

## HB0349S02 compared with HB0349S01

~~deleted text~~ shows text that was in HB0349S01 but was deleted in HB0349S02.

Inserted text shows text that was not in HB0349S01 but was inserted into HB0349S02.

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**Representative Rebecca Chavez-Houck** proposes the following substitute bill:

### RANKED CHOICE VOTING

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: ~~\_\_\_\_\_~~ Lyle W. Hillyard

Cosponsors:

<u>Sandra Hollins</u>	<u>Marc K. Roberts</u>
<u>Patrice M. Arent</u>	<u>Angela Romero</u>
<u>Joel K. Briscoe</u>	<u>Norman K Thurston</u>
<u>Brad M. Daw</u>	<u>Elizabeth Weight</u>
<u>Susan Duckworth</u>	<u>Mark A. Wheatley</u>
<u>Brian M. Greene</u>	<u>Marie H. Poulson</u>
<u>Lynn N. Hemingway</u>	

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### LONG TITLE

#### General Description:

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

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### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for ranked choice voting in primary races for certain partisan offices where more than two candidates are seeking ~~{ the same office or }~~ the nomination of the same political party for the same office;
- ▶ provides for ranked choice voting in municipal and local district elections where more than two candidates are seeking the same office;
- ▶ repeals provisions relating to a municipal primary;
- ▶ provides that a candidate in a race that is subject to ranked choice voting must receive more than 50% of the valid votes cast, in accordance with the ranked choice voting process described in this bill, to receive the nomination or win the office, as applicable;
- ▶ describes the ballot for ranked choice voting and provides instructions for voting the ballot;
- ▶ describes the procedures to be used in canvassing and evaluating ballots in a race conducted by ranked choice voting, including procedures for eliminating a candidate in each phase of a ranked choice vote canvass;
- ▶ describes requirements for forms and records; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

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

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

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**10-2a-411**, as last amended by Laws of Utah 2016, Chapter 14  
**10-3-208**, as last amended by Laws of Utah 2016, Chapters 94 and 409  
**17B-1-303**, as last amended by Laws of Utah 2016, Chapter 233  
**17B-1-306**, as last amended by Laws of Utah 2014, Chapters 362 and 377  
**20A-1-102**, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176  
**20A-1-201.5**, as last amended by Laws of Utah 2015, Chapters 296 and 352  
**20A-1-303**, as enacted by Laws of Utah 1993, Chapter 1  
**20A-2-101**, as last amended by Laws of Utah 2011, Chapter 395  
**20A-3-101**, as last amended by Laws of Utah 2008, Chapter 276  
**20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75  
**20A-3-201**, as last amended by Laws of Utah 2009, Chapter 388  
**20A-3-601**, as last amended by Laws of Utah 2015, Chapter 79  
**20A-3-603**, as last amended by Laws of Utah 2013, Chapter 182  
**20A-3-605**, as last amended by Laws of Utah 2013, Chapter 320  
**20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225  
**20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177  
**20A-4-105**, as last amended by Laws of Utah 2013, Chapter 390  
**20A-4-106**, as last amended by Laws of Utah 2012, Chapter 251  
**20A-4-301**, as last amended by Laws of Utah 2014, Chapter 377  
**20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309  
**20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2  
**20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92  
**20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329  
**20A-5-401**, as last amended by Laws of Utah 2009, Chapter 45  
**20A-5-404**, as last amended by Laws of Utah 2001, Chapter 9  
**20A-5-406**, as last amended by Laws of Utah 2015, Chapter 392  
**20A-6-203**, as last amended by Laws of Utah 2006, Chapter 326  
**20A-6-301**, as last amended by Laws of Utah 2016, Chapter 66  
**20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176  
**20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28  
**20A-9-409**, as enacted by Laws of Utah 2014, Chapter 17

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~~{ 20A-13-301, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2~~

~~20A-13-302, as last amended by Laws of Utah 2001, Chapter 78~~

‡ 20A-16-402, as last amended by Laws of Utah 2013, Chapter 198

63I-1-220, as last amended by Laws of Utah 2016, Chapters 176 and 348

ENACTS:

20A-4-303.5, Utah Code Annotated 1953

20A-6-203.5, Utah Code Annotated 1953

67-1a-15, Utah Code Annotated 1953

REPEALS AND REENACTS:

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

REPEALS:

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

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

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

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

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

**10-2a-215. Election of officers of new city -- Primary and final election dates --  
County clerk duties -- Candidate duties -- Occupation of office.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) that is at least:

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

(B) 65 days after the candidate filing period.

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

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

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

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

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

(ii) The county clerk shall post the notices under Subsection [~~(5)~~] (4)(b)(i) at least seven days before each election under Subsection (1).

[~~(6)~~] (5) (a) Until the city is incorporated, the county clerk:

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

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

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

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

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

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

[~~(7)~~] (6) A person who has filed as a candidate for an office described in this section shall comply with the campaign finance disclosure requirements of Section 10-3-208 and requirements and deadlines as lawfully set forth by the county clerk.

[~~(8)~~] (7) Notwithstanding Section 10-3-201, the officers elected at a final election described in Subsection [~~(4)~~] (3)(a) shall take office:

(a) after taking the oath of office; and

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

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

**10-2a-305.2. Election of officers of new town -- Primary and final election dates --**

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### County clerk duties -- Candidate duties -- Occupation of office.

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

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

~~[(3)(a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall be held on one of the following election dates:]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) is at least:

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

(B) 65 days after the candidate filing period.

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

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

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

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

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

(ii) The county clerk shall post the notices under Subsection ~~[(5)]~~ (4)(b)(i) at least seven days before an election under Subsection (1)~~[(a) or (b)]~~.

~~[(6)]~~ (5) (a) Until the town is incorporated, the county clerk:

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

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

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

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

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

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

~~[(7)]~~ (6) A person who has filed as a candidate for an office described in this section shall comply with the campaign finance disclosure requirements of Section 10-3-208 and requirements and deadlines as lawfully set forth by the county clerk.

~~[(8)]~~ (7) Notwithstanding Section 10-3-201, the officers elected at a final election described in Subsection ~~[(4)]~~ (3)(a) shall take office:



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(a) after taking the oath of office; and

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

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

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

(1) For the election of the initial office holders of a metro township, city, or town, respectively, incorporated under Section 10-2a-404, the county legislative body shall ~~[(a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary election at the next regular primary election, as described in Section 20A-1-201.5, following the November 3, 2015, election to incorporate; and (b) hold a final]~~ hold an election at the next regular general election date following the election to incorporate.

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

(a) for a metro township, regardless of the metro township's population, shall be consistent with the number of council members described in Subsection 10-2a-404(1)(b)(i); or

(b) for a city or town, shall be consistent with the number of council members, including the city mayor as a member of a city council, described in Subsection 10-2a-404(1)(b)(ii).

