

1                   **REPEAL OF SINGLE-MARK STRAIGHT TICKET VOTING**

2                                   2020 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Patrice M. Arent**

5                                   Senate Sponsor: Curtis S. Bramble

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends provisions of the Election Code relating to the manner by which a  
10 voter casts a vote for all candidates from one political party.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ removes provisions from the Election Code that allow an individual to cast a vote  
14 for all candidates from one political party without voting for the candidates  
15 individually;

16           ▶ removes provisions relating to straight ticket party voting and scratch voting; and

17           ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19           None

20 **Other Special Clauses:**

21           None

22 **Utah Code Sections Affected:**

23 AMENDS:

24           **20A-1-102**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

25           **20A-3-106**, as last amended by Laws of Utah 2019, Chapter 142

26           **20A-4-102**, as last amended by Laws of Utah 2018, Chapters 187 and 274

27           **20A-4-105**, as last amended by Laws of Utah 2018, Chapter 187



- 28            **20A-5-302**, as last amended by Laws of Utah 2018, Chapter 274
- 29            **20A-6-301**, as last amended by Laws of Utah 2018, Chapter 274
- 30            **20A-6-305**, as last amended by Laws of Utah 2017, Chapter 275
- 31            **20A-9-406**, as last amended by Laws of Utah 2018, Chapter 274
- 32            **63I-2-220**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 33            **67-1a-2**, as last amended by Laws of Utah 2019, Chapter 165

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

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

37            **20A-1-102. Definitions.**

38            As used in this title:

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

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

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

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

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

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

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

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

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

54            (b) a constitutional amendment;

55            (c) an initiative;

56            (d) a referendum;

57            (e) a bond proposition;

58            (f) a judicial retention question;

- 59 (g) an incorporation of a city or town; or  
60 (h) any other ballot question specifically authorized by the Legislature.
- 61 (6) "Ballot sheet":  
62 (a) means a ballot that:  
63 (i) consists of paper or a card where the voter's votes are marked or recorded; and  
64 (ii) can be counted using automatic tabulating equipment; and  
65 (b) includes punch card ballots and other ballots that are machine-countable.
- 66 (7) "Bind," "binding," or "bound" means securing more than one piece of paper  
67 together with a staple or stitch in at least three places across the top of the paper in the blank  
68 space reserved for securing the paper.
- 69 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
70 [20A-4-306](#) to canvass election returns.
- 71 (9) "Bond election" means an election held for the purpose of approving or rejecting  
72 the proposed issuance of bonds by a government entity.
- 73 (10) "Book voter registration form" means voter registration forms contained in a  
74 bound book that are used by election officers and registration agents to register persons to vote.
- 75 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
76 charge by the sender.
- 77 (12) "By-mail voter registration form" means a voter registration form designed to be  
78 completed by the voter and mailed to the election officer.
- 79 (13) "Canvass" means the review of election returns and the official declaration of  
80 election results by the board of canvassers.
- 81 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
82 the canvass.
- 83 (15) "Contracting election officer" means an election officer who enters into a contract  
84 or interlocal agreement with a provider election officer.
- 85 (16) "Convention" means the political party convention at which party officers and  
86 delegates are selected.
- 87 (17) "Counting center" means one or more locations selected by the election officer in  
88 charge of the election for the automatic counting of ballots.
- 89 (18) "Counting judge" means a poll worker designated to count the ballots during

90 election day.

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

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

96 (21) "Date of the election" or "election day" or "day of the election":

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

99 (b) does not include:

100 (i) deadlines established for absentee voting; or

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

103 (22) "Elected official" means:

104 (a) a person elected to an office under Section 20A-1-303 or Chapter 1, Part 6,  
105 [~~Election Offenses - Generally;~~] Municipal Alternate Voting Methods Pilot Project;

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

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

110 (23) "Election" means a regular general election, a municipal general election, a  
111 statewide special election, a local special election, a regular primary election, a municipal  
112 primary election, and a local district election.

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

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

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

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

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

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

- 121 (27) "Election officer" means:
- 122 (a) the lieutenant governor, for all statewide ballots and elections;
- 123 (b) the county clerk for:
- 124 (i) a county ballot and election; and
- 125 (ii) a ballot and election as a provider election officer as provided in Section
- 126 [20A-5-400.1](#) or [20A-5-400.5](#);
- 127 (c) the municipal clerk for:
- 128 (i) a municipal ballot and election; and
- 129 (ii) a ballot and election as a provider election officer as provided in Section
- 130 [20A-5-400.1](#) or [20A-5-400.5](#);
- 131 (d) the local district clerk or chief executive officer for:
- 132 (i) a local district ballot and election; and
- 133 (ii) a ballot and election as a provider election officer as provided in Section
- 134 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 135 (e) the business administrator or superintendent of a school district for:
- 136 (i) a school district ballot and election; and
- 137 (ii) a ballot and election as a provider election officer as provided in Section
- 138 [20A-5-400.1](#) or [20A-5-400.5](#).
- 139 (28) "Election official" means any election officer, election judge, or poll worker.
- 140 (29) "Election results" means:
- 141 (a) for an election other than a bond election, the count of votes cast in the election and
- 142 the election returns requested by the board of canvassers; or
- 143 (b) for bond elections, the count of those votes cast for and against the bond
- 144 proposition plus any or all of the election returns that the board of canvassers may request.
- 145 (30) "Election returns" includes the pollbook, the military and overseas absentee voter
- 146 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 147 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 148 form, and the total votes cast form.
- 149 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 150 device or other voting device that records and stores ballot information by electronic means.
- 151 (32) "Electronic signature" means an electronic sound, symbol, or process attached to

152 or logically associated with a record and executed or adopted by a person with the intent to sign  
153 the record.

