

**Senator Daniel McCay** proposes the following substitute bill:

**AMENDMENTS TO MUNICIPAL ALTERNATE VOTING**

**METHODS PILOT PROJECT**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marc K. Roberts**

Senate Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Municipal Alternate Voting Methods Pilot Project.

**Highlighted Provisions:**

This bill:

- ▶ changes the date by which a municipality may opt in to participate in the Municipal Alternate Voting Methods Pilot Project (pilot project);
- ▶ establishes a procedure for a municipality to withdraw the municipality's decision to participate in the pilot project;
- ▶ establishes a delayed candidate filing period for a race conducted under the provisions of the pilot project;
- ▶ permits a participating municipality to conduct a primary election using instant runoff voting;
- ▶ provides that a local political subdivision participating in the Municipal Alternate Voting Methods Pilot Project in 2019 may agree with any other local political subdivision in the state to conduct an election on behalf of the local political subdivision;
- ▶ modifies provisions relating to the certification of voting equipment; and



26           ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28           None

29 **Other Special Clauses:**

30           This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33           **10-3-301**, as last amended by Laws of Utah 2017, Chapters 91 and 137

34           **20A-4-602**, as enacted by Laws of Utah 2018, Chapter 187

35           **20A-4-603**, as enacted by Laws of Utah 2018, Chapter 187

36           **20A-5-400.1**, as enacted by Laws of Utah 2011, Chapter 310

37           **20A-5-802**, as renumbered and amended by Laws of Utah 2017, Chapter 32

38           **20A-9-203**, as last amended by Laws of Utah 2018, Chapters 11 and 365

39           **63I-2-220**, as last amended by Laws of Utah 2018, Chapters 187 and 458



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

42           Section 1. Section **10-3-301** is amended to read:

43           **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**  
44 **office -- Mayor and recorder limitations.**

45           (1) As used in this section:

46           (a) "Absent" means that an elected municipal officer fails to perform official duties,  
47 including the officer's failure to attend each regularly scheduled meeting that the officer is  
48 required to attend.

49           (b) "Principal place of residence" means the same as that term is defined in Section  
50 **20A-2-105**.

51           (c) "Secondary residence" means a place where an individual resides other than the  
52 individual's principal place of residence.

53           (2) (a) On or before May 1 in a year in which there is a municipal general election, the  
54 municipal clerk shall publish a notice that identifies:

55           (i) the municipal offices to be voted on in the municipal general election; and

56           (ii) the dates for filing a declaration of candidacy for the offices identified under

57 Subsection (2)(a)(i).

58 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

59 (i) on the Utah Public Notice Website established by Section 63F-1-701; and

60 (ii) in at least one of the following ways:

61 (A) at the principal office of the municipality;

62 (B) in a newspaper of general circulation within the municipality at least once a week

63 for two successive weeks in accordance with Section 45-1-101;

64 (C) in a newsletter produced by the municipality;

65 (D) on a website operated by the municipality; or

66 (E) with a utility enterprise fund customer's bill.

67 (3) (a) An individual who files a declaration of candidacy for a municipal office shall  
68 comply with the requirements described in Section 20A-9-203.

69 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of  
70 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in  
71 Subsections 20A-9-203(3)(a)(i) and ~~(b)~~ (c)(i) unless the date occurs on a:

72 (A) Saturday or Sunday; or

73 (B) state holiday as listed in Section 63G-1-301.

74 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that  
75 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection  
76 (3)(b)(i) without maintaining office hours by:

77 (A) posting the recorder's or clerk's contact information, including a phone number and  
78 email address, on the recorder's or clerk's office door, the main door to the municipal offices,  
79 and, if available, on the municipal website; and

80 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),  
81 via the contact information described in Subsection (2)(b)(ii)(A).

82 (4) An individual elected to municipal office shall be a registered voter in the  
83 municipality in which the individual is elected.

84 (5) (a) Each elected officer of a municipality shall maintain a principal place of  
85 residence within the municipality during the officer's term of office.

