

Representative Rebecca Chavez-Houck proposes the following substitute bill:

RANKED CHOICE VOTING

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: Lyle W. Hillyard

6	Cosponsors:	Sandra Hollins	Marc K. Roberts
7	Patrice M. Arent	Brian S. King	Angela Romero
8	Joel K. Briscoe	Karen Kwan	Norman K Thurston
9	Brad M. Daw	Carol Spackman Moss	Elizabeth Weight
10	Susan Duckworth	Jeremy A. Peterson	Mark A. Wheatley
11	Brian M. Greene	Marie H. Poulson	
	Lynn N. Hemingway		

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13 LONG TITLE

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

18 Highlighted Provisions:

19 This bill·

- 20 ▶ defines terms;
21 ▶ provides for ranked choice voting in primary races for certain partisan offices where
22 more than two candidates are seeking the nomination of the same political party for
23 the same office;



- 24 ▶ provides for ranked choice voting in municipal and local district elections where
25 more than two candidates are seeking the same office;
26 ▶ repeals provisions relating to a municipal primary;
27 ▶ provides that a candidate in a race that is subject to ranked choice voting must
28 receive more than 50% of the valid votes cast, in accordance with the ranked choice
29 voting process described in this bill, to receive the nomination or win the office, as
30 applicable;
31 ▶ describes the ballot for ranked choice voting and provides instructions for voting the
32 ballot;
33 ▶ describes the procedures to be used in canvassing and evaluating ballots in a race
34 conducted by ranked choice voting, including procedures for eliminating a
35 candidate in each phase of a ranked choice vote canvass;
36 ▶ describes requirements for forms and records; and
37 ▶ makes technical and conforming changes.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 This bill provides a special effective date.

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **10-2a-215**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
45 amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination
46 Clause, Laws of Utah 2015, Chapter 352

47 **10-2a-305.2**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by
48 Coordination Clause, Laws of Utah 2015, Chapter 352

49 **10-2a-411**, as last amended by Laws of Utah 2016, Chapter 14

50 **10-3-208**, as last amended by Laws of Utah 2016, Chapters 94 and 409

51 **17B-1-303**, as last amended by Laws of Utah 2016, Chapter 233

52 **17B-1-306**, as last amended by Laws of Utah 2014, Chapters 362 and 377

53 **20A-1-102**, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176

54 **20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352

55 **20A-1-303**, as enacted by Laws of Utah 1993, Chapter 1
56 **20A-2-101**, as last amended by Laws of Utah 2011, Chapter 395
57 **20A-3-101**, as last amended by Laws of Utah 2008, Chapter 276
58 **20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75
59 **20A-3-201**, as last amended by Laws of Utah 2009, Chapter 388
60 **20A-3-601**, as last amended by Laws of Utah 2015, Chapter 79
61 **20A-3-603**, as last amended by Laws of Utah 2013, Chapter 182
62 **20A-3-605**, as last amended by Laws of Utah 2013, Chapter 320
63 **20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225
64 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177
65 **20A-4-105**, as last amended by Laws of Utah 2013, Chapter 390
66 **20A-4-106**, as last amended by Laws of Utah 2012, Chapter 251
67 **20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377
68 **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309
69 **20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
70 **20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92
71 **20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329
72 **20A-5-401**, as last amended by Laws of Utah 2009, Chapter 45
73 **20A-5-404**, as last amended by Laws of Utah 2001, Chapter 9
74 **20A-5-406**, as last amended by Laws of Utah 2015, Chapter 392
75 **20A-6-203**, as last amended by Laws of Utah 2006, Chapter 326
76 **20A-6-301**, as last amended by Laws of Utah 2016, Chapter 66
77 **20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176
78 **20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28
79 **20A-9-409**, as enacted by Laws of Utah 2014, Chapter 17
80 **20A-16-402**, as last amended by Laws of Utah 2013, Chapter 198
81 **63I-1-220**, as last amended by Laws of Utah 2016, Chapters 176 and 348

82 ENACTS:

83 **20A-4-303.5**, Utah Code Annotated 1953
84 **20A-6-203.5**, Utah Code Annotated 1953
85 **67-1a-15**, Utah Code Annotated 1953

86 REPEALS AND REENACTS:

87 **20A-1-304**, as last amended by Laws of Utah 2001, Chapter 20

88 REPEALS:

89 **20A-6-401**, as last amended by Laws of Utah 2016, Chapter 176

90 **20A-6-401.1**, as last amended by Laws of Utah 2013, Chapter 320

91 **20A-9-404**, as last amended by Laws of Utah 2013, Chapter 402

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

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

95 **10-2a-215. Election of officers of new city -- Primary and final election dates --**

96 **County clerk duties -- Candidate duties -- Occupation of office.**

97 (1) For the election of city officers, the county legislative body shall [:(a) unless a
98 primary election is prohibited by Subsection **20A-9-404**(2), hold a primary election; and (b)],
99 unless the election may be cancelled in accordance with Section **20A-1-206**, hold [a final] an
100 election.

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

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

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

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

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

111 [(i) notwithstanding Subsection **20A-1-201.5**(2), regular general election under Section
112 **20A-1-201**;]

113 [(ii) notwithstanding Subsection **20A-1-201.5**(2), regular primary election under
114 Subsection **20A-1-201.5**(1);]

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

116 [(iv) notwithstanding Subsection **20A-1-201.5**(2), municipal general election under

117 Section ~~20A-1-202~~.]

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

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

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

122 [~~(4)~~] (3) (a) Subject to Subsection [~~(4)~~] (3)(b), the county shall hold the [final] election
123 under Subsection (1)[~~(b)~~] on one of the following election dates:

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

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

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

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

128 (b) The county shall hold the [final] election on the earliest of the next election date
129 that:

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

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

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

133 (ii) that is at least:

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

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

136 [~~(5)~~] (4) (a) (i) The county clerk shall publish notice of an election under this section:

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

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

140 (ii) The later notice under Subsection [~~(5)~~] (4)(a)(i) shall be at least one day but no

141 more than seven days before the election.

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

146 (ii) The county clerk shall post the notices under Subsection [~~(5)~~] (4)(b)(i) at least

147 seven days before each election under Subsection (1).

148 [¶] (5) (a) Until the city is incorporated, the county clerk:
149 (i) is the election officer for all purposes in an election of officers of the city approved
150 at an incorporation election; and
151 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
152 that are not otherwise contrary to law.

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

155 (c) The county clerk is responsible to ensure that:
156 (i) a primary or final election for the officials of a newly incorporated city is held on a
157 date authorized by this section; and
158 (ii) the ballot for the election includes each office that is required to be included in the
159 election for officers of the newly incorporated city and the term of each office.

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

163 [¶] (7) Notwithstanding Section 10-3-201, the officers elected at a final election
164 described in Subsection [¶] (3)(a) shall take office:
165 (a) after taking the oath of office; and
166 (b) at noon on the first Monday following the day on which the election official
167 transmits a certificate of nomination or election under the officer's seal to each elected
168 candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

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

170 **10-2a-305.2. Election of officers of new town -- Primary and final election dates --
171 County clerk duties -- Candidate duties -- Occupation of office.**

172 (1) For the election of town officers, the county legislative body shall[:(a) unless a
173 primary election is prohibited by Subsection 20A-9-404(2), hold a primary election; and (b)]
174 hold a final election unless the election may be cancelled in accordance with Section
175 20A-1-206.

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

178 [¶] (3)(a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall

179 be held on one of the following election dates:]

180 [(i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section
181 20A-1-201;]

182 [(ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under
183 Subsection 20A-1-201.5(1);]

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

185 [(iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under
186 Section 20A-1-202.]

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

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

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

191 [(4)] (3) (a) Subject to Subsection [(4)] (3)(b), the county shall hold the [final] election
192 under Subsection (1)[(b)] on one of the following election dates:

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

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

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

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

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

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

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

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

201 (ii) is at least:

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

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

204 [(5)] (4) (a) (i) The county clerk shall publish notice of an election under this section:

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

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

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

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

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

216 [§] (5) (a) Until the town is incorporated, the county clerk:

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

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

221 (b) The county clerk shall require and determine deadlines for the filing of campaign
222 financial disclosures of town officer candidates in accordance with Section 10-3-208.

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

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

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

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

231 [§] (7) Notwithstanding Section 10-3-201, the officers elected at a final election
232 described in Subsection [§] (3)(a) shall take office:

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

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

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

238 **10-2a-411. Election of officers of new city, town, or metro township.**

239 (1) For the election of the initial office holders of a metro township, city, or town,
240 respectively, incorporated under Section 10-2a-404, the county legislative body shall[: (a)]

241 unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary election at
242 the next regular primary election, as described in Section 20A-1-201.5, following the
243 November 3, 2015, election to incorporate; and (b) hold a final] hold an election at the next
244 regular general election date following the election to incorporate.

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

246 (a) for a metro township, regardless of the metro township's population, shall be
247 consistent with the number of council members described in Subsection 10-2a-404(1)(b)(i); or
248 (b) for a city or town, shall be consistent with the number of council members,
249 including the city mayor as a member of a city council, described in Subsection
250 10-2a-404(1)(b)(ii).

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

253 (b) The county clerk is responsible to ensure that:

254 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date
255 described in Subsection (1)(a);

256 (ii) the final election described in Subsection (1)(b) is held on the date described in
257 Subsection (1)(b); and

258 (iii) the ballot for each election includes each office that is required to be included for
259 officials in the metro township, city, or town, and the length of term of each office.

260 (4) The officers elected at an election described in Subsection (1)(b) shall take office at
261 noon on the first Monday in January next following the election.

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

263 10-3-208. Campaign finance disclosure in municipal election.

264 (1) Unless a municipality adopts by ordinance more stringent definitions, the following
265 are defined terms for purposes of this section:

266 (a) "Agent of a candidate" means:

267 (i) a person acting on behalf of a candidate at the direction of the reporting entity;

268 (ii) a person employed by a candidate in the candidate's capacity as a candidate;

269 (iii) the personal campaign committee of a candidate;

270 (iv) a member of the personal campaign committee of a candidate in the member's
271 capacity as a member of the personal campaign committee of the candidate; or

272 (v) a political consultant of a candidate.

273 (b) "Anonymous contribution limit" means for each calendar year:

274 (i) \$50; or

275 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

276 (c) (i) "Candidate" means a person who:

277 (A) files a declaration of candidacy for municipal office; or

278 (B) receives contributions, makes expenditures, or gives consent for any other person

279 to receive contributions or make expenditures to bring about the person's nomination or

280 election to a municipal office.

281 (ii) "Candidate" does not mean a person who files for the office of judge.

282 (d) (i) "Contribution" means any of the following when done for political purposes:

283 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of

284 value given to a candidate;

285 (B) an express, legally enforceable contract, promise, or agreement to make a gift,

286 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or

287 anything of value to the candidate;

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

289 (D) compensation paid by any person or reporting entity other than the candidate for

290 personal services provided without charge to the candidate;

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

292 (F) an in-kind contribution.

293 (ii) "Contribution" does not include:

294 (A) services provided by an individual volunteering a portion or all of the individual's

295 time on behalf of the candidate if the services are provided without compensation by the

296 candidate or any other person;

297 (B) money lent to the candidate by a financial institution in the ordinary course of

298 business; or

299 (C) goods or services provided for the benefit of a candidate at less than fair market

300 value that are not authorized by or coordinated with the candidate.

301 (e) "Coordinated with" means that goods or services provided for the benefit of a

302 candidate are provided:

303 (i) with the candidate's prior knowledge, if the candidate does not object;
304 (ii) by agreement with the candidate;
305 (iii) in coordination with the candidate; or
306 (iv) in accordance with a similar and related project.

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

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

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

(C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;

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

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

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

322 (ii) "Expenditure" does not include:

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

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

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

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

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

334 (A) has already been paid, with money or other consideration;
335 (B) expects to be paid in the future, with money or other consideration; or
336 (C) understands that the person may, in the discretion of the candidate or another
337 person on behalf of and with the knowledge of the candidate, be paid in the future, with money
338 or other consideration.

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

343 (j) "Reporting entity" means:

344 (i) a candidate;
345 (ii) a committee appointed by a candidate to act for the candidate;
346 (iii) a person who holds an elected municipal office;
347 (iv) a party committee as defined in Section 20A-11-101;
348 (v) a political action committee as defined in Section 20A-11-101;
349 (vi) a political issues committee as defined in Section 20A-11-101;
350 (vii) a corporation as defined in Section 20A-11-101; or
351 (viii) a labor organization as defined in Section 20A-11-1501.

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

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

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

360 (3) (a) Each candidate:

361 (i) shall deposit a contribution in a separate campaign account in a financial institution;
362 and
363 (ii) may not deposit or mingle any campaign contributions received into a personal or
364 business account.

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

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

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

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

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

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

377 (a) except as provided in Subsection (4)(b):

378 (i) report all of the candidate's itemized and total:

379 (A) contributions, including in-kind and other nonmonetary contributions, received up
380 to and including five days before the campaign finance statement is due, excluding a
381 contribution previously reported; and

382 (B) expenditures made up to and including five days before the campaign finance
383 statement is due, excluding an expenditure previously reported; and

384 (ii) identify:

385 (A) for each contribution, the amount of the contribution and the name of the donor, if
386 known; and

387 (B) for each expenditure, the amount of the expenditure and the name of the recipient
388 of the expenditure; or

389 (b) report the total amount of all contributions and expenditures if the candidate
390 receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.

391 (c) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
392 exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a
393 candidate shall disburse the amount of the contribution to:

394 (i) the treasurer of the state or a political subdivision for deposit into the state's or
395 political subdivision's general fund; or

396 (ii) an organization that is exempt from federal income taxation under Section
397 501(c)(3), Internal Revenue Code.

398 (5) (a) A municipality may, by ordinance:

399 (i) provide an anonymous contribution limit less than \$50;

400 (ii) require greater disclosure of contributions or expenditures than is required in this
401 section; and

402 (iii) impose additional penalties on candidates who fail to comply with the applicable
403 requirements beyond those imposed by this section.

404 (b) A candidate is subject to the provisions of this section and not the provisions of an
405 ordinance adopted by the municipality under Subsection (5)(a) if:

406 (i) the municipal ordinance establishes requirements or penalties that differ from those
407 established in this section; and

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

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

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

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

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

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

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

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

426 (i) (A) posting an electronic copy or the contents of the statement on the municipality's

427 website no later than seven business days after the statement is filed; and
428 (B) verifying that the address of the municipality's website has been provided to the
429 lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
430 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
431 website established by the lieutenant governor under Section 20A-11-103 no later than two
432 business days after the statement is filed.