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

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

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

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

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

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

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

### **10-3-208. Campaign finance disclosure in municipal election.**

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

(a) "Agent of a candidate" means:

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

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

(iii) the personal campaign committee of a candidate;

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

(v) a political consultant of a candidate.

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

(i) \$50; or

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

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

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

(B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a municipal office.

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

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

(A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;

(B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;

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

(D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;

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

(F) an in-kind contribution.

(ii) "Contribution" does not include:

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

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time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;

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

(C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.

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

(i) with the candidate's prior knowledge, if the candidate does not object;

(ii) by agreement with the candidate;

(iii) in coordination with the candidate; or

(iv) using official logos, slogans, and similar elements belonging to a candidate.

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

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

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

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

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

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

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

(ii) "Expenditure" does not include:

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

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

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business.

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

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

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

(A) has already been paid, with money or other consideration;

(B) expects to be paid in the future, with money or other consideration; or

(C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.

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

(j) "Reporting entity" means:

(i) a candidate;

(ii) a committee appointed by a candidate to act for the candidate;

(iii) a person who holds an elected municipal office;

(iv) a party committee as defined in Section 20A-11-101;

(v) a political action committee as defined in Section 20A-11-101;

(vi) a political issues committee as defined in Section 20A-11-101;

(vii) a corporation as defined in Section 20A-11-101; or

(viii) a labor organization as defined in Section 20A-11-1501.

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

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

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

(3) (a) Each candidate:

(i) shall deposit a contribution in a separate campaign account in a financial institution; and

(ii) may not deposit or mingle any campaign contributions received into a personal or business account.

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

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

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

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

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

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

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

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

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

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

(ii) identify:

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

(B) for each expenditure, the amount of the expenditure and the name of the recipient

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of the expenditure; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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for failure to file the required campaign finance statement when required.

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

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

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

(i) (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and

(B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or

(ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.

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

(i) shall:

(A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) Notwithstanding Subsection (8)(a), a candidate who timely files each campaign finance statement required under Subsection (3) is not disqualified if:

(i) the statement details accurately and completely the information required under Subsection (4), except for inadvertent omissions or insignificant errors or inaccuracies; and

(ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(9) A campaign finance statement required under this section is considered filed if it is

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received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.

(10) (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.

(b) In a civil action under Subsection (10)(a), the court may award costs and attorney fees to the prevailing party.

Section 5. Section **17B-1-303** is amended to read:

### **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice of board member contact information.**

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

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

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

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

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

(i) begin on the later of the following:

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

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

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

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

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



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

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

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

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

(c) If a member of a board of trustees no longer meets the qualifications of Subsection 17B-1-302(1), or if the member's term expires without a duly elected or appointed successor:

(i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

(ii) the member may continue to serve until a successor is duly elected or appointed and qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) The lieutenant governor may extend the term of an elected district board member by one year in order to compensate for a change in the election year under Subsection 17B-1-306[~~(13)~~] (12).

(9) (a) A local district shall:

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

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

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

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

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

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

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

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

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

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

(i) at the same time as the municipal general election or the regular general election, as

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applicable; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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the election for the local district board is held.

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

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

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

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

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

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

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

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

(Signed) \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Signed) \_\_\_\_\_

(Clerk or Notary Public)"

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

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

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

(i) consider the candidate to be elected to the position; and

(ii) cancel the election.

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

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

~~[(ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.]~~

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

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

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

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

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

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

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

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

(B) Each ballot for an election of an irrigation district board member shall be in a

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nonpartisan format.

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

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

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

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

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

and

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

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

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

~~[(8)]~~ (7) Except as otherwise provided by this section, the election of local district board members is governed by Title 20A, Election Code.

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

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

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

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

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

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

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

(i) a local district board; or

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

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

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

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

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

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

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

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

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

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

As used in this title:

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

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

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

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

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- (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:
- (a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and
  - (b) are used in conjunction with ballot sheets that do not display that information.
- (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
- (a) an opinion question specifically authorized by the Legislature;
  - (b) a constitutional amendment;
  - (c) an initiative;
  - (d) a referendum;
  - (e) a bond proposition;
  - (f) a judicial retention question;
  - (g) an incorporation of a city or town; or
  - (h) any other ballot question specifically authorized by the Legislature.
- (6) "Ballot sheet":
- (a) means a ballot that:
    - (i) consists of paper or a card where the voter's votes are marked or recorded; and
    - (ii) can be counted using automatic tabulating equipment; and
  - (b) includes punch card ballots and other ballots that are machine-countable.
- (7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.
- (8) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.
- (9) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.
- (10) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.
- (11) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.
- (12) "By-mail voter registration form" means a voter registration form designed to be



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completed by the voter and mailed to the election officer.

(13) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

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

(15) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(16) "Convention" means the political party convention at which party officers and delegates are selected.

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

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

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

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

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

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

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

(b) does not include:

(i) deadlines established for absentee voting; or

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

(23) "Elected official" means:

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

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

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

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

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

(26) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

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

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(28) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
  - (i) a county ballot and election; and
  - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

- (i) a municipal ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

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

- (i) a local district ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

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

- (i) a school district ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

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

(30) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(31) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

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

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

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

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

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

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

(b) failed to respond to that notice.

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

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

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

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

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

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

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~~municipal primary election,~~] a local special election, a local district election, and a bond election.

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

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

(44) "Multi-candidate general race" means a ~~regular general election race or a~~ municipal general election race in which more than twice the number of candidates who may be elected for a particular office qualify for placement on the ballot for that office, if the office is one of the following:

- ~~(a) president and vice president of the United States;~~
- ~~(b) United States Senate;~~
- ~~(c) United States House of Representatives;~~
- ~~(d) state Senate;~~
- ~~(e) state House of Representatives;~~
- ~~(f) governor and lieutenant governor;~~
- ~~(g) attorney general;~~
- ~~(h) state auditor;~~
- ~~(i) state treasurer;~~
- ~~(j) State Board of Education member;~~
- ~~(k) local board of education member;~~
- ~~(l) county elected office;~~
- ~~(m) b) municipal elected office; or~~
- ~~(n) c) an elective local district board position.~~

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

- (a) president and vice president of the United States;
- (b) United States Senate;
- (c) United States House of Representatives;

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- (d) state Senate;
- (e) state House of Representatives;
- (f) governor and lieutenant governor;
- (g) attorney general;
- (h) state auditor;
- (i) state treasurer;
- (j) State Board of Education member; or
- (k) county elected office; or

~~(l) an elective local district board position.~~

~~(44)~~ (46) "Municipal executive" means:

- (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
- (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7); or
- (c) the chair of a metro township form of government defined in Section 10-3b-102.

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

~~(46)~~ (48) "Municipal legislative body" means:

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

~~(50)~~ (49) "Municipality" means a city, town, or metro township.

~~(47)~~ (50) "Municipal office" means an elective office in a municipality.

