

Representative Marc K. Roberts proposes the following substitute bill:

MUNICIPAL ALTERNATE VOTING METHODS PILOT PROJECT

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: Howard A. Stephenson

Cosponsors: Mike Winder

Rebecca Chavez-Houck

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

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-4-605**, Utah Code Annotated 1953

49 **20A-4-607**, Utah Code Annotated 1953

50 **20A-4-606**, Utah Code Annotated 1953

51 **20A-6-203.5**, Utah Code Annotated 1953

52 REPEALS AND REENACTS:

53 **20A-1-304**, as last amended by Laws of Utah 2001, Chapter 20



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

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

57 **20A-1-102. Definitions.**

58 As used in this title:

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

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

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

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

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

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

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

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

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

74 (b) a constitutional amendment;

75 (c) an initiative;

76 (d) a referendum;

77 (e) a bond proposition;

78 (f) a judicial retention question;

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

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

81 (6) "Ballot sheet":

82 (a) means a ballot that:

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

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

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

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

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

89 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
90 [20A-4-306](#) to canvass election returns.

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

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

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

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

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

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

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

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

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

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

111 (19) "Counting poll watcher" means a person selected as provided in Section
112 [20A-3-201](#) to witness the counting of ballots.

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

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

- 118 (22) "Date of the election" or "election day" or "day of the election":
119 (a) means the day that is specified in the calendar year as the day that the election
120 occurs; and
121 (b) does not include:
122 (i) deadlines established for absentee voting; or
123 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
124 Voting.
125 (23) "Elected official" means:
126 (a) a person elected to an office under Section [20A-1-303](#) or Title 20A, Chapter 4, Part
127 6, Municipal Alternate Voting Methods Pilot Project;
128 (b) a person who is considered to be elected to a municipal office in accordance with
129 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or
130 (c) a person who is considered to be elected to a local district office in accordance with
131 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).
132 (24) "Election" means a regular general election, a municipal general election, a
133 statewide special election, a local special election, a regular primary election, a municipal
134 primary election, and a local district election.
135 (25) "Election Assistance Commission" means the commission established by the Help
136 America Vote Act of 2002, Pub. L. No. 107-252.
137 (26) "Election cycle" means the period beginning on the first day persons are eligible to
138 file declarations of candidacy and ending when the canvass is completed.
139 (27) "Election judge" means a poll worker that is assigned to:
140 (a) preside over other poll workers at a polling place;
141 (b) act as the presiding election judge; or
142 (c) serve as a canvassing judge, counting judge, or receiving judge.
143 (28) "Election officer" means:
144 (a) the lieutenant governor, for all statewide ballots and elections;
145 (b) the county clerk for:
146 (i) a county ballot and election; and
147 (ii) a ballot and election as a provider election officer as provided in Section
148 [20A-5-400.1](#) or [20A-5-400.5](#);

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

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

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

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

185 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
186 Local Government Entities - Local Districts, and includes a special service district under Title
187 17D, Chapter 1, Special Service District Act.

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

190 (41) "Local election" means a regular county election, a regular municipal election, a
191 municipal primary election, a local special election, a local district election, and a bond
192 election.

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

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

198 (44) "Municipal executive" means:

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

200 (b) the mayor in the council-manager form of government defined in Subsection
201 10-3b-103(7); or

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

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

206 (46) "Municipal legislative body" means:

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

208 (b) the council of a metro township.

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

210 (48) "Municipal officers" means those municipal officers that are required by law to be

211 elected.

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

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

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

217 (52) "Official endorsement" means:

218 (a) the information on the ballot that identifies:

219 (i) the ballot as an official ballot;

220 (ii) the date of the election; and

221 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
222 facsimile signature required by Subsection [20A-6-401\(1\)\(b\)\(iii\)](#); or

223 (B) for a ballot prepared by a county clerk, the words required by Subsection
224 [20A-6-301\(1\)\(c\)\(iii\)](#); and

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

226 (i) the poll worker's initials; and

227 (ii) the ballot number.

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

230 (54) "Paper ballot" means a paper that contains:

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

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

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

238 (56) "Pollbook" means a record of the names of voters in the order that they appear to
239 cast votes.

240 (57) "Polling place" means the building where voting is conducted.

241 (58) (a) "Poll worker" means a person assigned by an election official to assist with an

242 election, voting, or counting votes.

243 (b) "Poll worker" includes election judges.

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

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

247 (60) "Primary convention" means the political party conventions held during the year
248 of the regular general election.

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

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

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

252 (62) "Provider election officer" means an election officer who enters into a contract or
253 interlocal agreement with a contracting election officer to conduct an election for the
254 contracting election officer's local political subdivision in accordance with Section
255 [20A-5-400.1](#).

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

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

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

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

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

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

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

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

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

271 (69) "Regular general election" means the election held throughout the state on the first
272 Tuesday after the first Monday in November of each even-numbered year for the purposes

273 established in Section 20A-1-201.

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

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

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

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

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

286 (75) "Special election" means an election held as authorized by Section 20A-1-203.

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

288 (a) is spoiled by the voter;

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

290 (c) lacks the official endorsement.

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

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

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

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

297 (a) political parties;

298 (b) candidates for an office; or

299 (c) ballot propositions.

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

302 (82) "Vacancy" means the absence of a person to serve in any position created by
303 statute, whether that absence occurs because of death, disability, disqualification, resignation,

304 or other cause.

305 (83) "Valid voter identification" means:

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

308 (i) a currently valid Utah driver license;

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

310 (A) the state; or

311 (B) a branch, department, or agency of the United States;

312 (iii) a currently valid Utah permit to carry a concealed weapon;

313 (iv) a currently valid United States passport; or

314 (v) a currently valid United States military identification card;

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

317 (i) a valid tribal identification card;

318 (ii) a Bureau of Indian Affairs card; or

319 (iii) a tribal treaty card; or

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

323 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
324 election;

325 (ii) a bank or other financial account statement, or a legible copy thereof;

326 (iii) a certified birth certificate;

327 (iv) a valid social security card;

328 (v) a check issued by the state or the federal government or a legible copy thereof;

329 (vi) a paycheck from the voter's employer, or a legible copy thereof;

330 (vii) a currently valid Utah hunting or fishing license;

331 (viii) certified naturalization documentation;

332 (ix) a currently valid license issued by an authorized agency of the United States;

333 (x) a certified copy of court records showing the voter's adoption or name change;

334 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

- 335 (xii) a currently valid identification card issued by:
- 336 (A) a local government within the state;
- 337 (B) an employer for an employee; or
- 338 (C) a college, university, technical school, or professional school located within the
- 339 state; or
- 340 (xiii) a current Utah vehicle registration.
- 341 (84) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 342 candidate by following the procedures and requirements of this title.
- 343 (85) "Voter" means a person who:
- 344 (a) meets the requirements for voting in an election;
- 345 (b) meets the requirements of election registration;
- 346 (c) is registered to vote; and
- 347 (d) is listed in the official register book.
- 348 (86) "Voter registration deadline" means the registration deadline provided in Section
- 349 [20A-2-102.5](#).
- 350 (87) "Voting area" means the area within six feet of the voting booths, voting
- 351 machines, and ballot box.
- 352 (88) "Voting booth" means:
- 353 (a) the space or compartment within a polling place that is provided for the preparation
- 354 of ballots, including the voting machine enclosure or curtain; or
- 355 (b) a voting device that is free standing.
- 356 (89) "Voting device" means:
- 357 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 358 piercing the ballots by the voter;
- 359 (b) a device for marking the ballots with ink or another substance;
- 360 (c) an electronic voting device or other device used to make selections and cast a ballot
- 361 electronically, or any component thereof;
- 362 (d) an automated voting system under Section [20A-5-302](#); or
- 363 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 364 by means of automatic tabulating equipment.
- 365 (90) "Voting machine" means a machine designed for the sole purpose of recording

366 and tabulating votes cast by voters at an election.

