

1 **MUNICIPAL INSTANT RUNOFF VOTING PILOT PROJECT**

2 2018 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **Committee Note:**

9 The Government Operations Interim Committee recommended this bill.

10 **General Description:**

11 This bill creates a pilot project to permit a municipality to conduct nonpartisan races
12 using instant runoff voting.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ establishes a pilot project for a municipality to conduct certain nonpartisan
17 municipal races by instant runoff voting;
- 18 ▶ establishes a process for a municipality to opt in to the pilot project;
- 19 ▶ establishes requirements and procedures for conducting an election under the pilot
20 program, including the completion of ballots, the counting of votes, recount
21 provisions, resolving a tie, and canvassing;
- 22 ▶ provides a sunset date for the pilot project; and
- 23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **20A-1-102**, as last amended by Laws of Utah 2017, Chapter 52
- 31 **20A-1-303**, as enacted by Laws of Utah 1993, Chapter 1
- 32 **20A-3-105**, as last amended by Laws of Utah 2007, Chapter 75
- 33 **20A-4-101**, as last amended by Laws of Utah 2008, Chapter 225
- 34 **20A-4-102**, as last amended by Laws of Utah 2002, Chapter 177
- 35 **20A-4-105**, as last amended by Laws of Utah 2017, Chapter 327
- 36 **20A-4-106**, as last amended by Laws of Utah 2012, Chapter 251
- 37 **20A-4-304**, as last amended by Laws of Utah 2012, Chapter 309
- 38 **20A-4-401**, as last amended by Laws of Utah 2013, Chapter 92
- 39 **20A-5-404**, as last amended by Laws of Utah 2001, Chapter 9
- 40 **20A-6-402**, as last amended by Laws of Utah 2016, Chapter 176
- 41 **20A-9-404**, as last amended by Laws of Utah 2017, Chapter 91
- 42 **63I-2-220**, as last amended by Laws of Utah 2017, Chapters 32 and 452

43 ENACTS:

- 44 **20A-4-601**, Utah Code Annotated 1953
- 45 **20A-4-602**, Utah Code Annotated 1953
- 46 **20A-4-603**, Utah Code Annotated 1953
- 47 **20A-4-604**, Utah Code Annotated 1953
- 48 **20A-6-203.5**, Utah Code Annotated 1953

49 REPEALS AND REENACTS:

- 50 **20A-1-304**, as last amended by Laws of Utah 2001, Chapter 20



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

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

54 **20A-1-102. Definitions.**

55 As used in this title:

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

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

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

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

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

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

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

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

68 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
69 on the ballot for their approval or rejection including:

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

71 (b) a constitutional amendment;

72 (c) an initiative;

73 (d) a referendum;

74 (e) a bond proposition;

75 (f) a judicial retention question;

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

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

78 (6) "Ballot sheet":

79 (a) means a ballot that:

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

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

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

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

84 together with a staple or stitch in at least three places across the top of the paper in the blank
85 space reserved for securing the paper.

86 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
87 [20A-4-306](#) to canvass election returns.

88 (9) "Bond election" means an election held for the purpose of approving or rejecting
89 the proposed issuance of bonds by a government entity.

90 (10) "Book voter registration form" means voter registration forms contained in a
91 bound book that are used by election officers and registration agents to register persons to vote.

92 (11) "Business reply mail envelope" means an envelope that may be mailed free of
93 charge by the sender.

94 (12) "By-mail voter registration form" means a voter registration form designed to be
95 completed by the voter and mailed to the election officer.

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

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

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

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

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

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

108 (19) "Counting poll watcher" means a person selected as provided in Section
109 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

118 (b) does not include:

119 (i) deadlines established for absentee voting; or

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

121 Voting.

122 (23) "Elected official" means:

123 (a) a person elected to an office under Section [20A-1-303](#) or Title 20A, Chapter 4, Part
124 [6, Municipal Instant Runoff Voting Pilot Project](#);

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

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

129 (24) "Election" means a regular general election, a municipal general election, a
130 statewide special election, a local special election, a regular primary election, a municipal
131 primary election, and a local district election.

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

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

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

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

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

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

140 (28) "Election officer" means:

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

142 (b) the county clerk for:

143 (i) a county ballot and election; and

144 (ii) a ballot and election as a provider election officer as provided in Section
145 [20A-5-400.1](#) or [20A-5-400.5](#);

146 (c) the municipal clerk for:

147 (i) a municipal ballot and election; and

148 (ii) a ballot and election as a provider election officer as provided in Section
149 [20A-5-400.1](#) or [20A-5-400.5](#);

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

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

- 152 (ii) a ballot and election as a provider election officer as provided in Section
- 153 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 154 (e) the business administrator or superintendent of a school district for:
- 155 (i) a school district ballot and election; and
- 156 (ii) a ballot and election as a provider election officer as provided in Section
- 157 [20A-5-400.1](#) or [20A-5-400.5](#).
- 158 (29) "Election official" means any election officer, election judge, or poll worker.
- 159 (30) "Election results" means:
- 160 (a) for an election other than a bond election, the count of votes cast in the election and
- 161 the election returns requested by the board of canvassers; or
- 162 (b) for bond elections, the count of those votes cast for and against the bond
- 163 proposition plus any or all of the election returns that the board of canvassers may request.
- 164 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 165 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 166 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 167 form, and the total votes cast form.
- 168 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 169 device or other voting device that records and stores ballot information by electronic means.
- 170 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 171 or logically associated with a record and executed or adopted by a person with the intent to sign
- 172 the record.
- 173 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 174 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 175 (35) "Inactive voter" means a registered voter who is listed as inactive by a county
- 176 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).
- 177 (36) "Inspecting poll watcher" means a person selected as provided in this title to
- 178 witness the receipt and safe deposit of voted and counted ballots.
- 179 (37) "Judicial office" means the office filled by any judicial officer.
- 180 (38) "Judicial officer" means any justice or judge of a court of record or any county
- 181 court judge.
- 182 (39) "Local district" means a local government entity under Title 17B, Limited Purpose

183 Local Government Entities - Local Districts, and includes a special service district under Title
184 17D, Chapter 1, Special Service District Act.

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

187 (41) "Local election" means a regular county election, a regular municipal election, a
188 municipal primary election, a local special election, a local district election, and a bond
189 election.

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

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

195 (44) "Municipal executive" means:

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

197 (b) the mayor in the council-manager form of government defined in Subsection
198 10-3b-103(7); or

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

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

203 (46) "Municipal legislative body" means:

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

205 (b) the council of a metro township.