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

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

156 (34) "Inactive voter" means a registered voter who is listed as inactive by a county  
157 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).

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

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

161 (37) "Local district" means a local government entity under Title 17B, Limited Purpose  
162 Local Government Entities - Local Districts, and includes a special service district under Title  
163 17D, Chapter 1, Special Service District Act.

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

166 (39) "Local election" means a regular county election, a regular municipal election, a  
167 municipal primary election, a local special election, a local district election, and a bond  
168 election.

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

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

174 (42) "Municipal executive" means:

175 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

176 (b) the mayor in the council-manager form of government defined in Subsection  
177 [10-3b-103\(7\)](#); or

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

179 (43) "Municipal general election" means the election held in municipalities and, as  
180 applicable, local districts on the first Tuesday after the first Monday in November of each  
181 odd-numbered year for the purposes established in Section [20A-1-202](#).

182 (44) "Municipal legislative body" means:

- 183 (a) the council of the city or town in any form of municipal government; or  
184 (b) the council of a metro township.
- 185 (45) "Municipal office" means an elective office in a municipality.
- 186 (46) "Municipal officers" means those municipal officers that are required by law to be  
187 elected.
- 188 (47) "Municipal primary election" means an election held to nominate candidates for  
189 municipal office.
- 190 (48) "Municipality" means a city, town, or metro township.
- 191 (49) "Official ballot" means the ballots distributed by the election officer to the poll  
192 workers to be given to voters to record their votes.
- 193 (50) "Official endorsement" means:
- 194 (a) the information on the ballot that identifies:
- 195 (i) the ballot as an official ballot;
- 196 (ii) the date of the election; and
- 197 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the  
198 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 199 (B) for a ballot prepared by a county clerk, the words required by Subsection  
200 20A-6-301(1)(b)(iii); and
- 201 (b) the information on the ballot stub that identifies:
- 202 (i) the poll worker's initials; and
- 203 (ii) the ballot number.
- 204 (51) "Official register" means the official record furnished to election officials by the  
205 election officer that contains the information required by Section 20A-5-401.
- 206 (52) "Paper ballot" means a paper that contains:
- 207 (a) the names of offices and candidates and statements of ballot propositions to be  
208 voted on; and
- 209 (b) spaces for the voter to record the voter's vote for each office and for or against each  
210 ballot proposition.
- 211 (53) "Political party" means an organization of registered voters that has qualified to  
212 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
213 and Procedures.

214 (54) (a) "Poll worker" means a person assigned by an election official to assist with an  
215 election, voting, or counting votes.

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

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

218 (55) "Pollbook" means a record of the names of voters in the order that they appear to  
219 cast votes.

220 (56) "Polling place" means the building where voting is conducted.

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

223 (58) "Presidential Primary Election" means the election established in Chapter 9, Part  
224 8, Presidential Primary Election.

225 (59) "Primary convention" means the political party conventions held during the year  
226 of the regular general election.

227 (60) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

230 (61) "Provider election officer" means an election officer who enters into a contract or  
231 interlocal agreement with a contracting election officer to conduct an election for the  
232 contracting election officer's local political subdivision in accordance with Section  
233 [20A-5-400.1](#).

234 (62) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

243 (65) "Receiving judge" means the poll worker that checks the voter's name in the  
244 official register, provides the voter with a ballot, and removes the ballot stub from the ballot



245 after the voter has voted.

246 (66) "Registration form" means a book voter registration form and a by-mail voter  
247 registration form.

248 (67) "Regular ballot" means a ballot that is not a provisional ballot.

249 (68) "Regular general election" means the election held throughout the state on the first  
250 Tuesday after the first Monday in November of each even-numbered year for the purposes  
251 established in Section 20A-1-201.

252 (69) "Regular primary election" means the election, held on the date specified in  
253 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan  
254 local school board positions to advance to the regular general election.

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

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

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

261 ~~[(73)]~~ (72) "Secrecy envelope" means the envelope given to a voter along with the  
262 ballot into which the voter places the ballot after the voter has voted it in order to preserve the  
263 secrecy of the voter's vote.

264 ~~[(74)]~~ (73) "Special election" means an election held as authorized by Section  
265 20A-1-203.

266 ~~[(75)]~~ (74) "Spoiled ballot" means each ballot that:

267 (a) is spoiled by the voter;

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

269 (c) lacks the official endorsement.

270 ~~[(76)]~~ (75) "Statewide special election" means a special election called by the governor  
271 or the Legislature in which all registered voters in Utah may vote.

272 ~~[(77)]~~ (76) "Stub" means the detachable part of each ballot.

273 ~~[(78)]~~ (77) "Substitute ballots" means replacement ballots provided by an election  
274 officer to the poll workers when the official ballots are lost or stolen.