86 (b) Except as provided in Subsection (6), an elected municipal office is automatically  
87 vacant if the officer elected to the municipal office, during the officer's term of office:

- 88 (i) establishes a principal place of residence outside the municipality;
- 89 (ii) resides at a secondary residence outside the municipality for a continuous period of
- 90 more than 60 days while still maintaining a principal place of residence within the
- 91 municipality;
- 92 (iii) is absent from the municipality for a continuous period of more than 60 days; or
- 93 (iv) fails to respond to a request, within 30 days after the day on which the elected
- 94 officer receives the request, from the county clerk or the lieutenant governor seeking
- 95 information to determine the officer's residency.

96 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the

97 consent of the municipal legislative body in accordance with Subsection (6)(b) before the

98 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

- 99 (i) reside at a secondary residence outside the municipality while still maintaining a
- 100 principal place of residence within the municipality for a continuous period of up to one year
- 101 during the officer's term of office; or
- 102 (ii) be absent from the municipality for a continuous period of up to one year during
- 103 the officer's term of office.

104 (b) At a public meeting, the municipal legislative body may give the consent described

105 in Subsection (6)(a) by majority vote after taking public comment regarding:

- 106 (i) whether the legislative body should give the consent; and
- 107 (ii) the length of time to which the legislative body should consent.

108 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or

109 treasurer.

110 (b) The recorder of a municipality may not also serve as the municipal treasurer.

111 Section 2. Section **20A-4-602** is amended to read:

112 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**

113 **Participation.**

- 114 (1) There is created the Municipal Alternate Voting Methods Pilot Project.
- 115 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.
- 116 (3) (a) A municipality may participate in the pilot project, in accordance with the
- 117 requirements of this section and all other applicable provisions of law, during any
- 118 odd-numbered year that the pilot project is in effect, if, before ~~January 1~~ April 15 of the

119 odd-numbered year, the municipality provides written notice to the lieutenant governor:

120 ~~[(a)]~~ (i) stating that the municipality intends to participate in the pilot project for the  
121 year specified in the notice; and

122 ~~[(b)]~~ (ii) that includes a document, signed by the election officer of the municipality,  
123 stating that the municipality has the resources and capability necessary to participate in the  
124 pilot project.

125 (b) A municipality that provides the notice of intent described in Subsection (3)(a) may  
126 withdraw the notice of intent, and not participate in the pilot project, if the municipality  
127 provides written notice of withdrawal to the lieutenant governor before April 15.

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

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

133 (b) ~~[(a)]~~ Except as provided in Subsection 20A-4-603(9), an election officer of a  
134 participating municipality that will conduct a multi-candidate race under Subsection (5)(a) may  
135 not conduct a municipal primary election relating to that race.

136 (c) A municipality that has in effect an ordinance described in Subsection  
137 20A-9-404(3) or (4) may not participate in the pilot project.

138 (6) Except for an election described in Subsection 20A-4-603(9), an individual who  
139 files a declaration of candidacy or a nomination petition, for a candidate who will run in an  
140 election described in this part, shall file the declaration of candidacy or nomination petition  
141 during the office hours described in Section 10-3-301 and not later than the close of those  
142 office hours, no sooner than the second Tuesday in August and no later than the third Tuesday  
143 in August of an odd-numbered year.

144 Section 3. Section 20A-4-603 is amended to read:

145 **20A-4-603. Instant runoff voting.**

146 (1) In a multi-candidate race, the election officer for a participating municipality shall:

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

149 (ii) if, after complying with Subsection (5), one of the candidates receives more than

150 50% of the valid first preference votes counted, declare that candidate elected;

151 (b) if, after counting the valid first preference votes for each candidate, and complying  
152 with Subsection (5), no candidate receives more than 50% of the valid first preference votes  
153 counted, conduct the second ballot-counting phase by:

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

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

156 (B) in the event of a tie for the fewest valid first preference votes counted, one of the  
157 tied candidates, determined by the tied election officer by lot, in accordance with Subsection  
158 (6);

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

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

165 (c) if, after adding the valid second preference votes in accordance with Subsection  
166 (1)(b)(ii) and complying with Subsection (5), no candidate receives more than 50% of the valid  
167 votes counted, conduct subsequent ballot-counting phases by continuing the process described  
168 in Subsection (1)(b) until a candidate receives more than 50% of the valid votes counted, as  
169 follows:

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

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

176 (2) The election officer shall declare elected the first candidate who receives more than  
177 50% of the valid votes counted under the process described in Subsection (1).