~~(48)~~ (51) "Municipal officers" means those municipal officers that are required by law to be elected.

~~(49) "Municipal primary election" means an election held to nominate candidates for municipal office.]~~

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

~~(52)~~ (53) "Official endorsement" means:

- (a) the information on the ballot that identifies:
  - (i) the ballot as an official ballot;

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(ii) the date of the election; and

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

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

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

(i) the poll worker's initials; and

(ii) the ballot number.

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

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

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

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

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

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

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

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

(b) "Poll worker" includes election judges.

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

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

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

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

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- (a) is built into a voting machine; and
- (b) records the total number of movements of the operating lever.

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

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

- (a) whose name is not listed on the official register at the polling place;
- (b) whose legal right to vote is challenged as provided in this title; or
- (c) whose identity was not sufficiently established by a poll worker.

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

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

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

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

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

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

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

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

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

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

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

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

~~[(76)]~~ (77) "Spoiled ballot" means each ballot that:

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- (c) lacks the official endorsement.

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

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

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

~~[(80)]~~ (81) "Ticket" means a list of:

- (a) political parties;
- (b) candidates for an office; or
- (c) ballot propositions.

~~[(81)]~~ (82) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

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

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

~~[(83)]~~ (85) "Valid voter identification" means:



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

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

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

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection [~~(83)~~] (85)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

- (i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;
- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid social security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- (xii) a currently valid identification card issued by:
  - (A) a local government within the state;

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(B) an employer for an employee; or

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

(xiii) a current Utah vehicle registration.

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

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

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

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

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

~~[(88)]~~ (90) "Voting booth" means:

(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or

(b) a voting device that is free standing.

~~[(89)]~~ (91) "Voting device" means:

(a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;

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

(c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;

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

(e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

~~[(90)]~~ (92) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

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

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witness the distribution of ballots and the voting process.

~~[(92)]~~ (94) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

~~[(93)]~~ (95) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

~~[(94)]~~ (96) "Western States Presidential Primary" means the election established in Chapter 9, Part 8, Western States Presidential Primary.

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

~~[(96)]~~ (98) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Section 8. Section **20A-1-201.5** is amended to read:

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

(1) A regular primary election shall be held throughout the state on the fourth Tuesday of June of each even numbered year as provided in Section 20A-9-403, 20A-9-407, or 20A-9-408, as applicable, to nominate persons for:

- (a) national, state, school board, and county offices; and
- (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.

~~[(2) A municipal primary election shall be held, if necessary, on the second Tuesday following the first Monday in August before the regular municipal election to nominate persons for municipal offices.]~~

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

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

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

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

Section 9. Section **20A-1-303** is amended to read:

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

(1) (a) ~~[When]~~ Except as provided in Section 20A-4-303.5, when one person is to be

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elected or nominated, the person receiving the highest number of votes at any:

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

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

- (i) election for any office to filled at that election are elected to that office; and
  - (ii) primary for nomination for any office are nominated for that office.
- (2) Any ballot proposition submitted to voters for their approval or rejection:
- (a) passes if the number of "yes" votes is greater than the number of "no" votes; and
  - (b) fails if:
    - (i) the number of "yes" votes equal the number of "no" votes; or
    - (ii) the number of "no" votes is greater than the number of "yes" votes.

Section 10. Section **20A-1-304** is repealed and reenacted to read:

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

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

Section 11. Section **20A-2-101** is amended to read:

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

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

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

register to vote.

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

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before the confinement or incarceration.

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

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

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

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

(a) regular general election;

(b) regular primary election;

(c) municipal general election;

~~[(d) municipal primary election;]~~

~~[(e)]~~ (d) statewide special election;

~~[(f)]~~ (e) local special election;

~~[(g)]~~ (f) local district election; and

~~[(h)]~~ (g) bond election.

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

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

(1) A person may vote in any regular general election or statewide special election if that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration.

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

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

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

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

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

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and

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

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

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

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

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

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

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

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

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

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

(ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the voter shall record any write-in votes on the long stub.

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

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

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

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

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

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

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

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

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

for by means of:

- (A) writing;
- (B) a label; or
- (C) entering the name using the voting device.

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

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

- (i) insert the ballot access card into the voting device; and
- (ii) make the selections according to the instructions provided on the device.

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

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

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

(5) (a) To vote in a multi-candidate primary race, a voter:

(i) shall indicate, as directed on the ballot, the name of the candidate who is the voter's first preference as the party's nominee for the office; and

(ii) may indicate, as directed on the ballot, the names of the remaining candidates in order of the voter's preference for each remaining candidate to be selected as the party's nominee for the office in the event that the voter's first preference is not selected as the nominee.

(b) To vote in a multi-candidate general race, a voter:

(i) shall indicate, as directed on the ballot, the name of the candidate who is the voter's first preference for the office; and

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(ii) may indicate, as directed on the ballot, the names of the remaining candidates in order of the voter's preference for each remaining candidate to be selected for the office in the event that the voter's first preference is not selected for the office.

(6) A voter may include no more than one write-in candidate in the voter's list of preferences for a multi-candidate primary race or a multi-candidate general race.

~~[(5)]~~ (7) After preparation of the ballot:

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

(i) the voter shall:

(A) leave the voting booth; and

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

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

(A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;

(B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, remove the stub from the ballot; and

(C) return the ballot to the voter;

(iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by depositing the ballot in the ballot box; and

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

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

(B) the poll worker shall:

(I) treat the ballot as a spoiled ballot;

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

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

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

(i) the voter shall:

(A) leave the voting booth; and

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

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

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



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the voter's ballot; and

(B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, return the ballot to the voter;

and

(iii) the voter shall, in full view of the poll workers, cast ~~his~~ the voter's vote by depositing the ballot in the ballot box; and

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

(i) cast the voter's ballot;

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

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

~~(6)~~ (8) A voter voting a paper ballot in a regular primary election shall, after marking the ballot:

(a) (i) if the ballot is designed so that the names of all candidates for all political parties are on the same ballot, detach the part of the paper ballot containing the names of the candidates of the party ~~he~~ the voter has voted from the remainder of the paper ballot;

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

(iii) deposit it in the ballot box; and

(b) (i) fold the remainder of the paper ballot, containing the names of the candidates of the parties that the elector did not vote; and

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

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

(b) A voter may not:

(i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;

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

(iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy them.

~~(8)~~ (10) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) inspect the condition of the packages containing the ballots upon their arrival; and

(b) observe the placement of these packages in a safe and secure place.

(7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any interested person may act as a testing watcher to observe a demonstration of logic and accuracy testing of the voting devices prior to the commencement of voting.

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

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

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

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

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

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

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

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

(i) is otherwise legally entitled to vote the ballot in a jurisdiction that is approved by the lieutenant governor to participate in the pilot project described in Section 20A-4-108; and

(ii) casts a provisional ballot in accordance with Section 20A-4-108.