275 ~~[(79)]~~ (78) "Ticket" means a list of:

- 276 (a) political parties;
- 277 (b) candidates for an office; or
- 278 (c) ballot propositions.
- 279 ~~[(80)]~~ (79) "Transfer case" means the sealed box used to transport voted ballots to the
- 280 counting center.
- 281 ~~[(81)]~~ (80) "Vacancy" means the absence of a person to serve in any position created
- 282 by statute, whether that absence occurs because of death, disability, disqualification,
- 283 resignation, or other cause.
- 284 ~~[(82)]~~ (81) "Valid voter identification" means:
- 285 (a) a form of identification that bears the name and photograph of the voter which may
- 286 include:
  - 287 (i) a currently valid Utah driver license;
  - 288 (ii) a currently valid identification card that is issued by:
    - 289 (A) the state; or
    - 290 (B) a branch, department, or agency of the United States;
  - 291 (iii) a currently valid Utah permit to carry a concealed weapon;
  - 292 (iv) a currently valid United States passport; or
  - 293 (v) a currently valid United States military identification card;
- 294 (b) one of the following identification cards, whether or not the card includes a
- 295 photograph of the voter:
  - 296 (i) a valid tribal identification card;
  - 297 (ii) a Bureau of Indian Affairs card; or
  - 298 (iii) a tribal treaty card; or
- 299 (c) two forms of identification not listed under Subsection ~~[(82)]~~ (81)(a) or (b) but that
- 300 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
- 301 which may include:
  - 302 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
  - 303 election;
  - 304 (ii) a bank or other financial account statement, or a legible copy thereof;
  - 305 (iii) a certified birth certificate;
  - 306 (iv) a valid social security card;

- 307 (v) a check issued by the state or the federal government or a legible copy thereof;
- 308 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 309 (vii) a currently valid Utah hunting or fishing license;
- 310 (viii) certified naturalization documentation;
- 311 (ix) a currently valid license issued by an authorized agency of the United States;
- 312 (x) a certified copy of court records showing the voter's adoption or name change;
- 313 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 314 (xii) a currently valid identification card issued by:
- 315 (A) a local government within the state;
- 316 (B) an employer for an employee; or
- 317 (C) a college, university, technical school, or professional school located within the
- 318 state; or

319 (xiii) a current Utah vehicle registration.

320 ~~[(83)]~~ (82) "Valid write-in candidate" means a candidate who has qualified as a

321 write-in candidate by following the procedures and requirements of this title.

322 ~~[(84)]~~ (83) "Voter" means a person who:

- 323 (a) meets the requirements for voting in an election;
- 324 (b) meets the requirements of election registration;
- 325 (c) is registered to vote; and
- 326 (d) is listed in the official register book.

327 ~~[(85)]~~ (84) "Voter registration deadline" means the registration deadline provided in

328 Section [20A-2-102.5](#).

329 ~~[(86)]~~ (85) "Voting area" means the area within six feet of the voting booths, voting

330 machines, and ballot box.

331 ~~[(87)]~~ (86) "Voting booth" means:

- 332 (a) the space or compartment within a polling place that is provided for the preparation
- 333 of ballots, including the voting machine enclosure or curtain; or
- 334 (b) a voting device that is free standing.

335 ~~[(88)]~~ (87) "Voting device" means:

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

- 338 (b) a device for marking the ballots with ink or another substance;
- 339 (c) an electronic voting device or other device used to make selections and cast a ballot
- 340 electronically, or any component thereof;
- 341 (d) an automated voting system under Section 20A-5-302; or
- 342 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 343 by means of automatic tabulating equipment.

344 ~~[(89)]~~ (88) "Voting machine" means a machine designed for the sole purpose of

345 recording and tabulating votes cast by voters at an election.

346 ~~[(90)]~~ (89) "Voting precinct" means the smallest voting unit established as provided by

347 law within which qualified voters vote at one polling place.

348 ~~[(91)]~~ (90) "Watcher" means an individual who complies with the requirements

349 described in Section 20A-3-201 to become a watcher for an election.

350 ~~[(92)]~~ (91) "Write-in ballot" means a ballot containing any write-in votes.

351 ~~[(93)]~~ (92) "Write-in vote" means a vote cast for a person whose name is not printed on

352 the ballot according to the procedures established in this title.

353 Section 2. Section 20A-3-106 is amended to read:

354 **20A-3-106. Writing in names -- Effect of unnecessary marking of cross.**

355 ~~[(1) When voting a paper ballot, any voter desiring to vote for all the candidates who~~

356 ~~are listed on the ballot as being from any one registered political party may:]~~

357 ~~[(a) mark in the circle or position above that political party;]~~

358 ~~[(b) mark in the squares or position opposite the names of all candidates for that party~~

359 ~~ticket; or]~~

360 ~~[(c) make both markings.]~~

361 ~~[(2) (a) When voting a ballot sheet, any voter desiring to vote for all the candidates~~

362 ~~who are listed on the ballot as being from any one registered political party may:]~~

363 ~~[(i) mark the selected party on the straight party page or section; or]~~

364 ~~[(ii) mark the name of each candidate from that party.]~~

365 ~~[(b) To vote for candidates from two or more political parties, the voter may:]~~

366 ~~[(i) mark in the squares or positions opposite the names of the candidates for whom the~~

