

Nate Blouin proposes the following substitute bill:

Municipal Elections Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

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LONG TITLE

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General Description:

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This bill amends the Municipal Alternate Voting Methods Pilot Project.

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Highlighted Provisions:

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This bill:

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▸ defines terms;

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▸ extends the repeal date of the Municipal Alternate Voting Methods Pilot Project (pilot

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project) from January 1, 2026, to January 1, 2036;

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▸ as part of the pilot project, gives a participating municipality the option of selecting

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instant runoff voting or approval voting as a voting method to conduct an election;

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▸ describes the process of approval voting and of determining winners in an approval

14

voting race; and

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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This bill provides a special effective date.

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Utah Code Sections Affected:

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AMENDS:

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

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

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

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

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

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

28

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

- 29 **20A-4-602**, as last amended by Laws of Utah 2022, Chapter 170
- 30 **20A-4-603**, as last amended by Laws of Utah 2022, Chapter 342
- 31 **20A-6-203.5**, as enacted by Laws of Utah 2018, Chapter 187
- 32 **20A-6-402**, 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

34 ENACTS:

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



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

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

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

40

41 (1) This section does not apply to [~~a race conducted by instant runoff voting~~] an alternative
42 voting method race under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
43 Project.

44 (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection
45 20A-4-401(5), a tie vote occurs, the election officer shall, in a public meeting held no
46 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
48 determines; and

49 (b) provide notice and an opportunity for each candidate involved in the tie to observe
50 the casting or drawing of the lot or to send a representative to observe the casting or
51 drawing of the lot.

52 (3)(a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in
53 a primary election race for a national, statewide, or other office that represents more
54 than one county, the governor, lieutenant governor, and attorney general shall, at a
55 public meeting called by the governor no later than three days after the day on which
56 the recount canvass is completed:

57 (i) determine the winning nominee, by lot, in whatever manner the governor
58 determines; and

59 (ii) provide notice and an opportunity for each candidate involved in the tie to
60 observe the casting or drawing of the lot or to send a representative to observe the
61 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

63 primary election race for a county office, the district court judges of the district in
64 which the county is located shall, at a public meeting called by the judges no later
65 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;
67 and

68 (ii) provide notice and an opportunity for each candidate involved in the tie to
69 observe the casting or drawing of the lot or to send a representative to observe the
70 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
75 by marking the appropriate space with a mark opposite the name of each candidate of
76 the voter's choice for each office to be filled;

77 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the
78 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
80 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
82 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
87 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
91 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
93 mailed must be:

94 (i) clearly postmarked before election day, or otherwise clearly marked by the post
95 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

97 canvass following the election.

98 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls
99 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
102 the ballot relates.

103 (c) An election officer may, but is not required to, forward a ballot deposited in a ballot
104 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
106 ballot drop box, with a sealed return envelope containing a ballot in the voter's
107 possession, to deposit the ballot in the ballot drop box.

108 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after
109 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
113 envelope, complete the information printed on the provisional ballot envelope, and
114 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
117 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
123 whom the voter wishes to vote.

124 (6) To vote in an [~~instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal~~
125 ~~Alternate Voting Methods Pilot Project, a voter:~~] alternate voting method under
126 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project:

127 (a) for a municipality using the instant runoff voting method described in Sections
128 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
130 voter's first preference for the office; and

131 ~~[(b)]~~ (ii) may indicate, as directed on the ballot, the names of the remaining candidates
 132 in order of the voter's preference[-:]; or

133 (b) for a municipality using the approval voting method described in Section 20A-4-605,
 134 a voter shall, as directed on the ballot, indicate one or more names of candidates
 135 whom the voter approves for the office, without stating an order of preference.

136 (7) A voter who votes at a polling place:

137 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting area
 138 after voting; and

139 (b) may not:

140 (i) occupy a voting booth occupied by another, except as provided in Section
 141 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
 144 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
 146 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
 148 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**
 154 **polling place on day of election before polls close.**

155 (1) Each county legislative body, municipal legislative body, and each poll worker shall
 156 comply with the requirements of this section when counting manual ballots on the day of
 157 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
 162 judges have been appointed; and

