

SB0127S01 compared with SB0127

{Omitted text} shows text that was in SB0127 but was omitted in SB0127S01

inserted text shows text that was not in SB0127 but was inserted into SB0127S01

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Municipal Elections Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

LONG TITLE

General Description:

This bill amends the Municipal Alternate Voting Methods Pilot Project.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ extends the {expiration} repeal date of the Municipal Alternate Voting Methods Pilot Project (pilot project) from January 1, 2026, to January 1, 2036; {and}
- ▶ as part of the pilot project, gives a participating municipality the option of selecting instant runoff voting or approval voting as a voting method to conduct an election;
- ▶ describes the process of approval voting and of determining winners in an approval voting race; and
- ▶ makes {a} technical and conforming {change} changes.

Money Appropriated in this Bill:

None

This bill provides a special effective date.

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21 AMENDS:

22 **20A-1-304** , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws
of Utah 2024, Chapter 503

23 **20A-3a-204** , as last amended by Laws of Utah 2022, Chapter 156 , as last amended by Laws
of Utah 2022, Chapter 156

24 **20A-4-101** , as last amended by Laws of Utah 2022, Chapter 342 , as last amended by Laws
of Utah 2022, Chapter 342

25 **20A-4-102** , as last amended by Laws of Utah 2023, Chapters 156, 297 , as last amended by
Laws of Utah 2023, Chapters 156, 297

26 **20A-4-304** , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws
of Utah 2024, Chapter 503

27 **20A-4-401** , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws
of Utah 2024, Chapter 503

28 **20A-4-601** , as last amended by Laws of Utah 2022, Chapter 342 , as last amended by Laws
of Utah 2022, Chapter 342

29 **20A-4-602** , as last amended by Laws of Utah 2022, Chapter 170 , as last amended by Laws of Utah
2022, Chapter 170

30 **20A-4-603** , as last amended by Laws of Utah 2022, Chapter 342 , as last amended by Laws
of Utah 2022, Chapter 342

31 **20A-6-203.5** , as enacted by Laws of Utah 2018, Chapter 187 , as enacted by Laws of Utah
2018, Chapter 187

32 **20A-6-402** , as last amended by Laws of Utah 2024, Chapter 438 , as last amended by Laws
of Utah 2024, Chapter 438

33 **63I-2-220** , as last amended by Laws of Utah 2024, Fourth Special Session, Chapter 2 , as last
amended by Laws of Utah 2024, Fourth Special Session, Chapter 2

34 ENACTS:

35 **20A-4-605** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

38 Section 1. Section **20A-1-304** is amended to read:

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39 **20A-1-304. Tie votes.**

- 41 (1) This section does not apply to [~~a race conducted by instant runoff voting~~] an alternative voting
method race under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- 44 (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection 20A-4-401(5),
a tie vote occurs, the election officer shall, in a public meeting held no later than three days after the
day on which the recount canvass is completed:
- 47 (a) determine the winning candidate, by lot, in whatever manner the election officer determines; and
- 49 (b) provide notice and an opportunity for each candidate involved in the tie to observe the casting or
drawing of the lot or to send a representative to observe the casting or drawing of the lot.
- 52 (3)
- . (a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election
race for a national, statewide, or other office that represents more than one county, the governor,
lieutenant governor, and attorney general shall, at a public meeting called by the governor no later
than three days after the day on which the recount canvass is completed:
- 57 (i) determine the winning nominee, by lot, in whatever manner the governor determines; and
- 59 (ii) provide notice and an opportunity for each candidate involved in the tie to observe the casting
or drawing of the lot or to send a representative to observe the casting or drawing of the lot.
- 62 (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a primary election
race for a county office, the district court judges of the district in which the county is located shall,
at a public meeting called by the judges no later than three days after the day on which the recount
canvass is completed:
- 66 (i) determine the winning nominee, by lot, in whatever manner the judges determine; and
- 68 (ii) provide notice and an opportunity for each candidate involved in the tie to observe the casting or
drawing of the lot or to send a representative to observe the casting or drawing of the lot.

71 Section 2. Section 20A-3a-204 is amended to read:

72 **20A-3a-204. Marking and depositing ballots.**

73 (1) To vote by mail:

- 74 (a) except as provided in Subsection (6), the voter shall prepare the voter's manual ballot by marking
the appropriate space with a mark opposite the name of each candidate of the voter's choice for each
office to be filled;