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

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

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

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

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

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

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

(b) for all other elections:

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

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

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

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

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

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

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

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

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

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

- (i) can be scheduled for use during early voting hours;
- (ii) has the physical facilities necessary to accommodate early voting requirements;
- (iii) has adequate space for voting equipment, poll workers, and voters; and
- (iv) has adequate security, public accessibility, and parking.

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

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

- (i) publishing the notice:
  - (A) in one issue of a newspaper of general circulation in the county; and
  - (B) as required in Section 45-1-101; and
- (ii) posting the notice at the additional polling place.

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

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

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

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

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

(2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth

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class or a town as described in Section 10-2-301 may provide early voting as provided under this part for [~~(a) a municipal primary election; or (b)~~] a municipal general election.

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

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

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

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

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

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

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

(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:

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

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

(c) [~~Upon~~] Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting judges shall:

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

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

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

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

(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

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

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

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until the polls close.

(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 a multi-candidate primary race or a multi-candidate general race.

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

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

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

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

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

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

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

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

(1) (a) 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.

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

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

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

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

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

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(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.

(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.

(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.

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

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

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

(3) The judges shall:

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

(b) seal that envelope or container.

(4) The judges shall:

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

(b) seal that envelope or container.

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

(b) In regular primary elections the judges shall:

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

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

(iii) count all the ballots for one party before beginning to count the ballots cast for other parties.

(6) (a) In all elections, the counting judges shall, except as provided in Section 20A-4-303.5 or a rule made under Subsection 20A-4-101(2)(f)(i):



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(i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;

(ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;

(iii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;

(iv) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;

(v) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;

(vi) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and

(vii) 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.

(b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.

(c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.

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

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

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

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

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

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

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20A-4-303.5, if a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the choice of any voter for any office to be filled, the counter may not count that voter's ballot for that office.

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

(a) it is in the proper place; and

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

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

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

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

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

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

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

(a) stamping or writing any official endorsement; or

(b) delivering the wrong ballots to any polling place.

(8) The counter may not count any paper ballot that does not have the official endorsement by an election officer.

(9) The counter may not count any ballot proposition vote or candidate vote for which the voter is not "legally entitled to vote" as used in Section 20A-4-107.

(10) If the counter discovers that the name of a candidate voted for is misspelled or that the initial letters of a candidate's given name are transposed or omitted in part or altogether, the counter shall count the voter's vote for that candidate if it is apparent that the voter intended to vote for that candidate.

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(11) The counter shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.

(12) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the judges shall count the valid write-in vote as being the obvious intent of the voter.

Section 21. Section **20A-4-106** is amended to read:

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

(1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate strings.

(ii) After the ballots are strung, they may not be examined by anyone, except when examined during a recount conducted under the authority of Section 20A-4-303.5 or 20A-4-401.

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

(2) (a) For regular primary elections, after all the ballots have been counted, certified to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate envelopes.

(b) The judges shall:

(i) seal each of the envelopes containing the votes of each of the political parties in one large envelope; and

(ii) return that envelope to the county clerk.

(c) The judges shall:

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

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

(3) As soon as the judges have counted all the votes and sealed the ballots they shall sign and certify the pollbooks.

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

(i) enclose and seal the official register, the posting book, the pollbook, the ballot disposition form, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;

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(ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been strung and placed in a separate envelope or pouch as required by Subsection (1);

(iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot disposition form in a separate envelope or pouch;

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

(v) place the total votes cast form and the judges' vouchers requesting compensation for services rendered in a separate pouch.

(b) Before enclosing the official register in the envelope or pouch, the election judges shall certify it substantially as follows:

"We, the undersigned, judges of election for precinct \_\_\_\_\_, (jurisdiction) \_\_\_\_\_, Utah, certify that the required entries have been made for the election held \_\_\_\_\_(month\day\year), including:

a list of the ballot numbers for each voter;

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

a list of information surrounding a voter who is challenged, including any affidavits; and

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

(5) Each judge shall:

(a) write his name across the seal of each envelope or pouch;

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

(i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other words plainly indicating the contents of the packages; and

(ii) the number of the voting precinct.

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

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

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

(i) the county; and

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

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

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

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

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(b) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at a date and time determined by the county clerk that is no sooner than seven days after the election and no later than 14 days after the election.

(c) If one or more of the county legislative body fails to attend the meeting of the board of county canvassers, the remaining members shall replace the absent member by appointing in the order named:

- (i) the county treasurer;
- (ii) the county assessor; or
- (iii) the county sheriff.

(d) Attendance of the number of persons equal to a simple majority of the county legislative body, but not less than three persons, shall constitute a quorum for conducting the canvass.

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

(2) (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.

(b) The board of municipal canvassers shall meet [~~to canvass the returns~~] at the usual place of meeting of the municipal legislative body[~~:(i) for canvassing of~~] to canvass the returns from a municipal general election[~~;~~] no sooner than seven days after the election and no later than 14 days after the election[~~;~~ ~~or~~].

[~~(ii) for canvassing of returns from a municipal primary election, no sooner than seven days after the election and no later than 14 days after the election.~~]

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

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

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

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

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

**20A-4-303.5. Counting ballots and evaluating votes for multi-candidate primary**

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### race or multi-candidate general race.

(1) As used in this section:

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

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

(ii) .02%.

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

(i) for a canvassing phase in which fewer than 1,000 valid votes are counted, 0.21%;

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

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

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

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

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

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

(b) (i) In a multi-candidate primary race or a multi-candidate general race where candidates run to fill multiple at-large offices, the election officer may not conduct the election by ranked choice voting.

(ii) An election officer may not include in a primary a race where:

(A) candidates run to fill multiple at-large offices; and

(B) the number of candidates does not exceed more than twice the number of offices for which the election officer holds the race.

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

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

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

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

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

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

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

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

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

(B) in the event of a tie for the fewest valid first preference votes counted, one of the candidates who tied for receiving the fewest valid first preference votes, determined by the election officer by lot, in accordance with Subsection (9);

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

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

(c) if, after adding the valid second preference votes in accordance with Subsection (3)(b)(ii) and complying with Subsection (7), no candidate receives more than 50% of the valid

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votes counted, conduct subsequent phases of the canvass by continuing the process described in Subsection (3)(b) until a candidate receives more than 50% of the valid votes counted, as follows:

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

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

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

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

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

(c) A ranked choice vote for a candidate in a multi-candidate primary race or a multi-candidate general race is not valid if the number for the rank assigned to the candidate by the voter is after a number for a rank that the voter does not assign to any candidate.

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

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



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(b) the recount threshold.

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

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

and

(b) the recount threshold.

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

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

(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 signature of each individual who witnessed the casting of the lot.