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

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

371 (93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
372 poll watcher, and a testing watcher.

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

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

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

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

379 **20A-1-303. Determining results.**

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

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

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

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

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

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

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

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

392 (b) fails if:

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

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

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

396 **20A-1-304. Tie votes.**

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

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

404 **20A-3-105. Marking and depositing ballots.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

436 (ii) entering the name of the valid write-in candidate for whom the voter wishes to vote
437 for by means of:

438 (A) writing;

439 (B) a label; or

440 (C) entering the name using the voting device.

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

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

444 (i) insert the ballot access card into the voting device; and

445 (ii) make the selections according to the instructions provided on the device.

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

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

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

452 (5) To vote in an instant runoff voting race or an approval voting race under Title 20A,
453 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a voter:

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

456 (ii) may indicate, as directed on the ballot, the names of the remaining candidates in
457 order of the voter's preference; or

458 (b) for approval voting, shall vote for one or more candidates in the race.

459 [~~5~~] (6) After preparation of the ballot:
460 (a) if a paper ballot or punch card ballot is used:
461 (i) the voter shall:
462 (A) leave the voting booth; and
463 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;
464 (ii) the poll worker in charge of the ballot box shall:
465 (A) clearly and audibly announce the name of the voter and the number on the stub of
466 the voter's ballot;
467 (B) if the stub number on the ballot corresponds with the number previously recorded
468 in the official register, and bears the initials of the poll worker, remove the stub from the ballot;
469 and
470 (C) return the ballot to the voter;
471 (iii) the voter shall, in full view of the poll workers, cast [~~his~~] the voter's vote by
472 depositing the ballot in the ballot box; and
473 (iv) if the stub has been detached from the ballot:
474 (A) the poll worker may not accept the ballot; and
475 (B) the poll worker shall:
476 (I) treat the ballot as a spoiled ballot;
477 (II) provide the voter with a new ballot; and
478 (III) dispose of the spoiled ballot as provided in Section [20A-3-107](#);
479 (b) if a ballot sheet other than a punch card is used:
480 (i) the voter shall:
481 (A) leave the voting booth; and
482 (B) announce [~~his~~] the voter's name to the poll worker in charge of the ballot box;
483 (ii) the poll worker in charge of the ballot box shall:
484 (A) clearly and audibly announce the name of the voter and the number on the stub of
485 the voter's ballot; and
486 (B) if the stub number on the ballot corresponds with the number previously recorded
487 in the official register, and bears the initials of the poll worker, return the ballot to the voter;
488 and
489 (iii) the voter shall, in full view of the poll workers, cast his vote by depositing the

490 ballot in the ballot box; and

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

492 (i) cast the voter's ballot;

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

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

495 [~~(6)~~] (7) A voter voting a paper ballot in a regular primary election shall, after marking
496 the ballot:

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

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

501 (iii) deposit it in the ballot box; and

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

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

506 [~~(7)~~] (8) (a) Each voter shall mark and cast or deposit the ballot without delay and shall
507 leave the voting area after voting.

508 (b) A voter may not:

509 (i) occupy a voting booth occupied by another, except as provided in Section
510 [20A-3-108](#);

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

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

514 [~~(8)~~] (9) If the official register shows any voter as having voted, that voter may not
515 reenter the voting area during that election unless that voter is an election official or watcher.

516 [~~(9)~~] (10) The poll workers may not allow more than four voters more than the number
517 of voting booths into the voting area at one time unless those excess voters are:

518 (a) election officials;

519 (b) watchers; or

520 (c) assisting voters with a disability.

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

522 **20A-4-101. Counting paper ballots during election day.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

549 (f) (i) The director of elections within the Office of the Lieutenant Governor shall make
550 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
551 describing the procedures that a counting judge is required to follow for counting ballots in an

552 instant runoff voting race or an approval voting race under Title 20A, Chapter 4, Part 6,
553 Municipal Alternate Voting Methods Pilot Project.

554 (ii) When counting ballots in an instant runoff voting race or an approval voting race
555 described in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a
556 counting judge shall comply with the procedures established under Subsection (2)(f)(i) and
557 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

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

560 ~~[(4) The counting judges shall apply the standards and requirements of Section~~
561 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

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

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

565 (b) as applicable, for an instant runoff voting race or an approval voting race under
566 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, Subsection
567 20A-4-603(6), 20A-4-604(4), or 20A-4-605(3).

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

569 **20A-4-102. Counting paper ballots after the polls close.**

570 (1) (a) Except as provided in Subsection (2) or a rule made under Subsection
571 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,
572 the election judges shall count the ballots by performing the tasks specified in this section in
573 the order that they are specified.

574 ~~[(b) The election judges shall apply the standards and requirements of Section~~
575 ~~20A-4-105 to resolve any questions that arise as they count the ballots.]~~

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

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

579 (ii) as applicable, for an instant runoff voting race or an approval voting race under
580 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, Subsection
581 20A-4-603(6), 20A-4-604(4), or 20A-4-605(3).

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

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

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

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

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

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

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

597 (3) The judges shall:

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

600 (b) seal that envelope or container.

601 (4) The judges shall:

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

604 (b) seal that envelope or container.

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

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

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

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

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

612 (6) (a) In all elections, the counting judges shall, except as provided in Title 20A,
613 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under

614 Subsection 20A-4-101(2)(f)(i):

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

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

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

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

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

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

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

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

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

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

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

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

640 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

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

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

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

652 (3) [~~The~~] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal
653 Alternate Voting Methods Pilot Project, the counting judges shall count a defective or
654 incomplete mark on a paper ballot if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

686 (12) ~~[It]~~ Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal
687 Alternate Voting Methods Pilot Project, in counting the valid write-in votes, if, by casting a
688 valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote
689 for that office, the counting judges shall count the valid write-in vote as being the obvious
690 intent of the voter.

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

692 **20A-4-106. Paper ballots -- Sealing.**

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

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

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

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

703 (b) The judges shall:

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

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

707 (c) The judges shall:
708 (i) destroy the ballots in the blank ballot box; or
709 (ii) if directed to do so by the election officer, return them to the election officer for
710 destruction.

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

713 (4) (a) The judges, before they adjourn, shall:
714 (i) enclose and seal the official register, the posting book, the pollbook, the ballot
715 disposition form, the military and overseas absentee voter registration and voting certificates,
716 one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;
717 (ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been
718 strung and placed in a separate envelope or pouch as required by Subsection (1);
719 (iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot
720 disposition form in a separate envelope or pouch;
721 (iv) place all provisional ballots in a separate envelope or pouch; and
722 (v) place the total votes cast form and the judges' vouchers requesting compensation
723 for services rendered in a separate pouch.

