted, 0.15%;

1634 (v) for a canvassing phase in which at least 75,000, but fewer than 100,000, valid votes
1635 are counted, 0.13%; and

1636 (vi) for a canvassing phase in which 100,000 or more valid votes are counted, 0.11%.

1637 (2) (a) Except as provided in Subsection (2)(b), an election officer shall conduct a
1638 multi-candidate primary race and a multi-candidate general race using ranked choice voting, in
1639 accordance with the provisions of this section.

1640 (b) (i) In a multi-candidate primary race or a multi-candidate general race where
1641 candidates run to fill multiple at-large offices, the election officer may not conduct the election
1642 by ranked choice voting.

1643 (ii) An election officer may not include in a primary a race where:

1644 (A) candidates run to fill multiple at-large offices; and

1645 (B) the number of candidates does not exceed more than twice the number of offices
1646 for which the election officer holds the race.

1647 (iii) In a multi-candidate primary race described in Subsection (2)(b)(i), the election
1648 officer shall include on the general election ballot the number of candidates, equal to twice the
1649 number of offices for which the election officer holds the race, who received the highest
1650 number of votes.

1651 (iv) In a multi-candidate general race described in Subsection (2)(b)(i), the election
1652 officer shall declare elected the number of candidates, equal to the number of offices for which
1653 the election officer holds the race, who received the highest number of votes.

1654 (v) In a multi-candidate primary race described in this section or a multi-candidate
1655 general race described in this section, the election officer shall resolve a tie in a public meeting
1656 held within 30 days after the day on which the canvass is completed by lot in the presence of
1657 each candidate subject to the tie.

1658 (3) In a multi-candidate primary race or a multi-candidate general race, the board of
1659 canvassers shall:

1660 (a) (i) conduct the first phase of the canvass by counting the valid first preference votes
1661 for each candidate; and

1662 (ii) if, after complying with Subsection (7), one of the candidates receives more than
1663 50% of the valid first preference votes counted, declare that candidate nominated or elected, as
1664 applicable;

1665 (b) if, after counting the valid first preference votes for each candidate, and complying
1666 with Subsection (7), no candidate receives more than 50% of the valid first preference votes
1667 counted, conduct the second phase of the canvass by:

1668 (i) after complying with Subsection (8), excluding from the multi-candidate primary
1669 race or multi-candidate general race:

1670 (A) the candidate who received the fewest valid first preference votes counted; or

1671 (B) in the event of a tie for the fewest valid first preference votes counted, one of the
1672 candidates who tied for receiving the fewest valid first preference votes, determined by the
1673 election officer by lot, in accordance with Subsection (9);

1674 (ii) adding, to the valid first preference votes counted for the remaining candidates, the
1675 valid second preference votes cast for the remaining candidates by the voters who cast a valid
1676 first preference vote for the excluded candidate; and

1677 (iii) if, after adding the votes in accordance with Subsection (3)(b)(ii) and complying
1678 with Subsection (7), one candidate receives more than 50% of the valid votes counted,
1679 declaring that candidate nominated or elected, as applicable; or

1680 (c) if, after adding the valid second preference votes in accordance with Subsection
1681 (3)(b)(ii) and complying with Subsection (7), no candidate receives more than 50% of the valid
1682 votes counted, conduct subsequent phases of the canvass by continuing the process described
1683 in Subsection (3)(b) until a candidate receives more than 50% of the valid votes counted, as
1684 follows:

1685 (i) after complying with Subsection (8), excluding from consideration the candidate
1686 who has the fewest valid votes counted or, in the event of a tie for the fewest valid votes
1687 counted, excluding one of the candidates who received the fewest valid votes counted, by lot,
1688 in accordance with Subsection (9); and

1689 (ii) adding the next valid ranked choice vote cast by each voter whose vote was
1690 counted for the last excluded candidate to one of the remaining candidates, in the order of the
1691 next preference indicated by the voter, until, after complying with Subsection (7), one of the
1692 candidates receives more than 50% of the valid votes counted.

1693 (4) The board of canvassers shall declare the first candidate who receives more than
1694 50% of the valid votes counted under the process described in Subsection (3) to be nominated
1695 or elected, as applicable.

1696 (5) (a) A ranked choice vote is valid for a particular phase of a multi-candidate primary
1697 race or a multi-candidate general race if the voter indicates the voter's preference for that phase
1698 and all previous phases.

1699 (b) A ranked choice vote is not valid for a particular phase of a multi-candidate primary
1700 race or a multi-candidate general race, and for all subsequent phases, if the voter indicates the
1701 same rank for more than one candidate for that phase.

1702 (c) A ranked choice vote for a candidate in a multi-candidate primary race or a
1703 multi-candidate general race is not valid if the number for the rank assigned to the candidate by
1704 the voter is after a number for a rank that the voter does not assign to any candidate.

1705 (6) The election officer shall order that a recount be conducted of the valid votes
1706 counted in the applicable phase of the canvass if one candidate appears to have received at least
1707 50% of the vote, and the difference between the number of votes counted for the candidate who
1708 received the most valid votes for the applicable phase of the canvass and any other candidate in
1709 the race is equal to or less than the product of the following, rounded up to the nearest whole
1710 number:

1711 (a) the total number of voters who cast a valid vote that is counted in the applicable
1712 phase of the canvass for the race; and

1713 (b) the recount threshold.

1714 (7) Before excluding a candidate from a multi-candidate primary race or a
1715 multi-candidate general race under Subsection (3), the election officer shall order that a recount
1716 be conducted of the valid votes counted in the applicable canvassing phase if the difference
1717 between the number of votes counted for the candidate who received the fewest valid votes in
1718 the applicable canvassing phase of the race and any other candidate in the race is equal to or
1719 less than the product of the following, rounded up to the nearest whole number:

1720 (a) the total number of voters who cast a valid vote counted in that canvassing phase;
1721 and

1722 (b) the recount threshold.

1723 (8) For each phase of a canvass after the first phase, if, after a recount is completed
1724 under Subsection (7), two or more candidates tie as having the fewest valid votes counted at
1725 that point in the canvass, the election official shall eliminate one of those candidates from
1726 consideration by lot in the following manner:

1727 (a) determine the names of the candidates who received the fewest valid votes for that
1728 phase of the canvass;

1729 (b) cast the lot in the presence of at least two election officials and any counting poll
1730 watchers who are present and desire to witness the casting of the lot; and

1731 (c) sign a public document that:

1732 (i) certifies the method used for casting the lot and the result of the lot; and

1733 (ii) includes the signature of each individual who witnessed the casting of the lot.

1734 (9) For a multi-candidate primary race or a multi-candidate general race, if, after
1735 eliminating all but two of the candidates in the race and after a recount is completed under
1736 Subsection (6), the two remaining candidates have an equal number of valid votes counted in
1737 the latest canvassing phase, the election officer shall, in a public meeting held within 30 days
1738 after the day on which the canvass is completed, determine the nominee or election winner, as
1739 applicable, by lot in the presence of each candidate subject to the tie.