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

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

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

(1) Each board of canvassers shall:

(a) except as provided in Section 20A-4-303.5, declare "elected" or "nominated" those

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persons who:

- (i) had the highest number of votes; and
- (ii) sought election or nomination to an office completely within the board's

jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

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

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

(ii) "rejected" those ballot propositions that:

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

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

(c) 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

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

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

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

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

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

(iv) each office that appeared on the ballot;

(v) from each voting precinct:

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

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

~~(B)~~ (C) the number of votes for and against each ballot proposition;

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

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- (vii) the number of ballots that were rejected; and
- (viii) a statement certifying that the information contained in the report is accurate.
- (b) The election officer and the board of canvassers shall:
  - (i) review the report to ensure that it is correct; and
  - (ii) sign the report.
- (c) The election officer shall:
  - (i) record or file the certified report in a book kept for that purpose;
  - (ii) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
  - (iii) publish a copy of the certified report:
    - (A) in one or more conspicuous places within the jurisdiction;
    - (B) in a conspicuous place on the county's website; and
    - (C) in a newspaper with general circulation in the board's jurisdiction; and
  - (iv) file a copy of the certified report with the lieutenant governor.
- (3) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:
  - (a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and
  - (b) transmit it by registered mail to the lieutenant governor.
- (4) In each county election, municipal election, school election, local district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.
- (5) In regular primary elections and in the Western States Presidential Primary, the board shall transmit to the lieutenant governor:
  - (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor:
    - (i) not later than the second Tuesday after the primary election for the regular primary election; and
    - (ii) not later than the Tuesday following the election for the Western States Presidential Primary; and

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(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.

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

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

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

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

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

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

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

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

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

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

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

(i) for each statewide officer and ballot proposition:

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

(B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition;

(D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and

(E) the total number of votes cast statewide; and

(ii) for each officer or ballot proposition voted on in two or more counties:

(A) the name of each of those offices and ballot propositions that appeared on the ballot;

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(B) the candidates for those offices, plus any recorded write-in candidates;

(C) the number of votes from each county cast for each candidate and for and against each ballot proposition; and

(D) the total number of votes cast for each candidate and for and against each ballot proposition.

(c) The lieutenant governor shall:

(i) prepare certificates of election for:

(A) each successful candidate; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes, after complying with Section 20A-4-303.5, if applicable;

(ii) authenticate each certificate with [his] the lieutenant governor's seal; and

(iii) deliver a certificate of election to:

(A) each candidate who had the highest number of votes for each office, after complying with Section 20A-4-303.5, if applicable; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes, after complying with Section 20A-4-303.5, if applicable.

(3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:

(a) send a messenger to the clerk of the board of county canvassers of the delinquent county;

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

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

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

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

(i) canvass the returns for all multicounty candidates required to file with the office of

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the lieutenant governor; and

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

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

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

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

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

(i) canvass the returns; and

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

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

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

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

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

~~[(1)(a)]~~ (b) Except as provided in Subsection (1)~~[(b)]~~(c), 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, that losing candidate may file a request for a recount in accordance with Subsection (1)~~[(c)]~~(d).

~~[(b)]~~ (c) 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, that losing candidate may file a request for a recount in accordance with Subsection (1)~~[(c)]~~(d).

~~[(c)]~~ (d) A candidate who files a request for a recount under Subsection (1)~~[(a) or]~~(b) or (c) shall file the request~~[(i) for a municipal primary election, with the municipal clerk,~~

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~~within three days after the canvass; or (ii) for all other elections,]~~ within seven days after the canvass with:

~~[(A)]~~ (i) the municipal clerk, if the election is a municipal general election;

~~[(B)]~~ (ii) the local district clerk, if the election is a local district election;

~~[(C)]~~ (iii) the county clerk, for races voted on entirely within a single county; or

~~[(D)]~~ (iv) the lieutenant governor, for statewide races and multicounty races.

~~[(E)]~~ (e) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

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

(iv) for a race where only one candidate may win, declare elected the candidate who receives the highest number of votes on the recount; and

(v) for a race where multiple candidates may win, declare elected the applicable number of candidates who receive the highest number of votes on the recount.

(2) (a) Except as provided in Subsection (2)(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 within seven days of the canvass with the person described in Subsection (2)(c).

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

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

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

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

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

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

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(d) The election officer shall:

(i) supervise the recount;

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

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3, Absentee Voting; and

(iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.

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

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

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

(4) (a) Upon completion of the recount, the election officer shall immediately convene the board of canvassers.

(b) The board of canvassers shall:

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

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

(c) If the recount is for a statewide or multicounty race or for 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(3).

(d) The canvassers' report prepared as provided in this Subsection (4) is the official result of the race or proposition that is the subject of the recount.

Section 27. Section **20A-5-302** is amended to read:

### **20A-5-302. Automated voting system.**

(1) (a) Any county or municipal legislative body or local district board may:

(i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and

(ii) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with paper ballots.



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(b) Nothing in this title shall be construed to require the use of electronic voting devices in local special elections ~~[, municipal primary elections,]~~ or municipal general elections.

(2) (a) Each automated voting system shall:

(i) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3-108;

(ii) permit each voter at any election to:

(A) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;

(B) vote for as many persons for an office as that voter is entitled to vote; and

(C) vote for or against any ballot proposition upon which that voter is entitled to vote;

(iii) permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and for their presidential electors;

(iv) permit each voter, at any regular general election, to vote for all the candidates of one registered political party by making one mark or punch;

(v) permit each voter to scratch vote;

(vi) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

(vii) at primary elections:

(A) permit each voter to vote for candidates of the political party of his choice; and

(B) reject any votes cast for candidates of another party;

(viii) prevent the voter from voting for the same person more than once for the same office;

(ix) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;

(x) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;

(xi) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

(xii) when properly operated, record correctly and count accurately each vote cast;

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(xiii) for voting equipment certified after January 1, 2005, produce a permanent paper record that:

(A) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;

(B) (I) shall be available for the voter's inspection prior to the voter leaving the polling place; and

(II) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;

(C) shall include, at a minimum, human readable printing that shows a record of the voter's selections;

(D) may also include machine readable printing which may be the same as the human readable printing; and

(E) allows voting poll watchers and counting poll watchers to observe the election process to ensure its integrity; ~~and~~

(xiv) meet the requirements of Section 20A-5-402.5~~[-]; and~~

(xv) permit ranked choice voting in accordance with Section 20A-4-303.5.

(b) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.

(c) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Section 28. Section **20A-5-401** is amended to read:

### **20A-5-401. Official register -- Preparation -- Contents.**

(1) (a) Before the registration days for each regular general, municipal general, regular primary, ~~[municipal primary,]~~ or Western States Presidential Primary election, each county clerk shall prepare an official register of voters for each voting precinct that will participate in the election.

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(b) The county clerk shall ensure that the official register is prepared for the alphabetical entry of names and contains entry fields to provide for the following information:

- (i) registered voter's name;
- (ii) party affiliation;
- (iii) grounds for challenge;
- (iv) name of person challenging a voter;
- (v) primary, November, special;
- (vi) date of birth;
- (vii) place of birth;
- (viii) place of current residence;
- (ix) street address;
- (x) zip code;
- (xi) identification and provisional ballot information as required under Subsection

(1)(d); and

- (xii) space for the voter to sign his name for each election.