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

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

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

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

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

- 214 (52) "Official endorsement" means:
- 215 (a) the information on the ballot that identifies:
- 216 (i) the ballot as an official ballot;
- 217 (ii) the date of the election; and
- 218 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
- 219 facsimile signature required by Subsection [20A-6-401\(1\)\(b\)\(iii\)](#); or
- 220 (B) for a ballot prepared by a county clerk, the words required by Subsection
- 221 [20A-6-301\(1\)\(c\)\(iii\)](#); and
- 222 (b) the information on the ballot stub that identifies:
- 223 (i) the poll worker's initials; and
- 224 (ii) the ballot number.
- 225 (53) "Official register" means the official record furnished to election officials by the
- 226 election officer that contains the information required by Section [20A-5-401](#).
- 227 (54) "Paper ballot" means a paper that contains:
- 228 (a) the names of offices and candidates and statements of ballot propositions to be
- 229 voted on; and
- 230 (b) spaces for the voter to record the voter's vote for each office and for or against each
- 231 ballot proposition.
- 232 (55) "Political party" means an organization of registered voters that has qualified to
- 233 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
- 234 and Procedures.
- 235 (56) "Pollbook" means a record of the names of voters in the order that they appear to
- 236 cast votes.
- 237 (57) "Polling place" means the building where voting is conducted.
- 238 (58) (a) "Poll worker" means a person assigned by an election official to assist with an
- 239 election, voting, or counting votes.
- 240 (b) "Poll worker" includes election judges.
- 241 (c) "Poll worker" does not include a watcher.
- 242 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
- 243 in which the voter marks the voter's choice.
- 244 (60) "Primary convention" means the political party conventions held during the year

245 of the regular general election.

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

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

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

249 (62) "Provider election officer" means an election officer who enters into a contract or
250 interlocal agreement with a contracting election officer to conduct an election for the
251 contracting election officer's local political subdivision in accordance with Section
252 [20A-5-400.1](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

276 and distributed as provided in Section [20A-5-405](#).

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

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

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

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

285 (a) is spoiled by the voter;

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

287 (c) lacks the official endorsement.

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

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

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

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

294 (a) political parties;

295 (b) candidates for an office; or

296 (c) ballot propositions.

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

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

302 (83) "Valid voter identification" means:

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

305 (i) a currently valid Utah driver license;

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

- 307 (A) the state; or
308 (B) a branch, department, or agency of the United States;
309 (iii) a currently valid Utah permit to carry a concealed weapon;
310 (iv) a currently valid United States passport; or
311 (v) a currently valid United States military identification card;
312 (b) one of the following identification cards, whether or not the card includes a
313 photograph of the voter:
314 (i) a valid tribal identification card;
315 (ii) a Bureau of Indian Affairs card; or
316 (iii) a tribal treaty card; or
317 (c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear
318 the name of the voter and provide evidence that the voter resides in the voting precinct, which
319 may include:
320 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
321 election;
322 (ii) a bank or other financial account statement, or a legible copy thereof;
323 (iii) a certified birth certificate;
324 (iv) a valid social security card;
325 (v) a check issued by the state or the federal government or a legible copy thereof;
326 (vi) a paycheck from the voter's employer, or a legible copy thereof;
327 (vii) a currently valid Utah hunting or fishing license;
328 (viii) certified naturalization documentation;
329 (ix) a currently valid license issued by an authorized agency of the United States;
330 (x) a certified copy of court records showing the voter's adoption or name change;
331 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
332 (xii) a currently valid identification card issued by:
333 (A) a local government within the state;
334 (B) an employer for an employee; or
335 (C) a college, university, technical school, or professional school located within the
336 state; or
337 (xiii) a current Utah vehicle registration.

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

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

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

342 (b) meets the requirements of election registration;

343 (c) is registered to vote; and

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

345 (86) "Voter registration deadline" means the registration deadline provided in Section
346 [20A-2-102.5](#).

347 (87) "Voting area" means the area within six feet of the voting booths, voting
348 machines, and ballot box.

349 (88) "Voting booth" means:

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

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

353 (89) "Voting device" means:

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

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

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

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

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

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

364 (91) "Voting poll watcher" means a person appointed as provided in this title to
365 witness the distribution of ballots and the voting process.

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

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

369 poll watcher, and a testing watcher.

370 (94) "Western States Presidential Primary" means the election established in Chapter 9,
371 Part 8, Western States Presidential Primary.

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

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

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

376 **20A-1-303. Determining results.**

377 (1) (a) [~~When~~] Except as provided in Title 20A, Chapter 4, Part 6, Municipal Instant
378 Runoff Voting Pilot Project, when one person is to be elected or nominated, the person
379 receiving the highest number of votes at any:

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

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

382 (b) [~~When~~] Except as provided in Title 20A, Chapter 4, Part 6, Municipal Instant
383 Runoff Voting Pilot Project, when more than one person is to be elected or nominated, the
384 persons receiving the highest number of votes at any:

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

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

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

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

389 (b) fails if:

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

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

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

393 **20A-1-304. Tie votes.**

394 Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,
395 Municipal Instant Runoff Voting Pilot Project, if two or more candidates for a position have an
396 equal and the highest number of votes for any office, the election officer shall, in a public
397 meeting held within 30 days after the day on which the canvass is completed, determine the
398 candidate selected, by lot, in the presence of each candidate subject to the tie.

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

400 **20A-3-105. Marking and depositing ballots.**

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

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

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

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

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

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

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

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

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

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

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

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

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

426 (3) (a) [~~H~~] Subject to Subsection (5), if a ballot sheet other than a punch card is used,
427 the voter shall mark the ballot sheet according to the instructions provided on the voting device
428 or ballot sheet.

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

- 431 (i) marking the position opposite the area for entering a write-in candidate; and
432 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
433 for by means of:
- 434 (A) writing;
435 (B) a label; or
436 (C) entering the name using the voting device.
- 437 (c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the
438 provisional ballot envelope and complete the information printed on the envelope.
- 439 (4) (a) [~~H~~] Subject to Subsection (5), if an electronic ballot is used, the voter shall:
440 (i) insert the ballot access card into the voting device; and
441 (ii) make the selections according to the instructions provided on the device.
- 442 (b) [~~The~~] Except as provided in Subsections (5) and (6), the voter shall record a
443 write-in vote by:
- 444 (i) marking the appropriate position opposite the area for entering a write-in candidate;
445 and
446 (ii) using the voting device to enter the name of the valid write-in candidate for whom
447 the voter wishes to vote.
- 448 (5) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,
449 Municipal Instant Runoff Voting Pilot Project, a voter:
- 450 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
451 first preference for the office; and
- 452 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
453 order of the voter's preference.
- 454 [~~5~~] (6) After preparation of the ballot:
- 455 (a) if a paper ballot or punch card ballot is used:
456 (i) the voter shall:
457 (A) leave the voting booth; and
458 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;
459 (ii) the poll worker in charge of the ballot box shall:
460 (A) clearly and audibly announce the name of the voter and the number on the stub of
461 the voter's ballot;

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

465 (C) return the ballot to the voter;

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

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

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

470 (B) the poll worker shall:

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

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

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

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

475 (i) the voter shall:

476 (A) leave the voting booth; and

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

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

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

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

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

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

487 (i) cast the voter's ballot;

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

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

490 ~~[(6)]~~ (7) A voter voting a paper ballot in a regular primary election shall, after marking
491 the ballot:

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

493 are on the same ballot, detach the part of the paper ballot containing the names of the
494 candidates of the party ~~[he]~~ the voter has voted from the remainder of the paper ballot;
495 (ii) fold that portion of the paper ballot so that its face is concealed; and
496 (iii) deposit it in the ballot box; and
497 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of
498 the parties that the elector did not vote; and
499 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot
500 box.