1740 Section 24. Section **20A-4-304** is amended to read:

1741 **20A-4-304. Declaration of results -- Canvassers' report.**

1742 (1) Each board of canvassers shall:

1743 (a) except as provided in Section [20A-4-303.5](#), declare "elected" or "nominated" those
1744 persons who:

1745 (i) had the highest number of votes; and

1746 (ii) sought election or nomination to an office completely within the board's
1747 jurisdiction;

1748 (b) declare:

1749 (i) "approved" those ballot propositions that:

1750 (A) had more "yes" votes than "no" votes; and

1751 (B) were submitted only to the voters within the board's jurisdiction;

1752 (ii) "rejected" those ballot propositions that:

1753 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
1754 votes; and

1755 (B) were submitted only to the voters within the board's jurisdiction;

1756 (c) certify the vote totals for persons and for and against ballot propositions that were
1757 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
1758 the lieutenant governor; and

1759 (d) if applicable, certify the results of each local district election to the local district
1760 clerk.

1761 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
1762 result, which shall contain:

1763 (i) the total number of votes cast in the board's jurisdiction;

- 1764 (ii) the names of each candidate whose name appeared on the ballot;
- 1765 (iii) the title of each ballot proposition that appeared on the ballot;
- 1766 (iv) each office that appeared on the ballot;
- 1767 (v) from each voting precinct:
- 1768 (A) the number of votes for each candidate; ~~and~~
- 1769 (B) for each multi-candidate primary race and each multi-candidate general race, the
- 1770 number of valid ranked choice votes cast for each candidate for each potential canvassing
- 1771 phase and the candidates excluded in each canvassing phase; and
- 1772 ~~(B)~~ (C) the number of votes for and against each ballot proposition;
- 1773 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
- 1774 for and against each ballot proposition;
- 1775 (vii) the number of ballots that were rejected; and
- 1776 (viii) a statement certifying that the information contained in the report is accurate.
- 1777 (b) The election officer and the board of canvassers shall:
- 1778 (i) review the report to ensure that it is correct; and
- 1779 (ii) sign the report.
- 1780 (c) The election officer shall:
- 1781 (i) record or file the certified report in a book kept for that purpose;
- 1782 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
- 1783 to each nominated or elected candidate;
- 1784 (iii) publish a copy of the certified report:
- 1785 (A) in one or more conspicuous places within the jurisdiction;
- 1786 (B) in a conspicuous place on the county's website; and
- 1787 (C) in a newspaper with general circulation in the board's jurisdiction; and
- 1788 (iv) file a copy of the certified report with the lieutenant governor.
- 1789 (3) When there has been a regular general or a statewide special election for statewide
- 1790 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
- 1791 or more county ballot proposition, each board of canvassers shall:
- 1792 (a) prepare a separate report detailing the number of votes for each candidate and the
- 1793 number of votes for and against each ballot proposition; and
- 1794 (b) transmit it by registered mail to the lieutenant governor.

1795 (4) In each county election, municipal election, school election, local district election,
1796 and local special election, the election officer shall transmit the reports to the lieutenant
1797 governor within 14 days after the date of the election.

1798 (5) In regular primary elections and in the Western States Presidential Primary, the
1799 board shall transmit to the lieutenant governor:

1800 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
1801 governor:

1802 (i) not later than the second Tuesday after the primary election for the regular primary
1803 election; and

1804 (ii) not later than the Tuesday following the election for the Western States Presidential
1805 Primary; and

1806 (b) a complete tabulation showing voting totals for all primary races, precinct by
1807 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
1808 primary election.

1809 Section 25. Section **20A-4-306** is amended to read:

1810 **20A-4-306. Statewide canvass.**

1811 (1) (a) The state board of canvassers shall convene:

1812 (i) on the fourth Monday of November, at noon; or

1813 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
1814 returns of a statewide special election.

1815 (b) The state auditor, the state treasurer, and the attorney general are the state board of
1816 canvassers.

1817 (c) Attendance of all members of the state board of canvassers shall be required to
1818 constitute a quorum for conducting the canvass.

1819 (2) (a) The state board of canvassers shall:

1820 (i) meet in the lieutenant governor's office; and

1821 (ii) compute and determine the vote for officers and for and against any ballot
1822 propositions voted upon by the voters of the entire state or of two or more counties.

1823 (b) The lieutenant governor, as secretary of the board shall file a report in [his] the
1824 lieutenant governor's office that details:

1825 (i) for each statewide officer and ballot proposition:

- 1826 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
- 1827 (B) the candidates for each statewide office whose names appeared on the ballot, plus
- 1828 any recorded write-in candidates;
- 1829 (C) the number of votes from each county cast for each candidate and for and against
- 1830 each ballot proposition;
- 1831 (D) the total number of votes cast statewide for each candidate and for and against each
- 1832 ballot proposition; and
- 1833 (E) the total number of votes cast statewide; and
- 1834 (ii) for each officer or ballot proposition voted on in two or more counties:
- 1835 (A) the name of each of those offices and ballot propositions that appeared on the
- 1836 ballot;
- 1837 (B) the candidates for those offices, plus any recorded write-in candidates;
- 1838 (C) the number of votes from each county cast for each candidate and for and against
- 1839 each ballot proposition; and
- 1840 (D) the total number of votes cast for each candidate and for and against each ballot
- 1841 proposition.
- 1842 (c) The lieutenant governor shall:
- 1843 (i) prepare certificates of election for:
- 1844 (A) each successful candidate; and
- 1845 (B) each of the presidential electors of the candidate for president who received a
- 1846 majority of the votes, after complying with Section 20A-4-303.5, if applicable;
- 1847 (ii) authenticate each certificate with ~~his~~ the lieutenant governor's seal; and
- 1848 (iii) deliver a certificate of election to:
- 1849 (A) each candidate who had the highest number of votes for each office, after
- 1850 complying with Section 20A-4-303.5, if applicable; and
- 1851 (B) each of the presidential electors of the candidate for president who received a
- 1852 majority of the votes, after complying with Section 20A-4-303.5, if applicable.
- 1853 (3) If the lieutenant governor has not received election returns from all counties on the
- 1854 fifth day before the day designated for the meeting of the state board of canvassers, the
- 1855 lieutenant governor shall:
- 1856 (a) send a messenger to the clerk of the board of county canvassers of the delinquent

1857 county;

1858 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
1859 required by Section 20A-4-304 from the clerk; and

1860 (c) pay the messenger the per diem provided by law as compensation.

1861 (4) The state board of canvassers may not withhold the declaration of the result or any
1862 certificate of election because of any defect or informality in the returns of any election if the
1863 board can determine from the returns, with reasonable certainty, what office is intended and
1864 who is elected to it.

1865 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
1866 governor shall:

1867 (i) canvass the returns for all multicounty candidates required to file with the office of
1868 the lieutenant governor; and

1869 (ii) publish and file the results of the canvass in the lieutenant governor's office.

1870 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
1871 certify the results of:

1872 (i) the primary canvass, except for the office of President of the United States, to the
1873 county clerks; and

1874 (ii) the primary canvass for the office of President of the United States to each
1875 registered political party that participated in the primary.

1876 (6) (a) At noon on the day that falls seven days after the last day on which a county
1877 canvass may occur under Section 20A-4-301 for the Western States Presidential Primary
1878 election, the lieutenant governor shall:

1879 (i) canvass the returns; and

1880 (ii) publish and file the results of the canvass in the lieutenant governor's office.