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

180 (b) A vote is not valid for a particular phase of a multi-candidate race, and for all

181 subsequent phases, if the voter indicates the same rank for more than one candidate for that  
182 phase.

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

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

190 (b) the recount threshold.

191 (5) Before excluding a candidate from a multi-candidate race under Subsection (1), the  
192 election officer shall order a recount of the valid votes counted in the applicable  
193 ballot-counting phase if the difference between the number of votes counted for the candidate  
194 who received the fewest valid votes in the applicable ballot-counting phase of the race and any  
195 other candidate in the race is equal to or less than the product of the following, rounded up to  
196 the nearest whole number:

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

199 (b) the recount threshold.

200 (6) For each ballot-counting phase after the first phase, if, after a recount is completed  
201 under Subsection (5), two or more candidates tie as having received the fewest valid votes  
202 counted at that point in the ballot count, the election officer shall eliminate one of those  
203 candidates from consideration, by lot, in the following manner:

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

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

208 (c) sign a public document that:

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

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

211 (7) In a multi-candidate race for an at-large office, where the number of candidates

212 who qualify for the race exceeds the total number of at-large seats to be filled for the office, the  
213 election officer shall count the votes by:

214 (a) except as provided in Subsection (8), counting votes in the same manner as  
215 described in Subsections (1) through (6), until a candidate is declared elected;

216 (b) repeating the process described in Subsection (7)(a) for all candidates that are not  
217 declared elected until another candidate is declared elected; and

218 (c) continuing the process described in Subsection (7)(b) until all at-large seats in the  
219 race are filled.

220 (8) After a candidate is declared elected under Subsection (7), the election officer shall,  
221 in repeating the process described in Subsections (1) through (6) to declare the next candidate  
222 elected, add to the vote totals the next valid preference vote of each voter whose vote was  
223 counted for a candidate already declared elected.

224 (9) An election officer for a participating municipality may choose to conduct a  
225 primary election by using instant runoff voting in the manner described in Subsections (1)  
226 through (6), except that:

227 (a) instead of determining whether a candidate receives more than 50% of the valid  
228 preference votes for a particular ballot-counting phase, the election officer shall proceed to a  
229 subsequent ballot-counting stage, and exclude the candidate who receives the fewest valid  
230 preference votes in that phase, until twice the number of seats to be filled in the race remain;  
231 and

232 (b) after complying with Subsection (9)(a), the election officer shall declare the  
233 remaining candidates nominated to participate in the municipal general election.

234 Section 4. Section **20A-5-400.1** is amended to read:

235 **20A-5-400.1. Contracting with an election officer to conduct elections -- Fees --**  
236 **Contracts and interlocal agreements -- Private providers.**

237 (1) (a) In accordance with this section, a local political subdivision may enter into a  
238 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation  
239 Act, with a provider election officer to conduct an election.

240 (b) If the boundaries of a local political subdivision holding the election extend beyond  
241 a single local political subdivision, the local political subdivision may have more than one  
242 provider election officer conduct an election.



243           (c) Subject to Subsection (1)(d), and upon approval by the lieutenant governor, a  
244 municipality may enter into a contract or agreement under Subsection (1)(a) with any local  
245 political subdivision in the state, regardless of whether the municipality is located in, next to, or  
246 near, the local political subdivision, to conduct an election during which the municipality is  
247 participating in the Municipal Alternate Voting Methods Pilot Project.

248           (d) (i) Subsection (1)(c) only applies to an election held in 2019.

