Senator **Howard A. Stephenson** proposes the following substitute bill:

1   # MUNICIPAL ALTERNATE VOTING METHODS PILOT PROJECT

2   ## 2018 GENERAL SESSION

3   ## STATE OF UTAH

4   **Chief Sponsor: Marc K. Roberts**

5   Senate Sponsor: Howard A. Stephenson

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

9

10   **LONG TITLE**

11   **General Description:**

12   This bill creates a pilot project to permit a municipality to conduct nonpartisan races

13   using instant runoff voting.

14   **Highlighted Provisions:**

15   This bill:

16   ‣   defines terms;

17   ‣   establishes a pilot project for a municipality to conduct certain nonpartisan

18   municipal races by instant runoff voting;

19   ‣   establishes a process for a municipality to opt in to the pilot project;

20   ‣   establishes requirements and procedures for conducting an election under the pilot

21   program, including the completion of ballots, the counting of votes, recount

22   provisions, resolving a tie, and canvassing;

23   ‣   provides a sunset date for the pilot project; and

24   ‣   makes technical and conforming changes.

25   **Money Appropriated in this Bill:**

26   None

27   **Other Special Clauses:**

28   None

29   **Utah Code Sections Affected:**

30   AMENDS:

31   **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52

32   **20A-1-303**, as enacted by Laws of Utah 1993, Chapter 1

33   **20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75

34   **20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225

35   **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177

36   **20A-4-105**, as last amended by Laws of Utah 2017, Chapter 327

37   **20A-4-106**, as last amended by Laws of Utah 2012, Chapter 251

38   **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309

39   **20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92

40   **20A-5-404**, as last amended by Laws of Utah 2001, Chapter 9

41   **20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176

42   **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91

43   **63I-2-220**, as last amended by Laws of Utah 2017, Chapters 32 and 452

44   ENACTS:

45   **20A-4-601**, Utah Code Annotated 1953

46   **20A-4-602**, Utah Code Annotated 1953

47   **20A-4-603**, Utah Code Annotated 1953

48   **20A-4-604**, Utah Code Annotated 1953

49   **20A-6-203.5**, Utah Code Annotated 1953

50   REPEALS AND REENACTS:

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

52

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

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

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

56   As used in this title:

57   (1) "Active voter" means a registered voter who has not been classified as an inactive

58   voter by the county clerk.

59   (2) "Automatic tabulating equipment" means apparatus that automatically examines

60   and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

61   (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,

62   upon which a voter records the voter's votes.

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

64   envelopes.

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

66   (a) contain the names of offices and candidates and statements of ballot propositions to

67   be voted on; and

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

69   (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters

70   on the ballot for their approval or rejection including:

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

72   (b) a constitutional amendment;

73   (c) an initiative;

74   (d) a referendum;

75   (e) a bond proposition;

76   (f) a judicial retention question;

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

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

79   (6) "Ballot sheet":

80   (a) means a ballot that:

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

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

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

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

85   together with a staple or stitch in at least three places across the top of the paper in the blank

86   space reserved for securing the paper.

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

88   20A-4-306 to canvass election returns.

89   (9) "Bond election" means an election held for the purpose of approving or rejecting

90   the proposed issuance of bonds by a government entity.

91   (10) "Book voter registration form" means voter registration forms contained in a

92   bound book that are used by election officers and registration agents to register persons to vote.

93   (11) "Business reply mail envelope" means an envelope that may be mailed free of

94   charge by the sender.

95   (12) "By-mail voter registration form" means a voter registration form designed to be

96   completed by the voter and mailed to the election officer.

97   (13) "Canvass" means the review of election returns and the official declaration of

98   election results by the board of canvassers.

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

100 the canvass.

101   (15) "Contracting election officer" means an election officer who enters into a contract

102 or interlocal agreement with a provider election officer.

103   (16) "Convention" means the political party convention at which party officers and

104 delegates are selected.

105   (17) "Counting center" means one or more locations selected by the election officer in

106 charge of the election for the automatic counting of ballots.

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

108 election day.

109   (19) "Counting poll watcher" means a person selected as provided in Section

110 20A-3-201 to witness the counting of ballots.

111   (20) "Counting room" means a suitable and convenient private place or room,

112 immediately adjoining the place where the election is being held, for use by the poll workers

113 and counting judges to count ballots during election day.

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

115 elected.

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

117   (a) means the day that is specified in the calendar year as the day that the election

118   occurs; and

119   (b) does not include:

120   (i) deadlines established for absentee voting; or

121   (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early

122   Voting.

123   (23) "Elected official" means:

124   (a) a person elected to an office under Section 20A-1-303 or Title 20A, Chapter 4, Part

125   6, Municipal Alternate Voting Methods Pilot Project;

126   (b) a person who is considered to be elected to a municipal office in accordance with

127   Subsection 20A-1-206(1)(c)(ii); or

128   (c) a person who is considered to be elected to a local district office in accordance with

129   Subsection 20A-1-206(3)(c)(ii).

130   (24) "Election" means a regular general election, a municipal general election, a

131   statewide special election, a local special election, a regular primary election, a municipal

132   primary election, and a local district election.

133   (25) "Election Assistance Commission" means the commission established by the Help

134   America Vote Act of 2002, Pub. L. No. 107-252.

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

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

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

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

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

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

141   (28) "Election officer" means:

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

143   (b) the county clerk for:

144   (i) a county ballot and election; and

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

146   20A-5-400.1 or 20A-5-400.5;

147   (c) the municipal clerk for:

148   (i) a municipal ballot and election; and

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

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

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

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

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

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

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

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

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

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

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

160   (30) "Election results" means:

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

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

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

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

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

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

167   counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition

168   form, and the total votes cast form.

169   (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting

170   device or other voting device that records and stores ballot information by electronic means.

171   (33) "Electronic signature" means an electronic sound, symbol, or process attached to

172   or logically associated with a record and executed or adopted by a person with the intent to sign

173   the record.

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

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

176   (35) "Inactive voter" means a registered voter who is listed as inactive by a county

177   clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

178   (36) "Inspecting poll watcher" means a person selected as provided in this title to

179   witness the receipt and safe deposit of voted and counted ballots.

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

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

182 court judge.

183   (39) "Local district" means a local government entity under Title 17B, Limited Purpose

184 Local Government Entities - Local Districts, and includes a special service district under Title

185 17D, Chapter 1, Special Service District Act.

186   (40) "Local district officers" means those local district board members that are required

187 by law to be elected.

188   (41) "Local election" means a regular county election, a regular municipal election, a

189 municipal primary election, a local special election, a local district election, and a bond

190 election.

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

192 local school district.

193   (43) "Local special election" means a special election called by the governing body of a

194 local political subdivision in which all registered voters of the local political subdivision may

195 vote.