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- (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the appropriate space with a mark opposite the answer the voter intends to make;
- 79 (c) except as provided in Subsection (6), the voter shall record a write-in vote in accordance with Subsection 20A-3a-206(1);
- 81 (d) except as provided in Subsection (6), a mark is not required opposite the name of a write-in candidate; and
- 83 (e) the voter shall:
- 84 (i) complete and sign the affidavit on the return envelope;
- 85 (ii) place the voted ballot in the return envelope;
- 86 (iii) if required, place a copy of the voter's valid voter identification in the return envelope;
- 88 (iv) securely seal the return envelope; and
- 89 (v)
- . (A) attach postage, if necessary, and deposit the return envelope in the mail; or
- 90 (B) place the return envelope in a ballot drop box, designated by the election officer, for the precinct where the voter resides.
- 92 (2)
- . (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is mailed must be:
- 94 (i) clearly postmarked before election day, or otherwise clearly marked by the post office as received by the post office before election day; and
- 96 (ii) received in the office of the election officer before noon on the day of the official canvass following the election.
- 98 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls close on election day, be deposited in:
- 100 (i) a ballot box at a polling place; or
- 101 (ii) a ballot drop box designated by an election officer for the jurisdiction to which the ballot relates.
- 103 (c) An election officer may, but is not required to, forward a ballot deposited in a ballot drop box in the wrong jurisdiction to the correct jurisdiction.
- 105 (d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to deposit the ballot in the ballot drop box.

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- (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after complying with Subsections (1)(a) through (d):
- 110 (a) sign the official register or pollbook; and
- 111 (b)
- . (i) place the ballot in the ballot box; or
- 112 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope, complete the information printed on the provisional ballot envelope, and deposit the provisional ballot envelope in the provisional ballot box.
- 115 (4)
- . (a) An individual with a disability may vote a mechanical ballot at a polling place.
- 116 (b) An individual other than an individual with a disability may vote a mechanical ballot at a polling place if permitted by the election officer.
- 118 (5) To vote a mechanical ballot, the voter shall:
- 119 (a) make the selections according to the instructions provided for the voting device; and
- 120 (b) subject to Subsection (6), record a write-in vote by:
- 121 (i) selecting the appropriate position for entering a write-in candidate; and
- 122 (ii) using the voting device to enter the name of the valid write-in candidate for whom the voter wishes to vote.
- 124 (6) To vote in an [~~instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a voter:~~] alternate voting method race under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project:
- 127 (a) for a municipality using the instant runoff voting method described in Sections 20A-4-603 and 20A-4-604, a voter:
- 129 (i) shall indicate, as directed on the ballot, the name of the candidate who is the voter's first preference for the office; and
- 131 [~~(b)~~] (ii) may indicate, as directed on the ballot, the names of the remaining candidates in order of the voter's preference[-]; or
- 133 (b) for a municipality using the approval voting method described in Section 20A-4-605, a voter shall, as directed on the ballot, indicate one or more names of candidates whom the voter approves for the office, without stating an order of preference.
- 136 (7) A voter who votes at a polling place:

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- 137 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting;
and
- 139 (b) may not:
- 140 (i) occupy a voting booth occupied by another, except as provided in Section 20A-3a-208;
- 142 (ii) remain within the voting area more than 10 minutes; or
- 143 (iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are
waiting to occupy a voting booth.
- 145 (8) If the official register shows any voter as having voted, that voter may not reenter the voting area
during that election unless that voter is an election official or watcher.
- 147 (9) A poll worker may not, at a polling place, allow more than four voters more than the number of
voting booths into the voting area at one time unless those excess voters are:
- 149 (a) election officials;
- 150 (b) watchers; or
- 151 (c) assisting voters with a disability.

152 Section 3. Section 20A-4-101 is amended to read:

153 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at polling place
on day of election before polls close.**

- 155 (1) Each county legislative body, municipal legislative body, and each poll worker shall comply with
the requirements of this section when counting manual ballots on the day of an election, if:
- 158 (a) the ballots are cast at a polling place; and
- 159 (b) the ballots are counted at the polling place before the polls close.
- 160 (2)
- . (a) Each county legislative body or municipal legislative body shall provide:
- 161 (i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have
been appointed; and
- 163 (ii) a counting room for the use of the poll workers counting the ballots during the day.
- 165 (b) At any election in any voting precinct in which both receiving and counting judges have been
appointed, when at least 20 votes have been cast, the receiving judges shall:
- 167 (i) close the first ballot box and deliver it to the counting judges; and
- 168 (ii) prepare and use another ballot box to receive voted ballots.
- 169 (c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting judges shall:

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- 171 (i) take the ballot box to the counting room;
- 172 (ii) count the votes on the regular ballots in the ballot box;
- 173 (iii) place the provisional ballot envelopes in the envelope or container provided for them for return to
the election officer; and
- 175 (iv) when they have finished counting the votes in the ballot box, return the emptied box to the
receiving judges.
- 177 (d)
- . (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the
receiving judges shall deliver that ballot box to the counting judges for counting; and
- 180 (ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots
contained in that box.
- 182 (e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls
close.
- 184 (f)
- . (i) The director of elections within the Office of the Lieutenant Governor shall make rules in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, describing the
procedures that a counting judge is required to follow for counting ballots in an [~~instant runoff
voting~~] alternate voting method race under Part 6, Municipal Alternate Voting Methods Pilot
Project.
- 189 (ii) When counting ballots in an [~~instant runoff voting~~] alternate voting method race described in
Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the
procedures established under Subsection (2)(f)(i) and Part 6, Municipal Alternate Voting Methods
Pilot Project.
- 193 (3) To resolve questions that arise during the counting of ballots, a counting judge shall apply the
standards and requirements of:
- 195 (a) to the extent applicable, Section 20A-4-105; and
- 196 (b) as applicable, for [~~an instant runoff voting race~~] an alternate voting method race under Part 6,
Municipal Alternate Voting Methods Pilot Project[.]; :
- 198 (i) Subsections [20A-4-603(3) through (5).] 20A-4-603(4) through (6), for a race conducted using
instant runoff voting; or
- 200 (ii) Subsection 20A-4-605(2), for a race conducted using approval voting.