724 (b) Before enclosing the official register in the envelope or pouch, the election judges
725 shall certify it substantially as follows:
726 "We, the undersigned, judges of election for precinct _____, (jurisdiction) _____,
727 Utah, certify that the required entries have been made for the election held
728 _____(month\day\year), including:
729 a list of the ballot numbers for each voter;
730 the voters' signatures, except where a judge has signed for the absentee voters;
731 a list of information surrounding a voter who is challenged,
732 including any affidavits; and
733 a notation for each time a voter was assisted with a ballot."
734 (5) Each judge shall:
735 (a) write [~~his~~] the judge's name across the seal of each envelope or pouch;
736 (b) mark on the exterior of the envelope or pouch:
737 (i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other

738 words plainly indicating the contents of the packages; and

739 (ii) the number of the voting precinct.

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

741 **20A-4-304. Declaration of results -- Canvassers' report.**

742 (1) Each board of canvassers shall:

743 (a) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
744 Methods Pilot Project, declare "elected" or "nominated" those persons who:

745 (i) had the highest number of votes; and

746 (ii) sought election or nomination to an office completely within the board's
747 jurisdiction;

748 (b) declare:

749 (i) "approved" those ballot propositions that:

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

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

752 (ii) "rejected" those ballot propositions that:

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

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

756 (c) certify the vote totals for persons and for and against ballot propositions that were
757 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
758 the lieutenant governor; and

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

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

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

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

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

766 (iv) each office that appeared on the ballot;

767 (v) from each voting precinct:

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

769 (B) for each race conducted by instant runoff voting, other than approval voting, under
770 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the number of
771 valid votes cast for each candidate for each potential ballot-counting phase and the name of the
772 candidate excluded in each canvassing phase; and

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

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

776 (vii) the number of ballots that were rejected; and

777 (viii) a statement certifying that the information contained in the report is accurate.

778 (b) The election officer and the board of canvassers shall:

779 (i) review the report to ensure that it is correct; and

780 (ii) sign the report.

781 (c) The election officer shall:

782 (i) record or file the certified report in a book kept for that purpose;

783 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
784 to each nominated or elected candidate;

785 (iii) publish a copy of the certified report:

786 (A) in one or more conspicuous places within the jurisdiction;

787 (B) in a conspicuous place on the county's website; and

788 (C) in a newspaper with general circulation in the board's jurisdiction; and

789 (iv) file a copy of the certified report with the lieutenant governor.

790 (3) When there has been a regular general or a statewide special election for statewide
791 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
792 or more county ballot proposition, each board of canvassers shall:

793 (a) prepare a separate report detailing the number of votes for each candidate and the
794 number of votes for and against each ballot proposition; and

795 (b) transmit it by registered mail to the lieutenant governor.

796 (4) In each county election, municipal election, school election, local district election,
797 and local special election, the election officer shall transmit the reports to the lieutenant
798 governor within 14 days after the date of the election.

799 (5) In regular primary elections and in the Western States Presidential Primary, the

800 board shall transmit to the lieutenant governor:

801 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
802 governor:

803 (i) not later than the second Tuesday after the primary election for the regular primary
804 election; and

805 (ii) not later than the Tuesday following the election for the Western States Presidential
806 Primary; and

807 (b) a complete tabulation showing voting totals for all primary races, precinct by
808 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
809 primary election.

810 Section 10. Section ~~20A-4-401~~ is amended to read:

811 **20A-4-401. Recounts -- Procedure.**

812 (1) (a) This section does not apply to a race conducted by instant runoff voting or
813 approval voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
814 Project.

815 ~~(1)(a)~~ (b) Except as provided in Subsection (1)~~(b)~~(c), for a race between
816 candidates, if the difference between the number of votes cast for a winning candidate in the
817 race and a losing candidate in the race is equal to or less than .25% of the total number of votes
818 cast for all candidates in the race, that losing candidate may file a request for a recount in
819 accordance with Subsection (1)~~(c)~~(d).

820 ~~(b)~~ (c) For a race between candidates where the total of all votes cast in the race is
821 400 or less, if the difference between the number of votes cast for a winning candidate in the
822 race and a losing candidate in the race is one vote, that losing candidate may file a request for a
823 recount in accordance with Subsection (1)~~(c)~~(d).

824 ~~(c)~~ (d) A candidate who files a request for a recount under Subsection (1)~~(a) or~~ (b)
825 or (c) shall file the request:

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

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

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

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

- 831 (C) the county clerk, for races voted on entirely within a single county; or
- 832 (D) the lieutenant governor, for statewide races and multicounty races.
- 833 [~~(d)~~] (e) The election officer shall:
- 834 (i) supervise the recount;
- 835 (ii) recount all ballots cast for that race;
- 836 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
- 837 3, Absentee Voting;
- 838 (iv) for a race where only one candidate may win, declare elected the candidate who
- 839 receives the highest number of votes on the recount; and
- 840 (v) for a race where multiple candidates may win, declare elected the applicable
- 841 number of candidates who receive the highest number of votes on the recount.
- 842 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
- 843 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
- 844 the total votes cast for or against the proposition, any 10 voters who voted in the election where
- 845 the proposition was on the ballot may file a request for a recount within seven days of the
- 846 canvass with the person described in Subsection (2)(c).
- 847 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
- 848 against the proposition is 400 or less, if the difference between the number of votes cast for the
- 849 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
- 850 voted in the election where the proposition was on the ballot may file a request for a recount
- 851 within seven days of the canvass with the person described in Subsection (2)(c).
- 852 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
- 853 file the request with:
- 854 (i) the municipal clerk, if the election is a municipal election;
- 855 (ii) the local district clerk, if the election is a local district election;
- 856 (iii) the county clerk, for propositions voted on entirely within a single county; or
- 857 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.
- 858 (d) The election officer shall:
- 859 (i) supervise the recount;
- 860 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 861 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part

862 3, Absentee Voting; and

863 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
864 based upon the results of the recount.

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

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

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

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

872 (b) The board of canvassers shall:

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

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

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

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

882 Section 11. Section 20A-4-601 is enacted to read:

883 **Part 6. Municipal Alternate Voting Methods Pilot Project**

884 **20A-4-601. Definitions.**

885 As used in this part:

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

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

889 (b) .02%.

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

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

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

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

897 (4) "Pilot project" means the Municipal Alternate Voting Methods Pilot Project created
898 in Section 20A-4-602.

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

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

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

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

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

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

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

910 (6) "Valid" means that the ballot is marked in a manner that permits the vote to be
911 counted during the applicable ballot-counting phase.