196   (44) "Municipal executive" means:

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

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

199 10-3b-103(7); or

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

201   (45) "Municipal general election" means the election held in municipalities and, as

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

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

204   (46) "Municipal legislative body" means:

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

206   (b) the council of a metro township.

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

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

209 elected.

210   (49) "Municipal primary election" means an election held to nominate candidates for

211   municipal office.

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

213   (51) "Official ballot" means the ballots distributed by the election officer to the poll

214   workers to be given to voters to record their votes.

215   (52) "Official endorsement" means:

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

217   (i) the ballot as an official ballot;

218   (ii) the date of the election; and

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

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

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

222   20A-6-301(1)(c)(iii); and

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

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

225   (ii) the ballot number.

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

227   election officer that contains the information required by Section 20A-5-401.

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

229   (a) the names of offices and candidates and statements of ballot propositions to be

230   voted on; and

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

232   ballot proposition.

233   (55) "Political party" means an organization of registered voters that has qualified to

234   participate in an election by meeting the requirements of Chapter 8, Political Party Formation

235   and Procedures.

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

237   cast votes.

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

239   (58) (a) "Poll worker" means a person assigned by an election official to assist with an

240   election, voting, or counting votes.

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

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

243   (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot

244   in which the voter marks the voter's choice.

245   (60) "Primary convention" means the political party conventions held during the year

246   of the regular general election.

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

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

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

250   (62) "Provider election officer" means an election officer who enters into a contract or

251   interlocal agreement with a contracting election officer to conduct an election for the

252   contracting election officer's local political subdivision in accordance with Section

253   20A-5-400.1.

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

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

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

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

258   (64) "Provisional ballot envelope" means an envelope printed in the form required by

259   Section 20A-6-105 that is used to identify provisional ballots and to provide information to

260   verify a person's legal right to vote.

261   (65) "Qualify" or "qualified" means to take the oath of office and begin performing the

262   duties of the position for which the person was elected.

263   (66) "Receiving judge" means the poll worker that checks the voter's name in the

264   official register, provides the voter with a ballot, and removes the ballot stub from the ballot

265   after the voter has voted.

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

267   registration form.

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

269   (69) "Regular general election" means the election held throughout the state on the first

270   Tuesday after the first Monday in November of each even-numbered year for the purposes

271   established in Section 20A-1-201.

272   (70) "Regular primary election" means the election on the fourth Tuesday of June of

273   each even-numbered year, to nominate candidates of political parties and candidates for

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

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

276   (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed

277   and distributed as provided in Section 20A-5-405.

278   (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or

279   punch the ballot for one or more candidates who are members of different political parties or

280   who are unaffiliated.

281   (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into

282   which the voter places the ballot after the voter has voted it in order to preserve the secrecy of

283   the voter's vote.

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

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

286   (a) is spoiled by the voter;

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

288   (c) lacks the official endorsement.

289   (77) "Statewide special election" means a special election called by the governor or the

290   Legislature in which all registered voters in Utah may vote.

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

292   (79) "Substitute ballots" means replacement ballots provided by an election officer to

293   the poll workers when the official ballots are lost or stolen.

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

295   (a) political parties;

296   (b) candidates for an office; or

297   (c) ballot propositions.

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

299   counting center.

300   (82) "Vacancy" means the absence of a person to serve in any position created by

301   statute, whether that absence occurs because of death, disability, disqualification, resignation,

302   or other cause.

303   (83) "Valid voter identification" means:

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

305   include:

306   (i) a currently valid Utah driver license;

307   (ii) a currently valid identification card that is issued by:

308   (A) the state; or

309   (B) a branch, department, or agency of the United States;

310   (iii) a currently valid Utah permit to carry a concealed weapon;

311   (iv) a currently valid United States passport; or

312   (v) a currently valid United States military identification card;

313   (b) one of the following identification cards, whether or not the card includes a

314   photograph of the voter:

315   (i) a valid tribal identification card;

316   (ii) a Bureau of Indian Affairs card; or

317   (iii) a tribal treaty card; or

318   (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear

319   the name of the voter and provide evidence that the voter resides in the voting precinct, which

320   may include:

321   (i) a current utility bill or a legible copy thereof, dated within the 90 days before the

322   election;

323   (ii) a bank or other financial account statement, or a legible copy thereof;

324   (iii) a certified birth certificate;

325   (iv) a valid social security card;

326   (v) a check issued by the state or the federal government or a legible copy thereof;

327   (vi) a paycheck from the voter's employer, or a legible copy thereof;

328   (vii) a currently valid Utah hunting or fishing license;

329   (viii) certified naturalization documentation;

330   (ix) a currently valid license issued by an authorized agency of the United States;

331   (x) a certified copy of court records showing the voter's adoption or name change;

332   (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

333   (xii) a currently valid identification card issued by:

334   (A) a local government within the state;

335   (B) an employer for an employee; or

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

337   state; or

338   (xiii) a current Utah vehicle registration.

339   (84) "Valid write-in candidate" means a candidate who has qualified as a write-in

340   candidate by following the procedures and requirements of this title.

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

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

343   (b) meets the requirements of election registration;

344   (c) is registered to vote; and

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

346   (86) "Voter registration deadline" means the registration deadline provided in Section

347   20A-2-102.5.

348   (87) "Voting area" means the area within six feet of the voting booths, voting

349   machines, and ballot box.

350   (88) "Voting booth" means:

351   (a) the space or compartment within a polling place that is provided for the preparation

352   of ballots, including the voting machine enclosure or curtain; or

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

354   (89) "Voting device" means:

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

356   piercing the ballots by the voter;

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

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

359   electronically, or any component thereof;

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

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

362   by means of automatic tabulating equipment.

363   (90) "Voting machine" means a machine designed for the sole purpose of recording

364   and tabulating votes cast by voters at an election.

365   (91) "Voting poll watcher" means a person appointed as provided in this title to

366   witness the distribution of ballots and the voting process.

367   (92) "Voting precinct" means the smallest voting unit established as provided by law

368   within which qualified voters vote at one polling place.

369   (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting

370   poll watcher, and a testing watcher.

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

372   Part 8, Western States Presidential Primary.

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

374   (96) "Write-in vote" means a vote cast for a person whose name is not printed on the

375   ballot according to the procedures established in this title.

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

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

378   (1) (a) [When] Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate

379   Voting Methods Pilot Project, when one person is to be elected or nominated, the person

380   receiving the highest number of votes at any:

381   (i) election for any office to be filled at that election is elected to that office; and

382   (ii) primary for nomination for any office is nominated for that office.

383   (b) [When] Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate

384   Voting Methods Pilot Project, when more than one person is to be elected or nominated, the

385   persons receiving the highest number of votes at any:

386   (i) election for any office to filled at that election are elected to that office; and

387   (ii) primary for nomination for any office are nominated for that office.