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- 201 Section 4. Section 20A-4-102 is amended to read:
- 202 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at polling place**
on day of election after polls close.
- 204 (1)
- . (a) This section governs counting manual ballots on the day of an election, if:
- 205 (i) the ballots are cast at a polling place; and
- 206 (ii) the ballots are counted at the polling place after the polls close.
- 207 (b) Except as provided in Subsection (2) or a rule made under Subsection 20A-4-101(2)(f)(i), as soon as
the polls have been closed and the last qualified voter has voted, the election judges shall count the
ballots by performing the tasks specified in this section in the order that they are specified.
- 211 (c) To resolve questions that arise during the counting of ballots, a counting judge shall apply the
standards and requirements of:
- 213 (i) to the extent applicable, Section 20A-4-105; and
- 214 (ii) as applicable, for an [~~instant runoff voting race~~] alternate voting method race under Part 6,
Municipal Alternate Voting Methods Pilot Project[;] :
- 216 (A) Subsections [~~20A-4-603(3) through (5).~~] 20A-4-603(4) through (6), for a race conducted using
instant runoff voting; or
- 218 (B) Subsection 20A-4-605(2), for a race conducted using approval voting.
- 219 (2)
- . (a) First, the election judges shall count the number of ballots in the ballot box.
- 220 (b)
- . (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges
shall examine the official endorsements on the ballots.
- 222 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official
endorsement, the judges shall put those ballots in an excess ballot file and not count them.
- 225 (c)
- . (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there
are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot
box.
- 228 (ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the
ballot box.

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- 230 (iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.
- 232 (d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.
- 234 (3) The judges shall:
- 235 (a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and
- 237 (b) seal that envelope or container.
- 238 (4) The judges shall:
- 239 (a) place all of the provisional ballot envelopes in the envelope provided for them for return to the election officer; and
- 241 (b) seal that envelope or container.
- 242 (5)
- . (a) In counting the votes, the election judges shall read and count each ballot separately.
- 244 (b) In regular primary elections the judges shall:
- 245 (i) count the number of ballots cast for each party;
- 246 (ii) place the ballots cast for each party in separate piles; and
- 247 (iii) count all the ballots for one party before beginning to count the ballots cast for other parties.
- 249 (6)
- . (a) In all elections, the counting judges shall, except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection 20A-4-101(2)(f)(i):
- 252 (i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;
- 254 (ii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;
- 256 (iii) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;
- 258 (iv) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;
- 260 (v) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and
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- (vi) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.
- 264 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.
- 266 (c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.
- 268 (d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.
- 270 (7)
- . (a) Except as provided in Subsection (7)(b), only an election judge and a watcher may be present at the place where counting is conducted until the count is completed.
- 272 (b)
- . (i) An auditor conducting an audit described in Section 36-12-15.2 may be present at the place where counting is conducted, regardless of whether the count is completed.
- 275 (ii) The lieutenant governor may be present at the place where counting is conducted, regardless of whether the count is completed.
- 277 Section 5. Section 20A-4-304 is amended to read:
- 278 **20A-4-304. Declaration of results -- Canvassers' report.**
- 279 (1)
- . (a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:
- 281 (i) had the highest number of votes; and
- 282 (ii) sought election or nomination to an office completely within the board's jurisdiction.
- 284 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare a "tie vote" if:
- 286 (i) two or more candidates for an office receive an equal and the highest number of votes for that office; or
- 288 (ii) in a race for an at-large office:
- 289 (A) two or more candidates receive an equal number of votes; and
- 290 (B) a recount is necessary to determine which candidates are elected to the at-large office.
- 292 (c) A board of canvassers shall declare:

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- 293 (i) "approved" those ballot propositions that:
294 (A) had more "yes" votes than "no" votes; and
295 (B) were submitted only to the voters within the board's jurisdiction; or
296 (ii) "rejected" those ballot propositions that:
297 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and
299 (B) were submitted only to the voters within the board's jurisdiction.
300 (d) A board of canvassers shall:
301 (i) certify the vote totals for persons and for and against ballot propositions that were submitted to
voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant
governor; and
304 (ii) if applicable, certify the results of each special district election to the special district clerk.
306 (2) The election officer shall submit a report to the board of canvassers that includes the following
information:
308 (a) the total number of votes cast in the board's jurisdiction;
309 (b) the names of each candidate whose name appeared on the ballot;
310 (c) the title of each ballot proposition that appeared on the ballot;
311 (d) each office that appeared on the ballot;
312 (e) from each voting precinct:
313 (i) the number of votes for each candidate;
314 (ii) for each race conducted by [~~instant runoff voting~~] an alternate voting method under Part 6,
Municipal Alternate Voting Methods Pilot Project[;] ;
316 (A) for an instant runoff voting race, the number of valid votes cast for each candidate for each potential
ballot-counting phase and the name of the candidate excluded in each ballot-counting phase;
[and] or
319 (B) for an approval voting race, the number of valid approvals cast for each candidate; and
321 (iii) the number of votes for and against each ballot proposition;
322 (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each
ballot proposition;
324 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
325 (i) the number of ballots counted;
326 (ii) provisional ballots; and