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

436 (i) shall:
437 (A) if practicable, remove the candidate's name from the ballot by blacking out the
438 candidate's name before the ballots are delivered to voters; or
439 (B) if removing the candidate's name from the ballot is not practicable, inform the
440 voters by any practicable method that the candidate has been disqualified and that votes cast for
441 the candidate will not be counted; and
442 (ii) may not count any votes for that candidate.
443 (b) Notwithstanding Subsection (8)(a), a candidate who timely files each campaign
444 finance statement required under Subsection (3) is not disqualified if:
445 (i) the statement details accurately and completely the information required under
446 Subsection (4), except for inadvertent omissions or insignificant errors or inaccuracies; and
447 (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the
448 next scheduled report.

449 (9) A campaign finance statement required under this section is considered filed if it is
450 received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
451 (10) (a) A private party in interest may bring a civil action in district court to enforce
452 the provisions of this section or an ordinance adopted under this section.
453 (b) In a civil action under Subsection (10)(a), the court may award costs and attorney
454 fees to the prevailing party.

455 Section 5. Section 17B-1-303 is amended to read:
456 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice
457 of board member contact information.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

489 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
490 [17B-1-302](#)(1), or if the member's term expires without a duly elected or appointed successor:
491 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
492 (ii) the member may continue to serve until a successor is duly elected or appointed
493 and qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

524 (8) The lieutenant governor may extend the term of an elected district board member
525 by one year in order to compensate for a change in the election year under Subsection
526 **17B-1-306**[~~(+3)~~] (12).

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

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

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

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

532 (B) a member of the board of trustees' phone number or email address changes; and

533 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day
534 on which the change requiring the update occurs.

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

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

538 **17B-1-306. Local district board -- Election procedures.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

582 (B) require the candidate to state whether or not the candidate meets those
583 requirements.

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

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

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

589 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
590 _____, City of _____, County of _____, State of Utah,
591 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
592 for the office of board of trustees member for _____ (state the name of
593 the local district); that I am a candidate for that office to be voted upon at the next election, and
594 I hereby request that my name be printed upon the official ballot for that election.

595 (Signed) _____

596 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
597 of _____, ____.

598 (Signed) _____

599 (Clerk or Notary Public)"

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

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

605 (g) If only one candidate files a declaration of candidacy and there is no write-in
606 candidate who complies with Section [20A-9-601](#), the board, in accordance with Section
607 [20A-1-206](#), may:

608 (i) consider the candidate to be elected to the position; and
609 (ii) cancel the election.

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

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

612 [~~(ii) the number of candidates for a particular local board position or office exceeds~~]

613 twice the number of persons needed to fill that position or office.]

614 [§(b) The primary election shall be conducted:]

615 [§(i) on the same date as the municipal primary election or the regular primary election,
616 as applicable; and]

617 [§(ii) according to the procedures for primary elections provided under Title 20A,
618 Election Code.]

619 [§(6)] §(5) (a) Except as provided in Subsection [§(6)] §(5)(c), within one business day after
620 the deadline for filing a declaration of candidacy, the local district clerk shall certify the
621 candidate names to the clerk of each county in which the local district is located.

622 (b) (i) Except as provided in Subsection [§(6)] §(5)(c) and in accordance with Section
623 20A-6-305, the clerk of each county in which the local district is located and the local district
624 clerk shall coordinate the placement of the name of each candidate for local district office in
625 the nonpartisan section of the ballot with the appropriate election officer.

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

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

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

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

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

639 [§(7)] §(6) (a) Each voter at an election for a board of trustees member of a local district
640 shall:

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

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

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

644 and

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

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

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

648 [~~(8)~~] (7) Except as otherwise provided by this section, the election of local district

649 board members is governed by Title 20A, Election Code.

650 [~~(9)~~] (8) (a) Except as provided in Subsection ~~17B-1-303~~(8), a person elected to serve
651 on a local district board shall serve a four-year term, beginning at noon on the January 1 after
652 the person's election.

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

654 [~~(10)~~] (9) (a) Except as provided in Subsection [~~(10)~~] (9)(b), each local district shall
655 reimburse the county or municipality holding an election under this section for the costs of the
656 election attributable to that local district.

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

659 [~~(11)~~] (10) This section does not apply to an improvement district that provides electric
660 or gas service.

661 [~~(12)~~] (11) Except as provided in Subsection ~~20A-3-605~~(1)(b), the provisions of Title
662 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

663 [~~(13)~~] (12) (a) As used in this Subsection [~~(13)~~] (12), "board" means:

664 (i) a local district board; or

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

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

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

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

675 (c) Upon receipt of an application described in Subsection [¶13] (12)(b), the lieutenant
676 governor may approve the application if the lieutenant governor concludes that holding the
677 elections at the regular general election is beneficial based on the criteria described in
678 Subsection [¶13] (12)(b)(ii).

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

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

682 (ii) the board may not hold elections at the time of a municipal general election unless
683 the board receives permission from the lieutenant governor to hold all future elections for
684 membership on the board at a municipal general election instead of a regular general election,
685 under the same procedure, and by applying the same criteria, described in this Subsection
686 [¶13] (12).

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

688 **20A-1-102. Definitions.**

689 As used in this title:

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

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

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

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

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

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

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

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

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

705 (b) a constitutional amendment;

- 706 (c) an initiative;
707 (d) a referendum;
708 (e) a bond proposition;
709 (f) a judicial retention question;
710 (g) an incorporation of a city or town; or
711 (h) any other ballot question specifically authorized by the Legislature.
- 712 (6) "Ballot sheet":
713 (a) means a ballot that:
714 (i) consists of paper or a card where the voter's votes are marked or recorded; and
715 (ii) can be counted using automatic tabulating equipment; and
716 (b) includes punch card ballots and other ballots that are machine-countable.
- 717 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
718 together with a staple or stitch in at least three places across the top of the paper in the blank
719 space reserved for securing the paper.
- 720 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
721 [20A-4-306](#) to canvass election returns.
- 722 (9) "Bond election" means an election held for the purpose of approving or rejecting
723 the proposed issuance of bonds by a government entity.
- 724 (10) "Book voter registration form" means voter registration forms contained in a
725 bound book that are used by election officers and registration agents to register persons to vote.
- 726 (11) "Business reply mail envelope" means an envelope that may be mailed free of
727 charge by the sender.
- 728 (12) "By-mail voter registration form" means a voter registration form designed to be
729 completed by the voter and mailed to the election officer.
- 730 (13) "Canvass" means the review of election returns and the official declaration of
731 election results by the board of canvassers.
- 732 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
733 the canvass.
- 734 (15) "Contracting election officer" means an election officer who enters into a contract
735 or interlocal agreement with a provider election officer.
- 736 (16) "Convention" means the political party convention at which party officers and

737 delegates are selected.

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

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

742 (19) "Counting poll watcher" means a person selected as provided in Section
743 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

752 (b) does not include:

753 (i) deadlines established for absentee voting; or

754 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
755 Voting.

756 (23) "Elected official" means:

757 (a) a person elected to an office under Section [20A-1-303](#);

758 (b) a person who is considered to be elected to a municipal office in accordance with
759 Subsection [20A-1-206](#)(1)(c)(ii); or

760 (c) a person who is considered to be elected to a local district office in accordance with
761 Subsection [20A-1-206](#)(3)(c)(ii).

762 (24) "Election" means a regular general election, a municipal general election, a
763 statewide special election, a local special election, a regular primary election, [a ~~municipal~~
764 ~~primary election,~~] and a local district election.

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

767 (26) "Election cycle" means the period beginning on the first day persons are eligible to

768 file declarations of candidacy and ending when the canvass is completed.

769 (27) "Election judge" means a poll worker that is assigned to:

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

771 (b) act as the presiding election judge; or

772 (c) serve as a canvassing judge, counting judge, or receiving judge.

773 (28) "Election officer" means:

774 (a) the lieutenant governor, for all statewide ballots and elections;

775 (b) the county clerk for:

776 (i) a county 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](#);

779 (c) the municipal clerk for:

780 (i) a municipal 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 (d) the local district clerk or chief executive officer for:

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

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

786 [20A-5-400.1](#) or [20A-5-400.5](#); or

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

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

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

790 [20A-5-400.1](#) or [20A-5-400.5](#).

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

792 (30) "Election results" means:

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

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

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

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

797 (31) "Election returns" includes the pollbook, the military and overseas absentee voter

798 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all

799 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
800 form, and the total votes cast form.

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

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

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

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

808 (35) "Inactive voter" means a registered voter who has:

809 (a) been sent the notice required by Section [20A-2-306](#); and

810 (b) failed to respond to that notice.

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

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

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

816 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
817 Local Government Entities - Local Districts, and includes a special service district under Title
818 17D, Chapter 1, Special Service District Act.

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

821 (41) "Local election" means a regular county election, a regular municipal election, [a
822 ~~municipal primary election;~~] a local special election, a local district election, and a bond
823 election.

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

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

829 (44) "Multi-candidate general race" means a municipal general election race in which

830 more than twice the number of candidates who may be elected for a particular office qualify for
831 placement on the ballot for that office, if the office is one of the following:

- 832 (a) local board of education member;
- 833 (b) municipal elected office; or
- 834 (c) an elective local district board position.

835 (45) "Multi-candidate primary race" means a partisan primary race in which more than
836 two candidates qualify for placement on the primary election ballot for the same political party
837 and for the same office, if the office is one of the following:

- 838 (a) president and vice president of the United States;
- 839 (b) United States Senate;
- 840 (c) United States House of Representatives;
- 841 (d) state Senate;
- 842 (e) state House of Representatives;
- 843 (f) governor and lieutenant governor;
- 844 (g) attorney general;
- 845 (h) state auditor;
- 846 (i) state treasurer;
- 847 (j) State Board of Education member; or
- 848 (k) county elected office.

849 [(44)] (46) "Municipal executive" means:

- 850 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
- 851 (b) the mayor in the council-manager form of government defined in Subsection
852 10-3b-103(7); or

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

854 [(45)] (47) "Municipal general election" means the election held in municipalities and,
855 as applicable, local districts on the first Tuesday after the first Monday in November of each
856 odd-numbered year for the purposes established in Section 20A-1-202.

857 [(46)] (48) "Municipal legislative body" means:

- 858 (a) the council of the city or town in any form of municipal government; or
- 859 (b) the council of a metro township.

860 [(50)] (49) "Municipality" means a city, town, or metro township.

861 [§47] (50) "Municipal office" means an elective office in a municipality.

862 [§48] (51) "Municipal officers" means those municipal officers that are required by
863 law to be elected.

864 [§49] "Municipal primary election" means an election held to nominate candidates for
865 municipal office.]

866 [§51] (52) "Official ballot" means the ballots distributed by the election officer to the
867 poll workers to be given to voters to record their votes.

868 [§52] (53) "Official endorsement" means:

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

870 (i) the ballot as an official ballot;

871 (ii) the date of the election; and

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

875 (B) for a ballot prepared by a county clerk, the words required by Subsection
876 20A-6-301(1)(c)(iii); and

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

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

879 (ii) the ballot number.

880 [§53] (54) "Official register" means the official record furnished to election officials
881 by the election officer that contains the information required by Section 20A-5-401.

882 [§54] (55) "Paper ballot" means a paper that contains:

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

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

887 [§55] (56) "Political party" means an organization of registered voters that has
888 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
889 Formation and Procedures.

890 [§56] (57) "Pollbook" means a record of the names of voters in the order that they
891 appear to cast votes.

892 [§57] (58) "Polling place" means the building where voting is conducted.

893 [§58] (59) (a) "Poll worker" means a person assigned by an election official to assist
894 with an election, voting, or counting votes.

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

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

897 [§59] (60) "Position" means a square, circle, rectangle, or other geometric shape on a
898 ballot in which the voter marks the voter's choice.

899 [§60] (61) "Primary convention" means the political party conventions held during the
900 year of the regular general election.

901 [§61] (62) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

904 [§62] (63) "Provider election officer" means an election officer who enters into a
905 contract or interlocal agreement with a contracting election officer to conduct an election for
906 the contracting election officer's local political subdivision in accordance with Section
907 20A-5-400.1.

908 [§63] (64) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

912 [§64] (65) "Provisional ballot envelope" means an envelope printed in the form
913 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
914 information to verify a person's legal right to vote.

915 [§65] (66) "Qualify" or "qualified" means to take the oath of office and begin
916 performing the duties of the position for which the person was elected.

917 [§66] (67) "Receiving judge" means the poll worker that checks the voter's name in the
918 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
919 after the voter has voted.

920 [§67] (68) "Registration form" means a book voter registration form and a by-mail
921 voter registration form.

922 [§68] (69) "Regular ballot" means a ballot that is not a provisional ballot.

923 [69] (70) "Regular general election" means the election held throughout the state on
924 the first Tuesday after the first Monday in November of each even-numbered year for the
925 purposes established in Section 20A-1-201.

926 [70] (71) "Regular primary election" means the election on the fourth Tuesday of
927 June of each even-numbered year, to nominate candidates of political parties and candidates for
928 nonpartisan local school board positions to advance to the regular general election.

929 [71] (72) "Resident" means a person who resides within a specific voting precinct in
930 Utah.

931 [72] (73) "Sample ballot" means a mock ballot similar in form to the official ballot
932 printed and distributed as provided in Section 20A-5-405.

933 [73] (74) "Scratch vote" means to mark or punch the straight party ticket and then
934 mark or punch the ballot for one or more candidates who are members of different political
935 parties or who are unaffiliated.

936 [74] (75) "Secrecy envelope" means the envelope given to a voter along with the
937 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
938 secrecy of the voter's vote.

939 [75] (76) "Special election" means an election held as authorized by Section
940 20A-1-203.

941 [76] (77) "Spoiled ballot" means each ballot that:
942 (a) is spoiled by the voter;
943 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
944 (c) lacks the official endorsement.

945 [77] (78) "Statewide special election" means a special election called by the governor
946 or the Legislature in which all registered voters in Utah may vote.

947 [78] (79) "Stub" means the detachable part of each ballot.

948 [79] (80) "Substitute ballots" means replacement ballots provided by an election
949 officer to the poll workers when the official ballots are lost or stolen.

950 [80] (81) "Ticket" means a list of:
951 (a) political parties;
952 (b) candidates for an office; or
953 (c) ballot propositions.

954 [§81] §82 "Transfer case" means the sealed box used to transport voted ballots to the
955 counting center.

956 [§82] §83 "Vacancy" means the absence of a person to serve in any position created
957 by statute, whether that absence occurs because of death, disability, disqualification,
958 resignation, or other cause.

959 (84) "Valid," as it relates to a ranked choice vote cast in a multi-candidate primary race
960 or a multi-candidate general race, means that the ballot is marked in a manner that permits the
961 vote to be counted during the applicable canvassing phase, in accordance with Subsection
962 20A-4-303.5(5).