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

389   (a) passes if the number of "yes" votes is greater than the number of "no" votes; and

390   (b) fails if:

391   (i) the number of "yes" votes equal the number of "no" votes; or

392   (ii) the number of "no" votes is greater than the number of "yes" votes.

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

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

395   Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,

396   Municipal Alternate Voting Methods Pilot Project, if two or more candidates for a position

397   have an equal and the highest number of votes for any office, the election officer shall, in a

398   public meeting held within 30 days after the day on which the canvass is completed, determine

399   the candidate selected, by lot, in the presence of each candidate subject to the tie.

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

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

402   (1) (a) [If] Except as provided in Subsection (5), if a paper ballot is used, the voter,

403   upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking

404   the appropriate position with a mark opposite the name of each candidate of the voter's choice

405   for each office to be filled.

406   (b) [A] Except as provided in Subsections (5) and (6), a mark is not required opposite

407   the name of a write-in candidate.

408   (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in

409   the appropriate square with a mark opposite the answer the voter intends to make.

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

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

412   (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot

413   envelope and complete the information printed on the envelope.

414   (2) (a) (i) [If] Subject to Subsection (5), if a punch card ballot is used, the voter shall

415   insert the ballot sheet into the voting device and mark the ballot sheet according to the

416   instructions provided on the device.

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

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

419   (iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record

420   any write-in votes on the secrecy envelope.

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

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

423   (ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the

424   vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.

425   (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the

426   provisional ballot envelope and complete the information printed on the envelope.

427   (3) (a) [If] Subject to Subsection (5), if a ballot sheet other than a punch card is used,

428   the voter shall mark the ballot sheet according to the instructions provided on the voting device

429   or ballot sheet.

430   (b) [The] Except as provided in Subsections (5) and (6), the voter shall record a

431   write-in vote by:

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

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

434   for by means of:

435   (A) writing;

436   (B) a label; or

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

438   (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the

439   provisional ballot envelope and complete the information printed on the envelope.

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

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

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

443   (b) [The] Except as provided in Subsections (5) and (6), the voter shall record a

444   write-in vote by:

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

446   and

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

448   the voter wishes to vote.

449   (5) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,

450   Municipal Alternate Voting Methods Pilot Project, a voter:

451   (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's

452   first preference for the office; and

453   (b) may indicate, as directed on the ballot, the names of the remaining candidates in

454   order of the voter's preference.

455   [(5)] (6) After preparation of the ballot:

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

457   (i) the voter shall:

458   (A) leave the voting booth; and

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

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

461   (A) clearly and audibly announce the name of the voter and the number on the stub of

462   the voter's ballot;

463   (B) if the stub number on the ballot corresponds with the number previously recorded

464   in the official register, and bears the initials of the poll worker, remove the stub from the ballot;

465   and

466   (C) return the ballot to the voter;

467   (iii) the voter shall, in full view of the poll workers, cast [his] the voter's vote by

468   depositing the ballot in the ballot box; and

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

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

471   (B) the poll worker shall:

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

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

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

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

476   (i) the voter shall:

477   (A) leave the voting booth; and

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

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

480   (A) clearly and audibly announce the name of the voter and the number on the stub of

481   the voter's ballot; and

482   (B) if the stub number on the ballot corresponds with the number previously recorded

483   in the official register, and bears the initials of the poll worker, return the ballot to the voter;

484   and

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

486   ballot in the ballot box; and

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

488   (i) cast the voter's ballot;

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

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

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

492   the ballot:

493   (a) (i) if the ballot is designed so that the names of all candidates for all political parties

494   are on the same ballot, detach the part of the paper ballot containing the names of the

495   candidates of the party [he] the voter has voted from the remainder of the paper ballot;

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

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

498   (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of

499   the parties that the elector did not vote; and

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

501   box.

502   [(7)] (8) (a) Each voter shall mark and cast or deposit the ballot without delay and shall

503   leave the voting area after voting.

504   (b) A voter may not:

505   (i) occupy a voting booth occupied by another, except as provided in Section

506   20A-3-108;

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

508   (iii) occupy a voting booth for more than five minutes if all booths are in use and other

509   voters are waiting to occupy them.

510   [(8)] (9) If the official register shows any voter as having voted, that voter may not

511   reenter the voting area during that election unless that voter is an election official or watcher.

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

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

514   (a) election officials;

515   (b) watchers; or

516   (c) assisting voters with a disability.

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

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

519   (1) Each county legislative body or municipal legislative body that has voting precincts

520   that use paper ballots and each poll worker in those voting precincts shall comply with the

521   requirements of this section.

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

523   (i) two sets of ballot boxes for all voting precincts where both receiving and counting

524   judges have been appointed; and

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

526   (b) At any election in any voting precinct in which both receiving and counting judges

527   have been appointed, when at least 20 votes have been cast, the receiving judges shall:

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

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

530   (c) [Upon] Except as provided in Subsection (2)(f), upon receipt of the ballot box, the

531   counting judges shall:

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

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

534   (iii) place the provisional ballot envelopes in the envelope or container provided for

535   them for return to the election officer; and

536   (iv) when they have finished counting the votes in the ballot box, return the emptied

537   box to the receiving judges.

538   (d) (i) During the course of election day, whenever there are at least 20 ballots

539   contained in a ballot box, the receiving judges shall deliver that ballot box to the counting

540   judges for counting; and

541   (ii) the counting judges shall immediately count the regular ballots and segregate the

542   provisional ballots contained in that box.

543   (e) The counting judges shall continue to exchange the ballot boxes and count ballots

544   until the polls close.

545   (f) (i) The director of elections within the Office of the Lieutenant Governor shall make

546   rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

547   describing the procedures that a counting judge is required to follow for counting ballots in an

548   instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting

549   Methods Pilot Project.

550   (ii) When counting ballots in an instant runoff voting race described in Title 20A,

551   Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall

552   comply with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4,

553   Part 6, Municipal Alternate Voting Methods Pilot Project.

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

555   the count.

556   [(4) The counting judges shall apply the standards and requirements of Section

557   20A-4-105 to resolve any questions that arise as they count the ballots.]

558   (4) To resolve questions that arise during the counting of ballots, a counting judge shall

559   apply the standards and requirements of:

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

561   (b) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6,

562   Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

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

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

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

566   20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,

567   the election judges shall count the ballots by performing the tasks specified in this section in

568   the order that they are specified.

569   [(b) The election judges shall apply the standards and requirements of Section

570   20A-4-105 to resolve any questions that arise as they count the ballots.]

571   (b) To resolve questions that arise during the counting of ballots, a counting judge shall

572   apply the standards and requirements of:

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

574   (ii) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6,

575   Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

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

577   (b) (i) If there are more ballots in the ballot box than there are names entered in the

578   pollbook, the judges shall examine the official endorsements on the ballots.