367 ~~voter wishes to vote without marking in any circle; or]~~

368 ~~[(ii) indicate the voter's choice by:]~~

369 ~~[(A) marking in the circle or position above one political party; and]~~  
370 ~~[(B) marking in the squares or positions opposite the names of desired candidates who~~  
371 ~~are members of any party, are unaffiliated, or are listed without party name.]~~  
372 ~~[(3) (a) When voting an electronic ballot, any voter desiring to vote for all the~~  
373 ~~candidates who are listed on the ballot as being from any one registered political party may:]~~  
374 ~~[(i) select that party on the straight party selection area; or]~~  
375 ~~[(ii) select the name of each candidate from that party.]~~  
376 ~~[(b) To vote for candidates from two or more political parties, the voter may:]~~  
377 ~~[(i) select the names of the candidates for whom the voter wishes to vote without~~  
378 ~~selecting a political party in the straight party selection area; or]~~  
379 ~~[(ii) (A) select a political party in the straight party selection area; and]~~  
380 ~~[(B) select the names of the candidates for whom the voter wishes to vote who are~~  
381 ~~members of any party, are unaffiliated, or are listed without party name.]~~  
382 ~~[(4) In any election other than a primary election, if a voter voting a ballot has selected~~  
383 ~~or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote~~  
384 ~~for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall~~  
385 ~~select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.]~~  
386 ~~[(5) (1) (a) [The] A voter may cast a write-in vote on a paper ballot or ballot sheet by~~  
387 ~~writing the name of a valid write-in candidate in the blank write-in section of the ballot.~~  
388 ~~(b) A voter may not cast a write-in vote on a paper ballot or ballot sheet by affixing a~~  
389 ~~sticker or label with the name of a write-in candidate in the blank write-in section of the ballot.~~  
390 ~~[(6) (2) [The] A voter may cast a write-in vote on an electronic ballot by:~~  
391 ~~(a) marking the appropriate position opposite the area for entering a write-in candidate~~  
392 ~~for the office sought by the candidate for whom the voter wishes to vote; and~~  
393 ~~(b) entering the name of a valid write-in candidate in the write-in selection area.~~  
394 Section 3. Section **20A-4-102** is amended to read:  
395 **20A-4-102. Counting paper ballots after the polls close.**  
396 (1) (a) Except as provided in Subsection (2) or a rule made under Subsection  
397 **20A-4-101(2)(f)(i)**, as soon as the polls have been closed and the last qualified voter has voted,  
398 the election judges shall count the ballots by performing the tasks specified in this section in  
399 the order that they are specified.

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

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

403 (ii) as applicable, for an instant runoff voting race under [~~Title 20A, Chapter 4,~~] Part 6,  
404 Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

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

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

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

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

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

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

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

420 (3) The judges shall:

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

423 (b) seal that envelope or container.

424 (4) The judges shall:

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

427 (b) seal that envelope or container.

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

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

431 (i) count the number of ballots cast for each party;  
432 (ii) place the ballots cast for each party in separate piles; and  
433 (iii) count all the ballots for one party before beginning to count the ballots cast for  
434 other parties.

435 (6) (a) In all elections, the counting judges shall, except as provided in [~~Title 20A,~~  
436 ~~Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under  
437 Subsection [20A-4-101\(2\)\(f\)\(i\)](#):

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

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

444 [~~(iii)~~] (ii) count each vote for each write-in candidate who has qualified by filing a  
445 declaration of candidacy under Section [20A-9-601](#);

446 [~~(iv)~~] (iii) read every name marked on the ballot and mark every name upon the tally  
447 sheets before another ballot is counted;

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

450 [~~(vi)~~] (v) write the word "spoiled" on the back of each ballot that lacks the official  
451 endorsement and deposit it in the spoiled ballot envelope; and

452 [~~(vii)~~] (vi) read, count, and record upon the tally sheets the votes that each candidate  
453 and ballot proposition received from all ballots, except excess or spoiled ballots.

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

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

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

460 (7) Only an election judge and a watcher may be present at the place where counting is  
461 conducted until the count is completed.

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

463 **20A-4-105. Standards and requirements for evaluating voter's ballot choice.**

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

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

470 (2) Except as provided in Subsection [~~(11)~~] (10), Subsection ~~20A-3-105~~(5), or [~~Title~~  
471 ~~20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project, if a voter marks  
472 more names than there are individuals to be elected to an office, or if the counting judges  
473 cannot determine a voter's choice for an office, the counting judges may not count the voter's  
474 vote for that office.

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

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

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

481 [~~(4) (a) When a voter has marked a ballot so that it appears that the voter has voted~~  
482 ~~more than one straight ticket, the counting judges may not count any votes on the ballot for~~  
483 ~~party candidates.]~~

484 [~~(b) The counting judges shall count the remainder of the ballot if the remainder of the~~  
485 ~~ballot is voted correctly.]~~

486 [~~(5)~~] (4) Except as otherwise provided in [~~Title 20A, Chapter 4,~~] Part 6, Municipal  
487 Alternate Voting Methods Pilot Project, the counting judges may not reject a ballot marked by  
488 the voter because of marks on the ballot other than those marks allowed by this section unless  
489 the extraneous marks on a ballot show an intent by an individual to mark the individual's ballot  
490 so that the individual's ballot can be identified.

491 [~~(6)~~] (5) (a) In counting the ballots, the counting judges shall give full consideration to  
492 the intent of the voter.



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

496 ~~[(7)]~~ (6) The counting judges may not reject a ballot because of an error in:

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

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

499 ~~[(8)]~~ (7) The counting judges may not count a paper ballot that does not have the  
500 official endorsement by an election officer.

501 ~~[(9)]~~ (8) The counting judges may not count a ballot proposition vote or candidate vote  
502 for which the voter is not legally entitled to vote, as defined in Section 20A-4-107.

503 ~~[(10)]~~ (9) If the counting judges discover that the name of a candidate is misspelled on  
504 a ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole  
505 or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is  
506 apparent that the voter intended to vote for the candidate.

507 ~~[(11)]~~ (10) The counting judges shall count a vote for the president and the vice  
508 president of any political party as a vote for the presidential electors selected by the political  
509 party.

510 ~~[(12)]~~ (11) Except as otherwise provided in [~~Title 20A, Chapter 4,~~] Part 6, Municipal  
511 Alternate Voting Methods Pilot Project, in counting the valid write-in votes, if, by casting a  
512 valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote  
513 for that office, the counting judges shall count the valid write-in vote as being the obvious  
514 intent of the voter.

515 Section 5. Section **20A-5-302** is amended to read:

516 **20A-5-302. Automated voting system.**

517 (1) (a) Any county or municipal legislative body or local district board may:

518 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any  
519 automated voting system that meets the requirements of this section; and

520 (ii) use that system in any election, in all or a part of the voting precincts within its  
521 boundaries, or in combination with paper ballots.