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

913 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**
914 **Participation.**

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

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

917 (3) A municipality may participate in the pilot project, in accordance with the
918 requirements of this section and all other applicable provisions of law, during any
919 odd-numbered year that the pilot project is in effect, if, before January 1 of the odd-numbered
920 year, the municipality provides written notice to the lieutenant governor:

921 (a) stating that the municipality intends to participate in the pilot project for the year
922 specified in the notice;

923 (b) specifying whether, for races where only one office is to be filled, the municipality

924 will use:

925 (i) elimination instant runoff voting, described in Sections [20A-4-603](#) and [20A-4-604](#);

926 or

927 (ii) approval voting, described in Section [20A-4-606](#);

928 (c) specifying whether, for races where more than one at-large office is to be filled, the
929 municipality will use:

930 (i) elimination instant runoff voting, described in Section [20A-4-603](#);

931 (ii) sequential instant runoff voting, described in Section [20A-4-605](#); or

932 (iii) approval voting, described in Section [20A-4-606](#); and

933 (d) that includes a document, signed by the election officer of the municipality, stating
934 that the municipality has the resources and capability necessary to participate in the pilot
935 project in the manner specified by the municipality under Subsections (3)(b) and (c).

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

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

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

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

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

947 **20A-4-603. Elimination instant runoff voting for at-large officers.**

948 (1) This section does not apply to a municipal race where:

949 (a) only one office is to be filled, if the municipality gave the notice described in
950 Subsection [20A-4-602](#)(3)(b)(ii), relating to using approval voting; or

951 (b) more than one at-large office is to be filled, if the municipality gave the notice
952 described in Subsection [20A-4-602](#)(3)(c)(ii) or (iii), relating to using approval voting.

953 (2) Except as provided in Subsection (1), in a multi-candidate race to fill one or more
954 at-large seats for the same office, where the number of candidates who qualify for the race

955 exceeds the total number of at-large seats to be filled for that office by at least two, the election
956 officer shall conduct the first phase of the ballot count by:

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

958 (b) after complying with Subsection (7):

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

961 (ii) in the event of a tie for the fewest valid first preference votes counted, excluding
962 one of the tied candidates, determined by the election officer by lot, in accordance with
963 Subsection (8); and

964 (c) after excluding a candidate under Subsection (2)(b), adding, to the valid first
965 preference votes counted for the remaining candidates, the valid second preference votes cast
966 for the remaining candidates by the voters who cast a valid first preference vote for the
967 excluded candidate.

968 (3) If, after complying with Subsection (2), the number of remaining candidates is two
969 or more than the number of seats to be filled for that office, the election officer shall continue
970 the process described in Subsections (2)(a) through (c), until the number of remaining
971 candidates is one more than the number of seats to be filled for that office, as follows:

972 (a) after complying with Subsection (7):

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

975 (ii) in the event of a tie for the fewest valid votes counted, excluding one of the tied
976 candidates, by lot, in accordance with Subsection (8); and

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

980 (4) When, after complying with Subsections (2) and (3), the number of remaining
981 candidates is one more than the number of seats to be filled for that office, the election officer
982 shall, after complying with Subsection (7):

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

984 (ii) in the event of a tie for the fewest valid votes counted, exclude one of the tied
985 candidates, by lot, in accordance with Subsection (8); and

986 (b) declare the remainder of the candidates elected.

987 (5) Except as provided in Subsection (1), in a multi-candidate race to fill one or more
988 at-large seats for the same office, where the number of candidates who qualify for the race
989 exceeds the total number of at-large seats to be filled for that office by one, the election officer
990 shall:

991 (a) count the valid first preference votes for each candidate; and

992 (b) after complying with Subsection (7):

993 (i) (A) exclude the candidate with the fewest valid first preference votes; or

994 (B) in the event of a tie for the fewest valid first preference votes counted, exclude one
995 of the candidates who received the fewest valid votes counted, by lot, in accordance with
996 Subsection (8); and

997 (ii) declare the remainder of the candidates elected.

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

1000 (b) A vote is not valid for a particular phase of a multi-candidate race, and for all
1001 subsequent phases, if the voter indicates the same rank for more than one candidate for that
1002 phase.

1003 (7) Before excluding a candidate from a multi-candidate general race under
1004 Subsections (2) through (4), the election officer shall order a recount of the valid votes counted
1005 in the applicable ballot-counting phase if the difference between the number of valid votes
1006 counted for the candidate who received the fewest valid votes in the applicable ballot-counting
1007 phase of the race and any other candidate in the race is equal to or less than the product of the
1008 following, rounded up to the nearest whole number:

1009 (a) the total number of voters who cast a valid vote counted in that ballot-counting
1010 phase; and

1011 (b) the recount threshold.

1012 (8) If, after a recount is completed under Subsection (7), two or more candidates tie as
1013 having received the fewest valid votes counted at that point in the ballot count, the election
1014 officer shall eliminate one of those candidates from consideration, by lot, in the following
1015 manner:

1016 (a) determine the names of the candidates who tie as having received the fewest valid

1017 votes for that ballot-counting phase;

1018 (b) cast the lot in the presence of at least two election officials and any counting poll
1019 watchers who are present and desire to witness the casting of the lot; and

1020 (c) sign a public document that:

1021 (i) certifies the method used for casting the lot and the result of the lot; and

1022 (ii) includes the name of each individual who witnessed the casting of the lot.

1023 Section 14. Section **20A-4-604** is enacted to read:

1024 **20A-4-604. Elimination instant runoff voting for officers other than at-large**
1025 **officers.**

1026 (1) This section does not apply to a municipal race where only one office is to be filled,
1027 if the municipality gave the notice described in Subsection [20A-4-602\(3\)\(b\)\(ii\)](#).

1028 (2) In a multi-candidate race for an officer other than an at-large officer, the election
1029 officer shall:

1030 (a) (i) conduct the first ballot-counting phase by counting the valid first preference
1031 votes for each candidate; and

1032 (ii) if, after complying with Subsection (6), one of the candidates receives more than
1033 50% of the valid first preference votes counted, declare that candidate elected;

1034 (b) if, after counting the valid first preference votes for each candidate, and complying
1035 with Subsection (6), no candidate receives more than 50% of the valid first preference votes
1036 counted, conduct the second ballot-counting phase by:

1037 (i) excluding from the multi-candidate race:

1038 (A) the candidate who received the fewest valid first preference votes counted; or

1039 (B) in the event of a tie for the fewest valid first preference votes counted, one of the
1040 tied candidates, determined by the tied election officer by lot, in accordance with Subsection
1041 (7);

1042 (ii) adding, to the valid first preference votes counted for the remaining candidates, the
1043 valid second preference votes cast for the remaining candidates by the voters who cast a valid
1044 first preference vote for the excluded candidate; and

1045 (iii) if, after adding the votes in accordance with Subsection (2)(b)(ii) and complying
1046 with Subsection (6), one candidate receives more than 50% of the valid votes counted,
1047 declaring that candidate elected; and

1048 (c) if, after adding the valid second preference votes in accordance with Subsection
1049 (2)(b)(ii) and complying with Subsection (6), no candidate receives more than 50% of the valid
1050 votes counted, conduct subsequent ballot-counting phases by continuing the process described
1051 in Subsection (2)(b) until a candidate receives more than 50% of the valid votes counted, as
1052 follows:

1053 (i) after complying with Subsection (6), excluding from consideration the candidate
1054 who has the fewest valid votes counted or, in the event of a tie for the fewest valid votes
1055 counted, excluding one of the tied candidates, by lot, in accordance with Subsection (7); and

1056 (ii) adding the next valid preference vote cast by each voter whose vote was counted
1057 for the last excluded candidate to one of the remaining candidates, in the order of the next
1058 preference indicated by the voter.