501 ~~[(7)]~~ (8) (a) Each voter shall mark and cast or deposit the ballot without delay and shall
502 leave the voting area after voting.

503 (b) A voter may not:

504 (i) occupy a voting booth occupied by another, except as provided in Section
505 [20A-3-108](#);
506 (ii) remain within the voting area more than 10 minutes; or
507 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
508 voters are waiting to occupy them.

509 ~~[(8)]~~ (9) If the official register shows any voter as having voted, that voter may not
510 reenter the voting area during that election unless that voter is an election official or watcher.

511 ~~[(9)]~~ (10) The poll workers may not allow more than four voters more than the number
512 of voting booths into the voting area at one time unless those excess voters are:

513 (a) election officials;
514 (b) watchers; or
515 (c) assisting voters with a disability.

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

517 **20A-4-101. Counting paper ballots during election day.**

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

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

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

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

525 (b) At any election in any voting precinct in which both receiving and counting judges
526 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

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

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

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

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

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

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

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

537 (d) (i) During the course of election day, whenever there are at least 20 ballots
538 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
539 judges for counting; and

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

542 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
543 until the polls close.

544 (f) (i) The director of elections within the Office of the Lieutenant Governor shall make
545 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
546 describing the procedures that a counting judge is required to follow for counting ballots in an
547 instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting
548 Pilot Project.

549 (ii) When counting ballots in an instant runoff voting race described in Title 20A,
550 Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, a counting judge shall comply
551 with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4, Part 6,
552 Municipal Instant Runoff Voting Pilot Project.

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

555 ~~[(4) The counting judges shall apply the standards and requirements of Section~~
556 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

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

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

560 (b) for an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal
561 Instant Runoff Voting Pilot Project, Subsection 20A-4-603(5) or 20A-4-604(3).

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

563 **20A-4-102. Counting paper ballots after the polls close.**

564 (1) (a) Except as provided in Subsection (2) or a rule made under Subsection
565 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,
566 the election judges shall count the ballots by performing the tasks specified in this section in
567 the order that they are specified.

568 ~~[(b) The election judges shall apply the standards and requirements of Section~~
569 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

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

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

573 (ii) for an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal
574 Instant Runoff Voting Pilot Project, Subsection 20A-4-603(5) or 20A-4-604(3).

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

576 (b) (i) If there are more ballots in the ballot box than there are names entered in the
577 pollbook, the judges shall examine the official endorsements on the ballots.

578 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper
579 official endorsement, the judges shall put those ballots in an excess ballot file and not count
580 them.

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

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

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

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

590 (3) The judges shall:

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

593 (b) seal that envelope or container.

594 (4) The judges shall:

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

597 (b) seal that envelope or container.

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

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

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

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

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

605 (6) (a) In all elections, the counting judges shall, except as provided in Title 20A,
606 Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, or a rule made under
607 Subsection 20A-4-101(2)(f)(i):

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

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

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

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

617 before another ballot is counted;

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

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

622 (vii) read, count, and record upon the tally sheets the votes that each candidate and
623 ballot proposition received from all ballots, except excess or spoiled ballots.

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

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

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

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

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

633 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

634 (1) (a) An election officer shall ensure that when a question arises regarding a vote
635 recorded on a paper ballot, two counting judges jointly adjudicate the ballot, except as
636 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot
637 Project, in accordance with the requirements of this section.

638 (b) If the counting judges disagree on the disposition of a vote recorded on a ballot that
639 is adjudicated under this section, the counting judges may not count the vote.

640 (2) Except as provided in Subsection (11), Subsection 20A-3-105(5), or Title 20A,
641 Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, if a voter marks more names
642 than there are individuals to be elected to an office, or if the counting judges cannot determine
643 a voter's choice for an office, the counting judges may not count the voter's vote for that office.

644 (3) [~~The~~] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal
645 Instant Runoff Voting Pilot Project, the counting judges shall count a defective or incomplete
646 mark on a paper ballot if:

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

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

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

653 (b) The counting judges shall count the remainder of the ballot if the remainder of the
654 ballot is voted correctly.

655 (5) ~~[The]~~ Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal
656 Instant Runoff Voting Pilot Project, the counting judges may not reject a ballot marked by the
657 voter because of marks on the ballot other than those marks allowed by this section unless the
658 extraneous marks on a ballot show an intent by an individual to mark the individual's ballot so
659 that the individual's ballot can be identified.

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

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

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

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

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

668 (8) The counting judges may not count a paper ballot that does not have the official
669 endorsement by an election officer.

670 (9) The counting judges may not count a ballot proposition vote or candidate vote for
671 which the voter is not legally entitled to vote, as defined in Section [20A-4-107](#).

672 (10) If the counting judges discover that the name of a candidate is misspelled on a
673 ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole
674 or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is
675 apparent that the voter intended to vote for the candidate.

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

678 (12) ~~[It]~~ Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal

679 Instant Runoff Voting Pilot Project, in counting the valid write-in votes, if, by casting a valid
680 write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that
681 office, the counting judges shall count the valid write-in vote as being the obvious intent of the
682 voter.

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

684 **20A-4-106. Paper ballots -- Sealing.**

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

688 (ii) After the ballots are strung, they may not be examined by anyone, except when
689 examined during a recount conducted under the authority of Section [20A-4-401](#) or Title 20A,
690 Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project.

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

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

695 (b) The judges shall:

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

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

699 (c) The judges shall:

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

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

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

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

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

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

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

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

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

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

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

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

- 721 a list of the ballot numbers for each voter;
- 722 the voters' signatures, except where a judge has signed for the absentee voters;
- 723 a list of information surrounding a voter who is challenged,
- 724 including any affidavits; and
- 725 a notation for each time a voter was assisted with a ballot."

726 (5) Each judge shall:

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

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

- 729 (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other
730 words plainly indicating the contents of the packages; and
- 731 (ii) the number of the voting precinct.