963 [§83] §85 "Valid voter identification" means:

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

966 (i) a currently valid Utah driver license;
967 (ii) a currently valid identification card that is issued by:
968 (A) the state; or
969 (B) a branch, department, or agency of the United States;
970 (iii) a currently valid Utah permit to carry a concealed weapon;
971 (iv) a currently valid United States passport; or
972 (v) a currently valid United States military identification card;

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

975 (i) a valid tribal identification card;
976 (ii) a Bureau of Indian Affairs card; or
977 (iii) a tribal treaty card;
978 (c) two forms of identification not listed under Subsection [§83] §85(a) or (b) but that
979 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
980 which may include:

981 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
982 election;
983 (ii) a bank or other financial account statement, or a legible copy thereof;
984 (iii) a certified birth certificate;

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

999 [§84] (86) "Valid write-in candidate" means a candidate who has qualified as a
1000 write-in candidate by following the procedures and requirements of this title.

1001 [§85] (87) "Voter" means a person who:

1002 (a) meets the requirements for voting in an election;

1003 (b) meets the requirements of election registration;

1004 (c) is registered to vote; and

1005 (d) is listed in the official register book.

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

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

[§88] (90) "Voting booth" means:
(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or

1013 (b) a voting device that is free standing.

1014 [§89] (91) "Voting device" means:

1015 (a) an apparatus in which ballot sheets are used in connection with a punch device for

1016 piercing the ballots by the voter;

1017 (b) a device for marking the ballots with ink or another substance;

1018 (c) an electronic voting device or other device used to make selections and cast a ballot

1019 electronically, or any component thereof;

1020 (d) an automated voting system under Section [20A-5-302](#); or

1021 (e) any other method for recording votes on ballots so that the ballot may be tabulated

1022 by means of automatic tabulating equipment.

1023 [~~(90)~~] (92) "Voting machine" means a machine designed for the sole purpose of

1024 recording and tabulating votes cast by voters at an election.

1025 [~~(91)~~] (93) "Voting poll watcher" means a person appointed as provided in this title to

1026 witness the distribution of ballots and the voting process.

1027 [~~(92)~~] (94) "Voting precinct" means the smallest voting unit established as provided by

1028 law within which qualified voters vote at one polling place.

1029 [~~(93)~~] (95) "Watcher" means a voting poll watcher, a counting poll watcher, an

1030 inspecting poll watcher, and a testing watcher.

1031 [~~(94)~~] (96) "Western States Presidential Primary" means the election established in

1032 Chapter 9, Part 8, Western States Presidential Primary.

1033 [~~(95)~~] (97) "Write-in ballot" means a ballot containing any write-in votes.

1034 [~~(96)~~] (98) "Write-in vote" means a vote cast for a person whose name is not printed on

1035 the ballot according to the procedures established in this title.

1036 Section 8. Section [20A-1-201.5](#) is amended to read:

1037 **20A-1-201.5. Primary election dates.**

1038 (1) A regular primary election shall be held throughout the state on the fourth Tuesday

1039 of June of each even numbered year as provided in Section [20A-9-403](#), [20A-9-407](#), or

1040 [20A-9-408](#), as applicable, to nominate persons for:

1041 (a) national, state, school board, and county offices; and

1042 (b) offices for a metro township, city, or town incorporated under Section [10-2a-404](#).

1043 [~~(2) A municipal primary election shall be held, if necessary, on the second Tuesday~~

1044 ~~following the first Monday in August before the regular municipal election to nominate persons~~

1045 ~~for municipal offices.]~~

1046 (2) (a) A municipality or a local district may not hold a primary election.

1047 (b) Elective office for a municipality or a local district will be decided by ranked
1048 choice voting in accordance with Section [20A-4-303.5](#).

1049 (c) For a municipality that conducts partisan elections, each party may submit only one
1050 candidate selected by party convention or another process designated by the party.

1051 (3) If the Legislature makes an appropriation for a Western States Presidential Primary
1052 election, the Western States Presidential Primary election shall be held throughout the state on
1053 the first Tuesday in February in the year in which a presidential election will be held.

1054 Section 9. Section [20A-1-303](#) is amended to read:

1055 **20A-1-303. Determining results.**

1056 (1) (a) [When] Except as provided in Section [20A-4-303.5](#), when one person is to be
1057 elected or nominated, the person receiving the highest number of votes at any:

1058 (i) election for any office to be filled at that election is elected to that office; and
1059 (ii) primary for nomination for any office is nominated for that office.

1060 (b) When more than one person is to be elected or nominated, the persons receiving the
1061 highest number of votes at any:

1062 (i) election for any office to filled at that election are elected to that office; and
1063 (ii) primary for nomination for any office are nominated for that office.

1064 (2) Any ballot proposition submitted to voters for their approval or rejection:

1065 (a) passes if the number of "yes" votes is greater than the number of "no" votes; and
1066 (b) fails if:

1067 (i) the number of "yes" votes equal the number of "no" votes; or
1068 (ii) the number of "no" votes is greater than the number of "yes" votes.

1069 Section 10. Section [20A-1-304](#) is repealed and reenacted to read:

1070 **20A-1-304. Tie votes.**

1071 Except for a multi-candidate primary race or a multi-candidate general race, if two or
1072 more candidates for a position have an equal and the highest number of votes for any office, the
1073 election officer shall, in a public meeting held within 30 days after the day on which the
1074 canvass is completed, determine the candidate selected, by lot, in the presence of each
1075 candidate subject to the tie.

1076 Section 11. Section [20A-2-101](#) is amended to read:

1077 **20A-2-101. Eligibility for registration.**

1078 (1) Except as provided in Subsection (2), any person may apply to register to vote in an
1079 election who:

1080 (a) is a citizen of the United States;
1081 (b) has been a resident of Utah for at least the 30 days immediately before the election;
1082 (c) will be at least 18 years old on the day of the election; and
1083 (d) currently resides within the voting district or precinct in which the person applies to
1084 register to vote.

1085 (2) (a) (i) A person who is involuntarily confined or incarcerated in a jail, prison, or
1086 other facility within a voting precinct is not a resident of that voting precinct and may not
1087 register to vote in that voting precinct unless the person was a resident of that voting precinct
1088 before the confinement or incarceration.

1089 (ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident
1090 of the voting precinct in which the person resided before the confinement or incarceration.

1091 (b) A person who has been convicted of a felony or a misdemeanor for an offense
1092 under this title may not register to vote or remain registered to vote unless the person's right to
1093 vote has been restored as provided in Section [20A-2-101.3](#) or [20A-2-101.5](#).

1094 (c) A person whose right to vote has been restored, as provided in Section [20A-2-101.3](#)
1095 or [20A-2-101.5](#), is eligible to register to vote.

1096 (3) A person who is eligible to vote and who resides within the geographic boundaries
1097 of the entity in which the election is held may register to vote in a:

1098 (a) regular general election;
1099 (b) regular primary election;
1100 (c) municipal general election;
1101 [~~(d) municipal primary election;~~]
1102 [~~(e)~~] (d) statewide special election;
1103 [~~(f)~~] (e) local special election;
1104 [~~(g)~~] (f) local district election; and
1105 [~~(h)~~] (g) bond election.

1106 Section 12. Section **20A-3-101** is amended to read:

1107 **20A-3-101. Residency and age requirements of voters.**

1108 (1) A person may vote in any regular general election or statewide special election if

1109 that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration.

1110 (2) A person may vote in the Western States Presidential Primary election or a regular
1111 primary election if:

1112 (a) that person has registered to vote in accordance with Title 20A, Chapter 2, Voter
1113 Registration; and

1114 (b) that person's political party affiliation, or unaffiliated status, allows the person to
1115 vote in the election.

1116 (3) A person may vote in a municipal general election, [municipal primary, in] a local
1117 special election, [in] a local district election, [and in] or a bond election if that person:

1118 (a) has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration;
1119 and

1120 (b) is a resident of a voting district or precinct within the local entity that is holding the
1121 election.

1122 Section 13. Section **20A-3-105** is amended to read:

1123 **20A-3-105. Marking and depositing ballots.**

1124 (1) (a) [Hf] Except as provided in Subsection (5), if a paper ballot is used, the voter,
1125 upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking
1126 the appropriate position with a mark opposite the name of each candidate of the voter's choice
1127 for each office to be filled.

1128 (b) [A] Except as provided in Subsections (5) and (6), a mark is not required opposite
1129 the name of a write-in candidate.

1130 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in
1131 the appropriate square with a mark opposite the answer the voter intends to make.

1132 (d) Before leaving the booth, the voter shall:

1133 (i) fold the ballot so that its contents are concealed and the stub can be removed; and

1134 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
1135 envelope and complete the information printed on the envelope.

1136 (2) (a) (i) [Hf] Subject to Subsection (5), if a punch card ballot is used, the voter shall
1137 insert the ballot sheet into the voting device and mark the ballot sheet according to the
1138 instructions provided on the device.

1139 (ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the

1140 voter shall record any write-in votes on the long stub.

1141 (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record
1142 any write-in votes on the secrecy envelope.

1143 (b) After the voter has marked the ballot sheet, the voter shall either:

1144 (i) place the ballot sheet inside the secrecy envelope, if one is provided; or

1145 (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the
1146 vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.

1147 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
1148 provisional ballot envelope and complete the information printed on the envelope.

1149 (3) (a) [Hf] Subject to Subsection (5), if a ballot sheet other than a punch card is used,
1150 the voter shall mark the ballot sheet according to the instructions provided on the voting device
1151 or ballot sheet.

1152 (b) [The] Except as provided in Subsections (5) and (6), the voter shall record a
1153 write-in vote by:

1154 (i) marking the position opposite the area for entering a write-in candidate; and
1155 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
1156 for by means of:

1157 (A) writing;

1158 (B) a label; or

1159 (C) entering the name using the voting device.

1160 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
1161 provisional ballot envelope and complete the information printed on the envelope.

1162 (4) (a) [Hf] Subject to Subsection (5), if an electronic ballot is used, the voter shall:

1163 (i) insert the ballot access card into the voting device; and

1164 (ii) make the selections according to the instructions provided on the device.

1165 (b) [The] Except as provided in Subsections (5) and (6), the voter shall record a
1166 write-in vote by:

1167 (i) marking the appropriate position opposite the area for entering a write-in candidate;
1168 and

1169 (ii) using the voting device to enter the name of the valid write-in candidate for whom
1170 the voter wishes to vote.

- 1171 (5) (a) To vote in a multi-candidate primary race, a voter:
- 1172 (i) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
- 1173 first preference as the party's nominee for the office; and
- 1174 (ii) may indicate, as directed on the ballot, the names of the remaining candidates in
- 1175 order of the voter's preference for each remaining candidate to be selected as the party's
- 1176 nominee for the office in the event that the voter's first preference is not selected as the
- 1177 nominee.
- 1178 (b) To vote in a multi-candidate general race, a voter:
- 1179 (i) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
- 1180 first preference for the office; and
- 1181 (ii) may indicate, as directed on the ballot, the names of the remaining candidates in
- 1182 order of the voter's preference for each remaining candidate to be selected for the office in the
- 1183 event that the voter's first preference is not selected for the office.
- 1184 (6) A voter may include no more than one write-in candidate in the voter's list of
- 1185 preferences for a multi-candidate primary race or a multi-candidate general race.
- 1186 [(5)] (7) After preparation of the ballot:
- 1187 (a) if a paper ballot or punch card ballot is used:
- 1188 (i) the voter shall:
- 1189 (A) leave the voting booth; and
- 1190 (B) announce [his] the voter's name to the poll worker in charge of the ballot box;
- 1191 (ii) the poll worker in charge of the ballot box shall:
- 1192 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 1193 the voter's ballot;
- 1194 (B) if the stub number on the ballot corresponds with the number previously recorded
- 1195 in the official register, and bears the initials of the poll worker, remove the stub from the ballot;
- 1196 and
- 1197 (C) return the ballot to the voter;
- 1198 (iii) the voter shall, in full view of the poll workers, cast [his] the voter's vote by
- 1199 depositing the ballot in the ballot box; and
- 1200 (iv) if the stub has been detached from the ballot:
- 1201 (A) the poll worker may not accept the ballot; and

- 1202 (B) the poll worker shall:
- 1203 (I) treat the ballot as a spoiled ballot;
- 1204 (II) provide the voter with a new ballot; and
- 1205 (III) dispose of the spoiled ballot as provided in Section 20A-3-107;
- 1206 (b) if a ballot sheet other than a punch card is used:
- 1207 (i) the voter shall:
- 1208 (A) leave the voting booth; and
- 1209 (B) announce [his] the voter's name to the poll worker in charge of the ballot box;
- 1210 (ii) the poll worker in charge of the ballot box shall:
- 1211 (A) clearly and audibly announce the name of the voter and the number on the stub of
- 1212 the voter's ballot; and
- 1213 (B) if the stub number on the ballot corresponds with the number previously recorded
- 1214 in the official register, and bears the initials of the poll worker, return the ballot to the voter;
- 1215 and
- 1216 (iii) the voter shall, in full view of the poll workers, cast [his] the voter's vote by
- 1217 depositing the ballot in the ballot box; and
- 1218 (c) if an electronic ballot is used, the voter shall:
- 1219 (i) cast the voter's ballot;
- 1220 (ii) remove the ballot access card from the voting device; and
- 1221 (iii) return the ballot access card to a designated poll worker.
- 1222 [~~(6)~~] (8) A voter voting a paper ballot in a regular primary election shall, after marking
- 1223 the ballot:
- 1224 (a) (i) if the ballot is designed so that the names of all candidates for all political parties
- 1225 are on the same ballot, detach the part of the paper ballot containing the names of the
- 1226 candidates of the party [~~he~~] the voter has voted from the remainder of the paper ballot;
- 1227 (ii) fold that portion of the paper ballot so that its face is concealed; and
- 1228 (iii) deposit it in the ballot box; and
- 1229 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of
- 1230 the parties that the elector did not vote; and
- 1231 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot
- 1232 box.

1233 [~~(7)~~] (9) (a) Each voter shall mark and cast or deposit the ballot without delay and shall
1234 leave the voting area after voting.

1235 (b) A voter may not:

- 1236 (i) occupy a voting booth occupied by another, except as provided in Section
1237 **20A-3-108**;
- 1238 (ii) remain within the voting area more than 10 minutes; or
- 1239 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
1240 voters are waiting to occupy them.

1241 [~~(8)~~] (10) If the official register shows any voter as having voted, that voter may not
1242 reenter the voting area during that election unless that voter is an election official or watcher.

1243 [~~(9)~~] (11) The poll workers may not allow more than four voters more than the number
1244 of voting booths into the voting area at one time unless those excess voters are:

- 1245 (a) election officials;
- 1246 (b) watchers; or
- 1247 (c) assisting voters with a disability.