579   (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper

580   official endorsement, the judges shall put those ballots in an excess ballot file and not count

581   them.

582   (c) (i) If, after examining the official endorsements, there are still more ballots in the

583   ballot box than there are names entered in the pollbook, the judges shall place the remaining

584   ballots back in the ballot box.

585   (ii) One of the judges, without looking, shall draw a number of ballots equal to the

586   excess from the ballot box.

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

588   count them.

589   (d) When the ballots in the ballot box equal the number of names entered in the

590   pollbook, the judges shall count the votes.

591   (3) The judges shall:

592   (a) place all unused ballots in the envelope or container provided for return to the

593   county clerk or city recorder; and

594   (b) seal that envelope or container.

595   (4) The judges shall:

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

597   return to the election officer; and

598   (b) seal that envelope or container.

599   (5) (a) In counting the votes, the election judges shall read and count each ballot

600   separately.

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

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

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

604   (iii) count all the ballots for one party before beginning to count the ballots cast for

605   other parties.

606   (6) (a) In all elections, the counting judges shall, except as provided in Title 20A,

607   Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under

608   Subsection 20A-4-101(2)(f)(i):

609   (i) count one vote for each candidate designated by the marks in the squares next to the

610   candidate's name;

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

612   any candidate for an office for which a vote has been cast for a candidate for the same office

613   upon another ticket by the placing of a mark in the square opposite the name of that candidate

614   on the other ticket;

615   (iii) count each vote for each write-in candidate who has qualified by filing a

616   declaration of candidacy under Section 20A-9-601;

617   (iv) read every name marked on the ballot and mark every name upon the tally sheets

618   before another ballot is counted;

619   (v) evaluate each ballot and each vote based on the standards and requirements of

620   Section 20A-4-105;

621   (vi) write the word "spoiled" on the back of each ballot that lacks the official

622   endorsement and deposit it in the spoiled ballot envelope; and

623   (vii) read, count, and record upon the tally sheets the votes that each candidate and

624   ballot proposition received from all ballots, except excess or spoiled ballots.

625   (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or

626   persons clearly not eligible to qualify for office.

627   (c) The judges shall certify to the accuracy and completeness of the tally list in the

628   space provided on the tally list.

629   (d) When the judges have counted all of the voted ballots, they shall record the results

630   on the total votes cast form.

631   (7) Only election judges and counting poll watchers may be present at the place where

632   counting is conducted until the count is completed.

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

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

635   (1) (a) An election officer shall ensure that when a question arises regarding a vote

636   recorded on a paper ballot, two counting judges jointly adjudicate the ballot, except as

637   otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot

638   Project, in accordance with the requirements of this section.

639   (b) If the counting judges disagree on the disposition of a vote recorded on a ballot that

640   is adjudicated under this section, the counting judges may not count the vote.

641   (2) Except as provided in Subsection (11), Subsection 20A-3-105(5), or Title 20A,

642   Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if a voter marks more

643   names than there are individuals to be elected to an office, or if the counting judges cannot

644   determine a voter's choice for an office, the counting judges may not count the voter's vote for

645   that office.

646   (3) [The] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal

647   Alternate Voting Methods Pilot Project, the counting judges shall count a defective or

648   incomplete mark on a paper ballot if:

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

650   (b) there is no other mark or cross on the ballot indicating the voter's intent to vote

651   other than as indicated by the incomplete or defective mark.

652   (4) (a) When a voter has marked a ballot so that it appears that the voter has voted

653   more than one straight ticket, the counting judges may not count any votes on the ballot for

654   party candidates.

655   (b) The counting judges shall count the remainder of the ballot if the remainder of the

656   ballot is voted correctly.

657   (5) [The] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal

658   Alternate Voting Methods Pilot Project, the counting judges may not reject a ballot marked by

659   the voter because of marks on the ballot other than those marks allowed by this section unless

660   the extraneous marks on a ballot show an intent by an individual to mark the individual's ballot

661   so that the individual's ballot can be identified.

662   (6) (a) In counting the ballots, the counting judges shall give full consideration to the

663   intent of the voter.

664   (b) The counting judges may not invalidate a ballot because of mechanical or technical

665   defects in voting or failure on the part of the voter to follow strictly the rules for balloting

666   required by Chapter 3, Voting.

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

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

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

670   (8) The counting judges may not count a paper ballot that does not have the official

671   endorsement by an election officer.

672   (9) The counting judges may not count a ballot proposition vote or candidate vote for

673   which the voter is not legally entitled to vote, as defined in Section 20A-4-107.

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

675   ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole

676   or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is

677   apparent that the voter intended to vote for the candidate.

678   (11) The counting judges shall count a vote for the president and the vice president of

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

680   (12) [In] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal

681   Alternate Voting Methods Pilot Project, in counting the valid write-in votes, if, by casting a

682   valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote

683   for that office, the counting judges shall count the valid write-in vote as being the obvious

684   intent of the voter.

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

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

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

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

689   strings.

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

691   examined during a recount conducted under the authority of Section 20A-4-401 or Title 20A,

692   Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

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

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

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

696   envelopes.

697   (b) The judges shall:

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

699   large envelope; and

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

701   (c) The judges shall:

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

703   (ii) if directed to do so by the election officer, return them to the election officer for

704   destruction.

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

706   sign and certify the pollbooks.

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

708   (i) enclose and seal the official register, the posting book, the pollbook, the ballot

709   disposition form, the military and overseas absentee voter registration and voting certificates,

710   one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;

711   (ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been

712   strung and placed in a separate envelope or pouch as required by Subsection (1);

713   (iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot

714   disposition form in a separate envelope or pouch;

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

716   (v) place the total votes cast form and the judges' vouchers requesting compensation

717   for services rendered in a separate pouch.

718   (b) Before enclosing the official register in the envelope or pouch, the election judges

719   shall certify it substantially as follows:

720   "We, the undersigned, judges of election for precinct _____, (jurisdiction) _____,

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

722   _____(month\day\year), including:

723   a list of the ballot numbers for each voter;

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

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

726   including any affidavits; and

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

728   (5) Each judge shall:

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

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

731   (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other

732   words plainly indicating the contents of the packages; and

733   (ii) the number of the voting precinct.

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

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

736   (1) Each board of canvassers shall:

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

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

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

740   (ii) sought election or nomination to an office completely within the board's

741 jurisdiction;

742   (b) declare:

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

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

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

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

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

748 votes; and

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

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

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

752 the lieutenant governor; and

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

754 clerk.

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

756 result, which shall contain:

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

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

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

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

761   (v) from each voting precinct:

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

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

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

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

766 each canvassing phase; and

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

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

769   for and against each ballot proposition;

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

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

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

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

774   (ii) sign the report.