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

733 **20A-4-304. Declaration of results -- Canvassers' report.**

734 (1) Each board of canvassers shall:

735 (a) except as provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting
736 Pilot Project, declare "elected" or "nominated" those persons who:

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

740 (b) declare:

- 741 (i) "approved" those ballot propositions that:
742 (A) had more "yes" votes than "no" votes; and
743 (B) were submitted only to the voters within the board's jurisdiction;
744 (ii) "rejected" those ballot propositions that:
745 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
746 votes; and
747 (B) were submitted only to the voters within the board's jurisdiction;
748 (c) certify the vote totals for persons and for and against ballot propositions that were
749 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
750 the lieutenant governor; and
751 (d) if applicable, certify the results of each local district election to the local district
752 clerk.
- 753 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
754 result, which shall contain:
- 755 (i) the total number of votes cast in the board's jurisdiction;
756 (ii) the names of each candidate whose name appeared on the ballot;
757 (iii) the title of each ballot proposition that appeared on the ballot;
758 (iv) each office that appeared on the ballot;
759 (v) from each voting precinct:
760 (A) the number of votes for each candidate; ~~and~~
761 (B) for each race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,
762 Municipal Instant Runoff Voting Pilot Project, the number of valid votes cast for each
763 candidate for each potential canvassing phase and the name of the candidate excluded in each
764 canvassing phase; and
765 ~~(B)~~ (C) the number of votes for and against each ballot proposition;
766 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
767 for and against each ballot proposition;
768 (vii) the number of ballots that were rejected; and
769 (viii) a statement certifying that the information contained in the report is accurate.
- 770 (b) The election officer and the board of canvassers shall:
771 (i) review the report to ensure that it is correct; and

772 (ii) sign the report.
773 (c) The election officer shall:
774 (i) record or file the certified report in a book kept for that purpose;
775 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
776 to each nominated or elected candidate;
777 (iii) publish a copy of the certified report:
778 (A) in one or more conspicuous places within the jurisdiction;
779 (B) in a conspicuous place on the county's website; and
780 (C) in a newspaper with general circulation in the board's jurisdiction; and
781 (iv) file a copy of the certified report with the lieutenant governor.
782 (3) When there has been a regular general or a statewide special election for statewide
783 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
784 or more county ballot proposition, each board of canvassers shall:
785 (a) prepare a separate report detailing the number of votes for each candidate and the
786 number of votes for and against each ballot proposition; and
787 (b) transmit it by registered mail to the lieutenant governor.
788 (4) In each county election, municipal election, school election, local district election,
789 and local special election, the election officer shall transmit the reports to the lieutenant
790 governor within 14 days after the date of the election.
791 (5) In regular primary elections and in the Western States Presidential Primary, the
792 board shall transmit to the lieutenant governor:
793 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
794 governor:
795 (i) not later than the second Tuesday after the primary election for the regular primary
796 election; and
797 (ii) not later than the Tuesday following the election for the Western States Presidential
798 Primary; and
799 (b) a complete tabulation showing voting totals for all primary races, precinct by
800 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
801 primary election.
802 Section 10. Section **20A-4-401** is amended to read:

803 **20A-4-401. Recounts -- Procedure.**

804 (1) (a) This section does not apply to a race conducted by instant runoff voting under
805 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project.

806 ~~[(1)(a)]~~ (b) Except as provided in Subsection (1)~~[(b)]~~(c), for a race between
807 candidates, if the difference between the number of votes cast for a winning candidate in the
808 race and a losing candidate in the race is equal to or less than .25% of the total number of votes
809 cast for all candidates in the race, that losing candidate may file a request for a recount in
810 accordance with Subsection (1)~~[(c)]~~(d).

811 ~~[(b)]~~ (c) For a race between candidates where the total of all votes cast in the race is
812 400 or less, if the difference between the number of votes cast for a winning candidate in the
813 race and a losing candidate in the race is one vote, that losing candidate may file a request for a
814 recount in accordance with Subsection (1)~~[(c)]~~(d).

815 ~~[(c)]~~ (d) A candidate who files a request for a recount under Subsection (1)~~[(a) or]~~ (b)
816 or (c) shall file the request:

817 (i) for a municipal primary election, with the municipal clerk, within three days after
818 the canvass; or

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

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

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

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

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

824 ~~[(d)]~~ (e) The election officer shall:

825 (i) supervise the recount;

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

827 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
828 3, Absentee Voting;

829 (iv) for a race where only one candidate may win, declare elected the candidate who
830 receives the highest number of votes on the recount; and

831 (v) for a race where multiple candidates may win, declare elected the applicable
832 number of candidates who receive the highest number of votes on the recount.

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

834 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
835 the total votes cast for or against the proposition, any 10 voters who voted in the election where
836 the proposition was on the ballot may file a request for a recount within seven days of the
837 canvass with the person described in Subsection (2)(c).

838 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
839 against the proposition is 400 or less, if the difference between the number of votes cast for the
840 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
841 voted in the election where the proposition was on the ballot may file a request for a recount
842 within seven days of the canvass with the person described in Subsection (2)(c).

843 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
844 file the request with:

- 845 (i) the municipal clerk, if the election is a municipal election;
- 846 (ii) the local district clerk, if the election is a local district election;
- 847 (iii) the county clerk, for propositions voted on entirely within a single county; or
- 848 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

849 (d) The election officer shall:

- 850 (i) supervise the recount;
- 851 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 852 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
853 3, Absentee Voting; and
- 854 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
855 based upon the results of the recount.

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

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

859 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
860 person requesting the recount.

861 (4) (a) Upon completion of the recount, the election officer shall immediately convene
862 the board of canvassers.

863 (b) The board of canvassers shall:

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

865 recount; and

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

868 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
869 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
870 governor as required by Subsection [20A-4-304](#)(3).

871 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
872 result of the race or proposition that is the subject of the recount.

873 Section 11. Section [20A-4-601](#) is enacted to read:

874 **Part 6. Municipal Instant Runoff Voting Pilot Project**

875 **20A-4-601. Definitions.**

876 As used in this part:

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

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

880 (b) .02%.

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

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

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

886 (3) "Participating municipality" means a municipality that is participating in the pilot
887 project, in accordance with Subsection [20A-4-602](#)(3).

888 (4) "Pilot project" means the Municipal Instant Runoff Voting Pilot Project created in
889 Section [20A-4-602](#).

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

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

892 (b) for a canvassing phase in which at least 100, but fewer than 500, valid votes are
893 counted, 0.19%;

894 (c) for a canvassing phase in which at least 500, but fewer than 1,000, valid votes are
895 counted, 0.17%;

896 (d) for a canvassing phase in which at least 1,000, but fewer than 5,000, valid votes are
897 counted, 0.15%;

898 (e) for a canvassing phase in which at least 5,000, but fewer than 10,000, valid votes
899 are counted, 0.13%; and

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

901 (6) "Valid" means that the ballot is marked in a manner that permits the vote to be
902 counted during the applicable canvassing phase.

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

904 **20A-4-602. Municipal Instant Runoff Voting Pilot Project -- Creation --**
905 **Participation.**

906 (1) There is created the Municipal Instant Runoff Voting Pilot Project.

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

908 (3) A municipality may participate in the pilot project, in accordance with the
909 requirements of this section and all other applicable provisions of law, during any
910 odd-numbered year that the pilot project is in effect, if, before January 1 of the odd-numbered
911 year, the municipality provides written notice to the lieutenant governor that the municipality
912 intends to participate in the pilot project for the year specified in the notice.