1248 Section 14. Section **20A-3-201** is amended to read:

1249 **20A-3-201. Watchers.**

1250 (1) (a) (i) For each regular general election or statewide special election, and for each
1251 regular primary and Western States Presidential Primary, each registered political party and any
1252 person interested in a ballot proposition appearing on the ballot may appoint one person to act
1253 as a voting poll watcher to observe the casting of ballots, another person to act as a counting
1254 poll watcher to observe the counting of ballots, and another person to act as an inspecting poll
1255 watcher to inspect the condition and observe the securing of ballot packages.

1256 (ii) Each party poll watcher shall be designated, and his selection made known to the
1257 poll workers, by an affidavit made by the county chair of each of the parties.

1258 (iii) Each issue poll watcher shall be designated, and his selection made known to the
1259 poll workers, by an affidavit made by the individual appointing him.

1260 (b) (i) For each municipal general election, [~~municipal primary,~~] local special election,
1261 or bond election that uses paper ballots, each candidate and any person interested in an issue
1262 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
1263 casting of ballots, another person to act as a counting poll watcher to observe the counting of

1264 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
1265 observe the securing of ballot packages.

1266 (ii) For each municipal general election, [municipal primary,] local special election, or
1267 bond election that uses ballot sheets, each candidate and any person interested in an issue
1268 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
1269 casting of ballots, another person to act as a counting poll watcher to observe the counting of
1270 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
1271 observe the securing of ballot packages.

1272 (iii) Each candidate poll watcher shall be designated, and his selection made known to
1273 the poll workers, by an affidavit made by the candidate appointing him.

1274 (iv) Each issue poll watcher shall be designated, and his selection made known to the
1275 poll workers, by an affidavit made by the individual appointing him.

1276 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
1277 absent, that poll watcher may substitute some other watcher of similar political beliefs by
1278 informing the poll workers of the substitution by affidavit.

1279 (3) Voting poll watchers may watch and observe the voting process, and may make a
1280 written memorandum, but they may not interfere in any way with the process of voting except
1281 to challenge a voter as provided in this part.

1282 (4) The counting poll watcher shall remain in the counting room, except in the case of
1283 necessity, until the close of the polls and may not divulge the progress of the count until the
1284 count is completed.

1285 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,
1286 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other
1287 information about the count.

1288 (b) Any person who violates this subsection is guilty of a third degree felony.

1289 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to
1290 whom ballots are delivered after elections to:

1291 (a) inspect the condition of the packages containing the ballots upon their arrival; and
1292 (b) observe the placement of these packages in a safe and secure place.

1293 (7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any
1294 interested person may act as a testing watcher to observe a demonstration of logic and accuracy

1295 testing of the voting devices prior to the commencement of voting.

1296 (b) The election officer shall give prior notice of the logic and accuracy testing
1297 demonstration at least two days prior to the date of the demonstration by publishing notice of
1298 the date, time, and location of the demonstration:

1299 (i) in at least one newspaper of general circulation in the jurisdiction holding the
1300 election; and

1301 (ii) as required in Section 45-1-101.

1302 (c) An election official shall provide, upon request, a copy of testing results to a testing
1303 watcher.

1304 Section 15. Section 20A-3-601 is amended to read:

1305 **20A-3-601. Early voting.**

1306 (1) (a) An individual who is registered to vote may vote before the election date in
1307 accordance with this section.

1308 (b) An individual who is not registered to vote may register to vote and vote before the
1309 election date in accordance with this section if the individual:

1310 (i) is otherwise legally entitled to vote the ballot in a jurisdiction that is approved by
1311 the lieutenant governor to participate in the pilot project described in Section 20A-4-108; and
1312 (ii) casts a provisional ballot in accordance with Section 20A-4-108.

1313 (2) Except as provided in Section 20A-1-308, the early voting period shall:

1314 (a) begin on the date that is 14 days before the date of the election; and

1315 (b) continue through the Friday before the election if the election date is a Tuesday.

1316 (3) Except as provided in Section 20A-1-308, during the early voting period, the
1317 election officer:

1318 (a) for a local special election[~~, a municipal primary election, and~~] or a municipal
1319 general election:

1320 (i) shall conduct early voting on a minimum of four days during each week of the early
1321 voting period; and

1322 (ii) shall conduct early voting on the last day of the early voting period; and

1323 (b) for all other elections:

1324 (i) shall conduct early voting on each weekday; and

1325 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

1326 (4) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,
1327 early voting shall be administered according to the requirements of this title.

1328 Section 16. Section 20A-3-603 is amended to read:

1329 **20A-3-603. Early voting polling places.**

1330 (1) Except as provided in Section 20A-1-308, the election officer shall designate one or
1331 more polling places for early voting, provided that:

1332 (a) at least one polling place is open on each day that polls are open during the early
1333 voting period;

1334 (b) each polling place meets the requirements for polling places under Chapter 5,
1335 Election Administration;

1336 (c) for all elections other than local special elections[~~, municipal primary elections,~~
1337 ~~and]~~ or municipal general elections, at least 10% of the voting devices at a polling place are
1338 accessible for individuals with disabilities in accordance with Public Law 107-252, the Help
1339 America Vote Act of 2002; and

1340 (d) each polling place is located in a government building or office, unless the election
1341 officer determines that, in the area designated by the election officer, there is no government
1342 building or office available that:

1343 (i) can be scheduled for use during early voting hours;

1344 (ii) has the physical facilities necessary to accommodate early voting requirements;

1345 (iii) has adequate space for voting equipment, poll workers, and voters; and

1346 (iv) has adequate security, public accessibility, and parking.

1347 (2) (a) Except as provided in Section 20A-1-308, in the event the election officer
1348 determines that the number of early voting polling places is insufficient due to the number of
1349 registered voters who are voting, the election officer may designate additional polling places
1350 during the early voting period.

1351 (b) Except as provided in Section 20A-1-308, if an additional early voting polling place
1352 is designated, the election officer shall, as soon as is reasonably possible, give notice of the
1353 dates, times, and location of the additional polling place by:

1354 (i) publishing the notice:

1355 (A) in one issue of a newspaper of general circulation in the county; and

1356 (B) as required in Section 45-1-101; and

1357 (ii) posting the notice at the additional polling place.

(3) Except as provided in Section 20A-1-308, for each regular general election and regular primary election, counties of the first class shall ensure that the early voting polling places are approximately proportionately distributed based on population within the county.

1361 Section 17. Section **20A-3-605** is amended to read:

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

1363 (1) (a) This part does not apply to an election of a board member of a local district.

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

1366 (2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth
1367 class or a town as described in Section 10-2-301 may provide early voting as provided under
1368 this part for[. (a) a municipal primary election; or (b)] a municipal general election.

1369 (3) A municipality or county that administers an election entirely by absentee ballot, in
1370 accordance with Section 20A-3-302, is not required to conduct early voting for the election.

1371 Section 18. Section **20A-4-101** is amended to read:

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

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

1376 (2) (a) Each county legislative body or municipal legislative body shall provide:

1377 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
1378 judges have been appointed; and

1379 (ii) a counting room for the use of the poll workers counting the ballots during the day.

1380 (b) At any election in any voting precinct in which both receiving and counting judges
1381 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

1382 (i) close the first ballot box and deliver it to the counting judges; and
1383 (ii) prepare and use another ballot box to receive voted ballots.
1384 (c) [Upon] Except as provided in Subsection (2)(f), upon receipt of the ballot box, the
1385 time is 1 hour.

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

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

1388 (iii) place the provisional ballot envelopes in the envelope or container provided for
1389 them for return to the election officer; and

1390 (iv) when they have finished counting the votes in the ballot box, return the emptied
1391 box to the receiving judges.

1392 (d) (i) During the course of election day, whenever there are at least 20 ballots
1393 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
1394 judges for counting; and

1395 (ii) the counting judges shall immediately count the regular ballots and segregate the
1396 provisional ballots contained in that box.

1397 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
1398 until the polls close.

1399 (f) (i) The director of elections, within the Office of the Lieutenant Governor, shall
1400 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1401 describing the procedures that a counting judge is required to follow for counting ballots in a
1402 multi-candidate primary race or a multi-candidate general race.

1403 (ii) When counting ballots in a multi-candidate primary race or a multi-candidate
1404 general race, a counting judge shall comply with the procedures established under Subsection
1405 (2)(f)(i) and Section 20A-4-303.5.

1406 (3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe
1407 the count.

1408 [~~(4) The counting judges shall apply the standards and requirements of Section~~
1409 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

1410 (4) To resolve questions that arise during the counting of ballots, a counting judge shall
1411 apply the standards and requirements of:

1412 (a) to the extent applicable, Section 20A-4-105; and

1413 (b) for a multi-candidate primary race or a multi-candidate general race, Subsection
1414 20A-4-303.5(5).

1415 Section 19. Section 20A-4-102 is amended to read:

1416 **20A-4-102. Counting paper ballots after the polls close.**

1417 (1) (a) Except as provided in Subsection (2) or a rule made under Subsection
1418 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,

1419 the election judges shall count the ballots by performing the tasks specified in this section in
1420 the order that they are specified.

1421 [~~(b) The election judges shall apply the standards and requirements of Section~~
1422 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

1423 (b) To resolve questions that arise during the counting of ballots, an election judge
1424 shall apply the standards and requirements of:

1425 (i) to the extent applicable, Section 20A-4-105; and

1426 (ii) for a multi-candidate primary race or a multi-candidate general race, Subsection
1427 20A-4-303.5(5).

1428 (2) (a) First, the election judges shall count the number of ballots in the ballot box.

1429 (b) (i) If there are more ballots in the ballot box than there are names entered in the
1430 pollbook, the judges shall examine the official endorsements on the ballots.

1431 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper
1432 official endorsement, the judges shall put those ballots in an excess ballot file and not count
1433 them.

1434 (c) (i) If, after examining the official endorsements, there are still more ballots in the
1435 ballot box than there are names entered in the pollbook, the judges shall place the remaining
1436 ballots back in the ballot box.

1437 (ii) One of the judges, without looking, shall draw a number of ballots equal to the
1438 excess from the ballot box.

1439 (iii) The judges shall put those excess ballots into the excess ballot envelope and not
1440 count them.

1441 (d) When the ballots in the ballot box equal the number of names entered in the
1442 pollbook, the judges shall count the votes.

1443 (3) The judges shall:

1444 (a) place all unused ballots in the envelope or container provided for return to the
1445 county clerk or city recorder; and

1446 (b) seal that envelope or container.

1447 (4) The judges shall:

1448 (a) place all of the provisional ballot envelopes in the envelope provided for them for
1449 return to the election officer; and

- 1450 (b) seal that envelope or container.
- 1451 (5) (a) In counting the votes, the election judges shall read and count each ballot
- 1452 separately.
- 1453 (b) In regular primary elections the judges shall:
- 1454 (i) count the number of ballots cast for each party;
- 1455 (ii) place the ballots cast for each party in separate piles; and
- 1456 (iii) count all the ballots for one party before beginning to count the ballots cast for
- 1457 other parties.
- 1458 (6) (a) In all elections, the counting judges shall, except as provided in Section
- 1459 20A-4-303.5 or a rule made under Subsection 20A-4-101(2)(f)(i):
- 1460 (i) count one vote for each candidate designated by the marks in the squares next to the
- 1461 candidate's name;
- 1462 (ii) count one vote for each candidate on the ticket beneath a marked circle, excluding
- 1463 any candidate for an office for which a vote has been cast for a candidate for the same office
- 1464 upon another ticket by the placing of a mark in the square opposite the name of that candidate
- 1465 on the other ticket;
- 1466 (iii) count each vote for each write-in candidate who has qualified by filing a
- 1467 declaration of candidacy under Section 20A-9-601;
- 1468 (iv) read every name marked on the ballot and mark every name upon the tally sheets
- 1469 before another ballot is counted;
- 1470 (v) evaluate each ballot and each vote based on the standards and requirements of
- 1471 Section 20A-4-105;
- 1472 (vi) write the word "spoiled" on the back of each ballot that lacks the official
- 1473 endorsement and deposit it in the spoiled ballot envelope; and
- 1474 (vii) read, count, and record upon the tally sheets the votes that each candidate and
- 1475 ballot proposition received from all ballots, except excess or spoiled ballots.
- 1476 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or
- 1477 persons clearly not eligible to qualify for office.
- 1478 (c) The judges shall certify to the accuracy and completeness of the tally list in the
- 1479 space provided on the tally list.
- 1480 (d) When the judges have counted all of the voted ballots, they shall record the results

1481 on the total votes cast form.

1482 (7) Only election judges and counting poll watchers may be present at the place where
1483 counting is conducted until the count is completed.

1484 Section 20. Section **20A-4-105** is amended to read:

1485 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

1486 (1) [Each] Except as otherwise provided in Subsection **20A-4-303.5**(5) for a
1487 multi-candidate primary race or a multi-candidate general race, each person counting ballots
1488 shall apply the standards and requirements of this section to resolve any questions that arise as
1489 ballots are counted.

1490 (2) Except as provided in Subsection (11), Subsection **20A-3-105**(5), or Section
1491 **20A-4-303.5**, if a voter marks more names than there are persons to be elected to an office, or
1492 if for any reason it is impossible to determine the choice of any voter for any office to be filled,
1493 the counter may not count that voter's ballot for that office.

1494 (3) [The] Except as otherwise provided in Section **20A-4-303.5**, a counter shall count a
1495 defective or incomplete mark on any paper ballot if:

1496 (a) it is in the proper place; and

1497 (b) there is no other mark or cross on the paper ballot indicating the voter's intent to
1498 vote other than as indicated by the defective mark.

1499 (4) (a) When the voter has marked the ballot so that it appears that the voter has voted
1500 more than one straight ticket, the election judges may not count any votes for party candidates.

1501 (b) The election judges shall count the remainder of the ballot if it is voted correctly.

1502 (5) [A] Except as provided in Section **20A-4-303.5**, a counter may not reject a ballot
1503 marked by the voter because of marks on the ballot other than those marks allowed by this
1504 section unless the extraneous marks on a ballot or group of ballots show an intent by a person
1505 or group to mark their ballots so that their ballots can be identified.

1506 (6) (a) In counting the ballots, the counters shall give full consideration to the intent of
1507 the voter.

1508 (b) The counters may not invalidate a ballot because of mechanical and technical
1509 defects in voting or failure on the part of the voter to follow strictly the rules for balloting
1510 required by Chapter 3, Voting.