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

- 165 (b) At any election in any voting precinct in which both receiving and counting judges
 166 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
 170 judges shall:
 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
 174 them for return to the election officer; and
 175 (iv) when they have finished counting the votes in the ballot box, return the emptied
 176 box to the receiving judges.
- 177 (d)(i) During the course of election day, whenever there are at least 20 ballots
 178 contained in a ballot box, the receiving judges shall deliver that ballot box to the
 179 counting judges for counting; and
 180 (ii) the counting judges shall immediately count the regular ballots and segregate the
 181 provisional ballots contained in that box.
- 182 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
 183 until the polls close.
- 184 (f)(i) The director of elections within the Office of the Lieutenant Governor shall
 185 make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 186 Rulemaking Act, describing the procedures that a counting judge is required to
 187 follow for counting ballots in an ~~[instant runoff voting]~~ alternate voting method
 188 race under Part 6, Municipal Alternate Voting Methods Pilot Project.
 189 (ii) When counting ballots in an ~~[instant runoff voting]~~ alternate voting method race
 190 described in Part 6, Municipal Alternate Voting Methods Pilot Project, a counting
 191 judge shall comply with the procedures established under Subsection (2)(f)(i) and
 192 Part 6, Municipal Alternate Voting Methods Pilot Project.
- 193 (3) To resolve questions that arise during the counting of ballots, a counting judge shall
 194 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
 197 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

199 conducted using instant runoff voting; or

200 (ii) Subsection 20A-4-605(2), for a race conducted using approval voting.

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**
 203 **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

208 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter
 209 has voted, the election judges shall count the ballots by performing the tasks
 210 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
 212 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
 215 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
 217 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
 221 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
 223 proper official endorsement, the judges shall put those ballots in an excess ballot
 224 file and not count them.

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

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

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

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

- 233 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
- 236 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
- 240 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
- 243 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
- 248 other parties.
- 249 (6)(a) In all elections, the counting judges shall, except as provided in Part 6, Municipal
- 250 Alternate Voting Methods Pilot Project, or a rule made under Subsection
- 251 20A-4-101(2)(f)(i):
- 252 (i) count one vote for each candidate designated by the marks in the squares next to
- 253 the candidate's name;
- 254 (ii) count each vote for each write-in candidate who has qualified by filing a
- 255 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
- 257 before another ballot is counted;
- 258 (iv) evaluate each ballot and each vote based on the standards and requirements of
- 259 Section 20A-4-105;
- 260 (v) write the word "spoiled" on the back of each ballot that lacks the official
- 261 endorsement and deposit it in the spoiled ballot envelope; and
- 262 (vi) read, count, and record upon the tally sheets the votes that each candidate and
- 263 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
- 265 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

267 provided on the tally list.

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

270 (7)(a) Except as provided in Subsection (7)(b), only an election judge and a watcher may
271 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
273 at the place where counting is conducted, regardless of whether the count is
274 completed.

275 (ii) The lieutenant governor may be present at the place where counting is conducted,
276 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
280 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
283 jurisdiction.

284 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
285 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
287 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
291 office.

292 (c) A board of canvassers shall declare:

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
298 "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
302 submitted to voters within and beyond the board's jurisdiction and transmit those
303 vote totals to the lieutenant governor; and
- 304 (ii) if applicable, certify the results of each special district election to the special
305 district clerk.
- 306 (2) The election officer shall submit a report to the board of canvassers that includes the
307 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
315 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
317 candidate for each potential ballot-counting phase and the name of the
318 candidate excluded in each ballot-counting phase; ~~and~~ or
- 319 (B) for an approval voting race, the number of valid approvals cast for each
320 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
323 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
- 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
337 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
341 after the day on which the board of canvassers declares the election results, publicize the
342 certified report described in Subsection (2) for the jurisdiction, as a class A notice under
343 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
345 Subsection (5) may contain a statement that:
- 346 (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction]
347 has prepared a report of the election results for the [indicate type and date of
348 election]."; and
- 349 (b) specifies the following sources where an individual may view or obtain a copy of the
350 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
355 officers, for officers that appear on the ballot in more than one county, or for a statewide
356 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
358 number of votes for and against each ballot proposition; and
- 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
361 local special election, the election officer shall transmit the reports to the lieutenant
362 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
364 transmit to the lieutenant governor:
- 365 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
366 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
368 precinct, to be mailed to the lieutenant governor on or before the third Friday

369 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
373 voting method race conducted under Chapter 4, Part 6, Municipal Alternate Voting
374 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
377 votes for that office; or

378 (b) in a race for an at-large office, two or more candidates receive an equal number of
379 votes and at least one of the candidates must be eliminated to determine which
380 candidates are elected.

381 (3)(a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if
382 the difference between the number of votes cast for a winning candidate in the race
383 and a losing candidate in the race is equal to or less than .25% of the total number of
384 votes cast for all candidates in the race, the losing candidate may file a request for a
385 recount in accordance with Subsection (4).