522 (b) Nothing in this title shall be construed to require the use of electronic voting  
523 devices in local special elections, municipal primary elections, or municipal general elections.

524 (2) ~~(a)~~ Each automated voting system shall:  
525 ~~(i)~~ (a) provide for voting in secrecy, except in the case of voters who have received  
526 assistance as authorized by Section 20A-3-108;  
527 ~~(ii)~~ (b) permit each voter at any election to:  
528 ~~(A)~~ (i) vote for all persons and offices for whom and for which that voter is lawfully  
529 entitled to vote;  
530 ~~(B)~~ (ii) vote for as many persons for an office as that voter is entitled to vote; and  
531 ~~(C)~~ (iii) vote for or against any ballot proposition upon which that voter is entitled to  
532 vote;  
533 ~~(iii)~~ (c) permit each voter, at presidential elections, by one mark or punch to vote for  
534 the candidates of that party for president, vice president, and for their presidential electors;  
535 ~~(iv) permit each voter, at any regular general election, to vote for all the candidates of~~  
536 ~~one registered political party by making one mark or punch;]~~  
537 ~~(v) permit each voter to scratch vote;]~~  
538 ~~(vi)~~ (d) at elections other than primary elections, permit each voter to vote for the  
539 nominees of one or more parties and for independent candidates;  
540 ~~(vii)~~ (e) at primary elections:  
541 ~~(A)~~ (i) permit each voter to vote for candidates of the political party of the voter's  
542 choice; and  
543 ~~(B)~~ (ii) reject any votes cast for candidates of another party;  
544 ~~(viii)~~ (f) prevent the voter from voting for the same person more than once for the  
545 same office;  
546 ~~(ix)~~ (g) provide the opportunity for each voter to change the ballot and to correct any  
547 error before the voter casts the ballot in compliance with the Help America Vote Act of 2002,  
548 Pub. L. No. 107-252;  
549 ~~(x)~~ (h) include automatic tabulating equipment that rejects choices recorded on a  
550 voter's ballot if the number of the voter's recorded choices is greater than the number which the  
551 voter is entitled to vote for the office or on the measure;  
552 ~~(xi)~~ (i) be of durable construction, suitably designed so that it may be used safely,  
553 efficiently, and accurately in the conduct of elections and counting ballots;  
554 ~~(xii)~~ (j) when properly operated, record correctly and count accurately each vote cast;

555           ~~[(xiii)]~~ (k) for voting equipment certified after January 1, 2005, produce a permanent  
556 paper record that:

557           ~~[(A)]~~ (i) shall be available as an official record for any recount or election contest  
558 conducted with respect to an election where the voting equipment is used;

559           ~~[(B)]~~ ~~(F)~~ (ii) (A) shall be available for the voter's inspection prior to the voter leaving  
560 the polling place; and

561           ~~[(H)]~~ (B) shall permit the voter to inspect the record of the voter's selections  
562 independently only if reasonably practicable commercial methods permitting independent  
563 inspection are available at the time of certification of the voting equipment by the lieutenant  
564 governor;

565           ~~[(C)]~~ (iii) shall include, at a minimum, human readable printing that shows a record of  
566 the voter's selections;

567           ~~[(D)]~~ (iv) may also include machine readable printing which may be the same as the  
568 human readable printing; and

569           ~~[(E)]~~ (v) allows a watcher to observe the election process to ensure the integrity of the  
570 election process; and

571           ~~[(xiv)]~~ (l) meet the requirements of Section [20A-5-802](#).

572           ~~[(b)]~~ (3) For the purposes of a recount or an election contest, if the permanent paper  
573 record contains a conflict or inconsistency between the human readable printing and the  
574 machine readable printing, the human readable printing shall supercede the machine readable  
575 printing when determining the intent of the voter.

576           ~~[(e)]~~ (4) Notwithstanding any other provisions of this section, the election officers shall  
577 ensure that the ballots to be counted by means of electronic or electromechanical devices are of  
578 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable  
579 for use in the counting devices in which they are intended to be placed.

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

581           **20A-6-301. Paper ballots -- Regular general election.**

582           (1) Each election officer shall ensure that:

583           (a) all paper ballots furnished for use at the regular general election contain:

584           (i) no captions or other endorsements except as provided in this section;

585           (ii) no symbols, markings, or other descriptions of a political party or group, except for

586 a registered political party that has chosen to nominate its candidates in accordance with  
587 Section 20A-9-403; and

588 (iii) no indication that a candidate for elective office has been nominated by, or has  
589 been endorsed by, or is in any way affiliated with a political party or group, unless the  
590 candidate has been nominated by a registered political party in accordance with Subsection  
591 20A-9-202(4) or Subsection 20A-9-403(5)[:];

592 (b) immediately below the perforated ballot stub, the following endorsements are  
593 printed in 18 point bold type:

594 (i) "Official Ballot for \_\_\_\_ County, Utah";

595 (ii) the date of the election; and

596 (iii) the words "Clerk of \_\_\_\_\_ County" or, as applicable, the name of a  
597 combined office that includes the duties of a county clerk;

598 [~~(c)~~] the party name or title is printed in capital letters not less than one-fourth of an  
599 inch high;

600 [~~(d)~~] (c) unaffiliated candidates, candidates not affiliated with a registered political  
601 party, and all other candidates for elective office who were not nominated by a registered  
602 political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are  
603 listed with the other candidates for the same office in accordance with Section 20A-6-305,  
604 without a party name or title, and with a mark referencing the following statement at the  
605 bottom of the ticket: "This candidate is not affiliated with, or does not qualify to be listed on  
606 the ballot as affiliated with, a political party.";