1511 (7) The counters may not reject a ballot because of any error in:

- 1512 (a) stamping or writing any official endorsement; or
1513 (b) delivering the wrong ballots to any polling place.
- 1514 (8) The counter may not count any paper ballot that does not have the official
1515 endorsement by an election officer.
- 1516 (9) The counter may not count any ballot proposition vote or candidate vote for which
1517 the voter is not "legally entitled to vote" as used in Section [20A-4-107](#).
- 1518 (10) If the counter discovers that the name of a candidate voted for is misspelled or that
1519 the initial letters of a candidate's given name are transposed or omitted in part or altogether, the
1520 counter shall count the voter's vote for that candidate if it is apparent that the voter intended to
1521 vote for that candidate.
- 1522 (11) The counter shall count a vote for the president and the vice president of any
1523 political party as a vote for the presidential electors selected by the political party.
- 1524 (12) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has
1525 cast more votes for an office than that voter is entitled to vote for that office, the judges shall
1526 count the valid write-in vote as being the obvious intent of the voter.
- 1527 Section 21. Section **20A-4-106** is amended to read:
- 1528 **20A-4-106. Paper ballots -- Sealing.**
- 1529 (1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read
1530 and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate
1531 strings.
- 1532 (ii) After the ballots are strung, they may not be examined by anyone, except when
1533 examined during a recount conducted under the authority of Section [20A-4-303.5](#) or
1534 [20A-4-401](#).
- 1535 (b) The judges shall carefully seal all of the strung ballots in a strong envelope.
- 1536 (2) (a) For regular primary elections, after all the ballots have been counted, certified
1537 to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate
1538 envelopes.
- 1539 (b) The judges shall:
- 1540 (i) seal each of the envelopes containing the votes of each of the political parties in one
1541 large envelope; and
- 1542 (ii) return that envelope to the county clerk.

- 1543 (c) The judges shall:
- 1544 (i) destroy the ballots in the blank ballot box; or
- 1545 (ii) if directed to do so by the election officer, return them to the election officer for
- 1546 destruction.
- 1547 (3) As soon as the judges have counted all the votes and sealed the ballots they shall
- 1548 sign and certify the pollbooks.
- 1549 (4) (a) The judges, before they adjourn, shall:
- 1550 (i) enclose and seal the official register, the posting book, the pollbook, the ballot
- 1551 disposition form, the military and overseas absentee voter registration and voting certificates,
- 1552 one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;
- 1553 (ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been
- 1554 strung and placed in a separate envelope or pouch as required by Subsection (1);
- 1555 (iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot
- 1556 disposition form in a separate envelope or pouch;
- 1557 (iv) place all provisional ballots in a separate envelope or pouch; and
- 1558 (v) place the total votes cast form and the judges' vouchers requesting compensation
- 1559 for services rendered in a separate pouch.
- 1560 (b) Before enclosing the official register in the envelope or pouch, the election judges
- 1561 shall certify it substantially as follows:
- 1562 "We, the undersigned, judges of election for precinct _____, (jurisdiction) _____,
- 1563 Utah, certify that the required entries have been made for the election held
- 1564 _____ (month\day\year), including:
- 1565 a list of the ballot numbers for each voter;
- 1566 the voters' signatures, except where a judge has signed for the absentee voters;
- 1567 a list of information surrounding a voter who is challenged,
- 1568 including any affidavits; and
- 1569 a notation for each time a voter was assisted with a ballot."
- 1570 (5) Each judge shall:
- 1571 (a) write his name across the seal of each envelope or pouch;
- 1572 (b) mark on the exterior of the envelope or pouch:
- 1573 (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other

1574 words plainly indicating the contents of the packages; and

1575 (ii) the number of the voting precinct.

1576 Section 22. Section **20A-4-301** is amended to read:

1577 **20A-4-301. Board of canvassers.**

1578 (1) (a) Each county legislative body is the board of county canvassers for:

1579 (i) the county; and

1580 (ii) each local district whose election is conducted by the county if:

1581 (A) the election relates to the creation of the local district;

1582 (B) the county legislative body serves as the governing body of the local district; or

1583 (C) there is no duly constituted governing body of the local district.

1584 (b) The board of county canvassers shall meet to canvass the returns at the usual place

1585 of meeting of the county legislative body, at a date and time determined by the county clerk

1586 that is no sooner than seven days after the election and no later than 14 days after the election.

1587 (c) If one or more of the county legislative body fails to attend the meeting of the board

1588 of county canvassers, the remaining members shall replace the absent member by appointing in

1589 the order named:

1590 (i) the county treasurer;

1591 (ii) the county assessor; or

1592 (iii) the county sheriff.

1593 (d) Attendance of the number of persons equal to a simple majority of the county

1594 legislative body, but not less than three persons, shall constitute a quorum for conducting the

1595 canvass.

1596 (e) The county clerk is the clerk of the board of county canvassers.

1597 (2) (a) The mayor and the municipal legislative body are the board of municipal

1598 canvassers for the municipality.

1599 (b) The board of municipal canvassers shall meet [to canvass the returns] at the usual

1600 place of meeting of the municipal legislative body[. (i) for canvassing of] to canvass the returns

1601 from a municipal general election[;] no sooner than seven days after the election and no later

1602 than 14 days after the election[; or].

1603 [(ii) for canvassing of returns from a municipal primary election, no sooner than seven

1604 days after the election and no later than 14 days after the election.]

1605 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
1606 quorum for conducting the canvass.

1607 (3) (a) The legislative body of the entity authorizing a bond election is the board of
1608 canvassers for each bond election.

1609 (b) The board of canvassers for the bond election shall comply with the canvassing
1610 procedures and requirements of Section 11-14-207.

1611 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
1612 bond election shall constitute a quorum for conducting the canvass.

1613 Section 23. Section **20A-4-303.5** is enacted to read:

1614 **20A-4-303.5. Counting ballots and evaluating votes for multi-candidate primary**
1615 **race or multi-candidate general race.**

1616 (1) As used in this section:

1617 (a) "Candidate amplifier" means the product of:

1618 (i) two less than the total number of candidates in a given canvassing phase of a
1619 multi-candidate primary race; and

1620 (ii) .02%.

1621 (b) "Recount threshold" means the sum of the candidate amplifier and the following:

1622 (i) for a canvassing phase in which fewer than 1,000 valid votes are counted, 0.21%;
1623 (ii) for a canvassing phase in which at least 1,000, but fewer than 5,000, valid votes are
1624 counted, 0.19%;

1625 (iii) for a canvassing phase in which at least 5,000, but fewer than 25,000, valid votes
1626 are counted, 0.17%;

1627 (iv) for a canvassing phase in which at least 25,000, but fewer than 75,000, valid votes
1628 are counted, 0.15%;

1629 (v) for a canvassing phase in which at least 75,000, but fewer than 100,000, valid votes
1630 are counted, 0.13%; and

1631 (vi) for a canvassing phase in which 100,000 or more valid votes are counted, 0.11%.

1632 (2) (a) Except as provided in Subsection (2)(b), an election officer shall conduct a
1633 multi-candidate primary race and a multi-candidate general race using ranked choice voting, in
1634 accordance with the provisions of this section.

1635 (b) (i) In a multi-candidate primary race or a multi-candidate general race where

1636 candidates run to fill multiple at-large offices, the election officer may not conduct the election
1637 by ranked choice voting.

1638 (ii) An election officer may not include in a primary a race where:
1639 (A) candidates run to fill multiple at-large offices; and
1640 (B) the number of candidates does not exceed more than twice the number of offices
1641 for which the election officer holds the race.

1642 (iii) In a multi-candidate primary race described in Subsection (2)(b)(i), the election
1643 officer shall include on the general election ballot the number of candidates, equal to twice the
1644 number of offices for which the election officer holds the race, who received the highest
1645 number of votes.

1646 (iv) In a multi-candidate general race described in Subsection (2)(b)(i), the election
1647 officer shall declare elected the number of candidates, equal to the number of offices for which
1648 the election officer holds the race, who received the highest number of votes.

1649 (v) In a multi-candidate primary race described in this section or a multi-candidate
1650 general race described in this section, the election officer shall resolve a tie in a public meeting
1651 held within 30 days after the day on which the canvass is completed by lot in the presence of
1652 each candidate subject to the tie.

1653 (3) In a multi-candidate primary race or a multi-candidate general race, the board of
1654 canvassers shall:

1655 (a) (i) conduct the first phase of the canvass by counting the valid first preference votes
1656 for each candidate; and

1657 (ii) if, after complying with Subsection (7), one of the candidates receives more than
1658 50% of the valid first preference votes counted, declare that candidate nominated or elected, as
1659 applicable;

1660 (b) if, after counting the valid first preference votes for each candidate, and complying
1661 with Subsection (7), no candidate receives more than 50% of the valid first preference votes
1662 counted, conduct the second phase of the canvass by:

1663 (i) after complying with Subsection (8), excluding from the multi-candidate primary
1664 race or multi-candidate general race:

1665 (A) the candidate who received the fewest valid first preference votes counted; or
1666 (B) in the event of a tie for the fewest valid first preference votes counted, one of the

1667 candidates who tied for receiving the fewest valid first preference votes, determined by the
1668 election officer by lot, in accordance with Subsection (9);

1669 (ii) adding, to the valid first preference votes counted for the remaining candidates, the
1670 valid second preference votes cast for the remaining candidates by the voters who cast a valid
1671 first preference vote for the excluded candidate; and

1672 (iii) if, after adding the votes in accordance with Subsection (3)(b)(ii) and complying
1673 with Subsection (7), one candidate receives more than 50% of the valid votes counted,
1674 declaring that candidate nominated or elected, as applicable; or

1675 (c) if, after adding the valid second preference votes in accordance with Subsection
1676 (3)(b)(ii) and complying with Subsection (7), no candidate receives more than 50% of the valid
1677 votes counted, conduct subsequent phases of the canvass by continuing the process described
1678 in Subsection (3)(b) until a candidate receives more than 50% of the valid votes counted, as
1679 follows:

1680 (i) after complying with Subsection (8), excluding from consideration the candidate
1681 who has the fewest valid votes counted or, in the event of a tie for the fewest valid votes
1682 counted, excluding one of the candidates who received the fewest valid votes counted, by lot,
1683 in accordance with Subsection (9); and

1684 (ii) adding the next valid ranked choice vote cast by each voter whose vote was
1685 counted for the last excluded candidate to one of the remaining candidates, in the order of the
1686 next preference indicated by the voter, until, after complying with Subsection (7), one of the
1687 candidates receives more than 50% of the valid votes counted.

1688 (4) The board of canvassers shall declare the first candidate who receives more than
1689 50% of the valid votes counted under the process described in Subsection (3) to be nominated
1690 or elected, as applicable.

1691 (5) (a) A ranked choice vote is valid for a particular phase of a multi-candidate primary
1692 race or a multi-candidate general race if the voter indicates the voter's preference for that phase
1693 and all previous phases.

1694 (b) A ranked choice vote is not valid for a particular phase of a multi-candidate primary
1695 race or a multi-candidate general race, and for all subsequent phases, if the voter indicates the
1696 same rank for more than one candidate for that phase.

1697 (c) A ranked choice vote for a candidate in a multi-candidate primary race or a

1698 multi-candidate general race is not valid if the number for the rank assigned to the candidate by
1699 the voter is after a number for a rank that the voter does not assign to any candidate.

1700 (6) The election officer shall order that a recount be conducted of the valid votes
1701 counted in the applicable phase of the canvass if one candidate appears to have received at least
1702 50% of the vote, and the difference between the number of votes counted for the candidate who
1703 received the most valid votes for the applicable phase of the canvass and any other candidate in
1704 the race is equal to or less than the product of the following, rounded up to the nearest whole
1705 number:

1706 (a) the total number of voters who cast a valid vote that is counted in the applicable
1707 phase of the canvass for the race; and

1708 (b) the recount threshold.

1709 (7) Before excluding a candidate from a multi-candidate primary race or a
1710 multi-candidate general race under Subsection (3), the election officer shall order that a recount
1711 be conducted of the valid votes counted in the applicable canvassing phase if the difference
1712 between the number of votes counted for the candidate who received the fewest valid votes in
1713 the applicable canvassing phase of the race and any other candidate in the race is equal to or
1714 less than the product of the following, rounded up to the nearest whole number:

1715 (a) the total number of voters who cast a valid vote counted in that canvassing phase;
1716 and

1717 (b) the recount threshold.

1718 (8) For each phase of a canvass after the first phase, if, after a recount is completed
1719 under Subsection (7), two or more candidates tie as having the fewest valid votes counted at
1720 that point in the canvass, the election official shall eliminate one of those candidates from
1721 consideration by lot in the following manner:

1722 (a) determine the names of the candidates who received the fewest valid votes for that
1723 phase of the canvass;

1724 (b) cast the lot in the presence of at least two election officials and any counting poll
1725 watchers who are present and desire to witness the casting of the lot; and

1726 (c) sign a public document that:

1727 (i) certifies the method used for casting the lot and the result of the lot; and

1728 (ii) includes the signature of each individual who witnessed the casting of the lot.

1729 (9) For a multi-candidate primary race or a multi-candidate general race, if, after
1730 eliminating all but two of the candidates in the race and after a recount is completed under
1731 Subsection (6), the two remaining candidates have an equal number of valid votes counted in
1732 the latest canvassing phase, the election officer shall, in a public meeting held within 30 days
1733 after the day on which the canvass is completed, determine the nominee or election winner, as
1734 applicable, by lot in the presence of each candidate subject to the tie.

1735 Section 24. Section **20A-4-304** is amended to read:

1736 **20A-4-304. Declaration of results -- Canvassers' report.**

1737 (1) Each board of canvassers shall:

1738 (a) except as provided in Section **20A-4-303.5**, declare "elected" or "nominated" those
1739 persons who:

1740 (i) had the highest number of votes; and

1741 (ii) sought election or nomination to an office completely within the board's
1742 jurisdiction;

1743 (b) declare:

1744 (i) "approved" those ballot propositions that:

1745 (A) had more "yes" votes than "no" votes; and

1746 (B) were submitted only to the voters within the board's jurisdiction;

1747 (ii) "rejected" those ballot propositions that:

1748 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
1749 votes; and

1750 (B) were submitted only to the voters within the board's jurisdiction;

1751 (c) certify the vote totals for persons and for and against ballot propositions that were
1752 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
1753 the lieutenant governor; and

1754 (d) if applicable, certify the results of each local district election to the local district
1755 clerk.

1756 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
1757 result, which shall contain:

1758 (i) the total number of votes cast in the board's jurisdiction;

1759 (ii) the names of each candidate whose name appeared on the ballot;

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

(iv) each office that appeared on the ballot;

(v) from each voting precinct:

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

(B) for each multi-candidate primary race and each multi-candidate general race, the number of valid ranked choice votes cast for each candidate for each potential canvassing phase and the candidates excluded in each canvassing phase; and

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

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

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

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

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

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

(ii) sign the report.

(c) The election officer shall:

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

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

(iii) publish a copy of the certified report:

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

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

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

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

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

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

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

(4) In each county election, municipal election, school election, local district election,

1791 and local special election, the election officer shall transmit the reports to the lieutenant
1792 governor within 14 days after the date of the election.