1881 (b) The lieutenant governor shall certify the results of the Western States Presidential
1882 Primary canvass to each registered political party that participated in the primary not later than
1883 the April 15 after the primary election.

1884 Section 26. Section 20A-4-401 is amended to read:

1885 **20A-4-401. Recounts -- Procedure.**

1886 (1) (a) This section does not apply to a multi-candidate primary race or a
1887 multi-candidate general race.

1888 ~~[(1)(a)]~~ (b) Except as provided in Subsection (1)~~[(b)]~~(c), for a race between
 1889 candidates, if the difference between the number of votes cast for a winning candidate in the
 1890 race and a losing candidate in the race is equal to or less than .25% of the total number of votes
 1891 cast for all candidates in the race, that losing candidate may file a request for a recount in
 1892 accordance with Subsection (1)~~[(c)]~~(d).

1893 ~~[(b)]~~ (c) For a race between candidates where the total of all votes cast in the race is
 1894 400 or less, if the difference between the number of votes cast for a winning candidate in the
 1895 race and a losing candidate in the race is one vote, that losing candidate may file a request for a
 1896 recount in accordance with Subsection (1)~~[(c)]~~(d).

1897 ~~[(c)]~~ (d) A candidate who files a request for a recount under Subsection (1)~~[(a) or]~~(b)
 1898 or (c) shall file the request~~[- (i) for a municipal primary election, with the municipal clerk,~~
 1899 ~~within three days after the canvass; or (ii) for all other elections,]~~ within seven days after the
 1900 canvass with:

1901 ~~[(A)]~~ (i) the municipal clerk, if the election is a municipal general election;

1902 ~~[(B)]~~ (ii) the local district clerk, if the election is a local district election;

1903 ~~[(C)]~~ (iii) the county clerk, for races voted on entirely within a single county; or

1904 ~~[(D)]~~ (iv) the lieutenant governor, for statewide races and multicounty races.

1905 ~~[(d)]~~ (e) The election officer shall:

1906 (i) supervise the recount;

1907 (ii) recount all ballots cast for that race;

1908 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
 1909 3, Absentee Voting;

1910 (iv) for a race where only one candidate may win, declare elected the candidate who
 1911 receives the highest number of votes on the recount; and

1912 (v) for a race where multiple candidates may win, declare elected the applicable
 1913 number of candidates who receive the highest number of votes on the recount.

1914 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
 1915 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
 1916 the total votes cast for or against the proposition, any 10 voters who voted in the election where
 1917 the proposition was on the ballot may file a request for a recount within seven days of the
 1918 canvass with the person described in Subsection (2)(c).

1919 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
1920 against the proposition is 400 or less, if the difference between the number of votes cast for the
1921 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
1922 voted in the election where the proposition was on the ballot may file a request for a recount
1923 within seven days of the canvass with the person described in Subsection (2)(c).

1924 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
1925 file the request with:

1926 (i) the municipal clerk, if the election is a municipal election;

1927 (ii) the local district clerk, if the election is a local district election;

1928 (iii) the county clerk, for propositions voted on entirely within a single county; or

1929 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

1930 (d) The election officer shall:

1931 (i) supervise the recount;

1932 (ii) recount all ballots cast for that ballot proposition or bond proposition;

1933 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
1934 3, Absentee Voting; and

1935 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
1936 based upon the results of the recount.

1937 (e) Proponents and opponents of the ballot proposition or bond proposition may
1938 designate representatives to witness the recount.

1939 (f) The voters requesting the recount shall pay the costs of the recount.

1940 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
1941 person requesting the recount.

1942 (4) (a) Upon completion of the recount, the election officer shall immediately convene
1943 the board of canvassers.

1944 (b) The board of canvassers shall:

1945 (i) canvass the election returns for the race or proposition that was the subject of the
1946 recount; and

1947 (ii) with the assistance of the election officer, prepare and sign the report required by
1948 Section [20A-4-304](#) or Section [20A-4-306](#).

1949 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,

1950 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
1951 governor as required by Subsection 20A-4-304(3).

1952 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
1953 result of the race or proposition that is the subject of the recount.

1954 Section 27. Section 20A-5-302 is amended to read:

1955 **20A-5-302. Automated voting system.**

1956 (1) (a) Any county or municipal legislative body or local district board may:

1957 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
1958 automated voting system that meets the requirements of this section; and

1959 (ii) use that system in any election, in all or a part of the voting precincts within its
1960 boundaries, or in combination with paper ballots.

1961 (b) Nothing in this title shall be construed to require the use of electronic voting
1962 devices in local special elections[~~-, municipal primary elections,~~] or municipal general elections.

1963 (2) (a) Each automated voting system shall:

1964 (i) provide for voting in secrecy, except in the case of voters who have received
1965 assistance as authorized by Section 20A-3-108;

1966 (ii) permit each voter at any election to:

1967 (A) vote for all persons and offices for whom and for which that voter is lawfully
1968 entitled to vote;

1969 (B) vote for as many persons for an office as that voter is entitled to vote; and

1970 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;

1971 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the
1972 candidates of that party for president, vice president, and for their presidential electors;

1973 (iv) permit each voter, at any regular general election, to vote for all the candidates of
1974 one registered political party by making one mark or punch;

1975 (v) permit each voter to scratch vote;

1976 (vi) at elections other than primary elections, permit each voter to vote for the
1977 nominees of one or more parties and for independent candidates;

1978 (vii) at primary elections:

1979 (A) permit each voter to vote for candidates of the political party of his choice; and

1980 (B) reject any votes cast for candidates of another party;

1981 (viii) prevent the voter from voting for the same person more than once for the same
1982 office;

1983 (ix) provide the opportunity for each voter to change the ballot and to correct any error
1984 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.
1985 L. No. 107-252;

1986 (x) include automatic tabulating equipment that rejects choices recorded on a voter's
1987 ballot if the number of the voter's recorded choices is greater than the number which the voter
1988 is entitled to vote for the office or on the measure;

1989 (xi) be of durable construction, suitably designed so that it may be used safely,
1990 efficiently, and accurately in the conduct of elections and counting ballots;

1991 (xii) when properly operated, record correctly and count accurately each vote cast;

1992 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper
1993 record that:

1994 (A) shall be available as an official record for any recount or election contest
1995 conducted with respect to an election where the voting equipment is used;

1996 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling
1997 place; and

1998 (II) shall permit the voter to inspect the record of the voter's selections independently
1999 only if reasonably practicable commercial methods permitting independent inspection are
2000 available at the time of certification of the voting equipment by the lieutenant governor;

2001 (C) shall include, at a minimum, human readable printing that shows a record of the
2002 voter's selections;

2003 (D) may also include machine readable printing which may be the same as the human
2004 readable printing; and

2005 (E) allows voting poll watchers and counting poll watchers to observe the election
2006 process to ensure its integrity; [~~and~~]

2007 (xiv) meet the requirements of Section [20A-5-402.5](#)[~~;~~]; and

2008 (xv) permit ranked choice voting in accordance with Section [20A-4-303.5](#).

2009 (b) For the purposes of a recount or an election contest, if the permanent paper record
2010 contains a conflict or inconsistency between the human readable printing and the machine
2011 readable printing, the human readable printing shall supercede the machine readable printing

2012 when determining the intent of the voter.