775   (c) The election officer shall:

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

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

778   to each nominated or elected candidate;

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

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

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

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

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

784   (3) When there has been a regular general or a statewide special election for statewide

785   officers, for officers that appear on the ballot in more than one county, or for a statewide or two

786   or more county ballot proposition, each board of canvassers shall:

787   (a) prepare a separate report detailing the number of votes for each candidate and the

788   number of votes for and against each ballot proposition; and

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

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

791   and local special election, the election officer shall transmit the reports to the lieutenant

792   governor within 14 days after the date of the election.

793   (5) In regular primary elections and in the Western States Presidential Primary, the

794   board shall transmit to the lieutenant governor:

795   (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant

796   governor:

797   (i) not later than the second Tuesday after the primary election for the regular primary

798   election; and

799   (ii) not later than the Tuesday following the election for the Western States Presidential

800   Primary; and

801   (b) a complete tabulation showing voting totals for all primary races, precinct by

802   precinct, to be mailed to the lieutenant governor on or before the third Friday following the

803   primary election.

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

805   **20A-4-401.   Recounts -- Procedure.**

806   (1) (a) This section does not apply to a race conducted by instant runoff voting under

807   Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

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

809   candidates, if the difference between the number of votes cast for a winning candidate in the

810   race and a losing candidate in the race is equal to or less than .25% of the total number of votes

811   cast for all candidates in the race, that losing candidate may file a request for a recount in

812   accordance with Subsection (1)[(c)](d).

813   [(b)] (c) For a race between candidates where the total of all votes cast in the race is

814   400 or less, if the difference between the number of votes cast for a winning candidate in the

815   race and a losing candidate in the race is one vote, that losing candidate may file a request for a

816   recount in accordance with Subsection (1)[(c)](d).

817   [(c)] (d) A candidate who files a request for a recount under Subsection (1)[(a) or] (b)

818   or (c) shall file the request:

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

820   the canvass; or

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

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

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

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

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

826   [(d)] (e) The election officer shall:

827   (i) supervise the recount;

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

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

830   3, Absentee Voting;

831   (iv) for a race where only one candidate may win, declare elected the candidate who

832   receives the highest number of votes on the recount; and

833   (v) for a race where multiple candidates may win, declare elected the applicable

834   number of candidates who receive the highest number of votes on the recount.

835   (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond

836   proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of

837   the total votes cast for or against the proposition, any 10 voters who voted in the election where

838   the proposition was on the ballot may file a request for a recount within seven days of the

839   canvass with the person described in Subsection (2)(c).

840   (b) For a ballot proposition or a bond proposition where the total of all votes cast for or

841   against the proposition is 400 or less, if the difference between the number of votes cast for the

842   proposition and the number of votes cast against the proposition is one vote, any 10 voters who

843   voted in the election where the proposition was on the ballot may file a request for a recount

844   within seven days of the canvass with the person described in Subsection (2)(c).

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

846   file the request with:

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

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

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

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

851   (d) The election officer shall:

852   (i) supervise the recount;

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

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

855   3, Absentee Voting; and

856   (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"

857   based upon the results of the recount.

858   (e) Proponents and opponents of the ballot proposition or bond proposition may

859   designate representatives to witness the recount.

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

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

862   person requesting the recount.

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

864   the board of canvassers.

865   (b) The board of canvassers shall:

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

867   recount; and

868   (ii) with the assistance of the election officer, prepare and sign the report required by

869   Section 20A-4-304 or Section 20A-4-306.

870   (c) If the recount is for a statewide or multicounty race or for a statewide proposition,

871   the board of county canvassers shall prepare and transmit a separate report to the lieutenant

872   governor as required by Subsection 20A-4-304(3).

873   (d) The canvassers' report prepared as provided in this Subsection (4) is the official

874   result of the race or proposition that is the subject of the recount.

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

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

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

878   As used in this part:

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

880   (a) two less than the total number of candidates in a given canvassing phase of a

881   multi-candidate race; and

882   (b) .02%.

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

884   (a) for the election of at-large officers, the number of candidates who qualify for the

885   race exceeds the total number of seats to be filled; or

886   (b) for the election of an officer other than an at-large officer, more than two

887   candidates qualify to run for one office.

888   (3) "Participating municipality" means a municipality that is participating in the pilot

889   project, in accordance with Subsection 20A-4-602(3).

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

891   in Section 20A-4-602.

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

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

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

895   counted, 0.19%;

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

897   counted, 0.17%;

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

899   counted, 0.15%;

900   (e) for a canvassing phase in which at least 5,000, but fewer than 10,000, valid votes

901   are counted, 0.13%; and

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

903   (6) "Valid" means that the ballot is marked in a manner that permits the vote to be

904   counted during the applicable ballot-counting phase.

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

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

907   **Participation.**

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

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

910   (3) A municipality may participate in the pilot project, in accordance with the

911   requirements of this section and all other applicable provisions of law, during any

912   odd-numbered year that the pilot project is in effect, if, before January 1 of the odd-numbered

913   year, the municipality provides written notice to the lieutenant governor:

914   (a) stating that the municipality intends to participate in the pilot project for the year

915   specified in the notice; and

916   (b) that includes a document, signed by the election officer of the municipality, stating

917   that the municipality has the resources and capability necessary to participate in the pilot

918   project.

919   (4) The lieutenant governor shall maintain, in a prominent place on the lieutenant

920   governor's website, a current list of the municipalities that are participating in the pilot project.

921   (5) (a) An election officer of a participating municipality shall, in accordance with the

922   provisions of this part, conduct a multi-candidate race during the municipal general election

923   using instant runoff voting.

924   (b) An election officer of a participating municipality that will conduct a

925   multi-candidate race under Subsection (5)(a) may not conduct a municipal primary election

926   relating to that race.

927   (c) A municipality that has in effect an ordinance described in Subsection 20A-9-404

928   (3) or (4) may not participate in the pilot project.

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

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

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

932   (a) (i) conduct the first ballot-counting phase by counting the valid first preference

933   votes for each candidate; and

934   (ii) if, after complying with Subsection (5), one of the candidates receives more than

935   50% of the valid first preference votes counted, declare that candidate elected;

936   (b) if, after counting the valid first preference votes for each candidate, and complying

937   with Subsection (5), no candidate receives more than 50% of the valid first preference votes

938   counted, conduct the second ballot-counting phase by:

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

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

941   (B) in the event of a tie for the fewest valid first preference votes counted, one of the

942   tied candidates, determined by the tied election officer by lot, in accordance with Subsection

943   (6);

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

945   valid second preference votes cast for the remaining candidates by the voters who cast a valid

946   first preference vote for the excluded candidate; and

947   (iii) if, after adding the votes in accordance with Subsection (1)(b)(ii) and complying

948   with Subsection (5), one candidate receives more than 50% of the valid votes counted,

949   declaring that candidate elected; and

950   (c) if, after adding the valid second preference votes in accordance with Subsection

951   (1)(b)(ii) and complying with Subsection (5), no candidate receives more than 50% of the valid

952   votes counted, conduct subsequent ballot-counting phases by continuing the process described

953   in Subsection (1)(b) until a candidate receives more than 50% of the valid votes counted, as

954   follows:

955   (i) after complying with Subsection (5), excluding from consideration the candidate

956   who has the fewest valid votes counted or, in the event of a tie for the fewest valid votes

957   counted, excluding one of the tied candidates, by lot, in accordance with Subsection (6); and

958   (ii) adding the next valid preference vote cast by each voter whose vote was counted

959   for the last excluded candidate to one of the remaining candidates, in the order of the next

960   preference indicated by the voter.

