

# HB0070S01 compared with HB0070

~~text~~ shows text that was in HB0070 but was deleted in HB0070S01.

text shows text that was not in HB0070 but was inserted into HB0070S01.

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Senator Curtis S. Bramble proposes the following substitute bill:

## REPEAL OF ~~SINGLE-MARK~~ SINGLE-MARK STRAIGHT TICKET

### VOTING

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patrice M. Arent**

Senate Sponsor: ~~\_\_\_\_\_~~ Curtis S. Bramble

Cosponsors:

<u>Dan N. Johnson</u>	<u>Rex P. Shipp</u>
<u>Cheryl K. Acton</u>	<u>Lawanna Shurtliff</u>
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<u>Joel K. Briscoe</u>	<u>Jeffrey D. Stenquist</u>
<u>Walt Brooks</u>	<u>Andrew Stoddard</u>
<u>Jennifer Dailey-Provost</u>	<u>Steve Waldrip</u>
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<u>Craig Hall</u>	<u>Christine F. Watkins</u>
<u>Suzanne Harrison</u>	<u>Elizabeth Weight</u>
<u>Jon Hawkins</u>	<u>Mark A. Wheatley</u>
<u>Sandra Hollins</u>	<u>Mike Winder</u>
<u>Eric K. Hutchings</u>	

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### LONG TITLE

#### General Description:

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

#### Highlighted Provisions:

This bill:

- ▶ removes provisions from the Election Code that allow an individual to cast a vote for all candidates from one political party without voting for the candidates individually;
- ▶ removes provisions relating to straight ticket party voting and scratch voting; and
- ▶ makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

~~{ None }~~ [This bill provides a coordination clause.](#)

#### Utah Code Sections Affected:

AMENDS:

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

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

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

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

**20A-5-302**, as last amended by Laws of Utah 2018, Chapter 274

**20A-6-301**, as last amended by Laws of Utah 2018, Chapter 274

**20A-6-305**, as last amended by Laws of Utah 2017, Chapter 275

**20A-9-406**, as last amended by Laws of Utah 2018, Chapter 274

**63I-2-220**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

**67-1a-2**, as last amended by Laws of Utah 2019, Chapter 165

#### [Utah Code Sections Affected by Coordination Clause:](#)

[20A-3-106](#), as last amended by Laws of Utah 2019, Chapter 142

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

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

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

As used in this title:

- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.
- (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes.
  - (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.
- (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:
  - (a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and
  - (b) are used in conjunction with ballot sheets that do not display that information.
- (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
  - (a) an opinion question specifically authorized by the Legislature;
  - (b) a constitutional amendment;
  - (c) an initiative;
  - (d) a referendum;
  - (e) a bond proposition;
  - (f) a judicial retention question;
  - (g) an incorporation of a city or town; or
  - (h) any other ballot question specifically authorized by the Legislature.
- (6) "Ballot sheet":
  - (a) means a ballot that:
    - (i) consists of paper or a card where the voter's votes are marked or recorded; and
    - (ii) can be counted using automatic tabulating equipment; and
  - (b) includes punch card ballots and other ballots that are machine-countable.

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(7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) does not include:

(i) deadlines established for absentee voting; or

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

(22) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303 or Chapter 1, Part 6,

~~[Election Offenses - Generally;]~~ Municipal Alternate Voting Methods Pilot Project;

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

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

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

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

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

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

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

(b) act as the presiding election judge; or

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

(27) "Election officer" means:

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

(b) the county clerk for:

(i) a county ballot and election; and

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

(c) the municipal clerk for:

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- (i) a municipal ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (d) the local district clerk or chief executive officer for:
  - (i) a local district ballot and election; and
  - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
- (e) the business administrator or superintendent of a school district for:
  - (i) a school district ballot and election; and
  - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- (28) "Election official" means any election officer, election judge, or poll worker.
- (29) "Election results" means:
  - (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
  - (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
- (30) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
- (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.
- (32) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.
  - (b) "Electronic voting device" includes a direct recording electronic voting device.
- (34) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).
- (35) "Judicial office" means the office filled by any judicial officer.