1793 (5) In regular primary elections and in the Western States Presidential Primary, the
1794 board shall transmit to the lieutenant governor:

1795 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
1796 governor:

1797 (i) not later than the second Tuesday after the primary election for the regular primary
1798 election; and

1799 (ii) not later than the Tuesday following the election for the Western States Presidential
1800 Primary; and

1801 (b) a complete tabulation showing voting totals for all primary races, precinct by
1802 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
1803 primary election.

1804 Section 25. Section **20A-4-306** is amended to read:

1805 **20A-4-306. Statewide canvass.**

1806 (1) (a) The state board of canvassers shall convene:

1807 (i) on the fourth Monday of November, at noon; or

1808 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
1809 returns of a statewide special election.

1810 (b) The state auditor, the state treasurer, and the attorney general are the state board of
1811 canvassers.

1812 (c) Attendance of all members of the state board of canvassers shall be required to
1813 constitute a quorum for conducting the canvass.

1814 (2) (a) The state board of canvassers shall:

1815 (i) meet in the lieutenant governor's office; and

1816 (ii) compute and determine the vote for officers and for and against any ballot
1817 propositions voted upon by the voters of the entire state or of two or more counties.

1818 (b) The lieutenant governor, as secretary of the board shall file a report in [his] the
1819 lieutenant governor's office that details:

1820 (i) for each statewide officer and ballot proposition:

1821 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

- 1822 (B) the candidates for each statewide office whose names appeared on the ballot, plus
1823 any recorded write-in candidates;
- 1824 (C) the number of votes from each county cast for each candidate and for and against
1825 each ballot proposition;
- 1826 (D) the total number of votes cast statewide for each candidate and for and against each
1827 ballot proposition; and
- 1828 (E) the total number of votes cast statewide; and
- 1829 (ii) for each officer or ballot proposition voted on in two or more counties:
- 1830 (A) the name of each of those offices and ballot propositions that appeared on the
1831 ballot;
- 1832 (B) the candidates for those offices, plus any recorded write-in candidates;
- 1833 (C) the number of votes from each county cast for each candidate and for and against
1834 each ballot proposition; and
- 1835 (D) the total number of votes cast for each candidate and for and against each ballot
1836 proposition.
- 1837 (c) The lieutenant governor shall:
- 1838 (i) prepare certificates of election for:
- 1839 (A) each successful candidate; and
- 1840 (B) each of the presidential electors of the candidate for president who received a
1841 majority of the votes, after complying with Section 20A-4-303.5, if applicable;
- 1842 (ii) authenticate each certificate with [his] the lieutenant governor's seal; and
- 1843 (iii) deliver a certificate of election to:
- 1844 (A) each candidate who had the highest number of votes for each office, after
1845 complying with Section 20A-4-303.5, if applicable; and
- 1846 (B) each of the presidential electors of the candidate for president who received a
1847 majority of the votes, after complying with Section 20A-4-303.5, if applicable.
- 1848 (3) If the lieutenant governor has not received election returns from all counties on the
1849 fifth day before the day designated for the meeting of the state board of canvassers, the
1850 lieutenant governor shall:
- 1851 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
1852 county;

1853 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
1854 required by Section 20A-4-304 from the clerk; and

1855 (c) pay the messenger the per diem provided by law as compensation.

1856 (4) The state board of canvassers may not withhold the declaration of the result or any
1857 certificate of election because of any defect or informality in the returns of any election if the
1858 board can determine from the returns, with reasonable certainty, what office is intended and
1859 who is elected to it.

1860 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
1861 governor shall:

1862 (i) canvass the returns for all multicounty candidates required to file with the office of
1863 the lieutenant governor; and

1864 (ii) publish and file the results of the canvass in the lieutenant governor's office.

1865 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
1866 certify the results of:

1867 (i) the primary canvass, except for the office of President of the United States, to the
1868 county clerks; and

1869 (ii) the primary canvass for the office of President of the United States to each
1870 registered political party that participated in the primary.

1871 (6) (a) At noon on the day that falls seven days after the last day on which a county
1872 canvass may occur under Section 20A-4-301 for the Western States Presidential Primary
1873 election, the lieutenant governor shall:

1874 (i) canvass the returns; and

1875 (ii) publish and file the results of the canvass in the lieutenant governor's office.

1876 (b) The lieutenant governor shall certify the results of the Western States Presidential
1877 Primary canvass to each registered political party that participated in the primary not later than
1878 the April 15 after the primary election.

1879 Section 26. Section 20A-4-401 is amended to read:

1880 **20A-4-401. Recounts -- Procedure.**

1881 (1) (a) This section does not apply to a multi-candidate primary race or a
1882 multi-candidate general race.

1883 [~~(1)~~~~(a)~~] (b) Except as provided in Subsection (1)[~~(b)~~](c), for a race between

1884 candidates, if the difference between the number of votes cast for a winning candidate in the
1885 race and a losing candidate in the race is equal to or less than .25% of the total number of votes
1886 cast for all candidates in the race, that losing candidate may file a request for a recount in
1887 accordance with Subsection (1)(~~c~~)(d).

1888 [b] (c) For a race between candidates where the total of all votes cast in the race is
1889 400 or less, 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 one vote, that losing candidate may file a request for a
1891 recount in accordance with Subsection (1)(~~c~~)(d).

1892 [c] (d) A candidate who files a request for a recount under Subsection (1)(a) or (b)
1893 or (c) shall file the request[: (i) for a municipal primary election, with the municipal clerk,
1894 within three days after the canvass; or (ii) for all other elections,] within seven days after the
1895 canvass with:

1896 [A] (i) the municipal clerk, if the election is a municipal general election;
1897 [B] (ii) the local district clerk, if the election is a local district election;
1898 [C] (iii) the county clerk, for races voted on entirely within a single county; or
1899 [D] (iv) the lieutenant governor, for statewide races and multicounty races.
1900 [E] (e) The election officer shall:
1901 (i) supervise the recount;
1902 (ii) recount all ballots cast for that race;
1903 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
1904 3, Absentee Voting;

1905 (iv) for a race where only one candidate may win, declare elected the candidate who
1906 receives the highest number of votes on the recount; and

1907 (v) for a race where multiple candidates may win, declare elected the applicable
1908 number of candidates who receive the highest number of votes on the recount.

1909 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
1910 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
1911 the total votes cast for or against the proposition, any 10 voters who voted in the election where
1912 the proposition was on the ballot may file a request for a recount within seven days of the
1913 canvass with the person described in Subsection (2)(c).

1914 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or

1915 against the proposition is 400 or less, if the difference between the number of votes cast for the
1916 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
1917 voted in the election where the proposition was on the ballot may file a request for a recount
1918 within seven days of the canvass with the person described in Subsection (2)(c).

1919 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
1920 file the request with:

- 1921 (i) the municipal clerk, if the election is a municipal election;
- 1922 (ii) the local district clerk, if the election is a local district election;
- 1923 (iii) the county clerk, for propositions voted on entirely within a single county; or
- 1924 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

1925 (d) The election officer shall:

- 1926 (i) supervise the recount;
- 1927 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 1928 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
1929 3, Absentee Voting; and

1930 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
1931 based upon the results of the recount.

1932 (e) Proponents and opponents of the ballot proposition or bond proposition may
1933 designate representatives to witness the recount.

1934 (f) The voters requesting the recount shall pay the costs of the recount.

1935 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
1936 person requesting the recount.

1937 (4) (a) Upon completion of the recount, the election officer shall immediately convene
1938 the board of canvassers.

1939 (b) The board of canvassers shall:

1940 (i) canvass the election returns for the race or proposition that was the subject of the
1941 recount; and

1942 (ii) with the assistance of the election officer, prepare and sign the report required by
1943 Section 20A-4-304 or Section 20A-4-306.

1944 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
1945 the board of county canvassers shall prepare and transmit a separate report to the lieutenant

1946 governor as required by Subsection 20A-4-304(3).

1947 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
1948 result of the race or proposition that is the subject of the recount.

1949 Section 27. Section 20A-5-302 is amended to read:

1950 **20A-5-302. Automated voting system.**

1951 (1) (a) Any county or municipal legislative body or local district board may:

1952 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
1953 automated voting system that meets the requirements of this section; and

1954 (ii) use that system in any election, in all or a part of the voting precincts within its
1955 boundaries, or in combination with paper ballots.

1956 (b) Nothing in this title shall be construed to require the use of electronic voting
1957 devices in local special elections[~~, municipal primary elections,~~] or municipal general elections.

1958 (2) (a) Each automated voting system shall:

1959 (i) provide for voting in secrecy, except in the case of voters who have received
1960 assistance as authorized by Section 20A-3-108;

1961 (ii) permit each voter at any election to:

1962 (A) vote for all persons and offices for whom and for which that voter is lawfully
1963 entitled to vote;

1964 (B) vote for as many persons for an office as that voter is entitled to vote; and

1965 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;

1966 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the
1967 candidates of that party for president, vice president, and for their presidential electors;

1968 (iv) permit each voter, at any regular general election, to vote for all the candidates of
1969 one registered political party by making one mark or punch;

1970 (v) permit each voter to scratch vote;

1971 (vi) at elections other than primary elections, permit each voter to vote for the
1972 nominees of one or more parties and for independent candidates;

1973 (vii) at primary elections:

1974 (A) permit each voter to vote for candidates of the political party of his choice; and

1975 (B) reject any votes cast for candidates of another party;

1976 (viii) prevent the voter from voting for the same person more than once for the same

1977 office;

1978 (ix) provide the opportunity for each voter to change the ballot and to correct any error
1979 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.
1980 L. No. 107-252;

1981 (x) include automatic tabulating equipment that rejects choices recorded on a voter's
1982 ballot if the number of the voter's recorded choices is greater than the number which the voter
1983 is entitled to vote for the office or on the measure;

1984 (xi) be of durable construction, suitably designed so that it may be used safely,
1985 efficiently, and accurately in the conduct of elections and counting ballots;

1986 (xii) when properly operated, record correctly and count accurately each vote cast;

1987 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper
1988 record that:

1989 (A) shall be available as an official record for any recount or election contest
1990 conducted with respect to an election where the voting equipment is used;

1991 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling
1992 place; and

1993 (II) shall permit the voter to inspect the record of the voter's selections independently
1994 only if reasonably practicable commercial methods permitting independent inspection are
1995 available at the time of certification of the voting equipment by the lieutenant governor;

1996 (C) shall include, at a minimum, human readable printing that shows a record of the
1997 voter's selections;

1998 (D) may also include machine readable printing which may be the same as the human
1999 readable printing; and

2000 (E) allows voting poll watchers and counting poll watchers to observe the election
2001 process to ensure its integrity; [and]

2002 (xiv) meet the requirements of Section 20A-5-402.5[-]; and

2003 (xv) permit ranked choice voting in accordance with Section 20A-4-303.5.

2004 (b) For the purposes of a recount or an election contest, if the permanent paper record
2005 contains a conflict or inconsistency between the human readable printing and the machine
2006 readable printing, the human readable printing shall supercede the machine readable printing
2007 when determining the intent of the voter.

2008 (c) Notwithstanding any other provisions of this section, the election officers shall
2009 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
2010 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable
2011 for use in the counting devices in which they are intended to be placed.

2012 Section 28. Section **20A-5-401** is amended to read:

2013 **20A-5-401. Official register -- Preparation -- Contents.**

2014 (1) (a) Before the registration days for each regular general, municipal general, regular
2015 primary, [municipal primary,] or Western States Presidential Primary election, each county
2016 clerk shall prepare an official register of voters for each voting precinct that will participate in
2017 the election.

2018 (b) The county clerk shall ensure that the official register is prepared for the
2019 alphabetical entry of names and contains entry fields to provide for the following information:

2020 (i) registered voter's name;
2021 (ii) party affiliation;
2022 (iii) grounds for challenge;
2023 (iv) name of person challenging a voter;
2024 (v) primary, November, special;
2025 (vi) date of birth;
2026 (vii) place of birth;
2027 (viii) place of current residence;
2028 (ix) street address;
2029 (x) zip code;
2030 (xi) identification and provisional ballot information as required under Subsection
2031 (1)(d); and
2032 (xii) space for the voter to sign his name for each election.

2033 (c) When preparing the official register for the Western States Presidential Primary, the
2034 county clerk shall include:

2035 (i) an entry field to record the name of the political party whose ballot the voter voted;
2036 and
2037 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.
2038 (d) When preparing the official register for any regular general election, municipal

2039 general election, statewide special election, local special election, regular primary election,
2040 [municipal primary election,] local district election, or election for federal office, the county
2041 clerk shall include:

2042 (i) an entry field for the poll worker to record the type of identification provided by the
2043 voter;

2044 (ii) a column for the poll worker to record the provisional envelope ballot number for
2045 voters who receive a provisional ballot; and

2046 (iii) a space for the poll worker to record the type of identification that was provided by
2047 voters who receive a provisional ballot.

2048 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
2049 elections, local district elections, and bond elections, the county clerk shall make an official
2050 register only for voting precincts affected by the primary, municipal, local district, or bond
2051 election.

2052 (ii) If a polling place to be used in a bond election serves both voters residing in the
2053 local political subdivision calling the bond election and voters residing outside of that local
2054 political subdivision, the official register shall designate whether each voter resides in or
2055 outside of the local political subdivision.

2056 (iii) Each county clerk, with the assistance of the clerk of each affected local district,
2057 shall provide a detailed map or an indication on the registration list or other means to enable a
2058 poll worker to determine the voters entitled to vote at an election of local district officers.

2059 (b) Municipalities shall pay the costs of making the official register for municipal
2060 elections.

2061 Section 29. Section **20A-5-404** is amended to read:

2062 **20A-5-404. Election forms -- Preparation and contents.**

2063 (1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

2064 (i) ballot disposition form;

2065 (ii) total votes cast form;

2066 (iii) tally sheet form; and

2067 (iv) pollbook.

2068 (b) For each election, the election officer shall:

2069 (i) provide a copy of each form to each of those precincts using paper ballots; and

2070 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting
2071 precincts using an automated voting system.

2072 (2) The election officer shall ensure that the ballot disposition form contains a space
2073 for the judges to identify:

- 2074 (a) the number of ballots voted;
2075 (b) the number of substitute ballots voted, if any;
2076 (c) the number of ballots delivered to the voters;
2077 (d) the number of spoiled ballots;
2078 (e) the number of registered voters listed in the official register;
2079 (f) the total number of voters voting according to the pollbook; and
2080 (g) the number of unused ballots.