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

915 (5) (a) An election officer of a participating municipality shall, in accordance with the
916 provisions of this part, conduct a multi-candidate race during the municipal general election
917 using instant runoff voting.

918 (b) An election officer of a participating municipality that will conduct a
919 multi-candidate race under Subsection (5)(a) may not conduct a municipal primary election
920 relating to that race.

921 (c) A municipality that has in effect an ordinance described in Subsection [20A-9-404](#)
922 (3) or (4) may not participate in the pilot project.

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

924 **20A-4-603. Instant runoff voting for at-large officers.**

925 (1) In a multi-candidate race to fill one or more at-large seats for the same office,
926 where the number of candidates who qualify for the race exceeds the total number of at-large

927 seats to be filled for that office by at least two, the board of canvassers shall conduct the first
928 phase of the canvass by:

929 (a) counting the valid first preference votes for each candidate;

930 (b) after complying with Subsection (6):

931 (i) excluding from the race the candidate who received the fewest valid first preference
932 votes; or

933 (ii) in the event of a tie for the fewest valid first preference votes counted, excluding
934 one of the tied candidates, determined by the election officer by lot, in accordance with
935 Subsection (7); and

936 (c) after excluding a candidate under Subsection (1)(b), adding, to the valid first
937 preference votes counted for the remaining candidates, the valid second preference votes cast
938 for the remaining candidates by the voters who cast a valid first preference vote for the
939 excluded candidate.

940 (2) If, after complying with Subsection (1), the number of remaining candidates is two
941 or more than the number of seats to be filled for that office, the board of canvassers shall
942 continue the process described in Subsections (1)(a) through (c), until the number of remaining
943 candidates is one more than the number of seats to be filled for that office, as follows:

944 (a) after complying with Subsection (6):

945 (i) excluding from consideration the candidate who has the fewest valid votes counted;
946 or

947 (ii) in the event of a tie for the fewest valid votes counted, excluding one of the tied
948 candidates, by lot, in accordance with Subsection (7); and

949 (b) adding the next valid preference vote cast by each voter whose vote was counted
950 for the last excluded candidate to one of the remaining candidates, in the order of the next
951 preference indicated by the voter.

952 (3) When, after complying with Subsections (1) and (2), the number of remaining
953 candidates is one more than the number of seats to be filled for that office, the election officer
954 shall, after complying with Subsection (6):

955 (a) (i) exclude the candidate with the fewest valid votes; or

956 (ii) in the event of a tie for the fewest valid votes counted, exclude one of the tied
957 candidates, by lot, in accordance with Subsection (7); and

958 (b) declare the remainder of the candidates elected.
959 (4) In a multi-candidate race to fill one or more at-large seats for the same office,
960 where the number of candidates who qualify for the race exceeds the total number of at-large
961 seats to be filled for that office by one, the board of canvassers shall:
962 (a) count the valid first preference votes for each candidate; and
963 (b) after complying with Subsection (6):
964 (i) (A) exclude the candidate with the fewest valid first preference votes; or
965 (B) in the event of a tie for the fewest valid first preference votes counted, exclude one
966 of the candidates who received the fewest valid votes counted, by lot, in accordance with
967 Subsection (7); and
968 (ii) declare the remainder of the candidates elected.
969 (5) (a) A vote is valid for a particular phase of a multi-candidate race only if the voter
970 indicates the voter's preference for that phase and all previous phases.
971 (b) A vote is not valid for a particular phase of a multi-candidate race, and for all
972 subsequent phases, if the voter indicates the same rank for more than one candidate for that
973 phase.
974 (6) Before excluding a candidate from a multi-candidate general race under
975 Subsections (1) through (3), the election officer shall order a recount of the valid votes counted
976 in the applicable canvassing phase if the difference between the number of votes counted for
977 the candidate who received the fewest valid votes in the applicable canvassing phase of the
978 race and any other candidate in the race is equal to or less than the product of the following,
979 rounded up to the nearest whole number:
980 (a) the total number of voters who cast a valid vote counted in that canvassing phase;
981 and
982 (b) the recount threshold.
983 (7) If, after a recount is completed under Subsection (6), two or more candidates tie as
984 having received the fewest valid votes counted at that point in the canvass, the election officer
985 shall eliminate one of those candidates from consideration, by lot, in the following manner:
986 (a) determine the names of the candidates who tie as having received the fewest valid
987 votes for that phase of the canvass;
988 (b) cast the lot in the presence of at least two election officials and any counting poll

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

990 (c) sign a public document that:

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

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

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

994 **20A-4-604. Instant runoff voting for officers other than at-large officers.**

995 (1) In a multi-candidate race for an officer other than an at-large officer, the board of
996 canvassers shall:

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

999 (ii) if, after complying with Subsection (5), one of the candidates receives more than
1000 50% of the valid first preference votes counted, declare that candidate elected;

1001 (b) if, after counting the valid first preference votes for each candidate, and complying
1002 with Subsection (5), no candidate receives more than 50% of the valid first preference votes
1003 counted, conduct the second phase of the canvass by:

1004 (i) excluding from the multi-candidate race:

1005 (A) the candidate who received the fewest valid first preference votes counted; or

1006 (B) in the event of a tie for the fewest valid first preference votes counted, one of the
1007 tied candidates, determined by the tied election officer by lot, in accordance with Subsection
1008 (6);

1009 (ii) adding, to the valid first preference votes counted for the remaining candidates, the
1010 valid second preference votes cast for the remaining candidates by the voters who cast a valid
1011 first preference vote for the excluded candidate; and

1012 (iii) if, after adding the votes in accordance with Subsection (1)(b)(ii) and complying
1013 with Subsection (5), one candidate receives more than 50% of the valid votes counted,
1014 declaring that candidate elected; and

1015 (c) if, after adding the valid second preference votes in accordance with Subsection
1016 (1)(b)(ii) and complying with Subsection (5), no candidate receives more than 50% of the valid
1017 votes counted, conduct subsequent phases of the canvass by continuing the process described
1018 in Subsection (1)(b) until a candidate receives more than 50% of the valid votes counted, as
1019 follows:

1020 (i) after complying with Subsection (5), excluding from consideration the candidate
1021 who has the fewest valid votes counted or, in the event of a tie for the fewest valid votes
1022 counted, excluding one of the tied candidates, by lot, in accordance with Subsection (6); and

1023 (ii) adding the next valid preference vote cast by each voter whose vote was counted
1024 for the last excluded candidate to one of the remaining candidates, in the order of the next
1025 preference indicated by the voter.

1026 (2) The board of canvassers shall declare elected the first candidate who receives more
1027 than 50% of the valid votes counted under the process described in Subsection (1).