1059 (3) The election officer shall declare elected the first candidate who receives more than
1060 50% of the valid votes counted under the process described in Subsection (2).

1061 (4) (a) A vote is valid for a particular phase of a multi-candidate race only if the voter
1062 indicates the voter's preference for that phase and all previous phases.

1063 (b) A vote is not valid for a particular phase of a multi-candidate race, and for all
1064 subsequent phases, if the voter indicates the same rank for more than one candidate for that
1065 phase.

1066 (5) The election officer shall order a recount of the valid votes in the applicable
1067 ballot-counting phase if one candidate appears to have received at least 50% of the vote, and
1068 the difference between the number of votes counted for the candidate who received the most
1069 valid votes for the applicable ballot-counting phase and any other candidate in the race is equal
1070 to or less than the product of the following, rounded up to the nearest whole number:

1071 (a) the total number of voters who cast a valid vote that is counted in the applicable
1072 ballot-counting phase of the race; and

1073 (b) the recount threshold.

1074 (6) Before excluding a candidate from a multi-candidate race under Subsection (2), the
1075 election officer shall order a recount of the valid votes counted in the applicable
1076 ballot-counting phase if the difference between the number of votes counted for the candidate
1077 who received the fewest valid votes in the applicable ballot-counting phase of the race and any
1078 other candidate in the race is equal to or less than the product of the following, rounded up to

1079 the nearest whole number:

1080 (a) the total number of voters who cast a valid vote counted in that ballot-counting
1081 phase; and

1082 (b) the recount threshold.

1083 (7) For each ballot-counting phase after the first phase, if, after a recount is completed
1084 under Subsection (6), two or more candidates tie as having received the fewest valid votes
1085 counted at that point in the ballot count, the election officer shall eliminate one of those
1086 candidates from consideration, by lot, in the following manner:

1087 (a) determine the names of the candidates who tie as having received the fewest valid
1088 votes for that ballot-counting phase;

1089 (b) cast the lot in the presence of at least two election officials and any counting poll
1090 watchers who are present and desire to witness the casting of the lot; and

1091 (c) sign a public document that:

1092 (i) certifies the method used for casting the lot and the result of the lot; and

1093 (ii) includes the name of each individual who witnessed the casting of the lot.

1094 (8) For a multi-candidate race, if, after eliminating all but two of the candidates in the
1095 race and after a recount is completed under Subsection (5), the two remaining candidates have
1096 an equal number of valid votes counted in the latest ballot-counting phase, the election officer
1097 shall, in a public meeting held within 30 days after the day on which the canvass is completed,
1098 determine the election winner by lot in the presence of each candidate subject to the tie.

1099 Section 15. Section **20A-4-605** is enacted to read:

1100 **20A-4-605. Sequential instant runoff voting for at-large office races.**

1101 (1) This section applies to a municipal multi-candidate race where more than one
1102 at-large office is to be filled, if the municipality gave the notice described in Subsection
1103 20A-4-602(3)(c)(ii), regarding the municipality's intent to use sequential instant runoff voting.

1104 (2) In a multi-candidate race described in Subsection (1) where the number of
1105 candidates who qualify for the race exceeds the total number of at-large seats to be filled for
1106 the office, the election officer shall count the votes by:

1107 (a) counting votes in the same manner as described in Section 20A-4-604, except for
1108 Subsection 20A-4-604(8), until a candidate is declared elected;

1109 (b) repeating the process described in Subsection (2)(a) for all candidates that are not

1110 declared elected until another candidate is declared elected; and

1111 (c) continuing the process described in Subsection (2)(b) until all at large seats in the
1112 race are filled.

1113 Section 16. Section **20A-4-606** is enacted to read:

1114 **20A-4-606. Approval voting.**

1115 (1) This section applies to a municipal multi-candidate race where:

1116 (a) only one office is to be filled, if the municipality gave the notice described in
1117 Subsection [20A-4-602\(3\)\(b\)\(ii\)](#), regarding the municipality's intent to use approval voting; or

1118 (b) more than one at-large office is to be filled, if the municipality gave the notice
1119 described in Subsection [20A-4-602\(3\)\(c\)\(iii\)](#), regarding the municipality's intent to use
1120 approval voting.

1121 (2) In a multi-candidate race described in Subsection (1), the ballot for the race shall:

1122 (a) name each candidate who qualifies for placement on the ballot for the race and,
1123 adjacent to each name, provide a place where a voter may vote for the candidate;

1124 (b) provide the ability for a voter to vote for a write-in candidate by entering a write-in
1125 candidate's name; and

1126 (c) state that the voter may vote for as many candidates as the voter desires for that
1127 race.

1128 (3) The election officer shall count ballots for a vote conducted under this section by:

1129 (a) counting the total number of valid votes cast for each candidate; and

1130 (b) after complying with Subsection (4):

1131 (i) declaring elected the number of candidates necessary to fill the open seats who
1132 received the highest number of votes; or

1133 (ii) in the event that it is necessary to resolve a tie, resolve the tie in accordance with
1134 Subsection (5).

1135 (4) Before taking the action described in Subsection (3)(b), the election officer shall
1136 order a recount of the valid votes counted if, after ranking the candidates in order of the most
1137 valid votes received, the difference between a candidate who receives, or ties for receiving, the
1138 least number of valid votes while still qualifying for a seat in the race, and any other candidate
1139 in the race is equal to or less than the product of the following, rounded up to the nearest whole
1140 number:

1141 (a) the total number of voters who cast a valid vote counted in that canvassing phase;
1142 and

1143 (b) the recount threshold.

1144 (5) An election officer shall resolve a tie described in Subsection (3)(b)(ii), in a public
1145 meeting held within 30 days after the day on which the canvass is completed, by lot, in the
1146 presence of each candidate subject to the tie.

1147 Section 17. Section **20A-4-607** is enacted to read:

1148 **20A-4-607. Batch Elimination.**

1149 (1) In any ballot count conducted under Section [20A-4-603](#), [20A-4-604](#), or [20A-4-605](#),
1150 the election officer may exclude candidates through batch elimination by, instead of excluding
1151 only one candidate in a ballot-counting phase, excluding each candidate:

1152 (a) for which the number of remaining candidates with more valid votes than that
1153 candidate is greater than or equal to the number of offices to be filled; and

1154 (b) (i) for which the number of valid votes counted for the candidate in the phase plus
1155 the number of votes counting for all candidates with fewer valid votes in the phase is less than
1156 the number of valid votes for the candidate with the next highest amount of valid votes in the
1157 phase; or

1158 (ii) who has fewer valid votes in the phase than a candidate who is excluded under
1159 Subsection (1)(b)(i).

1160 (2) The requirements for a recount before excluding a candidate under Subsection
1161 [20A-4-603](#)(7) or [20A-4-604](#)(6) do not apply to candidates who are excluded through batch
1162 elimination.

1163 Section 18. Section **20A-5-404** is amended to read:

1164 **20A-5-404. Election forms -- Preparation and contents.**

1165 (1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

1166 (i) ballot disposition form;

1167 (ii) total votes cast form;

1168 (iii) tally sheet form; and

1169 (iv) pollbook.