(c) When preparing the official register for the Western States Presidential Primary, the county clerk shall include:

- (i) an entry field to record the name of the political party whose ballot the voter voted;

and

- (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

(d) When preparing the official register for any regular general election, municipal general election, statewide special election, local special election, regular primary election, [~~municipal primary election,~~] local district election, or election for federal office, the county clerk shall include:

(i) an entry field for the poll worker to record the type of identification provided by the voter;

(ii) a column for the poll worker to record the provisional envelope ballot number for voters who receive a provisional ballot; and

(iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.

- (2) (a) (i) For regular and municipal elections, primary elections, regular municipal

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elections, local district elections, and bond elections, the county clerk shall make an official register only for voting precincts affected by the primary, municipal, local district, or bond election.

(ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.

(iii) Each county clerk, with the assistance of the clerk of each affected local district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of local district officers.

(b) Municipalities shall pay the costs of making the official register for municipal elections.

Section 29. Section **20A-5-404** is amended to read:

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

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

- (i) ballot disposition form;
- (ii) total votes cast form;
- (iii) tally sheet form; and
- (iv) pollbook.

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

- (i) provide a copy of each form to each of those precincts using paper ballots; and
- (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting

precincts using an automated voting system.

(2) The election officer shall ensure that the ballot disposition form contains a space for the judges to identify:

- (a) the number of ballots voted;
- (b) the number of substitute ballots voted, if any;
- (c) the number of ballots delivered to the voters;
- (d) the number of spoiled ballots;
- (e) the number of registered voters listed in the official register;
- (f) the total number of voters voting according to the pollbook; and

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(g) the number of unused ballots.

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

(a) the name of each candidate appearing on the ballot, the office for which the candidate is running, and a blank space for the election judges to record the number of votes that the candidate received;

(b) for a multi-candidate primary race or a multi-candidate general race, the name of each candidate appearing on the ballot, the office for which the candidate is running, and blank spaces for the election judges to record the number of ranked choice votes counted for each candidate for each potential phase of the canvass;

~~(b)~~ (c) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to record the number of votes that the write-in candidate received;

~~(c)~~ (d) a heading identifying each ballot proposition and blank spaces for the election judges to record the number of votes for and against each proposition; and

~~(d)~~ (e) a certification, in substantially the following form, to be signed by the judges when they have completed the total votes cast form:

"TOTAL VOTES CAST

At an election held at \_\_\_\_ in \_\_\_\_ voting precinct in \_\_\_\_\_ (name of entity holding the election) and State of Utah, on \_\_\_\_\_ (month\day\year), the following named persons received the number of votes annexed to their respective names for the following described offices: Total number of votes cast were as follows:

Certified by us \_\_\_\_, \_\_\_\_, \_\_\_\_, Judges of Election."

(4) The election officer shall ensure that the tally sheet form contains:

(a) for each office, the names of the candidates for that office, and blank spaces to tally the votes that each candidate receives;

(b) for a multi-candidate primary race or a multi-candidate general race, the name of each candidate for each office and blank spaces to tally the number of ranked choice votes counted for each candidate for each potential phase of the canvass;

~~(b)~~ (c) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to tally the votes for each write-in candidate;

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~~(c)~~ (d) for each ballot proposition, a heading identifying the ballot proposition and the words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for the election judges to tally the ballot proposition votes; and

~~(d)~~ (e) a certification, in substantially the following form, to be signed by the judges when they have completed the tally sheet form:

"Tally Sheet

We the undersigned election judges for voting precinct # \_\_\_\_\_, \_\_\_\_\_ (entity holding the election) certify that this is a true and correct list of all persons voted for and ballot propositions voted on at the election held in that voting precinct on \_\_\_\_\_ (date of election) and is a tally of the votes cast for each of those persons. Certified by us \_\_\_\_, \_\_\_\_, \_\_\_\_, Judges of Election."

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

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

(b) contains:

(i) a section to record persons voting on election day, with columns entitled "Ballot Number" and "Voter's Name";

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

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

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

"We, the undersigned, judges of an election held at \_\_\_\_\_ voting precinct, in \_\_\_\_\_ County, state of Utah, on \_\_\_\_\_ (month\day\year), having first been sworn according to law, certify that the information listed in this book is a true statement of the number and names of the persons voting in the voting precinct at the election, and that the total number of persons voting at the election was \_\_\_\_."

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Judges of Election

Section 30. Section **20A-5-406** is amended to read:

**20A-5-406. Delivery of ballots.**

(1) In elections using paper ballots or ballot sheets:

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(a) Each election officer shall deliver ballots to the poll workers of each voting precinct in his jurisdiction in an amount sufficient to meet voting needs during the voting period.

(b) The election officer shall:

(i) package and deliver the ballots to the election judges;

(ii) clearly mark the outside of the package with:

(A) the voting precinct and polling place for which it is intended; and

(B) the number of each type of ballots enclosed;

(iii) ensure that each package is delivered before commencement of voting to a poll worker in each precinct; and

(iv) obtain a receipt for the ballots from the poll worker to whom they were delivered that identifies the date and time when, and the manner in which, each ballot package was sent and delivered.

(c) The election officer shall prepare substitute ballots in the form required by this Subsection (1) if any poll worker reports that:

(i) the ballots were not delivered on time; or

(ii) after delivery, they were destroyed or stolen.

(d) The election officer shall:

(i) prepare the substitute ballots as nearly in the form prescribed for official ballots as practicable;

(ii) cause the word "substitute" to be printed in brackets:

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

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

(iii) place the ballots in two separate packages, each package containing 1/2 the ballots sent to that voting precinct; and

(iv) place a signed statement in each package certifying that the substitute ballots found in the package were prepared and furnished by the election officer, and that the original ballots were not received, were destroyed, or were stolen.

(2) In elections using electronic ballots:

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(a) Each election officer shall:

(i) deliver the voting devices and electronic ballots prior to the commencement of voting;

(ii) ensure that the voting devices, equipment, and electronic ballots are properly secured before commencement of voting; and

(iii) when electronic ballots or voting devices containing electronic ballots are delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered that identifies:

(A) the name of the poll worker receiving delivery; and

(B) the date and time when the ballots or voting devices containing the electronic ballots were delivered.

(b) The election officer shall repair or provide substitute voting devices, equipment, or electronic ballots, if available, if any poll worker reports that:

(i) the voting devices or equipment were not delivered on time;

(ii) the voting devices or equipment do not contain the appropriate electronic ballot information;

(iii) the safety devices on the voting devices, equipment, or electronic ballots appear to have been tampered with;

(iv) the voting devices or equipment do not appear to be functioning properly; or

(v) after delivery, the voting devices, equipment, or electronic ballots were destroyed or stolen.