1028 (3) (a) A vote is valid for a particular phase of a multi-candidate race only if the voter
1029 indicates the voter's preference for that phase and all previous phases.

1030 (b) A vote is not valid for a particular phase of a multi-candidate race, and for all
1031 subsequent phases, if the voter indicates the same rank for more than one candidate for that
1032 phase.

1033 (4) The election officer shall order a recount of the valid votes in the applicable phase
1034 of the canvass if one candidate appears to have received at least 50% of the vote, and the
1035 difference between the number of votes counted for the candidate who received the most valid
1036 votes for the applicable phase of the canvass and any other candidate in the race is equal to or
1037 less than the product of the following, rounded up to the nearest whole number:

1038 (a) the total number of voters who cast a valid vote that is counted in the applicable
1039 phase of the canvass for the race; and

1040 (b) the recount threshold.

1041 (5) Before excluding a candidate from a multi-candidate race under Subsection (1), the
1042 election officer shall order a recount of the valid votes counted in the applicable canvassing
1043 phase if the difference between the number of votes counted for the candidate who received the
1044 fewest valid votes in the applicable canvassing phase of the race and any other candidate in the
1045 race is equal to or less than the product of the following, rounded up to the nearest whole
1046 number:

1047 (a) the total number of voters who cast a valid vote counted in that canvassing phase;
1048 and

1049 (b) the recount threshold.

1050 (6) For each phase of a canvass after the first phase, if, after a recount is completed

1051 under Subsection (5), two or more candidates tie as having received the fewest valid votes
 1052 counted at that point in the canvass, the election officer shall eliminate one of those candidates
 1053 from consideration, by lot, in the following manner:

1054 (a) determine the names of the candidates who tie as having received the fewest valid
 1055 votes for that phase of the canvass;

1056 (b) cast the lot in the presence of at least two election officials and any counting poll
 1057 watchers who are present and desire to witness the casting of the lot; and

1058 (c) sign a public document that:

1059 (i) certifies the method used for casting the lot and the result of the lot; and

1060 (ii) includes the name of each individual who witnessed the casting of the lot.

1061 (7) For a multi-candidate race, if, after eliminating all but two of the candidates in the
 1062 race and after a recount is completed under Subsection (4), the two remaining candidates have
 1063 an equal number of valid votes counted in the latest canvassing phase, the election officer shall,
 1064 in a public meeting held within 30 days after the day on which the canvass is completed,
 1065 determine the election winner by lot in the presence of each candidate subject to the tie.

1066 Section 15. Section **20A-5-404** is amended to read:

1067 **20A-5-404. Election forms -- Preparation and contents.**

1068 (1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

1069 (i) ballot disposition form;

1070 (ii) total votes cast form;

1071 (iii) tally sheet form; and

1072 (iv) pollbook.

1073 (b) For each election, the election officer shall:

1074 (i) provide a copy of each form to each of those precincts using paper ballots; and

1075 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting
 1076 precincts using an automated voting system.

1077 (2) The election officer shall ensure that the ballot disposition form contains a space
 1078 for the judges to identify:

1079 (a) the number of ballots voted;

1080 (b) the number of substitute ballots voted, if any;

1081 (c) the number of ballots delivered to the voters;

1082 (d) the number of spoiled ballots;

1083 (e) the number of registered voters listed in the official register;

1084 (f) the total number of voters voting according to the pollbook; and

1085 (g) the number of unused ballots.

1086 (3) The election officer shall ensure that the total votes cast form contains:

1087 (a) the name of each candidate appearing on the ballot, the office for which the

1088 candidate is running, and a blank space for the election judges to record the number of votes

1089 that the candidate received;

1090 (b) for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,

1091 Municipal Instant Runoff Voting Pilot Project, the name of each candidate appearing on the

1092 ballot, the office for which the candidate is running, and blank spaces for the election judges to

1093 record the number of votes counted for each potential phase of the canvass;

1094 ~~(b)~~ (c) for each office, blank spaces for the election judges to record the names of

1095 write-in candidates, if any, and a blank space for the election judges to record the number of

1096 votes that the write-in candidate received;

1097 ~~(c)~~ (d) a heading identifying each ballot proposition and blank spaces for the election

1098 judges to record the number of votes for and against each proposition; and

1099 ~~(d)~~ (e) a certification, in substantially the following form, to be signed by the judges

1100 when they have completed the total votes cast form:

1101 "TOTAL VOTES CAST

1102 At an election held at ____ in ____ voting precinct in _____ (name of entity

1103 holding the election) and State of Utah, on _____ (month\day\year), the following named

1104 persons received the number of votes annexed to their respective names for the following

1105 described offices: Total number of votes cast were as follows:

1106 Certified by us ____, ____, ____, Judges of Election."

1107 (4) The election officer shall ensure that the tally sheet form contains:

1108 (a) for each office, the names of the candidates for that office, and blank spaces to tally

1109 the votes that each candidate receives;

1110 (b) for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,

1111 Municipal Instant Runoff Voting Pilot Project, the name of each candidate for office and blank

1112 spaces to tally the number of votes counted for each candidate for each potential phase of the

1113 canvass;

1114 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of
1115 write-in candidates, if any, and a blank space for the election judges to tally the votes for each
1116 write-in candidate;

1117 [~~(c)~~] (d) for each ballot proposition, a heading identifying the ballot proposition and the
1118 words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of
1119 them for the election judges to tally the ballot proposition votes; and

1120 [~~(d)~~] (e) a certification, in substantially the following form, to be signed by the judges
1121 when they have completed the tally sheet form:

1122 "Tally Sheet

1123 We the undersigned election judges for voting precinct # _____,
1124 _____ (entity holding the election) certify that this is a true and correct list of all
1125 persons voted for and ballot propositions voted on at the election held in that voting precinct on
1126 _____ (date of election) and is a tally of the votes cast for each of those
1127 persons. Certified by us ____, ____, ____, Judges of Election."

1128 (5) The election officer shall ensure that the pollbook:

1129 (a) identifies the voting precinct number on its face; and

1130 (b) contains:

1131 (i) a section to record persons voting on election day, with columns entitled "Ballot
1132 Number" and "Voter's Name";

1133 (ii) another section in which to record absentee ballots;

1134 (iii) a section in which to record voters who are challenged; and

1135 (iv) a certification, in substantially the following form:

1136 "We, the undersigned, judges of an election held at _____ voting precinct, in _____
1137 County, state of Utah, on _____ (month\day\year), having first been sworn according to
1138 law, certify that the information listed in this book is a true statement of the number and names
1139 of the persons voting in the voting precinct at the election, and that the total number of persons
1140 voting at the election was ____."