1170 (b) For each election, the election officer shall:

1171 (i) provide a copy of each form to each of those precincts using paper ballots; and

1172 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting
1173 precincts using an automated voting system.

1174 (2) The election officer shall ensure that the ballot disposition form contains a space
1175 for the judges to identify:

- 1176 (a) the number of ballots voted;
- 1177 (b) the number of substitute ballots voted, if any;
- 1178 (c) the number of ballots delivered to the voters;
- 1179 (d) the number of spoiled ballots;
- 1180 (e) the number of registered voters listed in the official register;
- 1181 (f) the total number of voters voting according to the pollbook; and
- 1182 (g) the number of unused ballots.

1183 (3) The election officer shall ensure that the total votes cast form contains:

1184 (a) the name of each candidate appearing on the ballot, the office for which the
1185 candidate is running, and a blank space for the election judges to record the number of votes
1186 that the candidate received;

1187 (b) for a race conducted by instant runoff voting, other than approval voting, under
1188 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the name of
1189 each candidate appearing on the ballot, the office for which the candidate is running, and blank
1190 spaces for the election judges to record the number of votes counted for each potential phase of
1191 the canvass;

1192 [~~(b)~~] (c) for each office, blank spaces for the election judges to record the names of
1193 write-in candidates, if any, and a blank space for the election judges to record the number of
1194 votes that the write-in candidate received;

1195 [~~(c)~~] (d) a heading identifying each ballot proposition and blank spaces for the election
1196 judges to record the number of votes for and against each proposition; and

1197 [~~(d)~~] (e) a certification, in substantially the following form, to be signed by the judges
1198 when they have completed the total votes cast form:

1199 "TOTAL VOTES CAST

1200 At an election held at ____ in ____ voting precinct in _____ (name of entity
1201 holding the election) and State of Utah, on _____ (month\day\year), the following named
1202 persons received the number of votes annexed to their respective names for the following

1203 described offices: Total number of votes cast were as follows:

1204 Certified by us ____, ____, ____, Judges of Election."

1205 (4) The election officer shall ensure that the tally sheet form contains:

1206 (a) for each office, the names of the candidates for that office, and blank spaces to tally
1207 the votes that each candidate receives;

1208 (b) for a race conducted by instant runoff voting, other than approval voting, under
1209 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the name of
1210 each candidate for office and blank spaces to tally the number of valid votes counted for each
1211 candidate for each potential phase of the canvass;

1212 ~~[(b)]~~ (c) for each office, blank spaces for the election judges to record the names of
1213 write-in candidates, if any, and a blank space for the election judges to tally the votes for each
1214 write-in candidate;

1215 ~~[(c)]~~ (d) for each ballot proposition, a heading identifying the ballot proposition and the
1216 words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of
1217 them for the election judges to tally the ballot proposition votes; and

1218 ~~[(d)]~~ (e) a certification, in substantially the following form, to be signed by the judges
1219 when they have completed the tally sheet form:

1220 "Tally Sheet

1221 We the undersigned election judges for voting precinct # _____,
1222 _____(entity holding the election) certify that this is a true and correct list of all
1223 persons voted for and ballot propositions voted on at the election held in that voting precinct on
1224 _____(date of election) and is a tally of the votes cast for each of those
1225 persons. Certified by us ____, ____, ____, Judges of Election."

1226 (5) The election officer shall ensure that the pollbook:

1227 (a) identifies the voting precinct number on its face; and

1228 (b) contains:

1229 (i) a section to record persons voting on election day, with columns entitled "Ballot
1230 Number" and "Voter's Name";

1231 (ii) another section in which to record absentee ballots;

1232 (iii) a section in which to record voters who are challenged; and

1233 (iv) a certification, in substantially the following form:

1234 "We, the undersigned, judges of an election held at _____ voting precinct, in _____
1235 County, state of Utah, on _____(month\day\year), having first been sworn according to
1236 law, certify that the information listed in this book is a true statement of the number and names
1237 of the persons voting in the voting precinct at the election, and that the total number of persons
1238 voting at the election was ____."

1239 _____
1240 _____
1241 _____

Judges of Election

1243 Section 19. Section **20A-6-203.5** is enacted to read:

1244 **20A-6-203.5. Instant runoff voting ballot.**

1245 If, in an election, at least one of the races is conducted by instant runoff voting under
1246 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the portion of
1247 the ballot relating to that race shall:

- 1248 (1) list each candidate who qualifies to be placed on the election ballot for that race;
- 1249 (2) opposite each candidate's name, include a place where a voter can indicate the
1250 voter's vote in order of preference for each candidate, as described in Title 20A, Chapter 4, Part
1251 6, Municipal Alternate Voting Methods Pilot Project; and
- 1252 (3) provide the ability for a voter to enter a write-in candidate's name and indicate the
1253 voter's ordered preference for the write-in candidate.

1254 Section 20. Section **20A-6-402** is amended to read:

1255 **20A-6-402. Ballots for municipal general elections.**

1256 (1) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting
1257 or approval voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
1258 Pilot Project, when using a paper ballot at municipal general elections, each election officer
1259 shall ensure that:

- 1260 (a) the names of the two candidates who received the highest number of votes for
1261 mayor in the municipal primary are placed upon the ballot;
- 1262 (b) if no municipal primary election was held, the names of the candidates who filed
1263 declarations of candidacy for municipal offices are placed upon the ballot;
- 1264 (c) for other offices:

- 1265 (i) twice the number of candidates as there are positions to be filled are certified as
1266 eligible for election in the municipal general election from those candidates who received the
1267 greater number of votes in the primary election; and
- 1268 (ii) the names of those candidates are placed upon the municipal general election
1269 ballot;
- 1270 (d) the names of the candidates are placed on the ballot in the order specified under
1271 Section [20A-6-305](#);
- 1272 (e) in an election in which a voter is authorized to cast a write-in vote and where a
1273 write-in candidate is qualified under Section [20A-9-601](#), a write-in area is placed upon the
1274 ballot that contains, for each office in which there is a qualified write-in candidate:
- 1275 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
1276 (ii) a square or other conforming area that is adjacent to or opposite the blank
1277 horizontal line to enable the voter to indicate the voter's vote;
- 1278 (f) ballot propositions that have qualified for the ballot, including propositions
1279 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
1280 listed on the ballot in accordance with Section [20A-6-107](#); and
- 1281 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
1282 title assigned to each bond proposition under Section [11-14-206](#).
- 1283 (2) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting
1284 or approval voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
1285 Pilot Project, when using a punch card ballot at municipal general elections, each election
1286 officer shall ensure that:
- 1287 (a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across
1288 the top of the ballot;
- 1289 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
1290 stub; and
- 1291 (iii) ballot stubs are numbered consecutively;
- 1292 (b) immediately below the perforated ballot stub, the following endorsements are
1293 printed in 18 point bold type:
- 1294 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
1295 (ii) the date of the election; and

1296 (iii) a facsimile of the signature of the election officer and the election officer's title in
1297 eight-point type;

1298 (c) immediately below the election officer's title, two one-point parallel horizontal
1299 rules separate endorsements from the rest of the ballot;