2013 (c) Notwithstanding any other provisions of this section, the election officers shall
2014 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
2015 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable
2016 for use in the counting devices in which they are intended to be placed.

2017 Section 28. Section **20A-5-401** is amended to read:

2018 **20A-5-401. Official register -- Preparation -- Contents.**

2019 (1) (a) Before the registration days for each regular general, municipal general, regular
2020 primary, [~~municipal primary~~,] or Western States Presidential Primary election, each county
2021 clerk shall prepare an official register of voters for each voting precinct that will participate in
2022 the election.

2023 (b) The county clerk shall ensure that the official register is prepared for the
2024 alphabetical entry of names and contains entry fields to provide for the following information:

- 2025 (i) registered voter's name;
- 2026 (ii) party affiliation;
- 2027 (iii) grounds for challenge;
- 2028 (iv) name of person challenging a voter;
- 2029 (v) primary, November, special;
- 2030 (vi) date of birth;
- 2031 (vii) place of birth;
- 2032 (viii) place of current residence;
- 2033 (ix) street address;
- 2034 (x) zip code;
- 2035 (xi) identification and provisional ballot information as required under Subsection
2036 (1)(d); and
- 2037 (xii) space for the voter to sign his name for each election.

2038 (c) When preparing the official register for the Western States Presidential Primary, the
2039 county clerk shall include:

- 2040 (i) an entry field to record the name of the political party whose ballot the voter voted;
- 2041 and
- 2042 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

2043 (d) When preparing the official register for any regular general election, municipal
2044 general election, statewide special election, local special election, regular primary election,
2045 [~~municipal primary election,~~] local district election, or election for federal office, the county
2046 clerk shall include:

2047 (i) an entry field for the poll worker to record the type of identification provided by the
2048 voter;

2049 (ii) a column for the poll worker to record the provisional envelope ballot number for
2050 voters who receive a provisional ballot; and

2051 (iii) a space for the poll worker to record the type of identification that was provided by
2052 voters who receive a provisional ballot.

2053 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
2054 elections, local district elections, and bond elections, the county clerk shall make an official
2055 register only for voting precincts affected by the primary, municipal, local district, or bond
2056 election.

2057 (ii) If a polling place to be used in a bond election serves both voters residing in the
2058 local political subdivision calling the bond election and voters residing outside of that local
2059 political subdivision, the official register shall designate whether each voter resides in or
2060 outside of the local political subdivision.

2061 (iii) Each county clerk, with the assistance of the clerk of each affected local district,
2062 shall provide a detailed map or an indication on the registration list or other means to enable a
2063 poll worker to determine the voters entitled to vote at an election of local district officers.

2064 (b) Municipalities shall pay the costs of making the official register for municipal
2065 elections.

2066 Section 29. Section **20A-5-404** is amended to read:

2067 **20A-5-404. Election forms -- Preparation and contents.**

2068 (1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

2069 (i) ballot disposition form;

2070 (ii) total votes cast form;

2071 (iii) tally sheet form; and

2072 (iv) pollbook.

2073 (b) For each election, the election officer shall:

2074 (i) provide a copy of each form to each of those precincts using paper ballots; and
 2075 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting
 2076 precincts using an automated voting system.

2077 (2) The election officer shall ensure that the ballot disposition form contains a space
 2078 for the judges to identify:

- 2079 (a) the number of ballots voted;
- 2080 (b) the number of substitute ballots voted, if any;
- 2081 (c) the number of ballots delivered to the voters;
- 2082 (d) the number of spoiled ballots;
- 2083 (e) the number of registered voters listed in the official register;
- 2084 (f) the total number of voters voting according to the pollbook; and
- 2085 (g) the number of unused ballots.

2086 (3) The election officer shall ensure that the total votes cast form contains:

2087 (a) the name of each candidate appearing on the ballot, the office for which the
 2088 candidate is running, and a blank space for the election judges to record the number of votes
 2089 that the candidate received;

2090 (b) for a multi-candidate primary race or a multi-candidate general race, the name of
 2091 each candidate appearing on the ballot, the office for which the candidate is running, and blank
 2092 spaces for the election judges to record the number of ranked choice votes counted for each
 2093 candidate for each potential phase of the canvass;

2094 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of
 2095 write-in candidates, if any, and a blank space for the election judges to record the number of
 2096 votes that the write-in candidate received;

2097 [~~(c)~~] (d) a heading identifying each ballot proposition and blank spaces for the election
 2098 judges to record the number of votes for and against each proposition; and

2099 [~~(d)~~] (e) a certification, in substantially the following form, to be signed by the judges
 2100 when they have completed the total votes cast form:

2101 "TOTAL VOTES CAST

2102 At an election held at ____ in ____ voting precinct in _____ (name of entity
 2103 holding the election) and State of Utah, on _____ (month\day\year), the following named
 2104 persons received the number of votes annexed to their respective names for the following

2105 described offices: Total number of votes cast were as follows:

2106 Certified by us ____, ____, ____, Judges of Election."

2107 (4) The election officer shall ensure that the tally sheet form contains:

2108 (a) for each office, the names of the candidates for that office, and blank spaces to tally
2109 the votes that each candidate receives;

2110 (b) for a multi-candidate primary race or a multi-candidate general race, the name of
2111 each candidate for each office and blank spaces to tally the number of ranked choice votes
2112 counted for each candidate for each potential phase of the canvass;

2113 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of
2114 write-in candidates, if any, and a blank space for the election judges to tally the votes for each
2115 write-in candidate;

2116 [~~(c)~~] (d) for each ballot proposition, a heading identifying the ballot proposition and the
2117 words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of
2118 them for the election judges to tally the ballot proposition votes; and

2119 [~~(d)~~] (e) a certification, in substantially the following form, to be signed by the judges
2120 when they have completed the tally sheet form:

2121 "Tally Sheet

2122 We the undersigned election judges for voting precinct # _____,
2123 _____(entity holding the election) certify that this is a true and correct list of all
2124 persons voted for and ballot propositions voted on at the election held in that voting precinct on
2125 _____(date of election) and is a tally of the votes cast for each of those
2126 persons. Certified by us ____, ____, ____, Judges of Election."

2127 (5) The election officer shall ensure that the pollbook:

2128 (a) identifies the voting precinct number on its face; and

2129 (b) contains:

2130 (i) a section to record persons voting on election day, with columns entitled "Ballot
2131 Number" and "Voter's Name";

2132 (ii) another section in which to record absentee ballots;

2133 (iii) a section in which to record voters who are challenged; and

2134 (iv) a certification, in substantially the following form:

2135 "We, the undersigned, judges of an election held at _____ voting precinct, in _____

2136 County, state of Utah, on _____(month\day\year), having first been sworn according to
2137 law, certify that the information listed in this book is a true statement of the number and names
2138 of the persons voting in the voting precinct at the election, and that the total number of persons
2139 voting at the election was ____."

2140 _____
2141 _____
2142 _____

2143 Judges of Election

2144 Section 30. Section **20A-5-406** is amended to read:

2145 **20A-5-406. Delivery of ballots.**

2146 (1) In elections using paper ballots or ballot sheets:

2147 (a) Each election officer shall deliver ballots to the poll workers of each voting precinct
2148 in his jurisdiction in an amount sufficient to meet voting needs during the voting period.

