

Effective 5/7/2025

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20A-4-603 Instant runoff voting.

- (1) In a multi-candidate race, the election officer for a participating municipality shall:
 - (a)
 - (i) conduct the first ballot-counting phase by counting the valid first preference rankings for each candidate; and
 - (ii) if one of the candidates receives more than 50% of the valid first preference rankings counted, declare that candidate elected;
 - (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:
 - (i) excluding from the multi-candidate race:
 - (A) the candidate who received the fewest valid first preference rankings counted; or
 - (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);
 - (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
 - (iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), one candidate receives more than 50% of the valid rankings counted, declaring that candidate elected; and
 - (c) if, after adding the next valid preference rankings in accordance with Subsection (1)(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) until a candidate receives more than 50% of the valid rankings counted, as follows:
 - (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); and
 - (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.
- (2) 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).
- (3) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:
 - (a) the voter indicates the voter's preference for that ballot-counting phase and all previous ballot-counting phases; or
 - (b) in the event that the voter skips a number in filling out the rankings on a ballot:
 - (i) the voter clearly indicates an order of preference for the candidates;
 - (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;
 - (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
 - (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.
- (4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate race, and for all subsequent ballot-counting phases, if:

- (a) the voter indicates the same rank for more than one candidate for that ballot-counting phase;
or
 - (b) the voter skips two or more consecutive numbers before ranking another candidate.
- (5) 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.
- (6) 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:
- (a) determine the names of the candidates who tie as having received the fewest valid rankings for that ballot-counting phase;
 - (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
 - (c) sign a public document that:
 - (i) certifies the method used for casting the lot and the result of the lot; and
 - (ii) includes the name of each individual who witnessed the casting of the lot.
- (7) 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:
- (a) except as provided in Subsection (8), counting rankings in the same manner as described in Subsections (1) through (6), until a candidate is declared elected;
 - (b) repeating the process described in Subsection (7)(a) for all candidates that are not declared elected until another candidate is declared elected; and
 - (c) continuing the process described in Subsection (7)(b) until all at-large seats in the race are filled.
- (8) After a candidate is declared elected under Subsection (7), the election officer shall, in repeating the process described in Subsections (1) through (6) 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.
- (9) 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), except that:
- (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
 - (b) after complying with Subsection (9)(a), the election officer shall declare the remaining candidates nominated to participate in the municipal general election.
- (10) 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:
- (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:
 - (i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and
 - (ii) the recount threshold; or

- (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:
 - (i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and
 - (ii) the recount threshold.
- (11) A recount described in Subsection (10):
 - (a) requires rescanning and tabulating all valid ballots; and
 - (b) provides for only one recount.
- (12) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend the canvass deadline by up to seven additional calendar days, if necessary, to conduct a recount required under Subsection (10).