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

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

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

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

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

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

(42) "Municipal executive" means:

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

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

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

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

(44) "Municipal legislative body" means:

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

(b) the council of a metro township.

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

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

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

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

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

(50) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

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

(i) the poll worker's initials; and

(ii) the ballot number.

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

(52) "Paper ballot" means a paper that contains:

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

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

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

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

(b) "Poll worker" includes election judges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(80)]~~ (79) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

~~[(81)]~~ (80) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification,

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resignation, or other cause.

~~[(82)]~~ (81) "Valid voter identification" means:

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

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

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

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

(c) two forms of identification not listed under Subsection ~~[(82)]~~ (81)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

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

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

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(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

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

(xiii) a current Utah vehicle registration.

~~[(83)]~~ (82) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

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

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

~~[(85)]~~ (84) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

~~[(86)]~~ (85) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

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

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

(b) a voting device that is free standing.

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

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

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

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

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

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

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

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recording and tabulating votes cast by voters at an election.

~~[(90)]~~ (89) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

~~[(91)]~~ (90) "Watcher" means an individual who complies with the requirements described in Section 20A-3-201 to become a watcher for an election.

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

~~[(93)]~~ (92) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

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

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

~~[(1) When voting a paper ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:]~~

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

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

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

~~[(2) (a) When voting a ballot sheet, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:]~~

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

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

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

~~[(i) mark in the squares or positions opposite the names of the candidates for whom the voter wishes to vote without marking in any circle; or]~~

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

~~[(A) marking in the circle or position above one political party; and]~~

~~[(B) marking in the squares or positions opposite the names of desired candidates who are members of any party, are unaffiliated, or are listed without party name.]~~

~~[(3) (a) When voting an electronic ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:]~~

~~[(i) select that party on the straight party selection area; or]~~

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

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

~~[(i) select the names of the candidates for whom the voter wishes to vote without selecting a political party in the straight party selection area; or]~~

~~[(ii) (A) select a political party in the straight party selection area; and]~~

~~[(B) select the names of the candidates for whom the voter wishes to vote who are members of any party, are unaffiliated, or are listed without party name.]~~

~~[(4) In any election other than a primary election, if a voter voting a ballot has selected or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall select or mark the ballot next to the name of the candidate for whom the voter wishes to vote:]~~

~~[(5)] (1) (a) [The] A voter may cast a write-in vote on a paper ballot or ballot sheet by writing the name of a valid write-in candidate in the blank write-in section of the ballot.~~

(b) A voter may not cast a write-in vote on a paper ballot or ballot sheet by affixing a sticker or label with the name of a write-in candidate in the blank write-in section of the ballot.

~~[(6)] (2) [The] A voter may cast a write-in vote on an electronic ballot by:~~

(a) marking the appropriate position opposite the area for entering a write-in candidate for the office sought by the candidate for whom the voter wishes to vote; and

(b) entering the name of a valid write-in candidate in the write-in selection area.

Section 3. Section **20A-4-102** is amended to read:

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

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

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

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

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

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

(b) (i) If there are more ballots in the ballot box than there are names entered in the

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pollbook, the judges shall examine the official endorsements on the ballots.

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

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

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

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

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

(3) The judges shall:

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

(b) seal that envelope or container.

(4) The judges shall:

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

(b) seal that envelope or container.

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

(b) In regular primary elections the judges shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) If the counting judges disagree on the disposition of a vote recorded on a ballot that

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is adjudicated under this section, the counting judges may not count the vote.

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

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

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

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

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

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

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

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

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

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

(a) stamping or writing an official endorsement; or

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

[(8)] (7) The counting judges may not count a paper ballot that does not have the

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official endorsement by an election officer.