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

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

If, in an election, at least one of the races is a conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, 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 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project; 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 17. Section 20A-6-402 is amended to read:

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

(1) ~~[When]~~ Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, 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 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) the names of the candidates are placed on the ballot in the order specified under Section 20A-6-305;

(e) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the

1175 ballot that contains, for each office in which there is a qualified write-in candidate:

1176 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

1177 (ii) a square or other conforming area that is adjacent to or opposite the blank

1178 horizontal line to enable the voter to indicate the voter's vote;

1179 (f) ballot propositions that have qualified for the ballot, including propositions

1180 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are

1181 listed on the ballot in accordance with Section 20A-6-107; and

1182 (g) bond propositions that have qualified for the ballot are listed on the ballot under the

1183 title assigned to each bond proposition under Section 11-14-206.

1184 (2) ~~When~~ Except as otherwise required for a race conducted by instant runoff voting

1185 under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, when using

1186 a punch card ballot at municipal general elections, each election officer shall ensure that:

1187 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across

1188 the top of the ballot;

1189 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the

1190 stub; and

1191 (iii) ballot stubs are numbered consecutively;

1192 (b) immediately below the perforated ballot stub, the following endorsements are

1193 printed in 18 point bold type:

1194 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1195 (ii) the date of the election; and

1196 (iii) a facsimile of the signature of the election officer and the election officer's title in

1197 eight-point type;

1198 (c) immediately below the election officer's title, two one-point parallel horizontal

1199 rules separate endorsements from the rest of the ballot;

1200 (d) immediately below the horizontal rules, an "Instructions to Voters" section is

1201 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the

1202 square following the name(s) of the person(s) you favor as the candidate(s) for each respective

1203 office." followed by two one-point parallel rules;

1204 (e) after the rules, the designation of the office for which the candidates seek election is

1205 printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to ____"

1206 (the number of candidates for which the voter may vote)" are printed to extend to the extreme
1207 right of the column in 10-point bold type, followed by a hair-line rule;

1208 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
1209 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305
1210 with surnames last and grouped according to the office that they seek;

1211 (g) a square with sides not less than one-fourth inch long is printed immediately
1212 adjacent to the names of the candidates;

1213 (h) following the name of the last candidate for each office in which a write-in
1214 candidate is qualified under Section 20A-9-601, the ballot contains:

1215 (i) a write-in space for each elective office in which a write-in candidate is qualified
1216 where the voter may enter the name of a valid write-in candidate; and

1217 (ii) a square printed immediately adjacent to the write-in space or line where the voter
1218 may vote for a valid write-in candidate; and

1219 (i) the candidate groups are separated from each other by one light and one heavy line
1220 or rule.

1221 (3) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting
1222 under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, when using
1223 a ballot sheet other than a punch card ballot at municipal general elections, each election
1224 officer shall ensure that:

1225 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

1226 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
1227 stub; and

1228 (iii) ballot stubs are numbered consecutively;

1229 (b) immediately below the perforated ballot stub, the following endorsements are
1230 printed:

1231 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1232 (ii) the date of the election; and

1233 (iii) a facsimile of the signature of the election officer and the election officer's title;

1234 (c) immediately below the election officer's title, a distinct border or line separates
1235 endorsements from the rest of the ballot;

1236 (d) immediately below the border or line, an "Instructions to Voters" section is printed

1237 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
1238 candidate(s) for each respective office." followed by another border or line;

1239 (e) after the border or line, the designation of the office for which the candidates seek
1240 election is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
1241 candidates for which the voter may vote)" are printed, followed by a line or border;

1242 (f) after the line or border, the names of the candidates are printed in the order
1243 specified under Section 20A-6-305 with surnames last and grouped according to the office that
1244 they seek;

1245 (g) an oval is printed adjacent to the names of the candidates;

1246 (h) following the name of the last candidate for each office in which a write-in
1247 candidate is qualified under Section 20A-9-601, the ballot contains:

1248 (i) a write-in space or blank line for each elective office in which a write-in candidate
1249 is qualified where the voter may enter the name of a valid write-in candidate; and

1250 (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a
1251 valid write-in candidate; and

1252 (i) the candidate groups are separated from each other by a line or border.

1253 (4) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting
1254 under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, when using
1255 an electronic ballot at municipal general elections, each election officer shall ensure that:

1256 (a) the following endorsements are displayed on the first screen of the ballot:

1257 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

1258 (ii) the date of the election; and

1259 (iii) a facsimile of the signature of the election officer and the election officer's title;

1260 (b) immediately below the election officer's title, a distinct border or line separates the
1261 endorsements from the rest of the ballot;

1262 (c) immediately below the border or line, an "Instructions to Voters" section is
1263 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
1264 the candidate(s) for each respective office." followed by another border or line;

1265 (d) after the border or line, the designation of the office for which the candidates seek
1266 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
1267 candidates for which the voter may vote)" are displayed, followed by a line or border;

1268 (e) after the line or border, the names of the candidates are displayed in the order
1269 specified under Section 20A-6-305 with surnames last and grouped according to the office that
1270 they seek;

1271 (f) a voting square or position is located adjacent to the name of each candidate;

1272 (g) following the name of the last candidate for each office in which a write-in
1273 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the
1274 voter may enter the name of and vote for a valid write-in candidate for the office; and

1275 (h) the candidate groups are separated from each other by a line or border.

1276 (5) When a municipality has chosen to nominate candidates by convention or
1277 committee, the election officer shall ensure that the party name is included with the candidate's
1278 name on the ballot.

1279 Section 18. Section 20A-9-404 is amended to read:

1280 **20A-9-404. Municipal primary elections.**

1281 (1) (a) Except as otherwise provided in this section or Title 20A, Chapter 4, Part 6,
1282 Municipal Instant Runoff Voting Pilot Project, candidates for municipal office in all
1283 municipalities shall be nominated at a municipal primary election.

1284 (b) Municipal primary elections shall be held:

1285 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1286 Monday in the August before the regular municipal election; and

1287 (ii) whenever possible, at the same polling places as the regular municipal election.

1288 (2) [Hf] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Instant
1289 Runoff Voting Pilot Project, if the number of candidates for a particular municipal office does
1290 not exceed twice the number of individuals needed to fill that office, a primary election for that
1291 office may not be held and the candidates are considered nominated.

1292 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1293 of voters or delegates.

1294 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
1295 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1296 by providing that the nomination of candidates for municipal office to be voted upon at a
1297 municipal election be nominated by a political party convention or committee.