961   (2) The election officer shall declare elected the first candidate who receives more than

962   50% of the valid votes counted under the process described in Subsection (1).

963   (3) (a) A vote is valid for a particular phase of a multi-candidate race only if the voter

964   indicates the voter's preference for that phase and all previous phases.

965   (b) A vote is not valid for a particular phase of a multi-candidate race, and for all

966   subsequent phases, if the voter indicates the same rank for more than one candidate for that

967   phase.

968   (4) The election officer shall order a recount of the valid votes in the applicable

969   ballot-counting phase if one candidate appears to have received at least 50% of the vote, and

970   the difference between the number of votes counted for the candidate who received the most

971   valid votes for the applicable ballot-counting phase and any other candidate in the race is equal

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

973   (a) the total number of voters who cast a valid vote that is counted in the applicable

974   ballot-counting phase of the race; and

975   (b) the recount threshold.

976   (5) Before excluding a candidate from a multi-candidate race under Subsection (1), the

977   election officer shall order a recount of the valid votes counted in the applicable

978   ballot-counting phase if the difference between the number of votes counted for the candidate

979   who received the fewest valid votes in the applicable ballot-counting phase of the race and any

980   other candidate in the race is equal to or less than the product of the following, rounded up to

981   the nearest whole number:

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

983   phase; and

984   (b) the recount threshold.

985   (6) For each ballot-counting phase after the first phase, if, after a recount is completed

986   under Subsection (5), two or more candidates tie as having received the fewest valid votes

987   counted at that point in the ballot count, the election officer shall eliminate one of those

988   candidates from consideration, by lot, in the following manner:

989   (a) determine the names of the candidates who tie as having received the fewest valid

990   votes for that ballot-counting phase;

991   (b) cast the lot in the presence of at least two election officials and any counting poll

992   watchers who are present and desire to witness the casting of the lot; and

993   (c) sign a public document that:

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

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

996   (7) In a multi-candidate race for an at-large office, where the number of candidates

997   who qualify for the race exceeds the total number of at-large seats to be filled for the office, the

998   election officer shall count the votes by:

999   (a) except as provided in Subsection (8), counting votes in the same manner as

1000   described in Subsections (1) through (6), until a candidate is declared elected;

1001   (b) repeating the process described in Subsection (7)(a) for all candidates that are not

1002   declared elected until another candidate is declared elected; and

1003   (c) continuing the process described in Subsection (7)(b) until all at large seats in the

1004   race are filled.

1005   (8) After a candidate is declared elected under Subsection (7), the election officer shall,

1006   in repeating the process described in Subsections (1) through (6) to declare the next candidate

1007   elected, add to the vote totals the next valid preference vote of each voter whose vote was

1008   counted for a candidate already declared elected.

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

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

1011   (1) In any ballot count conducted under Section 20A-4-603, the election officer may

1012   exclude candidates through batch elimination by, instead of excluding only one candidate in a

1013   ballot-counting phase, excluding each candidate:

1014   (a) for which the number of remaining candidates with more valid votes than that

1015   candidate is greater than or equal to the number of offices to be filled; and

1016   (b) (i) for which the number of valid votes counted for the candidate in the phase plus

1017   the number of votes counting for all candidates with fewer valid votes in the phase is less than

1018   the number of valid votes for the candidate with the next highest amount of valid votes in the

1019   phase; or

1020   (ii) who has fewer valid votes in the phase than a candidate who is excluded under

1021   Subsection (1)(b)(i).

1022   (2) The requirements for a recount before excluding a candidate under Subsection

1023   20A-4-603(5) do not apply to candidates who are excluded through batch elimination.

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

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

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

1027   (i) ballot disposition form;

1028   (ii) total votes cast form;

1029   (iii) tally sheet form; and

1030   (iv) pollbook.

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

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

1033   (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting

1034   precincts using an automated voting system.

1035   (2) The election officer shall ensure that the ballot disposition form contains a space

1036   for the judges to identify:

1037   (a) the number of ballots voted;

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

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

1040   (d) the number of spoiled ballots;

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

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

1043   (g) the number of unused ballots.

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

1045   (a) the name of each candidate appearing on the ballot, the office for which the

1046   candidate is running, and a blank space for the election judges to record the number of votes

1047   that the candidate received;

1048   (b) for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,
1049   Municipal Alternate Voting Methods Pilot Project, the name of each candidate appearing on
1050   the ballot, the office for which the candidate is running, and blank spaces for the election
1051   judges to record the number of votes counted for each potential phase of the canvass;
1052   [(b)] (c) for each office, blank spaces for the election judges to record the names of
1053   write-in candidates, if any, and a blank space for the election judges to record the number of
1054   votes that the write-in candidate received;
1055   [(c)] (d) a heading identifying each ballot proposition and blank spaces for the election
1056   judges to record the number of votes for and against each proposition; and
1057   [(d)] (e) a certification, in substantially the following form, to be signed by the judges
1058   when they have completed the total votes cast form:
1059   "TOTAL VOTES CAST
1060   At an election held at _____ in _____ voting precinct in _____(name of entity
1061   holding the election) and State of Utah, on _____(month\day\year), the following named
1062   persons received the number of votes annexed to their respective names for the following
1063   described offices: Total number of votes cast were as follows:
1064   Certified by us _____, _____, _____, Judges of Election."
1065   (4) The election officer shall ensure that the tally sheet form contains:
1066   (a) for each office, the names of the candidates for that office, and blank spaces to tally
1067   the votes that each candidate receives;
1068   (b) for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,
1069   Municipal Alternate Voting Methods Pilot Project, the name of each candidate for office and
1070   blank spaces to tally the number of valid votes counted for each candidate for each potential
1071   phase of the canvass;
1072   [(b)] (c) for each office, blank spaces for the election judges to record the names of
1073   write-in candidates, if any, and a blank space for the election judges to tally the votes for each
1074   write-in candidate;
1075   [(c)] (d) for each ballot proposition, a heading identifying the ballot proposition and the
1076   words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of
1077   them for the election judges to tally the ballot proposition votes; and
1078   [(d)] (e) a certification, in substantially the following form, to be signed by the judges

1079   when they have completed the tally sheet form:

1080   "Tally Sheet

1081   We the undersigned election judges for voting precinct #_____,

1082   _____(entity holding the election) certify that this is a true and correct list of all

1083   persons voted for and ballot propositions voted on at the election held in that voting precinct on

1084   _____(date of election) and is a tally of the votes cast for each of those

1085   persons. Certified by us ____, ____, ____, Judges of Election."