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

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

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

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

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

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

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

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

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

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

(2) ~~[(a)]~~ Each automated voting system shall:

~~[(i)]~~ (a) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3-108;

~~[(ii)]~~ (b) permit each voter at any election to:

~~[(A)]~~ (i) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;

~~[(B)]~~ (ii) vote for as many persons for an office as that voter is entitled to vote; and

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~~[(C)]~~ (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

~~[(iii)]~~ (c) permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and for their presidential electors;

~~[(iv)] permit each voter, at any regular general election, to vote for all the candidates of one registered political party by making one mark or punch;~~

~~[(v)] permit each voter to scratch vote;~~

~~[(vi)]~~ (d) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

~~[(vii)]~~ (e) at primary elections:

~~[(A)]~~ (i) permit each voter to vote for candidates of the political party of the voter's choice; and

~~[(B)]~~ (ii) reject any votes cast for candidates of another party;

~~[(viii)]~~ (f) prevent the voter from voting for the same person more than once for the same office;

~~[(ix)]~~ (g) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;

~~[(x)]~~ (h) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;

~~[(xi)]~~ (i) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

~~[(xii)]~~ (j) when properly operated, record correctly and count accurately each vote cast;

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

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

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

~~[(H)]~~ (B) shall permit the voter to inspect the record of the voter's selections

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independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;

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

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

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

~~[(xiv)]~~ (1) meet the requirements of Section 20A-5-802.

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

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

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

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

(1) Each election officer shall ensure that:

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

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

(ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and

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

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

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printed in 18 point bold type:

- (i) "Official Ballot for \_\_\_\_ County, Utah";
- (ii) the date of the election; and
- (iii) the words "Clerk of \_\_\_\_\_ County" or, as applicable, the name of a

combined office that includes the duties of a county clerk;

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

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

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

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

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

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

(i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or

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

(2) Each election officer shall ensure that:

(a) each person nominated by any registered political party under Subsection

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20A-9-202(4) or Subsection 20A-9-403(5), and no other person, is placed on the ballot:

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

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

(b) the names of all unaffiliated candidates that qualify as required in [~~Title 20A,~~]  
Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

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

(d) the ballots contain no other names.

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

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

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

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

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

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

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

(4) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107; and

(c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

Section 7. Section **20A-6-305** is amended to read:

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### 20A-6-305. Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions -- Ballot order.

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

(2) The lieutenant governor shall:

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

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

(c) establish written procedures for:

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

(ii) the lieutenant governor in:

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

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

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

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

(a) the candidate's surname;

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

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

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

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

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

(b) a judicial retention election under Section 20A-12-201.

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

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

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

- (i) president and vice president of the United States;
- (ii) United States Senate office; and
- (iii) United States House of Representatives office;

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

- (i) governor and lieutenant governor;
- (ii) attorney general;
- (iii) state auditor;
- (iv) state treasurer;
- (v) state Senate office;
- (vi) state House of Representatives office; and
- (vii) State Board of Education member;

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

- (i) county executive office;
- (ii) county legislative body member;
- (iii) county assessor;
- (iv) county or district attorney;
- (v) county auditor;
- (vi) county clerk;
- (vii) county recorder;
- (viii) county sheriff;
- (ix) county surveyor;
- (x) county treasurer; and
- (xi) local school board member;

~~[(e)]~~ (d) for municipal office:

- (i) mayor; and
- (ii) city or town council member;

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~~(f)~~ (e) elected planning and service district council member;

~~(g)~~ (f) judicial retention questions; and

~~(h)~~ (g) ballot propositions not described in Subsection (6)~~(g)~~(f).

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

(b) Each ticket, other than a ticket described in Subsection (6)~~(g)~~(f), shall list:

(i) each candidate in accordance with Subsections (1) through (4); and

(ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.