2149 (b) The election officer shall:

2150 (i) package and deliver the ballots to the election judges;

2151 (ii) clearly mark the outside of the package with:

2152 (A) the voting precinct and polling place for which it is intended; and

2153 (B) the number of each type of ballots enclosed;

2154 (iii) ensure that each package is delivered before commencement of voting to a poll
2155 worker in each precinct; and

2156 (iv) obtain a receipt for the ballots from the poll worker to whom they were delivered
2157 that identifies the date and time when, and the manner in which, each ballot package was sent
2158 and delivered.

2159 (c) The election officer shall prepare substitute ballots in the form required by this
2160 Subsection (1) if any poll worker reports that:

2161 (i) the ballots were not delivered on time; or

2162 (ii) after delivery, they were destroyed or stolen.

2163 (d) The election officer shall:

2164 (i) prepare the substitute ballots as nearly in the form prescribed for official ballots as
2165 practicable;

2166 (ii) cause the word "substitute" to be printed in brackets:

2167 (A) for a ballot prepared by an election officer other than a county clerk, immediately
2168 under ~~[the facsimile signature required by Subsection 20A-6-401(1)(b)(iii)]~~ a facsimile
2169 signature of the election officer and the election officer's title in eight point type; or

2170 (B) for a ballot prepared by a county clerk, immediately under the words required by
2171 Subsection 20A-6-301(1)(c)(iii);

2172 (iii) place the ballots in two separate packages, each package containing 1/2 the ballots
2173 sent to that voting precinct; and

2174 (iv) place a signed statement in each package certifying that the substitute ballots found
2175 in the package were prepared and furnished by the election officer, and that the original ballots
2176 were not received, were destroyed, or were stolen.

2177 (2) In elections using electronic ballots:

2178 (a) Each election officer shall:

2179 (i) deliver the voting devices and electronic ballots prior to the commencement of
2180 voting;

2181 (ii) ensure that the voting devices, equipment, and electronic ballots are properly
2182 secured before commencement of voting; and

2183 (iii) when electronic ballots or voting devices containing electronic ballots are
2184 delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered
2185 that identifies:

2186 (A) the name of the poll worker receiving delivery; and

2187 (B) the date and time when the ballots or voting devices containing the electronic
2188 ballots were delivered.

2189 (b) The election officer shall repair or provide substitute voting devices, equipment, or
2190 electronic ballots, if available, if any poll worker reports that:

2191 (i) the voting devices or equipment were not delivered on time;

2192 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
2193 information;

2194 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
2195 have been tampered with;

2196 (iv) the voting devices or equipment do not appear to be functioning properly; or

2197 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed

2198 or stolen.

2199 (c) If the election officer is unable to prepare and provide substitute voting devices,
2200 equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot
2201 sheets according to the requirements of Subsection (1).

2202 Section 31. Section **20A-6-203** is amended to read:

2203 **20A-6-203. Ballots for regular primary elections.**

2204 (1) The lieutenant governor, together with county clerks, suppliers of election
2205 materials, and representatives of registered political parties, shall:

2206 (a) develop paper ballots, ballot labels, ballot sheets, and electronic ballots to be used
2207 in Utah's regular primary election;

2208 (b) ensure that the paper ballots, ballot labels, ballot sheets, and electronic ballots
2209 comply generally, where applicable, with the requirements of Title 20A, Chapter 6, Part 1,
2210 General Requirements for All Ballots, and this section; and

2211 (c) provide voting booths, election records and supplies, ballot boxes, and as
2212 applicable, voting devices, for each voting precinct as required by Section [20A-5-403](#).

2213 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
2214 Chapter 6, Part 1, General Requirements for All Ballots, and [~~Sections~~] Section [20A-5-403](#),
2215 [~~20A-6-401, and 20A-6-401.1,~~] the lieutenant governor, together with county clerks, suppliers
2216 of election materials, and representatives of registered political parties shall ensure that the
2217 paper ballots, ballot labels, ballot sheets, electronic ballots, and voting booths, election records
2218 and supplies, and ballot boxes:

2219 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all
2220 voters are authorized to vote for a party's candidate;

2221 (ii) simplify the task of poll workers, particularly in determining a voter's party
2222 affiliation;

2223 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

2224 (iv) protect against fraud.

2225 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
2226 county clerks, suppliers of election materials, and representatives of registered political parties
2227 shall:

2228 (i) mark, prepunch, or otherwise identify ballots and ballot sheets as being for a

2229 particular registered political party; and

2230 (ii) instruct persons counting the ballots to count only those votes for candidates from
2231 the registered political party whose ballot the voter received.

2232 Section 32. Section **20A-6-203.5** is enacted to read:

2233 **20A-6-203.5. Multi-candidate primary race or multi-candidate general race**
2234 **ballot.**

2235 If, in an election, at least one of the races is a multi-candidate primary race or a
2236 multi-candidate general race, the portion of the ballot relating to that race shall:

2237 (1) list each candidate who qualifies to be placed on the election ballot for that race;

2238 (2) opposite each candidate's name, include a place where a voter can indicate the
2239 voter's vote in order of preference for each candidate, as described in Subsection [20A-3-105\(5\)](#);

2240 and

2241 (3) provide the ability for a voter to enter one write-in candidate's name and indicate
2242 the voter's ordered preference for the write-in candidate.

2243 Section 33. Section **20A-6-301** is amended to read:

2244 **20A-6-301. Paper ballots -- Regular general election.**

2245 (1) Each election officer shall ensure that:

2246 (a) all paper ballots furnished for use at the regular general election contain:

2247 (i) no captions or other endorsements except as provided in this section;

2248 (ii) no symbols, markings, or other descriptions of a political party or group, except for
2249 a registered political party that has chosen to nominate its candidates in accordance with

2250 Section [20A-9-403](#); and

2251 (iii) no indication that a candidate for elective office has been nominated by, or has
2252 been endorsed by, or is in any way affiliated with a political party or group, unless the
2253 candidate has been nominated by a registered political party in accordance with Subsection
2254 [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#).

2255 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
2256 top of the ballot, and divided from the rest of ballot by a perforated line;

2257 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
2258 stub; and

2259 (iii) ballot stubs are numbered consecutively;

2260 (c) immediately below the perforated ballot stub, the following endorsements are
2261 printed in 18 point bold type:

2262 (i) "Official Ballot for ____ County, Utah";
2263 (ii) the date of the election; and
2264 (iii) the words "Clerk of _____ County" or, as applicable, the name of a
2265 combined office that includes the duties of a county clerk;

2266 (d) the party name or title is printed in capital letters not less than one-fourth of an inch
2267 high;

2268 (e) unaffiliated candidates, candidates not affiliated with a registered political party,
2269 and all other candidates for elective office who were not nominated by a registered political
2270 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with
2271 the other candidates for the same office in accordance with Section 20A-6-305, without a party
2272 name or title, and with a mark referencing the following statement at the bottom of the ticket:
2273 "This candidate is not affiliated with, or does not qualify to be listed on the ballot as affiliated
2274 with, a political party.";

2275 (f) each ticket containing the lists of candidates, including the party name and device,
2276 are separated by heavy parallel lines;

2277 (g) the offices to be filled are plainly printed immediately above the names of the
2278 candidates for those offices;

2279 (h) the names of candidates are printed in capital letters, not less than one-eighth nor
2280 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
2281 lines or rules three-eighths of an inch apart; and

2282 (i) except as provided in Subsection 20A-3-105(6), on a ticket for a race in which a
2283 voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under
2284 Section 20A-9-601:

2285 (i) the ballot includes a space for a write-in candidate immediately following the last
2286 candidate listed on that ticket; or

2287 (ii) for the offices of president and vice president and governor and lieutenant
2288 governor, the ballot includes two spaces for write-in candidates immediately following the last
2289 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in
2290 candidates.