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- 327 (iii) the number of ballots rejected;
- 328 (h) a final ballot reconciliation report;
- 329 (i) other information required by law to be provided to the board of canvassers; and
- 330 (j) a statement certifying that the information contained in the report is accurate.
- 331 (3) The election officer and the board of canvassers shall:
- 332 (a) review the report to ensure that the report is correct; and
- 333 (b) sign the report.
- 334 (4) The election officer shall:
- 335 (a) record or file the certified report in a book kept for that purpose;
- 336 (b) prepare and transmit a certificate of nomination or election under the officer's seal to each
nominated or elected candidate;
- 338 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 339 (d) file a copy of the certified report with the lieutenant governor.
- 340 (5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the
day on which the board of canvassers declares the election results, publicize the certified report
described in Subsection (2) for the jurisdiction, as a class A notice under Section 63G-30-102, for at
least seven days.
- 344 (6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may
contain a statement that:
- 346 (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a
report of the election results for the [indicate type and date of election]."; and
- 349 (b) specifies the following sources where an individual may view or obtain a copy of the entire certified
report:
- 351 (i) if the jurisdiction has a website, the jurisdiction's website;
- 352 (ii) the physical address for the jurisdiction; and
- 353 (iii) a mailing address and telephone number.
- 354 (7) When there has been a regular general or a statewide special election for statewide officers, for
officers that appear on the ballot in more than one county, or for a statewide or two or more county
ballot proposition, each board of canvassers shall:
- 357 (a) prepare a separate report detailing the number of votes for each candidate and the number of votes
for and against each ballot proposition; and

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- 359 (b) transmit the separate report by registered mail to the lieutenant governor.
- 360 (8) In each county election, municipal election, school election, special district election, and local
special election, the election officer shall transmit the reports to the lieutenant governor within 14
days after the date of the election.
- 363 (9) In a regular primary election and in a presidential primary election, the board shall transmit to the
lieutenant governor:
- 365 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not
later than the second Tuesday after the election; and
- 367 (b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed
to the lieutenant governor on or before the third Friday following the primary election.
- 370 Section 6. Section 20A-4-401 is amended to read:
- 371 **20A-4-401. Recounts -- Procedure.**
- 372 (1) This section does not apply to [~~a race conducted by instant runoff voting~~] an alternative voting
method race conducted under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- 375 (2) The election officer shall conduct a recount of votes cast in a race if:
- 376 (a) two or more candidates for an office receive an equal and the highest number of votes for that office;
or
- 378 (b) in a race for an at-large office, two or more candidates receive an equal number of votes and at least
one of the candidates must be eliminated to determine which candidates are elected.
- 381 (3)
- . (a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if the difference
between the number of votes cast for a winning candidate in the race and a losing candidate in the
race is equal to or less than .25% of the total number of votes cast for all candidates in the race, the
losing candidate may file a request for a recount in accordance with Subsection (4).
- 386 (b) Except as provided in Subsection (2), for a race between candidates where the total of all votes cast
in the race is 400 or less, if the difference between the number of votes cast for a winning candidate
in the race and a losing candidate in the race is one vote, the losing candidate may file a request for a
recount in accordance with Subsection (4).
- 391 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall file the
request:

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- (a) for a municipal primary election, with the municipal clerk, before 5 p.m., no later than three days after the day on which the canvass is completed; or
- 395 (b) for all other elections, before 5 p.m., no later than seven days after the day on which the canvass is completed, with:
- 397 (i) the municipal clerk, if the election is a municipal general election;
- 398 (ii) the special district clerk, if the election is a special district election;
- 399 (iii) the county clerk, for a race voted on entirely within a single county; or
- 400 (iv) the lieutenant governor, for a statewide race or multi-county race.
- 401 (5)
- . (a) The election officer shall conduct the recount:
- 402 (i) for a race described in Subsection (2), no later than 10 days after the day on which the board of canvassers certifies the vote totals; or
- 404 (ii) for a race described in Subsection (3), no later than seven days after the day on which the losing candidate requests the recount.
- 406 (b) In conducting the recount, the election officer shall:
- 407 (i) supervise the recount;
- 408 (ii) recount all ballots cast in the race;
- 409 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and
- 411 (iv)
- . (A) for a race between candidates for a single office, declare elected the candidate who receives the highest number of votes on the recount;
- 413 (B) for a race for an at-large office, declare elected the candidate who receives the highest number of votes on the recount, until all offices are filled by the candidates who received the highest number of votes;
- 416 (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more candidates receive an equal and the highest number of votes, declare a tie vote; or
- 419 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more candidates receive an equal number of votes, declare a tie vote if the selection of the winning candidate by lot under Section 20A-1-304 is necessary to determine which candidate is elected to the at-large office.
- 423 (6) The cost of a recount under Subsection (5) shall be paid by:

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- 424 (a) for a statewide race or multi-county race, the state; or
425 (b) for all other races:
- 426 (i) the political subdivision that conducts the election; or
427 (ii) the political subdivision that enters into a contract or interlocal agreement under Title 11, Chapter
13, Interlocal Cooperation Act, with a provider election officer to conduct the election.
- 430 (7)
. (a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond proposition, if the
proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for
or against the proposition, any 10 voters who voted in the election where the proposition was on the
ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass
with the person described in Subsection (8).
- 436 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the
proposition is 400 or less, if the difference between the number of votes cast for the proposition and
the number of votes cast against the proposition is one vote, any 10 voters who voted in the election
where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
days after the day of the canvass with the person described in Subsection (8).
- 442 (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file the request
with:
- 444 (a) the municipal clerk, if the election is a municipal election;
445 (b) the special district clerk, if the election is a special district election;
446 (c) the county clerk, for a proposition voted on entirely within a single county; or
447 (d) the lieutenant governor, for a statewide proposition or multi-county proposition.
- 448 (9)
. (a) In conducting the recount, the election officer shall:
- 449 (i) supervise the recount;
450 (ii) recount all ballots cast for the ballot proposition or bond proposition;
451 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of
Ballots; and
453 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the
results of the recount.

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

457 (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the recount.

459 (11)

(a) Upon completing a recount described in Subsection (5) or (9), the election officer shall immediately convene the board of canvassers.

461 (b) The board of canvassers shall:

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

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

466 (c) If the recount is for a statewide race, multi-county race, or a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection 20A-4-304(7).

469 (d) The canvassers' report prepared as provided in this Subsection (11) is the official result of the race or proposition that is the subject of the recount.

471 Section 7. Section 20A-4-601 is amended to read:

472 **20A-4-601. Definitions.**

As used in this part:

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

475 (a) two less than the total number of candidates in a given ballot-counting phase of a multi-candidate race; and

477 (b) .02%.

478 (2) "First preference ranking" means the candidate selected as the candidate most preferred by a voter, as indicated by:

480 (a) the number one; or

481 (b) if the voter does not assign the number one to any candidate, the number two.

482 (3) "Multi-candidate race" means a nonpartisan municipal race where:

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

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

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- 487 (4) "Participating municipality" means a municipality that is participating in the pilot project, in
accordance with Subsection 20A-4-602(3).
- 489 (5) "Pilot project" means the Municipal Alternate Voting Methods Pilot Project created in Section
20A-4-602.
- 491 (6) "Recount threshold" means the sum of the candidate amplifier and the following:
- 492 (a) for a ballot-counting phase in which fewer than 100 valid rankings are counted, 0.21%;
- 494 (b) for a ballot-counting phase in which at least 100, but fewer than 500, valid rankings are counted,
0.19%;
- 496 (c) for a ballot-counting phase in which at least 500, but fewer than 1,000, valid rankings are counted,
0.17%;
- 498 (d) for a ballot-counting phase in which at least 1,000, but fewer than 5,000, valid rankings are counted,
0.15%;
- 500 (e) for a ballot-counting phase in which at least 5,000, but fewer than 10,000, valid rankings are
counted, 0.13%; and
- 502 (f) for a ballot-counting phase in which 10,000 or more valid rankings are counted, 0.11%.
- 504 (7) "Valid" means that the ballot is marked in a manner that permits the ranking to be counted during
the applicable ballot-counting phase.
- 506 (8) "Voting method" means:
- 507 (a) the instant runoff voting method described in Sections 20A-4-603 and 20A-4-604; or
- 508 (b) the approval voting method described in Section 20A-4-605.

509 Section 8. Section **20A-4-602** is amended to read:

510 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation -- Participation.**

- 24 (1) There is created the Municipal Alternate Voting Methods Pilot Project.
- 25 (2) The pilot project begins on January 1, 2019, and ends on January 1, [~~2026~~] 2036.
- 26 (3)
- . (a) A municipality may participate in the pilot project, in accordance with the requirements of
this section and all other applicable provisions of law, during any odd-numbered year that the
pilot project is in effect, if, before May 1 of the odd-numbered year, the legislative body of the
municipality:
- 30 (i) votes to participate; and
- 31 (ii) provides written notice to the lieutenant governor and the county clerk: ;