607 [~~(e)~~] (d) each ticket containing the lists of candidates, including the party name and  
608 device, are separated by heavy parallel lines;

609 [~~(f)~~] (e) the offices to be filled are plainly printed immediately above the names of the  
610 candidates for those offices;

611 [~~(g)~~] (f) the names of candidates are printed in capital letters, not less than one-eighth  
612 nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point,  
613 between lines or rules three-eighths of an inch apart; and

614 [~~(h)~~] (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and  
615 in which a write-in candidate is qualified under Section 20A-9-601:

616 (i) the ballot includes a space for a write-in candidate immediately following the last

617 candidate listed on that ticket; or

618 (ii) for the offices of president and vice president and governor and lieutenant  
619 governor, the ballot includes two spaces for write-in candidates immediately following the last  
620 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in  
621 candidates.

622 (2) Each election officer shall ensure that:

623 (a) each person nominated by any registered political party under Subsection  
624 [20A-9-202](#)(4) or Subsection [20A-9-403](#)(5), and no other person, is placed on the ballot:

625 (i) under the registered political party's name, if any; or

626 (ii) under the title of the registered political party as designated by them in their  
627 certificates of nomination or petition, or, if none is designated, then under some suitable title;

628 (b) the names of all unaffiliated candidates that qualify as required in [~~Title 20A,~~]

629 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

630 (c) the names of the candidates for president and vice president are used on the ballot  
631 instead of the names of the presidential electors; and

632 (d) the ballots contain no other names.

633 (3) When the ballot contains a nonpartisan section, the election officer shall ensure  
634 that:

635 (a) the designation of the office to be filled in the election and the number of  
636 candidates to be elected are printed in type not smaller than eight point;

637 (b) the words designating the office are printed flush with the left-hand margin;

638 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for  
639 which the voter may vote)" extend to the extreme right of the column;

640 (d) the nonpartisan candidates are grouped according to the office for which they are  
641 candidates;

642 (e) the names in each group are placed in the order specified under Section [20A-6-305](#)  
643 with the surnames last; and

644 (f) each group is preceded by the designation of the office for which the candidates  
645 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
646 candidates for which the voter may vote)," according to the number to be elected.

647 (4) Each election officer shall ensure that:

648 (a) proposed amendments to the Utah Constitution are listed on the ballot in  
649 accordance with Section 20A-6-107;  
650 (b) ballot propositions submitted to the voters are listed on the ballot in accordance  
651 with Section 20A-6-107; and  
652 (c) bond propositions that have qualified for the ballot are listed on the ballot under the  
653 title assigned to each bond proposition under Section 11-14-206.

654 Section 7. Section 20A-6-305 is amended to read:  
655 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**  
656 **Publication -- Surname -- Exemptions -- Ballot order.**

657 (1) As used in this section, "master ballot position list" means an official list of the 26  
658 characters in the alphabet listed in random order and numbered from one to 26 as provided  
659 under Subsection (2).

660 (2) The lieutenant governor shall:

661 (a) within 30 days after the candidate filing deadline in each even-numbered year,  
662 conduct a random selection to create a master ballot position list for all elections in accordance  
663 with procedures established under Subsection (2)(c);

664 (b) publish the master ballot position list on the lieutenant governor's election website  
665 no later than 15 days after creating the list; and

666 (c) establish written procedures for:

667 (i) the election official to use the master ballot position list; and

668 (ii) the lieutenant governor in:

669 (A) conducting the random selection in a fair manner; and

670 (B) providing a record of the random selection process used.

671 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an  
672 election officer shall use the master ballot position list for the current year to determine the  
673 order in which to list candidates on the ballot for an election held during the year.

674 (4) To determine the order in which to list candidates on the ballot required under  
675 Subsection (3), the election officer shall apply the randomized alphabet using:

676 (a) the candidate's surname;

677 (b) for candidates with a surname that has the same spelling, the candidate's given  
678 name; and

679 (c) the surname of the president and the surname of the governor for an election for the  
680 offices of president and vice president and governor and lieutenant governor[~~;-and~~].

681 [~~(d) if the ballot provides for a ticket or a straight party ticket, the registered political~~  
682 ~~party name.~~]

683 (5) Subsections (1) through (4) do not apply to:

684 (a) an election for an office for which only one candidate is listed on the ballot; or

685 (b) a judicial retention election under Section [20A-12-201](#).

686 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall  
687 appear separately, in the following order:

688 [~~(a) a straight party ticket, where the voter may, with one mark, vote for all candidates~~  
689 ~~of one political party;~~]

690 [~~(b)~~] (a) for federal office:

691 (i) president and vice president of the United States;

692 (ii) United States Senate office; and

693 (iii) United States House of Representatives office;

694 [~~(c)~~] (b) for state office:

695 (i) governor and lieutenant governor;

696 (ii) attorney general;

697 (iii) state auditor;

698 (iv) state treasurer;

699 (v) state Senate office;

700 (vi) state House of Representatives office; and

701 (vii) State Board of Education member;

702 [~~(d)~~] (c) for county office:

703 (i) county executive office;

704 (ii) county legislative body member;

705 (iii) county assessor;

706 (iv) county or district attorney;

707 (v) county auditor;

708 (vi) county clerk;

709 (vii) county recorder;

- 710 (viii) county sheriff;
- 711 (ix) county surveyor;
- 712 (x) county treasurer; and
- 713 (xi) local school board member;
- 714 ~~(e)~~ (d) for municipal office:
- 715 (i) mayor; and
- 716 (ii) city or town council member;
- 717 ~~(f)~~ (e) elected planning and service district council member;
- 718 ~~(g)~~ (f) judicial retention questions; and
- 719 ~~(h)~~ (g) ballot propositions not described in Subsection (6)~~(g)~~(f).