- 2291 (2) Each election officer shall ensure that:
- 2292 (a) each person nominated by any registered political party under Subsection
- 2293 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:
- 2294 (i) under the registered political party's name, if any; or
- 2295 (ii) under the title of the registered political party as designated by them in their
- 2296 certificates of nomination or petition, or, if none is designated, then under some suitable title;
- 2297 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
- 2298 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
- 2299 (c) the names of the candidates for president and vice president are used on the ballot
- 2300 instead of the names of the presidential electors; and
- 2301 (d) the ballots contain no other names.
- 2302 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
- 2303 that:
- 2304 (a) the designation of the office to be filled in the election and the number of
- 2305 candidates to be elected are printed in type not smaller than eight point;
- 2306 (b) the words designating the office are printed flush with the left-hand margin;
- 2307 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for
- 2308 which the voter may vote)" extend to the extreme right of the column;
- 2309 (d) the nonpartisan candidates are grouped according to the office for which they are
- 2310 candidates;
- 2311 (e) the names in each group are placed in the order specified under Section 20A-6-305
- 2312 with the surnames last; and
- 2313 (f) each group is preceded by the designation of the office for which the candidates
- 2314 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of
- 2315 candidates for which the voter may vote)," according to the number to be elected.
- 2316 (4) Each election officer shall ensure that:
- 2317 (a) proposed amendments to the Utah Constitution are listed on the ballot in
- 2318 accordance with Section 20A-6-107;
- 2319 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
- 2320 with Section 20A-6-107; and
- 2321 (c) bond propositions that have qualified for the ballot are listed on the ballot under the

2322 title assigned to each bond proposition under Section 11-14-206.

2323 Section 34. Section 20A-6-402 is amended to read:

2324 **20A-6-402. Ballots for municipal general elections.**

2325 (1) When using a paper ballot at municipal general elections, each election officer shall
2326 ensure that:

2327 [~~(a) the names of the two candidates who received the highest number of votes for~~
2328 ~~mayor in the municipal primary are placed upon the ballot;~~]

2329 [~~(b) if no municipal primary election was held, the names of the candidates who filed~~
2330 ~~declarations of candidacy for municipal offices are placed upon the ballot;~~]

2331 [~~(c) for other offices;~~]

2332 [~~(i) twice the number of candidates as there are positions to be filled are certified as~~
2333 ~~eligible for election in the municipal general election from those candidates who received the~~
2334 ~~greater number of votes in the primary election; and]~~

2335 [~~(ii) the names of those candidates are placed upon the municipal general election~~
2336 ~~ballot;~~]

2337 [~~(d)~~] (a) the names of the candidates are placed on the ballot in the order specified
2338 under Section 20A-6-305;

2339 [~~(e)~~] (b) in an election in which a voter is authorized to cast a write-in vote and where a
2340 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the
2341 ballot that contains, for each office in which there is a qualified write-in candidate:

2342 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

2343 (ii) a square or other conforming area that is adjacent to or opposite the blank

2344 horizontal line to enable the voter to indicate the voter's vote;

2345 [~~(f)~~] (c) ballot propositions that have qualified for the ballot, including propositions
2346 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
2347 listed on the ballot in accordance with Section 20A-6-107; and

2348 [~~(g)~~] (d) bond propositions that have qualified for the ballot are listed on the ballot
2349 under the title assigned to each bond proposition under Section 11-14-206.

2350 (2) When using a punch card ballot at municipal general elections, each election officer
2351 shall ensure that:

2352 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across

2353 the top of the ballot;

2354 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
2355 stub; and

2356 (iii) ballot stubs are numbered consecutively;

2357 (b) immediately below the perforated ballot stub, the following endorsements are
2358 printed in 18 point bold type:

2359 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

2360 (ii) the date of the election; and

2361 (iii) a facsimile of the signature of the election officer and the election officer's title in
2362 eight-point type;

2363 (c) immediately below the election officer's title, two one-point parallel horizontal
2364 rules separate endorsements from the rest of the ballot;

2365 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
2366 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the
2367 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
2368 office." followed by two one-point parallel rules;

2369 (e) after the rules, the designation of the office for which the candidates seek election is
2370 printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to ____
2371 (the number of candidates for which the voter may vote)" are printed to extend to the extreme
2372 right of the column in 10-point bold type, followed by a hair-line rule;

2373 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
2374 between lines or rules three-eighths inch apart, in the order specified under Section [20A-6-305](#)
2375 with surnames last and grouped according to the office that they seek;

2376 (g) a square with sides not less than one-fourth inch long is printed immediately
2377 adjacent to the names of the candidates;

2378 (h) following the name of the last candidate for each office in which a write-in
2379 candidate is qualified under Section [20A-9-601](#), the ballot contains:

2380 (i) a write-in space for each elective office in which a write-in candidate is qualified
2381 where the voter may enter the name of a valid write-in candidate; and

2382 (ii) a square printed immediately adjacent to the write-in space or line where the voter
2383 may vote for a valid write-in candidate; and

2384 (i) the candidate groups are separated from each other by one light and one heavy line
2385 or rule.

2386 (3) When using a ballot sheet other than a punch card ballot at municipal general
2387 elections, each election officer shall ensure that:

2388 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

2389 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
2390 stub; and

2391 (iii) ballot stubs are numbered consecutively;

2392 (b) immediately below the perforated ballot stub, the following endorsements are
2393 printed:

2394 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

2395 (ii) the date of the election; and

2396 (iii) a facsimile of the signature of the election officer and the election officer's title;

2397 (c) immediately below the election officer's title, a distinct border or line separates
2398 endorsements from the rest of the ballot;

2399 (d) immediately below the border or line, an "Instructions to Voters" section is printed
2400 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
2401 candidate(s) for each respective office." followed by another border or line;

2402 (e) after the border or line, the designation of the office for which the candidates seek
2403 election is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
2404 candidates for which the voter may vote)" are printed, followed by a line or border;

2405 (f) after the line or border, the names of the candidates are printed in the order
2406 specified under Section [20A-6-305](#) with surnames last and grouped according to the office that
2407 they seek;

2408 (g) an oval is printed adjacent to the names of the candidates;

2409 (h) following the name of the last candidate for each office in which a write-in
2410 candidate is qualified under Section [20A-9-601](#), the ballot contains:

2411 (i) a write-in space or blank line for each elective office in which a write-in candidate
2412 is qualified where the voter may enter the name of a valid write-in candidate; and