(c) If the election officer is unable to prepare and provide substitute voting devices, equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot sheets according to the requirements of Subsection (1).

Section 31. Section **20A-6-203** is amended to read:

### **20A-6-203. Ballots for regular primary elections.**

(1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:

(a) develop paper ballots, ballot labels, ballot sheets, and electronic ballots to be used in Utah's regular primary election;

(b) ensure that the paper ballots, ballot labels, ballot sheets, and electronic ballots



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comply generally, where applicable, with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and this section; and

(c) provide voting booths, election records and supplies, ballot boxes, and as applicable, voting devices, for each voting precinct as required by Section 20A-5-403.

(2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and [~~Sections~~] Section 20A-5-403, [~~20A-6-401, and 20A-6-401.1,~~] the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, and voting booths, election records and supplies, and ballot boxes:

(i) facilitate the distribution, voting, and tallying of ballots in a primary where not all voters are authorized to vote for a party's candidate;

(ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;

(iii) minimize the possibility of spoiled ballots due to voter confusion; and

(iv) protect against fraud.

(b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:

(i) mark, prepunch, or otherwise identify ballots and ballot sheets as being for a particular registered political party; and

(ii) instruct persons counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

Section 32. Section **20A-6-203.5** is enacted to read:

**20A-6-203.5. Multi-candidate primary race or multi-candidate general race ballot.**

If, in an election, at least one of the races is a multi-candidate primary race or a multi-candidate general race, the portion of the ballot relating to that race shall:

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

(2) 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 Subsection 20A-3-105(5);

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and

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

Section 33. Section **20A-6-301** is amended to read:

### **20A-6-301. Paper ballots -- Regular general election.**

(1) Each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular general election contain:

(i) no captions or other endorsements except as provided in this section;

(ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and

(iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5).

(b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(c) immediately below the perforated ballot stub, the following endorsements are printed in 18 point bold type:

(i) "Official Ballot for \_\_\_\_ County, Utah";

(ii) the date of the election; and

(iii) the words "Clerk of \_\_\_\_\_ County" or, as applicable, the name of a combined office that includes the duties of a county clerk;

(d) the party name or title is printed in capital letters not less than one-fourth of an inch high;

(e) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with

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the other candidates for the same office in accordance with Section 20A-6-305, without a party name or title, and with a mark referencing the following statement at the bottom of the ticket: "This candidate is not affiliated with, or does not qualify to be listed on the ballot as affiliated with, a political party.";

(f) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(g) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(h) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and

(i) except as provided in Subsection 20A-3-105(6), on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:

(i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or

(ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.

(2) Each election officer shall ensure that:

(a) each person nominated by any registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

(i) under the registered political party's name, if any; or

(ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

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(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

- (a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;
- (b) the words designating the office are printed flush with the left-hand margin;
- (c) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;
- (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
- (e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and
- (f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)," according to the number to be elected.

(4) Each election officer shall ensure that:

- (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;
- (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107; and
- (c) 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.

Section 34. Section **20A-6-402** is amended to read:

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

(1) When using a paper ballot at municipal general elections, each election officer shall ensure that:

~~[(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;]~~

~~[(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;]~~

~~[(c) for other offices;]~~

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

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eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and]

~~[(ii) the names of those candidates are placed upon the municipal general election ballot;]~~

~~[(d)]~~ (a) the names of the candidates are placed on the ballot in the order specified under Section 20A-6-305;

~~[(e)]~~ (b) 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:

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

(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;

~~[(f)]~~ (c) 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

~~[(g)]~~ (d) 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.

(2) When using a punch card ballot at municipal general elections, each election officer shall ensure that:

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

(ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(b) immediately below the perforated ballot stub, the following endorsements are printed in 18 point bold type:

(i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type;

(c) immediately below the election officer's title, two one-point parallel horizontal

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rules separate endorsements from the rest of the ballot;

(d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;

(e) after the rules, the designation of the office for which the candidates seek election is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

(f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(g) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates;

(h) 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:

(i) a write-in space for each elective office in which a write-in candidate is qualified where the voter may enter the name of a valid write-in candidate; and

(ii) a square printed immediately adjacent to the write-in space or line where the voter may vote for a valid write-in candidate; and

(i) the candidate groups are separated from each other by one light and one heavy line or rule.

(3) When using a ballot sheet other than a punch card ballot at municipal general elections, each election officer shall ensure that:

(a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

(ii) the ballot number and the words "Poll Worker's Initial \_\_\_\_" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

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

(i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

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- (ii) the date of the election; and
- (iii) a facsimile of the signature of the election officer and the election officer's title;
- (c) immediately below the election officer's title, a distinct border or line separates endorsements from the rest of the ballot;
- (d) immediately below the border or line, an "Instructions to Voters" section is printed 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;
- (e) after the border or line, the designation of the office for which the candidates seek election is printed and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for which the voter may vote)" are printed, followed by a line or border;
- (f) after the line or border, the names of the candidates are printed in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;
- (g) an oval is printed adjacent to the names of the candidates;
- (h) 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:
  - (i) a write-in space or blank line for each elective office in which a write-in candidate is qualified where the voter may enter the name of a valid write-in candidate; and
  - (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a valid write-in candidate; and
  - (i) the candidate groups are separated from each other by a line or border.
- (4) When using an electronic ballot at municipal general elections, each election officer shall ensure that:
  - (a) the following endorsements are displayed on the first screen of the ballot:
    - (i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";
    - (ii) the date of the election; and
    - (iii) a facsimile of the signature of the election officer and the election officer's title;
  - (b) immediately below the election officer's title, a distinct border or line separates the endorsements from the rest of the ballot;
  - (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

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the candidate(s) for each respective office." followed by another border or line;

(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;

(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;

(f) a voting square or position is located adjacent to the name of each candidate;

(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

(h) the candidate groups are separated from each other by a line or border.

(5) 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.

Section 35. Section **20A-9-403** is amended to read:

### **20A-9-403. Regular primary elections.**

(1) (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section and, for a multi-candidate primary race, Subsection 20A-3-105(5) and Section 20A-4-303.5. The fourth Tuesday of June of each even-numbered year is designated as regular primary election day. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

(b) Each registered political party that chooses to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate its candidates for elective office in the manner prescribed in this section.

(c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any



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other political group and a candidate for elective office who was not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

(d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.

(2) (a) Each registered political party, in a statement filed with the lieutenant governor, shall:

(i) either declare their intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of its candidates for elective office featured on the ballot at the next regular general election; and

(ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether ~~[or not persons]~~ an individual identified as unaffiliated with a political party may vote for the registered political party's candidates.

(b) (i) A registered political party that is a continuing political party must file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 15 of each odd-numbered year.

(ii) An organization that is seeking to become a registered political party under Section 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.