720 (7) (a) A ticket for a race for a combined office shall appear on the ballot in the place  
 721 of the earliest ballot ticket position that is reserved for an office that is subsumed in the  
 722 combined office.

- 723 (b) Each ticket, other than a ticket described in Subsection (6)~~(g)~~(f), shall list:
- 724 (i) each candidate in accordance with Subsections (1) through (4); and
- 725 (ii) except as otherwise provided in this title, the party name, initials, or title following
- 726 each candidate's name.

727 Section 8. Section 20A-9-406 is amended to read:

728 **20A-9-406. Qualified political party -- Requirements and exemptions.**

729 The following provisions apply to a qualified political party:

730 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each  
 731 odd-numbered year, certify to the lieutenant governor the identity of one or more registered  
 732 political parties whose members may vote for the qualified political party's candidates and  
 733 whether unaffiliated voters may vote for the qualified political party's candidates;

734 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection  
 735 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified  
 736 political party;

737 (3) an individual may only seek the nomination of the qualified political party by using  
 738 a method described in Section 20A-9-407, Section 20A-9-408, or both;

739 (4) the qualified political party shall comply with the provisions of Sections  
 740 20A-9-407, 20A-9-408, and 20A-9-409;



741 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)~~(f)~~(e), or (2)(a), each election  
742 officer shall ensure that a ballot described in Section 20A-6-301 includes each individual  
743 nominated by a qualified political party:

744 (a) under the qualified political party's name, if any; or

745 (b) under the title of the qualified registered political party as designated by the  
746 qualified political party in the certification described in Subsection (1), or, if none is  
747 designated, then under some suitable title;

748 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for  
749 paper ballots in regular general elections, that each candidate who is nominated by the qualified  
750 political party is listed by party;

751 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that  
752 the party designation of each candidate who is nominated by the qualified political party is  
753 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

754 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that  
755 the party designation of each candidate who is nominated by the qualified political party is  
756 displayed adjacent to the candidate's name on an electronic ballot;

757 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also  
758 includes an individual who files a declaration of candidacy under Section 20A-9-407 or  
759 20A-9-408 to run in a regular general election for a federal office, constitutional office,  
760 multicounty office, or county office;

761 (10) an individual who is nominated by, or seeking the nomination of, the qualified  
762 political party is not required to comply with Subsection 20A-9-201(1)(c);

763 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled  
764 to have each of the qualified political party's candidates for elective office appear on the  
765 primary ballot of the qualified political party with an indication that each candidate is a  
766 candidate for the qualified political party;

767 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include  
768 on the list provided by the lieutenant governor to the county clerks:

769 (a) the names of all candidates of the qualified political party for federal, constitutional,  
770 multicounty, and county offices; and

771 (b) the names of unopposed candidates for elective office who have been nominated by

772 the qualified political party and instruct the county clerks to exclude such candidates from the  
773 primary-election ballot;

774 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an  
775 elective office in the regular primary election of the qualified political party is nominated by  
776 the party for that office without appearing on the primary ballot; and

777 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section  
778 20A-9-405, the qualified political party is entitled to have the names of its candidates for  
779 elective office featured with party affiliation on the ballot at a regular general election.

780 Section 9. Section 63I-2-220 is amended to read:

781 **63I-2-220. Repeal dates -- Title 20A.**

782 (1) On January 1, 2021:

783 (a) Subsection 20A-1-201.5(1), the language that states "Except as provided in  
784 Subsection (4)," is repealed.

785 (b) Subsection 20A-1-201.5(4) is repealed.

786 (c) Subsections 20A-1-204(1)(a)(i) through (iii) are repealed and replaced with the  
787 following:

788 "(i) the fourth Tuesday in June; or

789 (ii) the first Tuesday after the first Monday in November."

790 (d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii),  
791 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection  
792 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.

793 (e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:

794 "(b) Unless expressly provided otherwise in this title, for a registered political party  
795 that is not a qualified political party, the deadline for filing a declaration of candidacy for an  
796 elective office that is to be filled at the next regular general election is 5 p.m. on the first  
797 Monday after the third Saturday in April.";

798 (f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:

799 "(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after  
800 the third Saturday in April."

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

802 (3) Section 20A-5-804 is repealed July 1, 2023.

803 (4) On January 1, 2026:

804 (a) In Subsection 20A-1-102(22)(a), the language that states "or Title 20A, Chapter 4,  
805 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

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

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

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

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

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

818 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section  
819 20A-3-105 are renumbered accordingly.

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

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

823 (j) Subsection 20A-4-101(3) is repealed and replaced with the following:

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

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

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

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

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

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

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

839 (p) In Subsections 20A-4-105(3), [~~5~~] (4), and [~~12~~] (11), the language that states  
840 "Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting  
841 Methods Pilot Project," is repealed.

842 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter  
843 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

844 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title  
845 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

846 (s) Subsection 20A-4-304(2)(e) is repealed and replaced with the following:

847 "(v) from each voting precinct:

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

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

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

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

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

857 (w) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in  
858 Subsection (3) are renumbered accordingly.

859 (x) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in  
860 Subsection (4) are renumbered accordingly.

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

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

864 (ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered

865 accordingly.

866 (z) Section 20A-6-203.5 is repealed.

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

870 (bb) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter  
871 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

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

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

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

879 (5) Section 20A-7-407 is repealed January 1, 2021.