2413 (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a
2414 valid write-in candidate; and

- 2415 (i) the candidate groups are separated from each other by a line or border.
- 2416 (4) When using an electronic ballot at municipal general elections, each election officer
2417 shall ensure that:
- 2418 (a) the following endorsements are displayed on the first screen of the ballot:
- 2419 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
- 2420 (ii) the date of the election; and
- 2421 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 2422 (b) immediately below the election officer's title, a distinct border or line separates the
2423 endorsements from the rest of the ballot;
- 2424 (c) immediately below the border or line, an "Instructions to Voters" section is
2425 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
2426 the candidate(s) for each respective office." followed by another border or line;
- 2427 (d) after the border or line, the designation of the office for which the candidates seek
2428 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
2429 candidates for which the voter may vote)" are displayed, followed by a line or border;
- 2430 (e) after the line or border, the names of the candidates are displayed in the order
2431 specified under Section [20A-6-305](#) with surnames last and grouped according to the office that
2432 they seek;
- 2433 (f) a voting square or position is located adjacent to the name of each candidate;
- 2434 (g) following the name of the last candidate for each office in which a write-in
2435 candidate is qualified under Section [20A-9-601](#), the ballot contains a write-in space where the
2436 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 2437 (h) the candidate groups are separated from each other by a line or border.
- 2438 (5) When a municipality has chosen to nominate candidates by convention or
2439 committee, the election officer shall ensure that the party name is included with the candidate's
2440 name on the ballot.

2441 Section 35. Section [20A-9-403](#) is amended to read:

2442 **20A-9-403. Regular primary elections.**

- 2443 (1) (a) Candidates for elective office that are to be filled at the next regular general
2444 election shall be nominated in a regular primary election by direct vote of the people in the
2445 manner prescribed in this section and, for a multi-candidate primary race, Subsection

2446 [20A-3-105\(5\)](#) and Section [20A-4-303.5](#). The fourth Tuesday of June of each even-numbered
2447 year is designated as regular primary election day. Nothing in this section shall affect a
2448 candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate
2449 under Section [20A-9-501](#) or to participate in a regular general election as a write-in candidate
2450 under Section [20A-9-601](#).

2451 (b) Each registered political party that chooses to have the names of its candidates for
2452 elective office featured with party affiliation on the ballot at a regular general election shall
2453 comply with the requirements of this section and shall nominate its candidates for elective
2454 office in the manner prescribed in this section.

2455 (c) A filing officer may not permit an official ballot at a regular general election to be
2456 produced or used if the ballot denotes affiliation between a registered political party or any
2457 other political group and a candidate for elective office who was not nominated in the manner
2458 prescribed in this section or in Subsection [20A-9-202\(4\)](#).

2459 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
2460 even-numbered year in which a regular general election will be held.

2461 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
2462 shall:

2463 (i) either declare their intent to participate in the next regular primary election or
2464 declare that the registered political party chooses not to have the names of its candidates for
2465 elective office featured on the ballot at the next regular general election; and

2466 (ii) if the registered political party participates in the upcoming regular primary
2467 election, identify one or more registered political parties whose members may vote for the
2468 registered political party's candidates and whether [~~or not persons~~] an individual identified as
2469 unaffiliated with a political party may vote for the registered political party's candidates.

2470 (b) (i) A registered political party that is a continuing political party must file the
2471 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
2472 November 15 of each odd-numbered year.

2473 (ii) An organization that is seeking to become a registered political party under Section
2474 [20A-8-103](#) must file the statement described in Subsection (2)(a) at the time that the registered
2475 political party files the petition described in Section [20A-8-103](#).

2476 (3) (a) Except as provided in Subsection (3)(e), a person who [~~has submitted~~] submits a

2477 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
2478 office on the regular primary ballot of the registered political party listed on the declaration of
2479 candidacy only if the person is certified by the appropriate filing officer as having submitted a
2480 set of nomination petitions that was:

2481 (i) circulated and completed in accordance with Section 20A-9-405; and
2482 (ii) signed by at least two percent of the registered political party's members who reside
2483 in the political division of the office that the person seeks.

2484 (b) A candidate for elective office shall submit nomination petitions to the appropriate
2485 filing officer for verification and certification no later than 5 p.m. on the final day in March.
2486 Candidates may supplement their submissions at any time on or before the filing deadline.

2487 (c) The lieutenant governor shall determine for each elective office the total number of
2488 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
2489 of persons residing in each elective office's political division who have designated a particular
2490 registered political party on their voter registration forms as of November 1 of each
2491 odd-numbered year. The lieutenant governor shall publish this determination for each elective
2492 office no later than November 15 of each odd-numbered year.

2493 (d) The filing officer shall:

2494 (i) verify signatures on nomination petitions in a transparent and orderly manner;
2495 (ii) for all qualifying candidates for elective office who submitted nomination petitions
2496 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
2497 the first Monday after the third Saturday in April;

2498 (iii) consider active and inactive voters eligible to sign nomination petitions;

2499 (iv) consider a person who signs a nomination petition a member of a registered
2500 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
2501 political party as the person's party membership on the person's voter registration form; and

2502 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
2503 petition signatures, or use statistical sampling procedures to verify submitted nomination
2504 petition signatures pursuant to rules made under Subsection (3)(f).

2505 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
2506 lieutenant governor may appear on the regular primary ballot of a registered political party
2507 without submitting nomination petitions if the candidate files a declaration of candidacy and

2508 complies with Subsection [20A-9-202\(3\)](#).

2509 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2510 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

2511 (i) provide for the use of statistical sampling procedures that:

2512 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

2513 (B) reflect a bona fide effort to determine the validity of a candidate's entire
2514 submission, using widely recognized statistical sampling techniques; and

2515 (ii) provide for the transparent, orderly, and timely submission, verification, and
2516 certification of nomination petition signatures.

2517 (g) The county clerk shall:

2518 (i) review the declarations of candidacy filed by candidates for local boards of
2519 education to determine if more than two candidates have filed for the same seat;

2520 (ii) place the names of all candidates who have filed a declaration of candidacy for a
2521 local board of education seat on the nonpartisan section of the ballot if more than two
2522 candidates have filed for the same seat; and

2523 (iii) determine the order of the local board of education candidates' names on the ballot
2524 in accordance with Section [20A-6-305](#).

2525 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
2526 governor shall provide to the county clerks:

2527 (i) a list of the names of all candidates for federal, constitutional, multi-county, and
2528 county offices who have received certifications under Subsection (3), along with instructions
2529 on how those names shall appear on the primary-election ballot in accordance with Section
2530 [20A-6-305](#); and

2531 (ii) a list of unopposed candidates for elective office who have been nominated by a
2532 registered political party under Subsection (5)(c) and instruct the county clerks to exclude such
2533 candidates from the primary-election ballot.

2534 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
2535 joint-ticket running mates shall appear jointly on the primary-election ballot.

2536 (c) After the county clerk receives the certified list from the lieutenant governor under
2537 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
2538 substantially the following form:

2539 "Notice is given that a primary election will be held Tuesday, June _____,
2540 _____ (year), to nominate party candidates for the parties and candidates for nonpartisan
2541 local school board positions listed on the primary ballot. The polling place for voting precinct
2542 _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
2543 Attest: county clerk."