386 (b) Except as provided in Subsection (2), for a race between candidates where the total
387 of all votes cast in the race is 400 or less, if the difference between the number of
388 votes cast for a winning candidate in the race and a losing candidate in the race is one
389 vote, the losing candidate may file a request for a recount in accordance with
390 Subsection (4).

391 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall
392 file the request:

393 (a) for a municipal primary election, with the municipal clerk, before 5 p.m., no later
394 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
396 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

- 403 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
- 405 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,
- 410 Disposition of Ballots; and
- 411 (iv)(A) for a race between candidates for a single office, declare elected the
- 412 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
- 414 highest number of votes on the recount, until all offices are filled by the
- 415 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
- 417 candidates receive an equal and the highest number of votes, declare a tie vote;
- 418 or
- 419 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more
- 420 candidates receive an equal number of votes, declare a tie vote if the selection
- 421 of the winning candidate by lot under Section 20A-1-304 is necessary to
- 422 determine which candidate is elected to the at-large office.
- 423 (6) The cost of a recount under Subsection (5) shall be paid by:
- 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
- 428 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer
- 429 to conduct the election.
- 430 (7)(a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond
- 431 proposition, if the proposition passes or fails by a margin that is equal to or less than
- 432 .25% of the total votes cast for or against the proposition, any 10 voters who voted in
- 433 the election where the proposition was on the ballot may file a request for a recount
- 434 before 5 p.m. within seven days after the day of the canvass with the person
- 435 described in Subsection (8).
- 436 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or

437 against the proposition is 400 or less, if the difference between the number of votes
438 cast for the proposition and the number of votes cast against the proposition is one
439 vote, any 10 voters who voted in the election where the proposition was on the ballot
440 may file a request for a recount before 5 p.m. within seven days after the day of the
441 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
443 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,
452 Disposition of Ballots; and
- 453 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
454 based upon the results of the recount.

455 (b) Proponents and opponents of the ballot proposition or bond proposition may
456 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
458 recount.

459 (11)(a) Upon completing a recount described in Subsection (5) or (9), the election
460 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
463 recount; and
- 464 (ii) with the assistance of the election officer, prepare and sign the report required by
465 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,
467 the board of county canvassers shall prepare and transmit a separate report to the
468 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
470 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.**

473 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
476 multi-candidate race; and

477 (b) .02%.

478 (2) "First preference ranking" means the candidate selected as the candidate most preferred
479 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
484 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
486 qualify to run for one office.

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

489 (5) "Pilot project" means the Municipal Alternate Voting Methods Pilot Project created in
490 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,
493 0.21%;

494 (b) for a ballot-counting phase in which at least 100, but fewer than 500, valid rankings
495 are counted, 0.19%;

496 (c) for a ballot-counting phase in which at least 500, but fewer than 1,000, valid rankings
497 are counted, 0.17%;

498 (d) for a ballot-counting phase in which at least 1,000, but fewer than 5,000, valid
499 rankings are counted, 0.15%;

500 (e) for a ballot-counting phase in which at least 5,000, but fewer than 10,000, valid
501 rankings are counted, 0.13%; and

502 (f) for a ballot-counting phase in which 10,000 or more valid rankings are counted,
503 0.11%.

504 (7) "Valid" means that the ballot is marked in a manner that permits the ranking to be

505 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 --**
511 **Participation.**

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

513 (2) The pilot project begins on January 1, 2019, and ends on January 1, [2026] 2036.

514 (3)(a) A municipality may participate in the pilot project, in accordance with the
515 requirements of this section and all other applicable provisions of law, during any
516 odd-numbered year that the pilot project is in effect, if, before May 1 of the
517 odd-numbered year, the legislative body of the municipality:

518 (i) votes to participate; and

519 (ii) provides written notice to the lieutenant governor and the county clerk:

520 (A) stating that the municipality intends to participate in the pilot project for the
521 year specified in the notice[-] ; and

522 (B) specifying the voting method that the municipality will use to conduct the
523 election.

524 (b) The legislative body of a municipality that provides the notice of intent described in
525 Subsection (3)(a) may:

526 (i) withdraw the notice of intent, and not participate in the pilot project, if the
527 legislative body of the municipality provides written notice of withdrawal to the
528 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
530 voting method, if the municipality provides written notice of the change to the
531 lieutenant governor and the county clerk before May 1.

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

535 (5)(a) An election officer of a participating municipality shall, in accordance with the
536 provisions of this part, conduct a multi-candidate race during the municipal general
537 election using [~~instant runoff voting~~] the voting method most recently specified in the
538 municipality's notice under Subsection (3).