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- 520 (A) stating that the municipality intends to participate in the pilot project for the year specified in the
notice~~[-]~~ ; and
- 522 (B) specifying the voting method that the municipality will use to conduct the election.
- 34 (b) The legislative body of a municipality that provides the notice of intent described in Subsection (3)
(a) may:
- 526 (i) withdraw the notice of intent, and not participate in the pilot project, if the legislative body of the
municipality provides written notice of withdrawal to the lieutenant governor and the county clerk
before May 1~~[-]~~ ; or
- 529 (ii) change the voting method specified under Subsection (3)(a)(ii)(B) to another voting method, if the
municipality provides written notice of the change to the lieutenant governor and the county clerk
before May 1.
- 38 (4) The lieutenant governor shall maintain, in a prominent place on the lieutenant governor's website, a
current list of the municipalities that are participating in the pilot project.
- 41 (5)
- . (a) An election officer of a participating municipality shall, in accordance with the provisions of this
part, conduct a multi-candidate race during the municipal general election using ~~instant runoff~~
voting the voting method most recently specified in the municipality's notice under Subsection (3).
- 44 (b) Except as provided in Subsection ~~[20A-4-603(9)]~~ 20A-4-603(10) or 20A-4-605(6), an election
officer of a participating municipality that will conduct a multi-candidate race under Subsection (5)
(a) may not conduct a municipal primary election relating to that race.
- 47 (c) A municipality that has in effect an ordinance described in Subsection 20A-9-404(3) or (4) may not
participate in the pilot project.
- 49 (6) Except for an election described in Subsection ~~[20A-4-603(9)]~~ 20A-4-603(10) or 20A-4-605(6), an
individual who files a declaration of candidacy or a nomination petition, for a candidate who will
run in an election described in this part, shall file the declaration of candidacy or nomination petition
during the office hours described in Section 10-3-301 and not later than the close of those office
hours, no sooner than the second Tuesday in August and no later than the third Tuesday in August
of an odd-numbered year.

552 Section 9. Section 20A-4-603 is amended to read:

553 **20A-4-603. Instant runoff voting method.**

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- (1) This section applies to a participating municipality that, under Subsection 20A-4-602(3), specifies the instant runoff voting method as the voting method the municipality will use to conduct the election.
- 557 (2) In a multi-candidate race, the election officer [~~for a participating municipality~~] shall:
- 558 (a)
- . (i) conduct the first ballot-counting phase by counting the valid first preference rankings for each candidate; and
- 560 (ii) if one of the candidates receives more than 50% of the valid first preference rankings counted, declare that candidate elected;
- 562 (b) if, after counting the valid first preference rankings for each candidate, no candidate receives more than 50% of the valid first preference rankings counted, conduct the second ballot-counting phase by:
- 565 (i) excluding from the multi-candidate race:
- 566 (A) the candidate who received the fewest valid first preference rankings counted; or
- 568 (B) in the event of a tie for the fewest valid first preference rankings counted, one of the tied candidates, determined by the election officer by lot, in accordance with Subsection [~~(6)~~] (7);
- 571 (ii) adding, to the valid first preference rankings counted for the remaining candidates, the next valid preference rankings cast for the remaining candidates by the voters who cast a valid first preference ranking for the excluded candidate; and
- 574 (iii) if, after adding the rankings in accordance with Subsection [~~(1)(b)(ii)~~] (2)(b)(ii), one candidate receives more than 50% of the valid rankings counted, declaring that candidate elected; and
- 577 (c) if, after adding the next valid preference rankings in accordance with Subsection [~~(1)(b)(ii)~~] (2)(b)(ii), no candidate receives more than 50% of the valid rankings counted, conduct subsequent ballot-counting phases by continuing the process described in Subsection [~~(1)(b)~~] (2)(b) until a candidate receives more than 50% of the valid rankings counted, as follows:
- 582 (i) excluding from consideration the candidate who has the fewest valid rankings counted or, in the event of a tie for the fewest valid rankings counted, excluding one of the tied candidates, by lot, in accordance with Subsection [~~(6)~~] (7); and
- 585 (ii) adding the next valid preference ranking cast by each voter whose ranking was counted for the last excluded candidate to one of the remaining candidates, in the order of the next preference indicated by the voter.

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- 588 [~~(2)~~] (3) The election officer shall declare elected the first candidate who receives more than 50% of the
valid rankings counted under the process described in Subsection [~~(1)~~] (2).
- 590 [~~(3)~~] (4) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:
- 591 (a) the voter indicates the voter's preference for that ballot-counting phase and all previous ballot-
counting phases; or
- 593 (b) in the event that the voter skips a number in filling out the rankings on a ballot:
- 594 (i) the voter clearly indicates an order of preference for the candidates;
- 595 (ii) the voter does not skip two or more consecutive numbers at any point before the preference ranking
that would otherwise be counted for the current ballot-counting phase;
- 598 (iii) the candidate next preferred by the voter is clearly indicated by a subsequent number that most
closely follows the number assigned by the voter for the previously-ranked candidate; and
- 601 (iv) the voter did not give the same rank to more than one candidate for the applicable ballot-counting
phase or a previous ballot-counting phase.
- 603 [~~(4)~~] (5) A ranking is not valid for a particular ballot-counting phase of a multi-candidate race, and for
all subsequent ballot-counting phases, if:
- 605 (a) the voter indicates the same rank for more than one candidate for that ballot-counting phase; or
- 607 (b) the voter skips two or more consecutive numbers before ranking another candidate.
- 608 [~~(5)~~] (6) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from the race, the
next-ranked candidate who has not withdrawn from the race will be counted for that ballot-counting
phase.
- 611 [~~(6)~~] (7) For each ballot-counting phase after the first phase, if two or more candidates tie as having
received the fewest valid rankings counted at that point in the ballot count, the election officer shall
eliminate one of those candidates from consideration, by lot, in the following manner:
- 615 (a) determine the names of the candidates who tie as having received the fewest valid rankings for that
ballot-counting phase;
- 617 (b) cast the lot in the presence of at least two election officials and any counting poll watchers who are
present and desire to witness the casting of the lot; and
- 619 (c) sign a public document that:
- 620 (i) certifies the method used for casting the lot and the result of the lot; and
- 621 (ii) includes the name of each individual who witnessed the casting of the lot.
- 622