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

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

1088   (b) contains:

1089   (i) a section to record persons voting on election day, with columns entitled "Ballot

1090   Number" and "Voter's Name";

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

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

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

1094   "We, the undersigned, judges of an election held at _____ voting precinct, in _____

1095   County, state of Utah, on _____(month\day\year), having first been sworn according to

1096   law, certify that the information listed in this book is a true statement of the number and names

1097   of the persons voting in the voting precinct at the election, and that the total number of persons

1098   voting at the election was ____."

1099   _____

1100   _____

1101   _____

1102   Judges of Election

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

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

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

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

1107   the ballot relating to that race shall:

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

1109   (2) opposite each candidate's name, include a place where a voter can indicate the

1110 voter's vote in order of preference for each candidate, as described in Title 20A, Chapter 4, Part

1111 6, Municipal Alternate Voting Methods Pilot Project; and

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

1113 voter's ordered preference for the write-in candidate.

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

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

1116   (1) [When] Except as otherwise required for a race conducted by instant runoff voting

1117 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when

1118 using a paper ballot at municipal general elections, each election officer shall ensure that:

1119   (a) the names of the two candidates who received the highest number of votes for

1120 mayor in the municipal primary are placed upon the ballot;

1121   (b) if no municipal primary election was held, the names of the candidates who filed

1122 declarations of candidacy for municipal offices are placed upon the ballot;

1123   (c) for other offices:

1124   (i) twice the number of candidates as there are positions to be filled are certified as

1125 eligible for election in the municipal general election from those candidates who received the

1126 greater number of votes in the primary election; and

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

1128 ballot;

1129   (d) the names of the candidates are placed on the ballot in the order specified under

1130 Section 20A-6-305;

1131   (e) in an election in which a voter is authorized to cast a write-in vote and where a

1132 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the

1133 ballot that contains, for each office in which there is a qualified write-in candidate:

1134   (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

1135   (ii) a square or other conforming area that is adjacent to or opposite the blank

1136 horizontal line to enable the voter to indicate the voter's vote;

1137   (f) ballot propositions that have qualified for the ballot, including propositions

1138 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are

1139 listed on the ballot in accordance with Section 20A-6-107; and

1140   (g) bond propositions that have qualified for the ballot are listed on the ballot under the

1141   title assigned to each bond proposition under Section 11-14-206.

1142   (2) [When] Except as otherwise required for a race conducted by instant runoff voting

1143   under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when

1144   using a punch card ballot at municipal general elections, each election officer shall ensure that:

1145   (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across

1146   the top of the ballot;

1147   (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the

1148   stub; and

1149   (iii) ballot stubs are numbered consecutively;

1150   (b) immediately below the perforated ballot stub, the following endorsements are

1151   printed in 18 point bold type:

1152   (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1153   (ii) the date of the election; and

1154   (iii) a facsimile of the signature of the election officer and the election officer's title in

1155   eight-point type;

1156   (c) immediately below the election officer's title, two one-point parallel horizontal

1157   rules separate endorsements from the rest of the ballot;

1158   (d) immediately below the horizontal rules, an "Instructions to Voters" section is

1159   printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the

1160   square following the name(s) of the person(s) you favor as the candidate(s) for each respective

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

1162   (e) after the rules, the designation of the office for which the candidates seek election is

1163   printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____

1164   (the number of candidates for which the voter may vote)" are printed to extend to the extreme

1165   right of the column in 10-point bold type, followed by a hair-line rule;

1166   (f) after the hair-line rule, the names of the candidates are printed in heavy face type

1167   between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305

1168   with surnames last and grouped according to the office that they seek;

1169   (g) a square with sides not less than one-fourth inch long is printed immediately

1170   adjacent to the names of the candidates;

1171   (h) following the name of the last candidate for each office in which a write-in

1172   candidate is qualified under Section 20A-9-601, the ballot contains:

1173   (i) a write-in space for each elective office in which a write-in candidate is qualified

1174   where the voter may enter the name of a valid write-in candidate; and

1175   (ii) a square printed immediately adjacent to the write-in space or line where the voter

1176   may vote for a valid write-in candidate; and

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

1178   or rule.

1179   (3) [When] Except as otherwise required for a race conducted by instant runoff voting

1180   under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when

1181   using a ballot sheet other than a punch card ballot at municipal general elections, each election

1182   officer shall ensure that:

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

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

1185   stub; and

1186   (iii) ballot stubs are numbered consecutively;

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

1188   printed:

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

1190   (ii) the date of the election; and

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

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

1193   endorsements from the rest of the ballot;

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

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

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

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

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

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

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

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

1202   they seek;

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

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

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

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

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

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

1209   valid write-in candidate; and

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

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

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

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

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

1215   (i) "Official Ballot for _____ (City, Town, or Metro Township), Utah";

1216   (ii) the date of the election; and

1217   (iii) a facsimile of the signature of the election officer and the election officer's title;

1218   (b) immediately below the election officer's title, a distinct border or line separates the

1219   endorsements from the rest of the ballot;

1220   (c) immediately below the border or line, an "Instructions to Voters" section is

1221   displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as

1222   the candidate(s) for each respective office." followed by another border or line;

1223   (d) after the border or line, the designation of the office for which the candidates seek

1224   election is displayed, and the words, "Vote for one" or "Vote for up to _____ (the number of

1225   candidates for which the voter may vote)" are displayed, followed by a line or border;

1226   (e) after the line or border, the names of the candidates are displayed in the order

1227   specified under Section 20A-6-305 with surnames last and grouped according to the office that

1228   they seek;

1229   (f) a voting square or position is located adjacent to the name of each candidate;

1230   (g) following the name of the last candidate for each office in which a write-in

1231   candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the

1232   voter may enter the name of and vote for a valid write-in candidate for the office; and

1233   (h) the candidate groups are separated from each other by a line or border.