249           (ii) If a municipality enters into a contract or agreement, under Subsection (1)(c), with  
250 a local political subdivision other than a county within which the municipality exists, the  
251 municipality, the local political subdivision, and the county within which the municipality  
252 exists shall enter into a cooperative agreement to ensure the proper functioning of the election.

253           (2) A provider election officer shall conduct an election:

254           (a) under the direction of the contracting election officer; and

255           (b) in accordance with a contract or interlocal agreement.

256           (3) A provider election officer shall establish fees for conducting an election for a  
257 contracting election officer that:

258           (a) are consistent with the contract or interlocal agreement; and

259           (b) do not exceed the actual costs incurred by the provider election officer.

260           (4) The contract or interlocal agreement under this section may specify that a  
261 contracting election officer request, within a specified number of days before the election, that  
262 the provider election officer conduct the election to allow adequate preparations by the  
263 provider election officer.

264           (5) An election officer conducting an election may appoint or employ an agent or  
265 professional service to assist in conducting the election.

266           Section 5. Section **20A-5-802** is amended to read:

267           **20A-5-802. Certification of voting equipment.**

268           (1) For the voting equipment used in the jurisdiction over which an election officer has  
269 authority, the election officer shall:

270           (a) before each election, use logic and accuracy tests to ensure that the voting  
271 equipment performs the voting equipment's functions accurately;

272           (b) develop and implement a procedure to protect the physical security of the voting  
273 equipment; and

274 (c) ensure that the voting equipment is certified by the lieutenant governor under  
275 Subsection (2) as having met the requirements of this section.

276 (2) (a) Except as provided in Subsection (2)(b)(ii):

277 (i) ~~[The]~~ the lieutenant governor shall ensure that all voting equipment used in the state  
278 is independently tested using security testing protocols and standards that:

279 ~~[(i)]~~ (A) are generally accepted in the industry at the time the lieutenant governor  
280 reviews the voting equipment for certification; and

281 ~~[(ii)]~~ (B) meet the requirements of Subsection ~~[(2)(b):]~~ (2)(a)(ii);

282 ~~[(b)]~~ (ii) ~~[The]~~ the testing protocols and standards described in Subsection (2)(a)(i)  
283 shall require that a voting system:

284 ~~[(i)]~~ (A) is accurate and reliable;

285 ~~[(ii)]~~ (B) possesses established and maintained access controls;

286 ~~[(iii)]~~ (C) has not been fraudulently manipulated or tampered with;

287 ~~[(iv)]~~ (D) is able to identify fraudulent or erroneous changes to the voting equipment;

288 and

289 ~~[(v)]~~ (E) protects the secrecy of a voter's ballot~~[-]; and~~

290 ~~[(e)]~~ (iii) The lieutenant governor may comply with the requirements of Subsection  
291 (2)(a) by certifying voting equipment that has been certified by:

292 ~~[(i)]~~ (A) the United States Election Assistance Commission; or

293 ~~[(ii)]~~ (B) a laboratory that has been accredited by the United States Election Assistance  
294 Commission to test voting equipment.

295 ~~[(d)]~~ (b) (i) Voting equipment used in the state may include technology that allows for  
296 ranked-choice voting.

297 (ii) The lieutenant governor may, for voting equipment used for ranked-choice voting  
298 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify  
299 voting equipment that has been successfully used within the United States or a territory of the  
300 United States for ranked-choice voting for a race for federal office.

301 Section 6. Section **20A-9-203** is amended to read:

302 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

303 (1) An individual may become a candidate for any municipal office if:

304 (a) the individual is a registered voter; and

305 (b) (i) the individual has resided within the municipality in which the individual seeks  
306 to hold elective office for the 12 consecutive months immediately before the date of the  
307 election; or

308 (ii) the territory in which the individual resides was annexed into the municipality, the  
309 individual has resided within the annexed territory or the municipality the 12 consecutive  
310 months immediately before the date of the election.