(3) (a) Except as provided in Subsection (3)(e), a person who ~~[has submitted]~~ submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the person is certified by the appropriate filing officer as having submitted a set of nomination petitions that was:

(i) circulated and completed in accordance with Section 20A-9-405; and

(ii) signed by at least two percent of the registered political party's members who reside in the political division of the office that the person seeks.

(b) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March. Candidates may supplement their submissions at any time on or before the filing deadline.

(c) The lieutenant governor shall determine for each elective office the total number of

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signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number of persons residing in each elective office's political division who have designated a particular registered political party on their voter registration forms as of November 1 of each odd-numbered year. The lieutenant governor shall publish this determination for each elective office no later than November 15 of each odd-numbered year.

(d) The filing officer shall:

(i) verify signatures on nomination petitions in a transparent and orderly manner;

(ii) for all qualifying candidates for elective office who submitted nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the first Monday after the third Saturday in April;

(iii) consider active and inactive voters eligible to sign nomination petitions;

(iv) consider a person who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered political party as the person's party membership on the person's voter registration form; and

(v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures pursuant to rules made under Subsection (3)(f).

(e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, shall make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

(i) review the declarations of candidacy filed by candidates for local boards of

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education to determine if more than two candidates have filed for the same seat;

(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.

(4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks:

(i) a list of the names of all candidates for federal, constitutional, multi-county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary-election ballot in accordance with Section 20A-6-305; and

(ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude such candidates from the primary-election ballot.

(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary-election ballot.

(c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_, \_\_\_\_\_ (year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct \_\_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.  
Attest: county clerk."

(5) (a) (i) [~~Candidates~~] Except as provided in Subsection (5)(a)(ii), candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their registered political party for that office or are nominated as a candidate for a nonpartisan local school board position.

(ii) A candidate in a multi-candidate primary race who is declared nominated in accordance with Section 20A-4-303.5 is nominated by that candidate's registered political party

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for the office to which the race relates.

(b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.

(c) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary ballot. A candidate is "unopposed" if no person other than the candidate has received a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office.

(6) (a) [~~When~~] Except as otherwise provided in Section 20A-4-303.5, if a tie vote occurs in any primary election for any national, state, 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 and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) [~~When~~] Except as otherwise provided in Section 20A-4-303.5, if a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

(8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

Section 36. Section **20A-9-409** is amended to read:

### **20A-9-409. Primary election provisions relating to qualified political party.**

(1) The fourth Tuesday of June of each even-numbered year is designated as a regular primary election day.

(2) A qualified political party that nominates one or more candidates for an elective

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office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the primary election for that office.

(3) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.

(4) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.

(5) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.

(6) For a multi-candidate primary race, the nominee for a qualified political party that voluntarily participates in a primary election for that race under Subsection (2), or is required to participate in a primary election under Subsection (4) or (5), shall be determined in accordance with Section 20A-4-303.5.

Section 37. ~~Section 20A-13-301 is amended to read:~~

~~20A-13-301. Presidential elections -- Effect of vote.~~

~~(1) (a) Each registered political party shall choose persons to act as presidential electors and to fill vacancies in the office of presidential electors for their party's candidates for President and Vice President according to the procedures established in their bylaws.~~

~~(b) Each registered political party shall certify to the lieutenant governor the names and addresses of the persons selected by the political party as the party's presidential electors by August 31.~~

~~(2) [The] Subject to Section 20A-4-303.5, the highest number of votes cast for a political party's president and vice president candidates elects the presidential electors selected by that political party.~~

~~Section 38. Section 20A-13-302 is amended to read:~~

~~20A-13-302. Certificate of election.~~

~~(1) The lieutenant governor shall transmit certificates of election to each of the electors~~

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~~selected by the political party whose candidates for president and vice president received the highest number of votes in Utah, in accordance with Section 20A-4-303.5.~~

~~— (2) Presidential electors may not receive compensation for their services.~~

~~— Section 39.~~ Section **20A-16-402** is amended to read:

### **20A-16-402. Timeliness and scope of application for military-overseas ballot.**

(1) An application for a military-overseas ballot is timely if received by the Thursday immediately before the election.

(2) An application for a military-overseas ballot for a regular primary election [~~or municipal primary election~~], whether or not timely, is effective as an application for a military-overseas ballot for the regular general election or municipal general election.

Section ~~{40}~~38. Section **63I-1-220** is amended to read:

### **63I-1-220. Repeal dates, Title 20A.**

~~[On January 1, 2017:]~~

~~[(1) Subsection 20A-1-102(55) is repealed.]~~

~~[(2) Subsection 20A-2-102.5(1) the language that states "20A-4-108, or" is repealed.]~~

~~[(3) Subsection 20A-2-202(3)(a) the language that states "Except as provided in Subsection 20A-4-108(6)," is repealed.]~~

~~[(4) Subsection 20A-2-204(5)(a) the language that states "Except as provided in Subsection 20A-4-108(7)," is repealed.]~~

~~[(5) Subsection 20A-2-205(7)(a) the language that states "Except as provided in Subsection 20A-4-108(8)," is repealed.]~~

~~[(6) Subsection 20A-2-206(8)(c) the language that states "Except as provided in Subsection 20A-4-108(9)," is repealed.]~~

~~[(7) Subsection 20A-2-307(2)(a) is repealed.]~~

~~[(8) Subsection 20A-4-107(2)(b) the language that states "Except as provided in Subsection 20A-4-108(10)," is repealed.]~~

~~[(9) Subsection 20A-4-107(3) the language that states "or if the voter is, in accordance with the pilot project, registered to vote under Subsection 20A-4-108(10)," is repealed.]~~

~~[(10) Subsection 20A-4-107(4) the language that states "Except as provided in Subsection 20A-4-108(12)," is repealed.]~~

~~[(11) Section 20A-4-108 is repealed.]~~

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Section ~~{41}~~39. Section 67-1a-15 is enacted to read:

### **67-1a-15. Report to Government Operations Interim Committee on implementation of Ranked Choice Voting.**

The lieutenant governor or the lieutenant governor's designee shall, on or before November 30, 2017, and on or before November 30, 2018, report to the Government Operations Interim Committee on the progress towards implementation of ranked choice voting in the state, including:

- (1) equipment and other technology being used or purchased for ranked choice voting;
- (2) information relating to process and procedure; and
- (3) suggestions for any legislative action that should be taken to ensure successful implementation of ranked choice voting.

Section ~~{42}~~40. Repealer.

This bill repeals:

Section 20A-6-401, Ballots for municipal primary elections.

Section 20A-6-401.1, Ballots for partisan municipal primary elections.

Section 20A-9-404, Municipal primary elections.

Section ~~{43}~~41. Effective date.

- (1) Except as provided in Subsection (2), this bill takes effect on January 1, 2019.
- (2) Section 67-1a-15 takes effect on July 1, 2017.