1234   (5) When a municipality has chosen to nominate candidates by convention or
1235   committee, the election officer shall ensure that the party name is included with the candidate's
1236   name on the ballot.
1237   Section 18. Section **20A-9-404** is amended to read:
1238   **20A-9-404.   Municipal primary elections.**
1239   (1) (a) Except as otherwise provided in this section or Title 20A, Chapter 4, Part 6,
1240   Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all
1241   municipalities shall be nominated at a municipal primary election.
1242   (b) Municipal primary elections shall be held:
1243   (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1244   Monday in the August before the regular municipal election; and
1245   (ii) whenever possible, at the same polling places as the regular municipal election.
1246   (2) [If] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal
1247   Alternate Voting Methods Pilot Project, if the number of candidates for a particular municipal
1248   office does not exceed twice the number of individuals needed to fill that office, a primary
1249   election for that office may not be held and the candidates are considered nominated.
1250   (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1251   of voters or delegates.
1252   (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
1253   election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1254   by providing that the nomination of candidates for municipal office to be voted upon at a
1255   municipal election be nominated by a political party convention or committee.
1256   (ii) Any primary election exemption ordinance adopted under the authority of this
1257   Subsection (3) remains in effect until repealed by ordinance.
1258   (c) (i) A convention or committee may not nominate:
1259   (A) an individual who has not submitted a declaration of candidacy, or has not been
1260   nominated by a nomination petition, under Section 20A-9-203; or
1261   (B) more than one group of candidates, or have placed on the ballot more than one
1262   group of candidates, for the municipal offices to be voted upon at the municipal election.
1263   (ii) A convention or committee may nominate an individual who has been nominated
1264   by a different convention or committee.

1265   (iii) A political party may not have more than one group of candidates placed upon the

1266   ballot and may not group the same candidates on different tickets by the same party under a

1267   different name or emblem.

1268   (d) (i) The convention or committee shall prepare a certificate of nomination for each

1269   individual nominated.

1270   (ii) The certificate of nomination shall:

1271   (A) contain the name of the office for which each individual is nominated, the name,

1272   post office address, and, if in a city, the street number of residence and place of business, if

1273   any, of each individual nominated;

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

1275   committee represents;

1276   (C) contain a copy of the resolution passed at the convention that authorized the

1277   committee to make the nomination;

1278   (D) contain a statement certifying that the name of the candidate nominated by the

1279   political party will not appear on the ballot as a candidate for any other political party;

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

1281   and

1282   (F) contain a statement identifying the residence and post office address of the

1283   presiding officer and secretary and certifying that the presiding officer and secretary were

1284   officers of the convention or committee and that the certificates are true to the best of their

1285   knowledge and belief.

1286   (iii) Certificates of nomination shall be filed with the clerk not later than 80 days

1287   before the municipal general election.

1288   (e) A committee appointed at a convention, if authorized by an enabling resolution,

1289   may also make nominations or fill vacancies in nominations made at a convention.

1290   (f) The election ballot shall substantially comply with the form prescribed in Title 20A,

1291   Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall

1292   be included with the candidate's name.

1293   (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1

1294   that falls before the regular municipal election that:

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

1296   office provided in this section; and

1297   (ii) provides for a partisan primary election method of nominating candidates as

1298   provided in this Subsection (4).

1299   (b) (i) Any party that was a registered political party at the last regular general election

1300   or regular municipal election is a municipal political party under this section.

1301   (ii) Any political party may qualify as a municipal political party by presenting a

1302   petition to the city recorder that:

1303   (A) is signed, with a holographic signature, by registered voters within the municipality

1304   equal to at least 20% of the number of votes cast for all candidates for mayor in the last

1305   municipal election at which a mayor was elected;

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

1307   (C) is substantially similar to the form of the signature sheets described in Section

1308   20A-7-303; and

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

1310   (c) (i) If the number of candidates for a particular office does not exceed twice the

1311   number of offices to be filled at the regular municipal election, no partisan primary election for

1312   that office shall be held and the candidates are considered to be nominated.

1313   (ii) If the number of candidates for a particular office exceeds twice the number of

1314   offices to be filled at the regular municipal election, those candidates for municipal office shall

1315   be nominated at a partisan primary election.

1316   (d) The clerk shall ensure that:

1317   (i) the partisan municipal primary ballot is similar to the ballot forms required by

1318   Sections 20A-6-401 and 20A-6-401.1;

1319   (ii) the candidates for each municipal political party are listed in one or more columns

1320   under their party name and emblem;

1321   (iii) the names of candidates of all parties are printed on the same ballot, but under

1322   their party designation;

1323   (iv) every ballot is folded and perforated in a manner that separates the candidates of

1324   one party from those of the other parties and enables the voter to separate the part of the ballot

1325   containing the names of the party of the voter's choice from the remainder of the ballot; and

1326   (v) the side edges of all ballots are perforated so that the outside sections of the ballots,

1327   when detached, are similar in appearance to inside sections when detached.

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

1329   (i) detach the part of the ballot containing the names of the candidates of the party the

1330   voter has voted from the rest of the ballot;

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

1332   and

1333   (iii) fold the remainder of the ballot containing the names of the candidates of the

1334   parties for whom the elector did not vote and deposit it in the blank ballot box.

1335   (f) Immediately after the canvass, the election judges shall, without examination,

1336   destroy the tickets deposited in the blank ballot box.

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

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

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

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

1341   (3) On July 1, 2018, in Subsection 20A-11-101(21), the language that states ",

1342   10-2a-302," is repealed.

1343   (4) On January 1, 2028:

1344   (a) In Subsection 20A-1-102(23)(a), the language that states "or Title 20A, Chapter 4,

1345   Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1346   (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as

1347   provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is

1348   repealed.

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

1350   instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods

1351   Pilot Project," is repealed.

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

1353   Subsection (5)," is repealed.

1354   (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except

1355   as provided in Subsections (5) and (6)," is repealed.

1356   (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states

1357   "Subject to Subsection (5)," is repealed.

1358   (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section

1359 20A-3-105 are renumbered accordingly.

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

1361 Subsection (2)(f)," is repealed.

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

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

1364   "(4) To resolve questions that arise during the counting of ballots, a counting judge

1365 shall apply the standards and requirements of Section 20A-4-105.".

1366   (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under

1367 Subsection 20A-4-101(2)(f)(i)" is repealed.

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

1369   "(b) To resolve questions that arise during the counting of ballots, a counting judge

1370 shall apply the standards and requirements of Section 20A-4-105.".

1371   (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in

1372 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made

1373 under Subsection 20A-4-101(2)(f)(i)" is repealed.

1374   (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise

1375 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is

1376 repealed.

1377   (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or

1378 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1379   (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as

1380 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot

1381 Project," is repealed.

1382   (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter

1383 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1384   (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title

1385 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

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

1387   "(v) from each voting precinct:

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

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

1390   (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)

1391   are renumbered accordingly, and the cross-references to those subsections are renumbered

1392   accordingly.

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

1394   repealed.

1395   (v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in

1396   Subsection (3) are renumbered accordingly.

1397   (w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in

1398   Subsection (4) are renumbered accordingly.

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

1400   (y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as

1401   otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,

1402   Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

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

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

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

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

1407   repealed.