539 (b) Except as provided in Subsection [~~20A-4-603(9)~~] 20A-4-603(10) or 20A-4-605(6), an
540 election officer of a participating municipality that will conduct a multi-candidate
541 race under Subsection (5)(a) may not conduct a municipal primary election relating
542 to that race.

543 (c) A municipality that has in effect an ordinance described in Subsection 20A-9-404(3)
544 or (4) may not participate in the pilot project.

545 (6) Except for an election described in Subsection [~~20A-4-603(9)~~] 20A-4-603(10) or
546 20A-4-605(6), an individual who files a declaration of candidacy or a nomination
547 petition, for a candidate who will run in an election described in this part, shall file the
548 declaration of candidacy or nomination petition during the office hours described in
549 Section 10-3-301 and not later than the close of those office hours, no sooner than the
550 second Tuesday in August and no later than the third Tuesday in August of an
551 odd-numbered year.

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

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

554 (1) This section applies to a participating municipality that, under Subsection 20A-4-602(3),
555 specifies the instant runoff voting method as the voting method the municipality will use
556 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
559 rankings for each candidate; and

560 (ii) if one of the candidates receives more than 50% of the valid first preference
561 rankings counted, declare that candidate elected;

562 (b) if, after counting the valid first preference rankings for each candidate, no candidate
563 receives more than 50% of the valid first preference rankings counted, conduct the
564 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;
567 or

568 (B) in the event of a tie for the fewest valid first preference rankings counted, one
569 of the tied candidates, determined by the election officer by lot, in accordance
570 with Subsection [~~(6)~~] (7);

571 (ii) adding, to the valid first preference rankings counted for the remaining

572 candidates, the next valid preference rankings cast for the remaining candidates by

- 573 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),
- 575 one candidate receives more than 50% of the valid rankings counted, declaring
- 576 that candidate elected; and
- 577 (c) if, after adding the next valid preference rankings in accordance with Subsection [~~(1)(b)(ii)~~] (2)(b)(ii),
- 578 no candidate receives more than 50% of the valid rankings
- 579 counted, conduct subsequent ballot-counting phases by continuing the process
- 580 described in Subsection [~~(1)(b)~~] (2)(b) until a candidate receives more than 50% of
- 581 the valid rankings counted, as follows:
- 582 (i) excluding from consideration the candidate who has the fewest valid rankings
- 583 counted or, in the event of a tie for the fewest valid rankings counted, excluding
- 584 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
- 586 counted for the last excluded candidate to one of the remaining candidates, in the
- 587 order of the next preference indicated by the voter.
- 588 [~~(2)~~] (3) The election officer shall declare elected the first candidate who receives more than
- 589 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
- 592 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
- 596 preference ranking that would otherwise be counted for the current ballot-counting
- 597 phase;
- 598 (iii) the candidate next preferred by the voter is clearly indicated by a subsequent
- 599 number that most closely follows the number assigned by the voter for the
- 600 previously-ranked candidate; and
- 601 (iv) the voter did not give the same rank to more than one candidate for the
- 602 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
- 604 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
- 606 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
609 the race, the next-ranked candidate who has not withdrawn from the race will be counted
610 for that ballot-counting phase.
- 611 ~~[(6)]~~ (7) For each ballot-counting phase after the first phase, if two or more candidates tie as
612 having received the fewest valid rankings counted at that point in the ballot count, the
613 election officer shall eliminate one of those candidates from consideration, by lot, in the
614 following manner:
- 615 (a) determine the names of the candidates who tie as having received the fewest valid
616 rankings for that ballot-counting phase;
- 617 (b) cast the lot in the presence of at least two election officials and any counting poll
618 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 ~~[(7)]~~ (8) In a multi-candidate race for an at-large office, where the number of candidates
623 who qualify for the race exceeds the total number of at-large seats to be filled for the
624 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
626 described in Subsections ~~[(1) through (6)]~~ (2) through (7), until a candidate is declared
627 elected;
- 628 (b) repeating the process described in Subsection ~~[(7)(a)]~~ (8)(a) for all candidates that are
629 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
631 the race are filled.
- 632 ~~[(8)]~~ (9) After a candidate is declared elected under Subsection ~~[(7)]~~ (8), the election officer
633 shall, in repeating the process described in Subsections ~~[(1) through (6)]~~ (2) through (7)
634 to declare the next candidate elected, add to the ranking totals the next valid preference
635 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
637 primary election by using instant runoff voting in the manner described in Subsections [
638 ~~(1) through (6)]~~ (2) through (7), except that:
- 639 (a) instead of determining whether a candidate receives more than 50% of the valid
640 preference rankings for a particular ballot-counting phase, the election officer shall