2081 (3) The election officer shall ensure that the total votes cast form contains:

2082 (a) the name of each candidate appearing on the ballot, the office for which the
2083 candidate is running, and a blank space for the election judges to record the number of votes
2084 that the candidate received;

2085 (b) for a multi-candidate primary race or a multi-candidate general race, the name of
2086 each candidate appearing on the ballot, the office for which the candidate is running, and blank
2087 spaces for the election judges to record the number of ranked choice votes counted for each
2088 candidate for each potential phase of the canvass;

2089 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of
2090 write-in candidates, if any, and a blank space for the election judges to record the number of
2091 votes that the write-in candidate received;

2092 [~~(c)~~] (d) a heading identifying each ballot proposition and blank spaces for the election
2093 judges to record the number of votes for and against each proposition; and

2094 [~~(d)~~] (e) a certification, in substantially the following form, to be signed by the judges
2095 when they have completed the total votes cast form:

2096 "**TOTAL VOTES CAST**

2097 At an election held at _____ in _____ voting precinct in _____ (name of entity
2098 holding the election) and State of Utah, on _____ (month\day\year), the following named
2099 persons received the number of votes annexed to their respective names for the following
2100 described offices: Total number of votes cast were as follows:

2101 Certified by us ___, ___, ___, Judges of Election."

2102 (4) The election officer shall ensure that the tally sheet form contains:

2103 (a) for each office, the names of the candidates for that office, and blank spaces to tally
2104 the votes that each candidate receives;

2105 (b) for a multi-candidate primary race or a multi-candidate general race, the name of
each candidate for each office and blank spaces to tally the number of ranked choice votes
counted for each candidate for each potential phase of the canvass;

2106 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of
2107 write-in candidates, if any, and a blank space for the election judges to tally the votes for each
2108 write-in candidate;

2109 [~~(c)~~] (d) for each ballot proposition, a heading identifying the ballot proposition and the
2110 words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of
2111 them for the election judges to tally the ballot proposition votes; and

2112 [~~(d)~~] (e) a certification, in substantially the following form, to be signed by the judges
2113 when they have completed the tally sheet form:

2114 "Tally Sheet

2115 We the undersigned election judges for voting precinct # _____,
2116 _____ (entity holding the election) certify that this is a true and correct list of all
2117 persons voted for and ballot propositions voted on at the election held in that voting precinct on
2118 _____ (date of election) and is a tally of the votes cast for each of those
2119 persons. Certified by us ___, ___, ___, Judges of Election."

2120 (5) The election officer shall ensure that the pollbook:

2121 (a) identifies the voting precinct number on its face; and

2122 (b) contains:

2123 (i) a section to record persons voting on election day, with columns entitled "Ballot
2124 Number" and "Voter's Name";

2125 (ii) another section in which to record absentee ballots;

2126 (iii) a section in which to record voters who are challenged; and

2127 (iv) a certification, in substantially the following form:

2128 "We, the undersigned, judges of an election held at _____ voting precinct, in _____
2129 County, state of Utah, on _____ (month\day\year), having first been sworn according to

2132 law, certify that the information listed in this book is a true statement of the number and names
2133 of the persons voting in the voting precinct at the election, and that the total number of persons
2134 voting at the election was ____."

2135 _____
2136 _____
2137 _____

2138 Judges of Election

2139 Section 30. Section **20A-5-406** is amended to read:

2140 **20A-5-406. Delivery of ballots.**

2141 (1) In elections using paper ballots or ballot sheets:

2142 (a) Each election officer shall deliver ballots to the poll workers of each voting precinct
2143 in his jurisdiction in an amount sufficient to meet voting needs during the voting period.

2144 (b) The election officer shall:

2145 (i) package and deliver the ballots to the election judges;

2146 (ii) clearly mark the outside of the package with:

2147 (A) the voting precinct and polling place for which it is intended; and

2148 (B) the number of each type of ballots enclosed;

2149 (iii) ensure that each package is delivered before commencement of voting to a poll
2150 worker in each precinct; and

2151 (iv) obtain a receipt for the ballots from the poll worker to whom they were delivered
2152 that identifies the date and time when, and the manner in which, each ballot package was sent
2153 and delivered.

2154 (c) The election officer shall prepare substitute ballots in the form required by this
2155 Subsection (1) if any poll worker reports that:

2156 (i) the ballots were not delivered on time; or

2157 (ii) after delivery, they were destroyed or stolen.

2158 (d) The election officer shall:

2159 (i) prepare the substitute ballots as nearly in the form prescribed for official ballots as
2160 practicable;

2161 (ii) cause the word "substitute" to be printed in brackets:

2162 (A) for a ballot prepared by an election officer other than a county clerk, immediately

2163 under [the facsimile signature required by Subsection 20A-6-401(1)(b)(iii)] a facsimile
2164 signature of the election officer and the election officer's title in eight point type; or
2165 (B) for a ballot prepared by a county clerk, immediately under the words required by
2166 Subsection 20A-6-301(1)(c)(iii);
2167 (iii) place the ballots in two separate packages, each package containing 1/2 the ballots
2168 sent to that voting precinct; and
2169 (iv) place a signed statement in each package certifying that the substitute ballots found
2170 in the package were prepared and furnished by the election officer, and that the original ballots
2171 were not received, were destroyed, or were stolen.
2172 (2) In elections using electronic ballots:
2173 (a) Each election officer shall:
2174 (i) deliver the voting devices and electronic ballots prior to the commencement of
2175 voting;
2176 (ii) ensure that the voting devices, equipment, and electronic ballots are properly
2177 secured before commencement of voting; and
2178 (iii) when electronic ballots or voting devices containing electronic ballots are
2179 delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered
2180 that identifies:
2181 (A) the name of the poll worker receiving delivery; and
2182 (B) the date and time when the ballots or voting devices containing the electronic
2183 ballots were delivered.
2184 (b) The election officer shall repair or provide substitute voting devices, equipment, or
2185 electronic ballots, if available, if any poll worker reports that:
2186 (i) the voting devices or equipment were not delivered on time;
2187 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
2188 information;
2189 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
2190 have been tampered with;
2191 (iv) the voting devices or equipment do not appear to be functioning properly; or
2192 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed
2193 or stolen.

2194 (c) If the election officer is unable to prepare and provide substitute voting devices,
2195 equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot
2196 sheets according to the requirements of Subsection (1).

2197 Section 31. Section **20A-6-203** is amended to read:

2198 **20A-6-203. Ballots for regular primary elections.**

2199 (1) The lieutenant governor, together with county clerks, suppliers of election
2200 materials, and representatives of registered political parties, shall:

2201 (a) develop paper ballots, ballot labels, ballot sheets, and electronic ballots to be used
2202 in Utah's regular primary election;

2203 (b) ensure that the paper ballots, ballot labels, ballot sheets, and electronic ballots
2204 comply generally, where applicable, with the requirements of Title 20A, Chapter 6, Part 1,
2205 General Requirements for All Ballots, and this section; and

2206 (c) provide voting booths, election records and supplies, ballot boxes, and as
2207 applicable, voting devices, for each voting precinct as required by Section **20A-5-403**.

2208 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,
2209 Chapter 6, Part 1, General Requirements for All Ballots, and [Sections] Section 20A-5-403,
2210 [~~20A-6-401~~, and ~~20A-6-401.1~~] the lieutenant governor, together with county clerks, suppliers
2211 of election materials, and representatives of registered political parties shall ensure that the
2212 paper ballots, ballot labels, ballot sheets, electronic ballots, and voting booths, election records
2213 and supplies, and ballot boxes:

2214 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all
2215 voters are authorized to vote for a party's candidate;

2216 (ii) simplify the task of poll workers, particularly in determining a voter's party
2217 affiliation;

2218 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

2219 (iv) protect against fraud.

2220 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
2221 county clerks, suppliers of election materials, and representatives of registered political parties
2222 shall:

2223 (i) mark, prepunch, or otherwise identify ballots and ballot sheets as being for a
2224 particular registered political party; and

2225 (ii) instruct persons counting the ballots to count only those votes for candidates from
2226 the registered political party whose ballot the voter received.

2227 Section 32. Section **20A-6-203.5** is enacted to read:

2228 **20A-6-203.5. Multi-candidate primary race or multi-candidate general race**
2229 **ballot.**

2230 If, in an election, at least one of the races is a multi-candidate primary race or a
2231 multi-candidate general race, the portion of the ballot relating to that race shall:
2232 (1) list each candidate who qualifies to be placed on the election ballot for that race;
2233 (2) opposite each candidate's name, include a place where a voter can indicate the
2234 voter's vote in order of preference for each candidate, as described in Subsection 20A-3-105(5);
2235 and

2236 (3) provide the ability for a voter to enter one write-in candidate's name and indicate
2237 the voter's ordered preference for the write-in candidate.

2238 Section 33. Section **20A-6-301** is amended to read:

2239 **20A-6-301. Paper ballots -- Regular general election.**

2240 (1) Each election officer shall ensure that:

2241 (a) all paper ballots furnished for use at the regular general election contain:
2242 (i) no captions or other endorsements except as provided in this section;
2243 (ii) no symbols, markings, or other descriptions of a political party or group, except for
2244 a registered political party that has chosen to nominate its candidates in accordance with
2245 Section **20A-9-403**; and

2246 (iii) no indication that a candidate for elective office has been nominated by, or has
2247 been endorsed by, or is in any way affiliated with a political party or group, unless the
2248 candidate has been nominated by a registered political party in accordance with Subsection
2249 **20A-9-202(4)** or Subsection **20A-9-403(5)**.

2250 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
2251 top of the ballot, and divided from the rest of ballot by a perforated line;

2252 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
2253 stub; and

2254 (iii) ballot stubs are numbered consecutively;

2255 (c) immediately below the perforated ballot stub, the following endorsements are

2256 printed in 18 point bold type:

2257 (i) "Official Ballot for ____ County, Utah";

2258 (ii) the date of the election; and

2259 (iii) the words "Clerk of _____ County" or, as applicable, the name of a
2260 combined office that includes the duties of a county clerk;

2261 (d) the party name or title is printed in capital letters not less than one-fourth of an inch
2262 high;

2263 (e) unaffiliated candidates, candidates not affiliated with a registered political party,
2264 and all other candidates for elective office who were not nominated by a registered political
2265 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with
2266 the other candidates for the same office in accordance with Section 20A-6-305, without a party
2267 name or title, and with a mark referencing the following statement at the bottom of the ticket:
2268 "This candidate is not affiliated with, or does not qualify to be listed on the ballot as affiliated
2269 with, a political party.";

2270 (f) each ticket containing the lists of candidates, including the party name and device,
2271 are separated by heavy parallel lines;

2272 (g) the offices to be filled are plainly printed immediately above the names of the
2273 candidates for those offices;

2274 (h) the names of candidates are printed in capital letters, not less than one-eighth nor
2275 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
2276 lines or rules three-eighths of an inch apart; and

2277 (i) except as provided in Subsection 20A-3-105(6), on a ticket for a race in which a
2278 voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under
2279 Section 20A-9-601:

2280 (i) the ballot includes a space for a write-in candidate immediately following the last
2281 candidate listed on that ticket; or

2282 (ii) for the offices of president and vice president and governor and lieutenant
2283 governor, the ballot includes two spaces for write-in candidates immediately following the last
2284 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in
2285 candidates.

2286 (2) Each election officer shall ensure that:

2287 (a) each person nominated by any registered political party under Subsection
2288 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:
2289 (i) under the registered political party's name, if any; or
2290 (ii) under the title of the registered political party as designated by them in their
2291 certificates of nomination or petition, or, if none is designated, then under some suitable title;
2292 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
2293 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
2294 (c) the names of the candidates for president and vice president are used on the ballot
2295 instead of the names of the presidential electors; and
2296 (d) the ballots contain no other names.

2297 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
2298 that:
2299 (a) the designation of the office to be filled in the election and the number of
2300 candidates to be elected are printed in type not smaller than eight point;
2301 (b) the words designating the office are printed flush with the left-hand margin;
2302 (c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for
2303 which the voter may vote)" extend to the extreme right of the column;
2304 (d) the nonpartisan candidates are grouped according to the office for which they are
2305 candidates;
2306 (e) the names in each group are placed in the order specified under Section 20A-6-305
2307 with the surnames last; and
2308 (f) each group is preceded by the designation of the office for which the candidates
2309 seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of
2310 candidates for which the voter may vote)," according to the number to be elected.

2311 (4) Each election officer shall ensure that:
2312 (a) proposed amendments to the Utah Constitution are listed on the ballot in
2313 accordance with Section 20A-6-107;
2314 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
2315 with Section 20A-6-107; and
2316 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
2317 title assigned to each bond proposition under Section 11-14-206.

2318 Section 34. Section **20A-6-402** is amended to read:

2319 **20A-6-402. Ballots for municipal general elections.**

2320 (1) When using a paper ballot at municipal general elections, each election officer shall
2321 ensure that:

2322 [~~(a) the names of the two candidates who received the highest number of votes for
mayor in the municipal primary are placed upon the ballot;~~]

2324 [~~(b) if no municipal primary election was held, the names of the candidates who filed
declarations of candidacy for municipal offices are placed upon the ballot;~~]

2326 [~~(c) for other offices:~~]

2327 [~~(i) twice the number of candidates as there are positions to be filled are certified as
eligible for election in the municipal general election from those candidates who received the
greater number of votes in the primary election; and~~]

2330 [~~(ii) the names of those candidates are placed upon the municipal general election
ballot;~~]

2332 [~~(d)~~] (a) the names of the candidates are placed on the ballot in the order specified
2333 under Section **20A-6-305**;

2334 [~~(e)~~] (b) in an election in which a voter is authorized to cast a write-in vote and where a
2335 write-in candidate is qualified under Section **20A-9-601**, a write-in area is placed upon the
2336 ballot that contains, for each office in which there is a qualified write-in candidate:

2337 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

2338 (ii) a square or other conforming area that is adjacent to or opposite the blank
2339 horizontal line to enable the voter to indicate the voter's vote;

2340 [~~(f)~~] (c) ballot propositions that have qualified for the ballot, including propositions
2341 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
2342 listed on the ballot in accordance with Section **20A-6-107**; and

2343 [~~(g)~~] (d) bond propositions that have qualified for the ballot are listed on the ballot
2344 under the title assigned to each bond proposition under Section **11-14-206**.

2345 (2) When using a punch card ballot at municipal general elections, each election officer
2346 shall ensure that:

2347 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
2348 the top of the ballot;

2349 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
2350 stub; and

2351 (iii) ballot stubs are numbered consecutively;

2352 (b) immediately below the perforated ballot stub, the following endorsements are
2353 printed in 18 point bold type:

2354 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

2355 (ii) the date of the election; and

2356 (iii) a facsimile of the signature of the election officer and the election officer's title in
2357 eight-point type;

2358 (c) immediately below the election officer's title, two one-point parallel horizontal
2359 rules separate endorsements from the rest of the ballot;

2360 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
2361 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the
2362 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
2363 office." followed by two one-point parallel rules;

2364 (e) after the rules, the designation of the office for which the candidates seek election is
2365 printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to ____"
2366 (the number of candidates for which the voter may vote)" are printed to extend to the extreme
2367 right of the column in 10-point bold type, followed by a hair-line rule;

2368 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
2369 between lines or rules three-eighths inch apart, in the order specified under Section [20A-6-305](#)
2370 with surnames last and grouped according to the office that they seek;

2371 (g) a square with sides not less than one-fourth inch long is printed immediately
2372 adjacent to the names of the candidates;

2373 (h) following the name of the last candidate for each office in which a write-in
2374 candidate is qualified under Section [20A-9-601](#), the ballot contains:

2375 (i) a write-in space for each elective office in which a write-in candidate is qualified
2376 where the voter may enter the name of a valid write-in candidate; and

2377 (ii) a square printed immediately adjacent to the write-in space or line where the voter
2378 may vote for a valid write-in candidate; and

2379 (i) the candidate groups are separated from each other by one light and one heavy line

2380 or rule.