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~~[(7)]~~ (8) In a multi-candidate race for an at-large office, where the number of candidates who qualify for the race exceeds the total number of at-large seats to be filled for the office, the election officer shall count the rankings by:

625 (a) except as provided in Subsection ~~[(8)]~~ (9), counting rankings in the same manner as described in Subsections ~~[(1) through (6)]~~ (2) through (7), until a candidate is declared elected;

628 (b) repeating the process described in Subsection ~~[(7)(a)]~~ (8)(a) for all candidates that are not declared elected until another candidate is declared elected; and

630 (c) continuing the process described in Subsection ~~[(7)(b)]~~ (8)(b) until all at-large seats in the race are filled.

632 ~~[(8)]~~ (9) After a candidate is declared elected under Subsection ~~[(7)]~~ (8), the election officer shall, in repeating the process described in Subsections ~~[(1) through (6)]~~ (2) through (7) to declare the next candidate elected, add to the ranking totals the next valid preference vote of each voter whose ranking was counted for a candidate already declared elected.

636 ~~[(9)]~~ (10) An election officer for a participating municipality may choose to conduct a primary election by using instant runoff voting in the manner described in Subsections ~~[(1) through (6)]~~ (2) through (7), except that:

639 (a) instead of determining whether a candidate receives more than 50% of the valid preference rankings for a particular ballot-counting phase, the election officer shall proceed to a subsequent ballot-counting stage, and exclude the candidate who receives the fewest valid preference rankings in that phase, until twice the number of seats to be filled in the race remain; and

644 (b) after complying with Subsection ~~[(9)(a)]~~ (10)(a), the election officer shall declare the remaining candidates nominated to participate in the municipal general election.

646 ~~[(10)]~~ (11) After completing all ballot-counting phases in a multi-candidate race, the election officer shall order a full recount of the ballots cast for that race if, in one or more of the ballot-counting phases:

649 (a) the difference between the number of rankings counted for a candidate who is declared elected and the number of rankings counted for any other candidate in the same ballot-counting phase is equal to or less than the product of the following, rounded up to the nearest whole number:

653 (i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and

655 (ii) the recount threshold; or

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(b) the difference between the number of rankings counted for the candidate who received the fewest valid rankings in a ballot-counting phase and the number of rankings counted for any other candidate in the same ballot-counting phase is equal to or less than the product of the following, rounded up to the nearest whole number:

- 660 (i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and
662 (ii) the recount threshold.

663 ~~[(11)]~~ (12) A recount described in Subsection ~~[(10)]~~ (11):

- 664 (a) requires rescanning and tabulating all valid ballots; and
665 (b) provides for only one recount.

666 ~~[(12)]~~ (13) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend the canvass deadline by up to seven additional days, if necessary, to conduct a recount required under Subsection ~~[(10)]~~ (11).

669 Section 10. Section **10** is enacted to read:

670 **20A-4-605. Approval voting method.**

671 (1) This section applies to a participating municipality that, under Subsection 20A-4-602(3), specifies the approval voting method as the voting method that the municipality will use to conduct the election.

674 (2) In a multi-candidate race, the election officer shall:

675 (a) for each candidate, calculate the number of valid ballots on which the candidate is marked as approved; and

677 (b) subject to Subsection (3), declare elected the candidate who receives the highest number of approvals.

679 (3) The election officer shall order a recount of the valid ballots if the difference between the candidate who receives the highest number of approvals and any other candidate in the race is equal to or less than .25% of the total number of valid ballots.