641 proceed to a subsequent ballot-counting stage, and exclude the candidate who
 642 receives the fewest valid preference rankings in that phase, until twice the number of
 643 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
 645 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
 647 election officer shall order a full recount of the ballots cast for that race if, in one or
 648 more of the ballot-counting phases:

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

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

655 (ii) the recount threshold; or

656 (b) the difference between the number of rankings counted for the candidate who
 657 received the fewest valid rankings in a ballot-counting phase and the number of
 658 rankings counted for any other candidate in the same ballot-counting phase is equal
 659 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
 661 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
 667 extend the canvass deadline by up to seven additional days, if necessary, to conduct a
 668 recount required under Subsection [~~(10)~~] (11).

669 Section 10. Section **20A-4-605** 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),
 672 specifies the approval voting method as the voting method that the municipality will use
 673 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
 676 marked as approved; and
- 677 (b) subject to Subsection (3), declare elected the candidate who receives the highest
 678 number of approvals.
- 679 (3) The election officer shall order a recount of the valid ballots if the difference between
 680 the candidate who receives the highest number of approvals and any other candidate in
 681 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
 683 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
 685 any counting poll watchers who are present and desire to witness the casting or
 686 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
 689 (ii) includes the name of each individual who witnessed the casting or drawing of the
 690 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
 693 marked as approved;
- 694 (b) subject to Subsection (5)(c), declare elected the number of candidates, equal to the
 695 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
 697 received by the candidate to be declared elected with the fewest number of approvals
 698 and any candidate with fewer approvals is equal to or less than .25% of the total
 699 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
 702 election by using the approval voting method described in Subsections (1) through (4),
 703 except that, after complying with Subsections (3) and (4), if applicable, the election
 704 officer shall declare the top two candidates nominated to participate in the general
 705 election.

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

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

708 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
 710 voting method under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the
 711 portion of the ballot relating to that race shall:

712 (1) for a race conducted using the instant runoff voting method described in Sections
 713 20A-4-603 and 20A-4-604:

714 [(1)] (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
 716 voter's vote in order of preference for each candidate, as described in [~~Title 20A,~~
 717 ~~Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project]~~ Chapter 4, Part 6,
 718 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
 720 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;

723 (b) opposite each candidate's name, include a place where a voter can indicate the voter's
 724 approval of each candidate, as described in Chapter 4, Part 6, Municipal Alternate
 725 Voting Methods Pilot Project; and

726 (c) provide the ability for a voter to enter a write-in candidate's name and indicate the
 727 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~~
 731 ~~20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project]~~ an alternate
 732 voting method under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
 733 Project, for a manual ballot at a municipal general election, an election officer shall
 734 ensure that:

735 (a) the names of the two candidates who received the highest number of votes for mayor
 736 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
 738 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
 741 eligible for election in the municipal general election from those candidates who
 742 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
744 ballot;
- 745 (d) the names of the candidates are placed on the ballot in the order specified under
746 Section 20A-6-305;
- 747 (e) in an election in which a voter is authorized to cast a write-in vote and where a
748 write-in candidate is qualified under Section 20A-9-601, a write-in area is placed
749 upon the ballot that contains, for each office in which there is a qualified write-in
750 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
753 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
755 to the voters by the municipality, municipal initiatives, and municipal referenda, are
756 listed on the ballot in accordance with Section 20A-6-107; and
- 757 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
758 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~~
760 ~~20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~] an alternate
761 voting method under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
762 Project, when using a mechanical ballot at municipal general elections, each election
763 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
769 endorsements from the rest of the ballot;
- 770 (c) immediately below the border or line, an "Instructions to Voters" section is displayed
771 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
772 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
774 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the
775 number of candidates for which the voter may vote)" are displayed, followed by a
776 line or border;

- 777 (e) after the line or border, the names of the candidates are displayed in the order
778 specified under Section 20A-6-305 with surnames last and grouped according to the
779 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
782 is qualified under Section 20A-9-601, the ballot contains a write-in space where the
783 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,
786 the election officer shall ensure that the party name is included with the candidate's
787 name on the ballot.

788 Section 13. Section **63I-2-220** is amended to read:

789 **63I-2-220 . Repeal dates: Title 20A.**

- 790 (1) Section 20A-7-103.1, Constitutional amendments proposed during specified timeframe
791 -- Analysis -- Arguments -- Publication, is repealed July 1, 2025.
- 792 (2) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
793 repealed January 1, [2026] 2036.

794 Section 14. **Effective Date.**

795 This bill takes effect on January 1, 2026.