2381 (3) When using a ballot sheet other than a punch card ballot at municipal general
2382 elections, each election officer shall ensure that:

2383 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

2384 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
2385 stub; and

2386 (iii) ballot stubs are numbered consecutively;

2387 (b) immediately below the perforated ballot stub, the following endorsements are
2388 printed:

2389 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

2390 (ii) the date of the election; and

2391 (iii) a facsimile of the signature of the election officer and the election officer's title;

2392 (c) immediately below the election officer's title, a distinct border or line separates
2393 endorsements from the rest of the ballot;

2394 (d) immediately below the border or line, an "Instructions to Voters" section is printed
2395 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
2396 candidate(s) for each respective office." followed by another border or line;

2397 (e) after the border or line, the designation of the office for which the candidates seek
2398 election is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
2399 candidates for which the voter may vote)" are printed, followed by a line or border;

2400 (f) after the line or border, the names of the candidates are printed in the order
2401 specified under Section 20A-6-305 with surnames last and grouped according to the office that
2402 they seek;

2403 (g) an oval is printed adjacent to the names of the candidates;

2404 (h) following the name of the last candidate for each office in which a write-in
2405 candidate is qualified under Section 20A-9-601, the ballot contains:

2406 (i) a write-in space or blank line for each elective office in which a write-in candidate
2407 is qualified where the voter may enter the name of a valid write-in candidate; and

2408 (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a
2409 valid write-in candidate; and

2410 (i) the candidate groups are separated from each other by a line or border.

2411 (4) When using an electronic ballot at municipal general elections, each election officer
2412 shall ensure that:

2413 (a) the following endorsements are displayed on the first screen of the ballot:

2414 (i) "Official Ballot for _____ (City, Town, or Metro Township), Utah";

2415 (ii) the date of the election; and

2416 (iii) a facsimile of the signature of the election officer and the election officer's title;

2417 (b) immediately below the election officer's title, a distinct border or line separates the
2418 endorsements from the rest of the ballot;

2419 (c) immediately below the border or line, an "Instructions to Voters" section is
2420 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
2421 the candidate(s) for each respective office." followed by another border or line;

2422 (d) after the border or line, the designation of the office for which the candidates seek
2423 election is displayed, and the words, "Vote for one" or "Vote for up to _____ (the number of
2424 candidates for which the voter may vote)" are displayed, followed by a line or border;

2425 (e) after the line or border, the names of the candidates are displayed in the order
2426 specified under Section [20A-6-305](#) with surnames last and grouped according to the office that
2427 they seek;

2428 (f) a voting square or position is located adjacent to the name of each candidate;

2429 (g) following the name of the last candidate for each office in which a write-in
2430 candidate is qualified under Section [20A-9-601](#), the ballot contains a write-in space where the
2431 voter may enter the name of and vote for a valid write-in candidate for the office; and

2432 (h) the candidate groups are separated from each other by a line or border.

2433 (5) When a municipality has chosen to nominate candidates by convention or
2434 committee, the election officer shall ensure that the party name is included with the candidate's
2435 name on the ballot.

2436 Section 35. Section [20A-9-403](#) is amended to read:

2437 **20A-9-403. Regular primary elections.**

2438 (1) (a) Candidates for elective office that are to be filled at the next regular general
2439 election shall be nominated in a regular primary election by direct vote of the people in the
2440 manner prescribed in this section and, for a multi-candidate primary race, Subsection

2441 [20A-3-105\(5\)](#) and Section [20A-4-303.5](#). The fourth Tuesday of June of each even-numbered

2442 year is designated as regular primary election day. Nothing in this section shall affect a
2443 candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate
2444 under Section 20A-9-501 or to participate in a regular general election as a write-in candidate
2445 under Section 20A-9-601.

2446 (b) Each registered political party that chooses to have the names of its candidates for
2447 elective office featured with party affiliation on the ballot at a regular general election shall
2448 comply with the requirements of this section and shall nominate its candidates for elective
2449 office in the manner prescribed in this section.

2450 (c) A filing officer may not permit an official ballot at a regular general election to be
2451 produced or used if the ballot denotes affiliation between a registered political party or any
2452 other political group and a candidate for elective office who was not nominated in the manner
2453 prescribed in this section or in Subsection 20A-9-202(4).

2454 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
2455 even-numbered year in which a regular general election will be held.

2456 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
2457 shall:

2458 (i) either declare their intent to participate in the next regular primary election or
2459 declare that the registered political party chooses not to have the names of its candidates for
2460 elective office featured on the ballot at the next regular general election; and

2461 (ii) if the registered political party participates in the upcoming regular primary
2462 election, identify one or more registered political parties whose members may vote for the
2463 registered political party's candidates and whether [or not persons] an individual identified as
2464 unaffiliated with a political party may vote for the registered political party's candidates.

2465 (b) (i) A registered political party that is a continuing political party must file the
2466 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
2467 November 15 of each odd-numbered year.

2468 (ii) An organization that is seeking to become a registered political party under Section
2469 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered
2470 political party files the petition described in Section 20A-8-103.

2471 (3) (a) Except as provided in Subsection (3)(e), a person who [has submitted] submits a
2472 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective

2473 office on the regular primary ballot of the registered political party listed on the declaration of
2474 candidacy only if the person is certified by the appropriate filing officer as having submitted a
2475 set of nomination petitions that was:

2476 (i) circulated and completed in accordance with Section [20A-9-405](#); and

2477 (ii) signed by at least two percent of the registered political party's members who reside
2478 in the political division of the office that the person seeks.

2479 (b) A candidate for elective office shall submit nomination petitions to the appropriate
2480 filing officer for verification and certification no later than 5 p.m. on the final day in March.

2481 Candidates may supplement their submissions at any time on or before the filing deadline.

2482 (c) The lieutenant governor shall determine for each elective office the total number of
2483 signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number
2484 of persons residing in each elective office's political division who have designated a particular
2485 registered political party on their voter registration forms as of November 1 of each
2486 odd-numbered year. The lieutenant governor shall publish this determination for each elective
2487 office no later than November 15 of each odd-numbered year.

2488 (d) The filing officer shall:

2489 (i) verify signatures on nomination petitions in a transparent and orderly manner;

2490 (ii) for all qualifying candidates for elective office who submitted nomination petitions
2491 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on
2492 the first Monday after the third Saturday in April;

2493 (iii) consider active and inactive voters eligible to sign nomination petitions;

2494 (iv) consider a person who signs a nomination petition a member of a registered
2495 political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered
2496 political party as the person's party membership on the person's voter registration form; and

2497 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
2498 petition signatures, or use statistical sampling procedures to verify submitted nomination
2499 petition signatures pursuant to rules made under Subsection (3)(f).

2500 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
2501 lieutenant governor may appear on the regular primary ballot of a registered political party
2502 without submitting nomination petitions if the candidate files a declaration of candidacy and
2503 complies with Subsection [20A-9-202](#)(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, shall make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

(B) reflect a bona fide effort to determine the validity of a candidate's entire

submission, using widely recognized statistical sampling techniques; and

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

(i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.

(4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks:

(i) a list of the names of all candidates for federal, constitutional, multi-county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary-election ballot in accordance with Section 20A-6-305; and

(ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude such candidates from the primary-election ballot.

(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary-election ballot.

(c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June

2535 _____ (year), to nominate party candidates for the parties and candidates for nonpartisan
2536 local school board positions listed on the primary ballot. The polling place for voting precinct
2537 _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
2538 Attest: county clerk."

2539 (5) (a) (i) [Candidates] Except as provided in Subsection (5)(a)(ii), candidates, other
2540 than presidential candidates, receiving the highest number of votes cast for each office at the
2541 regular primary election are nominated by their registered political party for that office or are
2542 nominated as a candidate for a nonpartisan local school board position.

2543 (ii) A candidate in a multi-candidate primary race who is declared nominated in
2544 accordance with Section 20A-4-303.5 is nominated by that candidate's registered political party
2545 for the office to which the race relates.

2546 (b) If two or more candidates, other than presidential candidates, are to be elected to
2547 the office at the regular general election, those party candidates equal in number to positions to
2548 be filled who receive the highest number of votes at the regular primary election are the
2549 nominees of their party for those positions.

2550 (c) A candidate who is unopposed for an elective office in the regular primary election
2551 of a registered political party is nominated by the party for that office without appearing on the
2552 primary ballot. A candidate is "unopposed" if no person other than the candidate has received a
2553 certification under Subsection (3) for the regular primary election ballot of the candidate's
2554 registered political party for a particular elective office.

2555 (6) (a) [When] Except as otherwise provided in Section 20A-4-303.5, if a tie vote
2556 occurs in any primary election for any national, state, or other office that represents more than
2557 one county, the governor, lieutenant governor, and attorney general shall, at a public meeting
2558 called by the governor and in the presence of the candidates involved, select the nominee by lot
2559 cast in whatever manner the governor determines.

2560 (b) [When] Except as otherwise provided in Section 20A-4-303.5, if a tie vote occurs
2561 in any primary election for any county office, the district court judges of the district in which
2562 the county is located shall, at a public meeting called by the judges and in the presence of the
2563 candidates involved, select the nominee by lot cast in whatever manner the judges determine.

2564 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
2565 primary election provided for by this section, and all expenses necessarily incurred in the

2566 preparation for or the conduct of that primary election shall be paid out of the treasury of the
2567 county or state, in the same manner as for the regular general elections.

2568 (8) An individual may not file a declaration of candidacy for a registered political party
2569 of which the individual is not a member, except to the extent that the registered political party
2570 permits otherwise under the registered political party's bylaws.

2571 Section 36. Section **20A-9-409** is amended to read:

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

2573 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
2574 primary election day.

2575 (2) A qualified political party that nominates one or more candidates for an elective
2576 office under Section **20A-9-407** and does not have a candidate qualify as a candidate for that
2577 office under Section **20A-9-408**, may, but is not required to, participate in the primary election
2578 for that office.

2579 (3) A qualified political party that has only one candidate qualify as a candidate for an
2580 elective office under Section **20A-9-408** and does not nominate a candidate for that office
2581 under Section **20A-9-407**, may, but is not required to, participate in the primary election for
2582 that office.

2583 (4) A qualified political party that nominates one or more candidates for an elective
2584 office under Section **20A-9-407** and has one or more candidates qualify as a candidate for that
2585 office under Section **20A-9-408** shall participate in the primary election for that office.

2586 (5) A qualified political party that has two or more candidates qualify as candidates for
2587 an elective office under Section **20A-9-408** and does not nominate a candidate for that office
2588 under Section **20A-9-407** shall participate in the primary election for that office.

2589 (6) For a multi-candidate primary race, the nominee for a qualified political party that
2590 voluntarily participates in a primary election for that race under Subsection (2), or is required to
2591 participate in a primary election under Subsection (4) or (5), shall be determined in accordance
2592 with Section **20A-4-303.5**.

2593 Section 37. Section **20A-16-402** is amended to read:

20A-16-402. Timeliness and scope of application for military-overseas ballot.

2595 (1) An application for a military-overseas ballot is timely if received by the Thursday
2596 immediately before the election.

2597 (2) An application for a military-overseas ballot for a regular primary election [or
2598 municipal primary election], whether or not timely, is effective as an application for a
2599 military-overseas ballot for the regular general election or municipal general election.

2600 Section 38. Section **63I-1-220** is amended to read:

2601 **63I-1-220. Repeal dates, Title 20A.**

2602 [On January 1, 2017:]

2603 [(1) Subsection **20A-1-102**(55) is repealed.]

2604 [(2) Subsection **20A-2-102.5**(1) the language that states "**20A-4-108**, or" is repealed.]

2605 [(3) Subsection **20A-2-202**(3)(a) the language that states "Except as provided in
2606 Subsection **20A-4-108**(6)," is repealed.]

2607 [(4) Subsection **20A-2-204**(5)(a) the language that states "Except as provided in
2608 Subsection **20A-4-108**(7)," is repealed.]

2609 [(5) Subsection **20A-2-205**(7)(a) the language that states "Except as provided in
2610 Subsection **20A-4-108**(8)," is repealed.]

2611 [(6) Subsection **20A-2-206**(8)(c) the language that states "Except as provided in
2612 Subsection **20A-4-108**(9)," is repealed.]

2613 [(7) Subsection **20A-2-307**(2)(a) is repealed.]

2614 [(8) Subsection **20A-4-107**(2)(b) the language that states "Except as provided in
2615 Subsection **20A-4-108**(10)," is repealed.]

2616 [(9) Subsection **20A-4-107**(3) the language that states "or if the voter is, in accordance
2617 with the pilot project, registered to vote under Subsection **20A-4-108**(10)," is repealed.]

2618 [(10) Subsection **20A-4-107**(4) the language that states "Except as provided in
2619 Subsection **20A-4-108**(12)," is repealed.]

2620 [(11) Section **20A-4-108** is repealed.]

2621 Section 39. Section **67-1a-15** is enacted to read:

2622 **67-1a-15. Report to Government Operations Interim Committee on**

2623 **implementation of Ranked Choice Voting.**

2624 The lieutenant governor or the lieutenant governor's designee shall, on or before
2625 November 30, 2017, and on or before November 30, 2018, report to the Government
2626 Operations Interim Committee on the progress towards implementation of ranked choice voting
2627 in the state, including:

2628 (1) equipment and other technology being used or purchased for ranked choice voting;
2629 (2) information relating to process and procedure; and
2630 (3) suggestions for any legislative action that should be taken to ensure successful
2631 implementation of ranked choice voting.

2632 **Section 40. Repealer.**

2633 This bill repeals:

2634 **Section 20A-6-401, Ballots for municipal primary elections.**

2635 **Section 20A-6-401.1, Ballots for partisan municipal primary elections.**

2636 **Section 20A-9-404, Municipal primary elections.**

2637 **Section 41. Effective date.**

2638 (1) Except as provided in Subsection (2), this bill takes effect on January 1, 2019.

2639 (2) Section 67-1a-15 takes effect on July 1, 2017.