880 Section 10. Section 67-1a-2 is amended to read:

881 **67-1a-2. Duties enumerated.**

882 (1) The lieutenant governor shall:

883 (a) perform duties delegated by the governor, including assignments to serve in any of  
884 the following capacities:

885 (i) as the head of any one department, if so qualified, with the consent of the Senate,  
886 and, upon appointment at the pleasure of the governor and without additional compensation;

887 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
888 law for the purpose of advising the governor or coordinating intergovernmental or  
889 interdepartmental policies or programs;

890 (iii) as liaison between the governor and the state Legislature to coordinate and  
891 facilitate the governor's programs and budget requests;

892 (iv) as liaison between the governor and other officials of local, state, federal, and  
893 international governments or any other political entities to coordinate, facilitate, and protect the  
894 interests of the state;

895 (v) as personal advisor to the governor, including advice on policies, programs,

896 administrative and personnel matters, and fiscal or budgetary matters; and  
897 (vi) as chairperson or member of any temporary or permanent boards, councils,  
898 commissions, committees, task forces, or other group appointed by the governor;  
899 (b) serve on all boards and commissions in lieu of the governor, whenever so  
900 designated by the governor;  
901 (c) serve as the chief election officer of the state as required by Subsection (2);  
902 (d) keep custody of the Great Seal of Utah;  
903 (e) keep a register of, and attest, the official acts of the governor;  
904 (f) affix the Great Seal, with an attestation, to all official documents and instruments to  
905 which the official signature of the governor is required; and  
906 (g) furnish a certified copy of all or any part of any law, record, or other instrument  
907 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests  
908 it and pays the fee.  
909 (2) (a) As the chief election officer, the lieutenant governor shall:  
910 (i) exercise general supervisory authority over all elections;  
911 (ii) exercise direct authority over the conduct of elections for federal, state, and  
912 multicounty officers and statewide or multicounty ballot propositions and any recounts  
913 involving those races;  
914 (iii) assist county clerks in unifying the election ballot;  
915 (iv) (A) prepare election information for the public as required by statute and as  
916 determined appropriate by the lieutenant governor; and  
917 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to  
918 news media on the Internet and in other forms as required by statute or as determined  
919 appropriate by the lieutenant governor;  
920 (v) receive and answer election questions and maintain an election file on opinions  
921 received from the attorney general;  
922 (vi) maintain a current list of registered political parties as defined in Section  
923 [20A-8-101](#);  
924 (vii) maintain election returns and statistics;  
925 (viii) certify to the governor the names of those persons who have received the highest  
926 number of votes for any office;

927 (ix) ensure that all voting equipment purchased by the state complies with the  
928 requirements of [Subsection] Sections 20A-5-302~~[(2) and Sections]~~, 20A-5-802, and  
929 20A-5-803;

930 (x) conduct the study described in Section 67-1a-14;

931 (xi) during a declared emergency, to the extent that the lieutenant governor determines  
932 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location  
933 relating to:

934 (A) voting on election day;

935 (B) early voting;

936 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

937 (D) the counting of an absentee ballot or military-overseas ballot; or

938 (E) the canvassing of election returns; and

939 (xii) perform other election duties as provided in Title 20A, Election Code.

940 (b) As chief election officer, the lieutenant governor may not assume the  
941 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election  
942 officials by Title 20A, Election Code.

943 (3) (a) The lieutenant governor shall:

944 (i) determine a new municipality's classification under Section 10-2-301 upon the city's  
945 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the  
946 municipality's population using the population estimate from the Utah Population Committee;  
947 and

948 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs  
949 based on the municipality's population; and

950 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
951 municipality's legislative body.

952 (b) The lieutenant governor shall:

953 (i) determine the classification under Section 10-2-301 of a consolidated municipality  
954 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,  
955 Consolidation of Municipalities, using population information from:

956 (A) each official census or census estimate of the United States Bureau of the Census;

957 or

958 (B) the population estimate from the Utah Population Committee, if the population of a  
959 municipality is not available from the United States Bureau of the Census; and

960 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality  
961 belongs based on the municipality's population; and

962 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
963 consolidated municipality's legislative body.

964 (c) The lieutenant governor shall:

965 (i) determine a new metro township's classification under Section [10-2-301.5](#) upon the  
966 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro  
967 Townships and Unincorporated Islands in a County of the First Class on and after May 12,  
968 2015, based on the metro township's population using the population estimates from the Utah  
969 Population Committee; and

970 (ii) prepare a certificate indicating the class in which the new metro township belongs  
971 based on the metro township's population and, within 10 days after preparing the certificate,  
972 deliver a copy of the certificate to the metro township's legislative body.

973 (d) The lieutenant governor shall monitor the population of each municipality using  
974 population information from:

975 (i) each official census or census estimate of the United States Bureau of the Census; or

976 (ii) the population estimate from the Utah Population Committee, if the population of a  
977 municipality is not available from the United States Bureau of the Census.

978 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a  
979 municipality's population has increased beyond the population for its current class, the  
980 lieutenant governor shall:

981 (i) prepare a certificate indicating the class in which the municipality belongs based on  
982 the increased population figure; and

983 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
984 legislative body of the municipality whose class has changed.

985 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a  
986 municipality's population has decreased below the population for its current class, the  
987 lieutenant governor shall send written notification of that fact to the municipality's legislative  
988 body.



989           (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
990 population has decreased below the population for its current class, the lieutenant governor  
991 shall:

992           (A) prepare a certificate indicating the class in which the municipality belongs based  
993 on the decreased population figure; and

994           (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
995 legislative body of the municipality whose class has changed.