1300 (d) immediately below the horizontal rules, an "Instructions to Voters" section is
1301 printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the
1302 square following the name(s) of the person(s) you favor as the candidate(s) for each respective
1303 office." followed by two one-point parallel rules;

1304 (e) after the rules, the designation of the office for which the candidates seek election is
1305 printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____
1306 (the number of candidates for which the voter may vote)" are printed to extend to the extreme
1307 right of the column in 10-point bold type, followed by a hair-line rule;

1308 (f) after the hair-line rule, the names of the candidates are printed in heavy face type
1309 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305
1310 with surnames last and grouped according to the office that they seek;

1311 (g) a square with sides not less than one-fourth inch long is printed immediately
1312 adjacent to the names of the candidates;

1313 (h) following the name of the last candidate for each office in which a write-in
1314 candidate is qualified under Section 20A-9-601, the ballot contains:

1315 (i) a write-in space for each elective office in which a write-in candidate is qualified
1316 where the voter may enter the name of a valid write-in candidate; and

1317 (ii) a square printed immediately adjacent to the write-in space or line where the voter
1318 may vote for a valid write-in candidate; and

1319 (i) the candidate groups are separated from each other by one light and one heavy line
1320 or rule.

1321 (3) ~~When~~ Except as otherwise required for a race conducted by instant runoff voting
1322 or approval voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
1323 Pilot Project, when using a ballot sheet other than a punch card ballot at municipal general
1324 elections, each election officer shall ensure that:

1325 (a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

1326 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the

- 1327 stub; and
- 1328 (iii) ballot stubs are numbered consecutively;
- 1329 (b) immediately below the perforated ballot stub, the following endorsements are
- 1330 printed:
- 1331 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
- 1332 (ii) the date of the election; and
- 1333 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 1334 (c) immediately below the election officer's title, a distinct border or line separates
- 1335 endorsements from the rest of the ballot;
- 1336 (d) immediately below the border or line, an "Instructions to Voters" section is printed
- 1337 that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the
- 1338 candidate(s) for each respective office." followed by another border or line;
- 1339 (e) after the border or line, the designation of the office for which the candidates seek
- 1340 election is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
- 1341 candidates for which the voter may vote)" are printed, followed by a line or border;
- 1342 (f) after the line or border, the names of the candidates are printed in the order
- 1343 specified under Section [20A-6-305](#) with surnames last and grouped according to the office that
- 1344 they seek;
- 1345 (g) an oval is printed adjacent to the names of the candidates;
- 1346 (h) following the name of the last candidate for each office in which a write-in
- 1347 candidate is qualified under Section [20A-9-601](#), the ballot contains:
- 1348 (i) a write-in space or blank line for each elective office in which a write-in candidate
- 1349 is qualified where the voter may enter the name of a valid write-in candidate; and
- 1350 (ii) an oval printed adjacent to the write-in space or line where the voter may vote for a
- 1351 valid write-in candidate; and
- 1352 (i) the candidate groups are separated from each other by a line or border.
- 1353 (4) [~~When~~] Except as otherwise required for a race conducted by instant runoff voting
- 1354 or approval voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
- 1355 Pilot Project, when using an electronic ballot at municipal general elections, each election
- 1356 officer shall ensure that:
- 1357 (a) the following endorsements are displayed on the first screen of the ballot:

- 1358 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
1359 (ii) the date of the election; and
1360 (iii) a facsimile of the signature of the election officer and the election officer's title;
1361 (b) immediately below the election officer's title, a distinct border or line separates the
1362 endorsements from the rest of the ballot;
1363 (c) immediately below the border or line, an "Instructions to Voters" section is
1364 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
1365 the candidate(s) for each respective office." followed by another border or line;
1366 (d) after the border or line, the designation of the office for which the candidates seek
1367 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
1368 candidates for which the voter may vote)" are displayed, followed by a line or border;
1369 (e) after the line or border, the names of the candidates are displayed in the order
1370 specified under Section 20A-6-305 with surnames last and grouped according to the office that
1371 they seek;
1372 (f) a voting square or position is located adjacent to the name of each candidate;
1373 (g) following the name of the last candidate for each office in which a write-in
1374 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the
1375 voter may enter the name of and vote for a valid write-in candidate for the office; and
1376 (h) the candidate groups are separated from each other by a line or border.
1377 (5) When a municipality has chosen to nominate candidates by convention or
1378 committee, the election officer shall ensure that the party name is included with the candidate's
1379 name on the ballot.

1380 Section 21. Section 20A-9-404 is amended to read:

1381 **20A-9-404. Municipal primary elections.**

- 1382 (1) (a) Except as otherwise provided in this section or Title 20A, Chapter 4, Part 6,
1383 Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all
1384 municipalities shall be nominated at a municipal primary election.
1385 (b) Municipal primary elections shall be held:
1386 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1387 Monday in the August before the regular municipal election; and
1388 (ii) whenever possible, at the same polling places as the regular municipal election.

1389 (2) [H] Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal
1390 Alternate Voting Methods Pilot Project, if the number of candidates for a particular municipal
1391 office does not exceed twice the number of individuals needed to fill that office, a primary
1392 election for that office may not be held and the candidates are considered nominated.

1393 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1394 of voters or delegates.

1395 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
1396 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1397 by providing that the nomination of candidates for municipal office to be voted upon at a
1398 municipal election be nominated by a political party convention or committee.

1399 (ii) Any primary election exemption ordinance adopted under the authority of this
1400 Subsection (3) remains in effect until repealed by ordinance.

1401 (c) (i) A convention or committee may not nominate:

1402 (A) an individual who has not submitted a declaration of candidacy, or has not been
1403 nominated by a nomination petition, under Section [20A-9-203](#); or

1404 (B) more than one group of candidates, or have placed on the ballot more than one
1405 group of candidates, for the municipal offices to be voted upon at the municipal election.

1406 (ii) A convention or committee may nominate an individual who has been nominated
1407 by a different convention or committee.

1408 (iii) A political party may not have more than one group of candidates placed upon the
1409 ballot and may not group the same candidates on different tickets by the same party under a
1410 different name or emblem.

1411 (d) (i) The convention or committee shall prepare a certificate of nomination for each
1412 individual nominated.

1413 (ii) The certificate of nomination shall:

1414 (A) contain the name of the office for which each individual is nominated, the name,
1415 post office address, and, if in a city, the street number of residence and place of business, if
1416 any, of each individual nominated;

1417 (B) designate in not more than five words the political party that the convention or
1418 committee represents;

1419 (C) contain a copy of the resolution passed at the convention that authorized the

1420 committee to make the nomination;

1421 (D) contain a statement certifying that the name of the candidate nominated by the
1422 political party will not appear on the ballot as a candidate for any other political party;

1423 (E) be signed by the presiding officer and secretary of the convention or committee;
1424 and

1425 (F) contain a statement identifying the residence and post office address of the
1426 presiding officer and secretary and certifying that the presiding officer and secretary were
1427 officers of the convention or committee and that the certificates are true to the best of their
1428 knowledge and belief.

1429 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
1430 before the municipal general election.

1431 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1432 may also make nominations or fill vacancies in nominations made at a convention.

1433 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
1434 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
1435 be included with the candidate's name.