311 (2) (a) For purposes of determining whether an individual meets the residency  
312 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
313 before the election, the municipality is considered to have been incorporated 12 months before  
314 the date of the election.

315 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
316 council position shall, if elected from a district, be a resident of the council district from which  
317 the candidate is elected.

318 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent  
319 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
320 against the elective franchise may not hold office in this state until the right to hold elective  
321 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

322 (3) (a) An individual seeking to become a candidate for a municipal office shall,  
323 regardless of the nomination method by which the individual is seeking to become a candidate:

324 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal  
325 Alternate Voting Methods Pilot Project, file a declaration of candidacy, in person with the city  
326 recorder or town clerk, during the office hours described in Section [10-3-301](#) and not later than  
327 the close of those office hours, between June 1 and June 7 of any odd-numbered year; and

328 (ii) pay the filing fee, if one is required by municipal ordinance.

329 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a  
330 declaration of candidacy with the city recorder or town clerk if:

331 (i) the individual is located outside of the state during the entire filing period;

332 (ii) the designated agent appears in person before the city recorder or town clerk;

333 (iii) the individual communicates with the city recorder or town clerk using an  
334 electronic device that allows the individual and city recorder or town clerk to see and hear each  
335 other; and

336 (iv) the individual provides the city recorder or town clerk with an email address to  
337 which the city recorder or town clerk may send the individual the copies described in  
338 Subsection (4).

339 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

340 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting  
341 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during  
342 the office hours described in Section 10-3-301 and not later than the close of those office  
343 hours, between June 1 and June 7 of any odd-numbered year; and

344 (ii) paying the filing fee, if one is required by municipal ordinance.

345 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination  
346 petition, the filing officer shall:

347 (i) read to the prospective candidate or individual filing the petition the constitutional  
348 and statutory qualification requirements for the office that the candidate is seeking; and

349 (ii) require the candidate or individual filing the petition to state whether the candidate  
350 meets those requirements.

351 (b) If the prospective candidate does not meet the qualification requirements for the  
352 office, the filing officer may not accept the declaration of candidacy or nomination petition.

353 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
354 filing officer shall:

355 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
356 written on the declaration of candidacy;

357 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
358 for the office the candidate is seeking and inform the candidate that failure to comply will  
359 result in disqualification as a candidate and removal of the candidate's name from the ballot;

360 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
361 Electronic Voter Information Website Program and inform the candidate of the submission  
362 deadline under Subsection 20A-7-801(4)(a);

363 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
364 described under Section 20A-9-206 and inform the candidate that:

365 (A) signing the pledge is voluntary; and

366 (B) signed pledges shall be filed with the filing officer; and

367 (v) accept the declaration of candidacy or nomination petition.

368 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
369 officer shall:

370 (i) accept the candidate's pledge; and

371 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
372 candidate's pledge to the chair of the county or state political party of which the candidate is a  
373 member.

374 (5) (a) The declaration of candidacy shall be in substantially the following form:

375 "I, (print name) \_\_\_\_, being first sworn, say that I reside at \_\_\_\_ Street, City of \_\_\_\_,  
376 County of \_\_\_\_, state of Utah, Zip Code \_\_\_\_, Telephone Number (if any) \_\_\_\_; that I am a  
377 registered voter; and that I am a candidate for the office of \_\_\_\_ (stating the term). I will meet  
378 the legal qualifications required of candidates for this office. If filing via a designated agent, I  
379 attest that I will be out of the state of Utah during the entire candidate filing period. I will file  
380 all campaign financial disclosure reports as required by law and I understand that failure to do  
381 so will result in my disqualification as a candidate for this office and removal of my name from  
382 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

383 \_\_\_\_\_

384 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this

385 \_\_\_\_\_(month\day\year).

386 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)".

387 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
388 not sign the form described in Subsection (5)(a).

389 (6) If the declaration of candidacy or nomination petition fails to state whether the  
390 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
391 for the four-year term.

392 (7) (a) The clerk shall verify with the county clerk that all candidates are registered  
393 voters.