2544 (5) (a) (i) [~~Candidates~~] Except as provided in Subsection (5)(a)(ii), candidates, other
2545 than presidential candidates, receiving the highest number of votes cast for each office at the
2546 regular primary election are nominated by their registered political party for that office or are
2547 nominated as a candidate for a nonpartisan local school board position.

2548 (ii) A candidate in a multi-candidate primary race who is declared nominated in
2549 accordance with Section [20A-4-303.5](#) is nominated by that candidate's registered political party
2550 for the office to which the race relates.

2551 (b) If two or more candidates, other than presidential candidates, are to be elected to
2552 the office at the regular general election, those party candidates equal in number to positions to
2553 be filled who receive the highest number of votes at the regular primary election are the
2554 nominees of their party for those positions.

2555 (c) A candidate who is unopposed for an elective office in the regular primary election
2556 of a registered political party is nominated by the party for that office without appearing on the
2557 primary ballot. A candidate is "unopposed" if no person other than the candidate has received a
2558 certification under Subsection (3) for the regular primary election ballot of the candidate's
2559 registered political party for a particular elective office.

2560 (6) (a) [~~When~~] Except as otherwise provided in Section [20A-4-303.5](#), if a tie vote
2561 occurs in any primary election for any national, state, or other office that represents more than
2562 one county, the governor, lieutenant governor, and attorney general shall, at a public meeting
2563 called by the governor and in the presence of the candidates involved, select the nominee by lot
2564 cast in whatever manner the governor determines.

2565 (b) [~~When~~] Except as otherwise provided in Section [20A-4-303.5](#), if a tie vote occurs
2566 in any primary election for any county office, the district court judges of the district in which
2567 the county is located shall, at a public meeting called by the judges and in the presence of the
2568 candidates involved, select the nominee by lot cast in whatever manner the judges determine.

2569 (7) The expense of providing all ballots, blanks, or other supplies to be used at any

2570 primary election provided for by this section, and all expenses necessarily incurred in the
2571 preparation for or the conduct of that primary election shall be paid out of the treasury of the
2572 county or state, in the same manner as for the regular general elections.

2573 (8) An individual may not file a declaration of candidacy for a registered political party
2574 of which the individual is not a member, except to the extent that the registered political party
2575 permits otherwise under the registered political party's bylaws.

2576 Section 36. Section **20A-9-409** is amended to read:

2577 **20A-9-409. Primary election provisions relating to qualified political party.**

2578 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
2579 primary election day.

2580 (2) A qualified political party that nominates one or more candidates for an elective
2581 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that
2582 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election
2583 for that office.

2584 (3) A qualified political party that has only one candidate qualify as a candidate for an
2585 elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
2586 under Section [20A-9-407](#), may, but is not required to, participate in the primary election for
2587 that office.

2588 (4) A qualified political party that nominates one or more candidates for an elective
2589 office under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that
2590 office under Section [20A-9-408](#) shall participate in the primary election for that office.

2591 (5) A qualified political party that has two or more candidates qualify as candidates for
2592 an elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
2593 under Section [20A-9-407](#) shall participate in the primary election for that office.

2594 (6) For a multi-candidate primary race, the nominee for a qualified political party that
2595 voluntarily participates in a primary election for that race under Subsection (2), or is required to
2596 participate in a primary election under Subsection (4) or (5), shall be determined in accordance
2597 with Section [20A-4-303.5](#).

2598 Section 37. Section **20A-13-301** is amended to read:

2599 **20A-13-301. Presidential elections -- Effect of vote.**

2600 (1) (a) Each registered political party shall choose persons to act as presidential electors

2601 and to fill vacancies in the office of presidential electors for their party's candidates for
 2602 President and Vice President according to the procedures established in their bylaws.

2603 (b) Each registered political party shall certify to the lieutenant governor the names and
 2604 addresses of the persons selected by the political party as the party's presidential electors by
 2605 August 31.

2606 (2) ~~[The]~~ Subject to Section [20A-4-303.5](#), the highest number of votes cast for a
 2607 political party's president and vice president candidates elects the presidential electors selected
 2608 by that political party.

2609 Section 38. Section **20A-13-302** is amended to read:

2610 **20A-13-302. Certificate of election.**

2611 (1) The lieutenant governor shall transmit certificates of election to each of the electors
 2612 selected by the political party whose candidates for president and vice president received the
 2613 highest number of votes in Utah, in accordance with Section [20A-4-303.5](#).

2614 (2) Presidential electors may not receive compensation for their services.

2615 Section 39. Section **20A-16-402** is amended to read:

2616 **20A-16-402. Timeliness and scope of application for military-overseas ballot.**

2617 (1) An application for a military-overseas ballot is timely if received by the Thursday
 2618 immediately before the election.

2619 (2) An application for a military-overseas ballot for a regular primary election [~~or~~
 2620 ~~municipal primary election~~], whether or not timely, is effective as an application for a
 2621 military-overseas ballot for the regular general election or municipal general election.

2622 Section 40. Section **63I-1-220** is amended to read:

2623 **63I-1-220. Repeal dates, Title 20A.**

2624 [~~On January 1, 2017:~~]

2625 [~~(1) Subsection [20A-1-102](#)(55) is repealed.]~~]

2626 [~~(2) Subsection [20A-2-102.5](#)(1) the language that states "[20A-4-108](#), or" is repealed.]~~]

2627 [~~(3) Subsection [20A-2-202](#)(3)(a) the language that states "Except as provided in
 2628 Subsection [20A-4-108](#)(6)," is repealed.]~~]

2629 [~~(4) Subsection [20A-2-204](#)(5)(a) the language that states "Except as provided in
 2630 Subsection [20A-4-108](#)(7)," is repealed.]~~]

2631 [~~(5) Subsection [20A-2-205](#)(7)(a) the language that states "Except as provided in~~]

- 2632 Subsection ~~20A-4-108~~(8)," is repealed.]
- 2633 [~~(6) Subsection 20A-2-206~~(8)(c) the language that states "Except as provided in
- 2634 Subsection ~~20A-4-108~~(9)," is repealed.]
- 2635 [~~(7) Subsection 20A-2-307~~(2)(a) is repealed.]
- 2636 [~~(8) Subsection 20A-4-107~~(2)(b) the language that states "Except as provided in
- 2637 Subsection ~~20A-4-108~~(10)," is repealed.]
- 2638 [~~(9) Subsection 20A-4-107~~(3) the language that states "or if the voter is, in accordance
- 2639 with the pilot project, registered to vote under Subsection ~~20A-4-108~~(10)," is repealed.]
- 2640 [~~(10) Subsection 20A-4-107~~(4) the language that states "Except as provided in
- 2641 Subsection ~~20A-4-108~~(12)," is repealed.]
- 2642 [~~(11) Section 20A-4-108~~ is repealed.]
- 2643 Section 41. **Repealer.**
- 2644 This bill repeals:
- 2645 Section ~~20A-6-401~~, **Ballots for municipal primary elections.**
- 2646 Section ~~20A-6-401.1~~, **Ballots for partisan municipal primary elections.**
- 2647 Section ~~20A-9-404~~, **Municipal primary elections.**

Legislative Review Note
Office of Legislative Research and General Counsel