1436 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
1437 that falls before the regular municipal election that:

1438 (i) exempts the city from the other methods of nominating candidates to municipal
1439 office provided in this section; and

1440 (ii) provides for a partisan primary election method of nominating candidates as
1441 provided in this Subsection (4).

1442 (b) (i) Any party that was a registered political party at the last regular general election
1443 or regular municipal election is a municipal political party under this section.

1444 (ii) Any political party may qualify as a municipal political party by presenting a
1445 petition to the city recorder that:

1446 (A) is signed, with a holographic signature, by registered voters within the municipality
1447 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1448 municipal election at which a mayor was elected;

1449 (B) is filed with the city recorder by May 31 of any odd-numbered year;

1450 (C) is substantially similar to the form of the signature sheets described in Section

1451 20A-7-303; and

1452 (D) contains the name of the municipal political party using not more than five words.

1453 (c) (i) If the number of candidates for a particular office does not exceed twice the
1454 number of offices to be filled at the regular municipal election, no partisan primary election for
1455 that office shall be held and the candidates are considered to be nominated.

1456 (ii) If the number of candidates for a particular office exceeds twice the number of
1457 offices to be filled at the regular municipal election, those candidates for municipal office shall
1458 be nominated at a partisan primary election.

1459 (d) The clerk shall ensure that:

1460 (i) the partisan municipal primary ballot is similar to the ballot forms required by
1461 Sections 20A-6-401 and 20A-6-401.1;

1462 (ii) the candidates for each municipal political party are listed in one or more columns
1463 under their party name and emblem;

1464 (iii) the names of candidates of all parties are printed on the same ballot, but under
1465 their party designation;

1466 (iv) every ballot is folded and perforated in a manner that separates the candidates of
1467 one party from those of the other parties and enables the voter to separate the part of the ballot
1468 containing the names of the party of the voter's choice from the remainder of the ballot; and

1469 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
1470 when detached, are similar in appearance to inside sections when detached.

1471 (e) After marking a municipal primary ballot, the voter shall:

1472 (i) detach the part of the ballot containing the names of the candidates of the party the
1473 voter has voted from the rest of the ballot;

1474 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
1475 and

1476 (iii) fold the remainder of the ballot containing the names of the candidates of the
1477 parties for whom the elector did not vote and deposit it in the blank ballot box.

1478 (f) Immediately after the canvass, the election judges shall, without examination,
1479 destroy the tickets deposited in the blank ballot box.

1480 Section 22. Section 63I-2-220 is amended to read:

1481 **63I-2-220. Repeal dates, Title 20A.**

- 1482 (1) Subsection [20A-5-803](#)(8) is repealed July 1, 2023.
- 1483 (2) Section [20A-5-804](#) is repealed July 1, 2023.
- 1484 (3) On July 1, 2018, in Subsection [20A-11-101](#)(21), the language that states "
1485 [10-2a-302](#)," is repealed.
- 1486 (4) On January 1, 2028:
- 1487 (a) In Subsection [20A-1-102](#)(23)(a), the language that states "or Title 20A, Chapter 4,
1488 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
- 1489 (b) In Subsections [20A-1-303](#)(1)(a) and (b), the language that states "Except as
1490 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1491 repealed.
- 1492 (c) In Section [20A-1-304](#), the language that states "Except for a race conducted by
1493 instant runoff voting or approval voting under Title 20A, Chapter 4, Part 6, Municipal
1494 Alternate Voting Methods Pilot Project," is repealed.
- 1495 (d) In Subsection [20A-3-105](#)(1)(a), the language that states "Except as provided in
1496 Subsection (5)," is repealed.
- 1497 (e) In Subsections [20A-3-105](#)(1)(b), (3)(b), and (4)(b), the language that states "Except
1498 as provided in Subsections (5) and (6)," is repealed.
- 1499 (f) In Subsections [20A-3-105](#)(2)(a)(i), (3)(a), and (4)(a), the language that states
1500 "Subject to Subsection (5)," is repealed.
- 1501 (g) Subsection [20A-3-105](#)(5) is repealed and the remaining subsections in Section
1502 [20A-3-105](#) are renumbered accordingly.
- 1503 (h) In Subsection [20A-4-101](#)(2)(c), the language that states "Except as provided in
1504 Subsection (2)(f)," is repealed.
- 1505 (i) Subsection [20A-4-101](#)(2)(f) is repealed.
- 1506 (j) Subsection [20A-4-101](#)(4) is repealed and replaced with the following:
1507 "(4) To resolve questions that arise during the counting of ballots, a counting judge
1508 shall apply the standards and requirements of Section [20A-4-105](#)."
- 1509 (k) In Subsection [20A-4-102](#)(1)(a), the language that states "or a rule made under
1510 Subsection [20A-4-101](#)(2)(f)(i)" is repealed.
- 1511 (l) Subsection [20A-4-102](#)(1)(b) is repealed and replaced with the following:
1512 "(b) To resolve questions that arise during the counting of ballots, a counting judge

1513 shall apply the standards and requirements of Section [20A-4-105](#)".

1514 (m) In Subsection [20A-4-102\(6\)\(a\)](#), the language that states ", except as provided in
1515 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made
1516 under Subsection [20A-4-101\(2\)\(f\)\(i\)](#)" is repealed.

1517 (n) In Subsection [20A-4-105\(1\)\(a\)](#), the language that states ", except as otherwise
1518 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1519 repealed.

1520 (o) In Subsection [20A-4-105\(2\)](#), the language that states "Subsection [20A-3-105\(5\)](#), or
1521 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1522 (p) In Subsections [20A-4-105\(3\)](#), (5), and (12), the language that states "Except as
1523 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
1524 Project," is repealed.

1525 (q) In Subsection [20A-4-106\(1\)\(a\)\(ii\)](#), the language that states "or Title 20A, Chapter
1526 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1527 (r) In Subsection [20A-4-304\(1\)\(a\)](#), the language that states "except as provided in Title
1528 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1529 (s) Subsection [20A-4-304\(2\)\(a\)\(v\)](#) is repealed and replaced with the following:
1530 "[\(v\)](#) from each voting precinct:

1531 (A) the number of votes for each candidate; and

1532 (B) the number of votes for and against each ballot proposition;"

1533 (t) Subsection [20A-4-401\(1\)\(a\)](#) is repealed, the remaining subsections in Subsection (1)
1534 are renumbered accordingly, and the cross-references to those subsections are renumbered
1535 accordingly.

1536 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
1537 repealed.

1538 (v) Subsection [20A-5-404\(3\)\(b\)](#) is repealed and the remaining subsections in
1539 Subsection (3) are renumbered accordingly.

1540 (w) Subsection [20A-5-404\(4\)\(b\)](#) is repealed and the remaining subsections in
1541 Subsection (4) are renumbered accordingly.

1542 (x) Section [20A-6-203.5](#) is repealed.

1543 (y) In Subsections [20A-6-402\(1\)](#), (2), (3), and (4), the language that states "Except as

1544 otherwise required for a race conducted by instant runoff voting or approval voting under Title
1545 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

1546 (z) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
1547 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

1548 (aa) In Subsection 20A-9-404(2), the language that states "Except as otherwise
1549 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1550 repealed.