1298 (ii) Any primary election exemption ordinance adopted under the authority of this

- 1299 Subsection (3) remains in effect until repealed by ordinance.
- 1300 (c) (i) A convention or committee may not nominate:
- 1301 (A) an individual who has not submitted a declaration of candidacy, or has not been
- 1302 nominated by a nomination petition, under Section [20A-9-203](#); or
- 1303 (B) more than one group of candidates, or have placed on the ballot more than one
- 1304 group of candidates, for the municipal offices to be voted upon at the municipal election.
- 1305 (ii) A convention or committee may nominate an individual who has been nominated
- 1306 by a different convention or committee.
- 1307 (iii) A political party may not have more than one group of candidates placed upon the
- 1308 ballot and may not group the same candidates on different tickets by the same party under a
- 1309 different name or emblem.
- 1310 (d) (i) The convention or committee shall prepare a certificate of nomination for each
- 1311 individual nominated.
- 1312 (ii) The certificate of nomination shall:
- 1313 (A) contain the name of the office for which each individual is nominated, the name,
- 1314 post office address, and, if in a city, the street number of residence and place of business, if
- 1315 any, of each individual nominated;
- 1316 (B) designate in not more than five words the political party that the convention or
- 1317 committee represents;
- 1318 (C) contain a copy of the resolution passed at the convention that authorized the
- 1319 committee to make the nomination;
- 1320 (D) contain a statement certifying that the name of the candidate nominated by the
- 1321 political party will not appear on the ballot as a candidate for any other political party;
- 1322 (E) be signed by the presiding officer and secretary of the convention or committee;
- 1323 and
- 1324 (F) contain a statement identifying the residence and post office address of the
- 1325 presiding officer and secretary and certifying that the presiding officer and secretary were
- 1326 officers of the convention or committee and that the certificates are true to the best of their
- 1327 knowledge and belief.
- 1328 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
- 1329 before the municipal general election.

1330 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1331 may also make nominations or fill vacancies in nominations made at a convention.

1332 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1333 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1334 be included with the candidate's name.

1335 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
1336 that falls before the regular municipal election that:

1337 (i) exempts the city from the other methods of nominating candidates to municipal
1338 office provided in this section; and

1339 (ii) provides for a partisan primary election method of nominating candidates as
1340 provided in this Subsection (4).

1341 (b) (i) Any party that was a registered political party at the last regular general election
1342 or regular municipal election is a municipal political party under this section.

1343 (ii) Any political party may qualify as a municipal political party by presenting a
1344 petition to the city recorder that:

1345 (A) is signed, with a holographic signature, by registered voters within the municipality
1346 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1347 municipal election at which a mayor was elected;

1348 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1349 (C) is substantially similar to the form of the signature sheets described in Section
1350 [20A-7-303](#); and

1351 (D) contains the name of the municipal political party using not more than five words.

1352 (c) (i) If the number of candidates for a particular office does not exceed twice the
1353 number of offices to be filled at the regular municipal election, no partisan primary election for
1354 that office shall be held and the candidates are considered to be nominated.

1355 (ii) If the number of candidates for a particular office exceeds twice the number of
1356 offices to be filled at the regular municipal election, those candidates for municipal office shall
1357 be nominated at a partisan primary election.

1358 (d) The clerk shall ensure that:

1359 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1360 Sections [20A-6-401](#) and [20A-6-401.1](#);

1361 (ii) the candidates for each municipal political party are listed in one or more columns
1362 under their party name and emblem;

1363 (iii) the names of candidates of all parties are printed on the same ballot, but under
1364 their party designation;

1365 (iv) every ballot is folded and perforated in a manner that separates the candidates of
1366 one party from those of the other parties and enables the voter to separate the part of the ballot
1367 containing the names of the party of the voter's choice from the remainder of the ballot; and

1368 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
1369 when detached, are similar in appearance to inside sections when detached.

1370 (e) After marking a municipal primary ballot, the voter shall:

1371 (i) detach the part of the ballot containing the names of the candidates of the party the
1372 voter has voted from the rest of the ballot;

1373 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
1374 and

1375 (iii) fold the remainder of the ballot containing the names of the candidates of the
1376 parties for whom the elector did not vote and deposit it in the blank ballot box.

1377 (f) Immediately after the canvass, the election judges shall, without examination,
1378 destroy the tickets deposited in the blank ballot box.

1379 Section 19. Section **63I-2-220** is amended to read:

1380 **63I-2-220. Repeal dates, Title 20A.**

1381 (1) Subsection [20A-5-803](#)(8) is repealed July 1, 2023.

1382 (2) Section [20A-5-804](#) is repealed July 1, 2023.

1383 (3) On July 1, 2018, in Subsection [20A-11-101](#)(21), the language that states "
1384 [10-2a-302](#)," is repealed.

1385 (4) On January 1, 2028:

1386 (a) In Subsection [20A-1-102](#)(23)(a), the language that states "or Title 20A, Chapter 4,
1387 Part 6, Municipal Instant Runoff Voting Pilot Project" is repealed.

1388 (b) In Subsections [20A-1-303](#)(1)(a) and (b), the language that states "Except as
1389 provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is
1390 repealed.

1391 (c) In Section [20A-1-304](#), the language that states "Except for a race conducted by

1392 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot
1393 Project," is repealed.

1394 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
1395 Subsection (5)," is repealed.

1396 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
1397 as provided in Subsections (5) and (6)," is repealed.

1398 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states
1399 "Subject to Subsection (5)," is repealed.

1400 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section
1401 20A-3-105 are renumbered accordingly.

1402 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in
1403 Subsection (2)(f)," is repealed.

1404 (i) Subsection 20A-4-101(2)(f) is repealed.

1405 (j) Subsection 20A-4-101(4) is repealed and replaced with the following:

1406 "(4) To resolve questions that arise during the counting of ballots, a counting judge
1407 shall apply the standards and requirements of Section 20A-4-105."

1408 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under
1409 Subsection 20A-4-101(2)(f)(i)" is repealed.

1410 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

1411 "(b) To resolve questions that arise during the counting of ballots, a counting judge
1412 shall apply the standards and requirements of Section 20A-4-105."

1413 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
1414 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, or a rule made
1415 under Subsection 20A-4-101(2)(f)(i)" is repealed.

1416 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
1417 provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is
1418 repealed.

1419 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or
1420 Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is repealed.

1421 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
1422 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot

1423 Project," is repealed.

1424 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter
1425 4, Part 6, Municipal Instant Runoff Voting Pilot Project" is repealed.

1426 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
1427 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is repealed.

1428 (s) Subsection 20A-4-304(2)(a)(v) is repealed and replaced with the following:

1429 "(v) from each voting precinct:

1430 (A) the number of votes for each candidate; and

1431 (B) the number of votes for and against each ballot proposition;".

1432 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
1433 are renumbered accordingly, and the cross-references to those subsections are renumbered
1434 accordingly.

1435 (u) Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project, is
1436 repealed.

1437 (v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
1438 Subsection (3) are renumbered accordingly.

1439 (w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
1440 Subsection (4) are renumbered accordingly.

1441 (x) Section 20A-6-203.5 is repealed.

1442 (y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
1443 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
1444 Part 6, Municipal Instant Runoff Voting Pilot Project," is repealed.

1445 (z) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
1446 Part 6, Municipal Instant Runoff Voting Pilot Project" is repealed.

1447 (aa) In Subsection 20A-9-404(2), the language that states "Except as otherwise
1448 provided in Title 20A, Chapter 4, Part 6, Municipal Instant Runoff Voting Pilot Project," is
1449 repealed.