682 (4) If, after complying with Subsection (3), two or more candidates tie with the highest number of approvals, the election officer shall:

684 (a) break the tie by lot, cast or drawn in the presence of at least two election officials and any counting poll watchers who are present and desire to witness the casting or drawing of the lot; and

687 (b) sign a public document that:

688 (i) certifies the method used for casting or drawing the lot and the result of the lot; and

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- 689 (ii) includes the name of each individual who witnessed the casting or drawing of the lot.
- 691 (5) In a multi-candidate race for an at-large office, the election officer shall:
- 692 (a) for each candidate, calculate the number of valid ballots on which the candidate is marked as
approved;
- 694 (b) subject to Subsection (5)(c), declare elected the number of candidates, equal to the number of
positions to be filled, who receive the highest number of approvals;
- 696 (c) order a recount of the valid ballots if the difference between the number of approvals received by the
candidate to be declared elected with the fewest number of approvals and any candidate with fewer
approvals is equal to or less than .25% of the total number of valid ballots; and
- 700 (d) break a tie, if necessary, in accordance with Subsection (4).
- 701 (6) An election officer for a participating municipality may choose to conduct a primary election
by using the approval voting method described in Subsections (1) through (4), except that, after
complying with Subsections (3) and (4), if applicable, the election officer shall declare the top two
candidates nominated to participate in the general election.

706 **Section 11. Section 20A-6-203.5 is amended to read:**

707 **20A-6-203.5. Alternate voting ballot.**

If, in an election, at least one of the races is conducted by [~~instant runoff voting under~~
709 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project] an alternate
voting method under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the
portion of the ballot relating to that race shall:

712 (1) for a race conducted using the instant runoff voting method described in Sections 20A-4-603 and
20A-4-604:

714 [(4)] (a) list each candidate who qualifies to be placed on the election ballot for that race;

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

719 [(3)] (c) provide the ability for a voter to enter a write-in candidate's name and indicate the voter's
ordered preference for the write-in candidate[-]; or

721 (2) for a race conducted using the approval voting method described in Section 20A-4-605:

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

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- 723 (b) opposite each candidate's name, include a place where a voter can indicate the voter's approval of
each candidate, as described in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;
and
- 726 (c) provide the ability for a voter to enter a write-in candidate's name and indicate the voter's approval
of the write-in candidate.
- 728 Section 12. Section 20A-6-402 is amended to read:
- 729 **20A-6-402. Ballots for municipal general elections.**
- 730 (1) Except as otherwise required for a race conducted by [~~instant runoff voting under Title 20A, Chapter~~
4, Part 6, Municipal Alternate Voting Methods Pilot Project] an alternate voting method under
Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual ballot at a
municipal general election, an election officer shall ensure that:
- 735 (a) the names of the two candidates who received the highest number of votes for mayor in the
municipal primary are placed upon the ballot;
- 737 (b) if no municipal primary election was held, the names of the candidates who filed declarations of
candidacy for municipal offices are placed upon the ballot;
- 739 (c) for other offices:
- 740 (i) twice the number of candidates as there are positions to be filled are certified as eligible for election
in the municipal general election from those candidates who received the greater number of votes in
the primary election; and
- 743 (ii) the names of those candidates are placed upon the municipal general election ballot;
- 745 (d) the names of the candidates are placed on the ballot in the order specified under Section 20A-6-305;
- 747 (e) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is
qualified under Section 20A-9-601, a write-in area is placed upon the ballot that contains, for each
office in which there is a qualified write-in candidate:
- 751 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
- 752 (ii) a square or other conforming area that is adjacent to or opposite the blank horizontal line to enable
the voter to indicate the voter's vote;
- 754 (f) ballot propositions that have qualified for the ballot, including propositions submitted to the voters
by the municipality, municipal initiatives, and municipal referenda, are listed on the ballot in
accordance with Section 20A-6-107; and

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- (g) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.
- 759 (2) Except as otherwise required for a race conducted by [~~instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~] an alternate voting method under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a mechanical ballot at municipal general elections, each election officer shall ensure that:
- 764 (a) the following endorsements are displayed on the first portion of the ballot:
- 765 (i) "Official Ballot for ____ (City or Town), Utah";
- 766 (ii) the date of the election; and
- 767 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 768 (b) immediately below the election officer's title, a distinct border or line separates the endorsements from the rest of the ballot;
- 770 (c) immediately below the border or line, an "Instructions to Voters" section is displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by another border or line;
- 773 (d) after the border or line, the designation of the office for which the candidates seek election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of candidates for which the voter may vote)" are displayed, followed by a line or border;
- 777 (e) after the line or border, the names of the candidates are displayed in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;
- 780 (f) a voting square or position is located adjacent to the name of each candidate;
- 781 (g) following the name of the last candidate for each office in which a write-in candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the voter may enter the name of and vote for a valid write-in candidate for the office; and
- 784 (h) the candidate groups are separated from each other by a line or border.
- 785 (3) When a municipality has chosen to nominate candidates by convention or committee, the election officer shall ensure that the party name is included with the candidate's name on the ballot.
- 788 Section 13. Section **63I-2-220** is amended to read:
- 789 **63I-2-220. Repeal dates: Title 20A.**
- 57 (1) Section 20A-7-103.1, Constitutional amendments proposed during specified timeframe -- Analysis -- Arguments -- Publication, is repealed July 1, 2025.

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59 (2) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is repealed January
1, [~~2026~~] 2036.

794 Section 14. **Effective date.**

This bill takes effect on January 1, 2026.

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