394 (b) Any candidate who is not registered to vote is disqualified and the clerk may not  
395 print the candidate's name on the ballot.

396 (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
397 clerk shall:

398 (a) cause the names of the candidates as they will appear on the ballot to be published:

399 (i) in at least two successive publications of a newspaper with general circulation in the  
400 municipality; and

401 (ii) as required in Section 45-1-101; and

402 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
403 the ballot.

404 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
405 declaration of candidacy or nomination petition filed under this section after the candidate  
406 filing period ends.

407 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
408 this section is valid unless a person files a written objection with the clerk within five days  
409 after the last day for filing.

410 (b) If a person files an objection, the clerk shall:

411 (i) mail or personally deliver notice of the objection to the affected candidate  
412 immediately; and

413 (ii) decide any objection within 48 hours after the objection is filed.

414 (c) If the clerk sustains the objection, the candidate may, within three days after the day  
415 on which the clerk sustains the objection, correct the problem for which the objection is  
416 sustained by amending the candidate's declaration of candidacy or nomination petition, or by  
417 filing a new declaration of candidacy.

418 (d) (i) The clerk's decision upon objections to form is final.

419 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
420 prompt application is made to the district court.

421 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
422 of its discretion, agrees to review the lower court decision.

423 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
424 candidate by filing a written affidavit with the municipal clerk.

425 Section 7. Section 63I-2-220 is amended to read:

426 **63I-2-220. Repeal dates -- Title 20A.**

427 (1) Subsection 20A-5-803(8) is repealed July 1, 2023.

428 (2) Section 20A-5-804 is repealed July 1, 2023.

429           ~~[(3) On January 1, 2019, Subsections 20A-6-107(2) and (4) are repealed and the~~  
430 ~~remaining subsections, and references to those subsections, are renumbered accordingly.]~~

431           ~~[(4) On July 1, 2018, in Subsection 20A-11-101(21), the language that states "~~  
432 ~~10-2a-302," is repealed.]~~

433           ~~[(5)]~~ (3) On January 1, 2026:

434           (a) In Subsection 20A-1-102(23)(a), the language that states "or Title 20A, Chapter 4,  
435 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

436           (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as  
437 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is  
438 repealed.

439           (c) In Section 20A-1-304, the language that states "Except for a race conducted by  
440 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods  
441 Pilot Project," is repealed.

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

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

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

448           (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section  
449 20A-3-105 are renumbered accordingly.

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

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

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

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

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

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

459           "(b) To resolve questions that arise during the counting of ballots, a counting judge

460 shall apply the standards and requirements of Section 20A-4-105."

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

464 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise  
465 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is  
466 repealed.

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

469 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as  
470 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot  
471 Project," is repealed.

472 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter  
473 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

474 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title  
475 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

476 (s) Subsection 20A-4-304(2)(a)(v) is repealed and replaced with the following:  
477 "(v) from each voting precinct:

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

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

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

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

485 (v) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local political  
486 subdivision to conduct an election, is repealed.

487 [~~(v)~~] (w) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in  
488 Subsection (3) are renumbered accordingly.

489 [~~(w)~~] (x) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in  
490 Subsection (4) are renumbered accordingly.



491 (y) In Section 20A-5-802, relating to the certification of voting equipment:

492 (i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of  
493 Subsection (2); and

494 (ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered  
495 accordingly.

496 [~~x~~] (z) Section 20A-6-203.5 is repealed.

497 [~~y~~] (aa) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states  
498 "Except as otherwise required for a race conducted by instant runoff voting under Title 20A,  
499 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

500 (bb) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter  
501 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

502 (cc) In Subsection 20A-9-203(3)(c)(i), the language that states "except as provided in  
503 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

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

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

509 Section 8. **Effective date.**

510 If approved by two-thirds of all the members elected to each house, this bill takes effect  
511 upon approval by the governor, or the day following the constitutional time limit of Utah  
512 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
513 the date of veto override.