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

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

The following provisions apply to a qualified political party:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the names of unopposed candidates for elective office who have been nominated by the qualified political party and instruct the county clerks to exclude such candidates from the primary-election ballot;

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

(14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political party is entitled to have the names of its candidates for

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elective office featured with party affiliation on the ballot at a regular general election.

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

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

(1) On January 1, 2021:

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

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

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

"(i) the fourth Tuesday in June; or

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

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

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

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

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

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

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

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

(4) On January 1, 2026:

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

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

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

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instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Methods Pilot Project," is repealed.

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

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

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

"(v) from each voting precinct:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The lieutenant governor shall:

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

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

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

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

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

(v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and

(vi) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;

(b) serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;

(c) serve as the chief election officer of the state as required by Subsection (2);

(d) keep custody of the Great Seal of Utah;

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(e) keep a register of, and attest, the official acts of the governor;

(f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

(g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.

(2) (a) As the chief election officer, the lieutenant governor shall:

(i) exercise general supervisory authority over all elections;

(ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those races;

(iii) assist county clerks in unifying the election ballot;

(iv) (A) prepare election information for the public as required by statute and as determined appropriate by the lieutenant governor; and

(B) make the information under Subsection (2)(a)(iv)(A) available to the public and to news media on the Internet and in other forms as required by statute or as determined appropriate by the lieutenant governor;

(v) receive and answer election questions and maintain an election file on opinions received from the attorney general;

(vi) maintain a current list of registered political parties as defined in Section 20A-8-101;

(vii) maintain election returns and statistics;

(viii) certify to the governor the names of those persons who have received the highest number of votes for any office;

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

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

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

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- (A) voting on election day;
- (B) early voting;
- (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- (D) the counting of an absentee ballot or military-overseas ballot; or
- (E) the canvassing of election returns; and
- (xii) perform other election duties as provided in Title 20A, Election Code.

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

(3) (a) The lieutenant governor shall:

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

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

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

(b) The lieutenant governor shall:

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

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

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

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

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

(c) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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### Section 11. Coordinating H.B. 70 with H.B. 36 -- Substantive and technical amendments.

If this H.B. 70 and H.B. 36, Election Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by renumbering and amending Section 20A-3-106 to Section 20A-3a-206, to read:

#### "~~[20A-3-106.]~~ 20A-3a-206. ~~[Voting straight ticket -- Splitting ballot --]~~ Writing in names -- Effect of unnecessary marking of cross.

~~[(1) When voting a paper ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:]~~

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

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

~~[(c) make both markings:]~~

~~[(2) (a) When voting a ballot sheet, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:]~~

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

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

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

~~[(i) mark in the squares or positions opposite the names of the candidates for whom the voter wishes to vote without marking in any circle; or]~~

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

~~[(A) marking in the circle or position above one political party; and]~~

~~[(B) marking in the squares or positions opposite the names of desired candidates who are members of any party, are unaffiliated, or are listed without party name:]~~

~~[(3) (a) When voting an electronic ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:]~~

~~[(i) select that party on the straight party selection area; or]~~

~~[(ii) select the name of each candidate from that party:]~~

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

~~[(i) select the names of the candidates for whom the voter wishes to vote without~~

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selecting a political party in the straight party selection area; or]

[(ii) (A) select a political party in the straight party selection area; and]

[(B) select the names of the candidates for whom the voter wishes to vote who are members of any party, are unaffiliated, or are listed without party name.]

[(4) In any election other than a primary election, if a voter voting a ballot has selected or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote for a person on another party ticket for an office, or for an unaffiliated candidate, the voter shall select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.]

[(5) (1) (a) [The] A voter may cast a write-in vote on a [paper ballot or ballot sheet] manual ballot by writing the name of a valid write-in candidate in the blank write-in section of the ballot.

(b) A voter may not cast a write-in vote on a [paper ballot or ballot sheet] manual ballot by affixing a sticker or label with the name of a write-in candidate in the blank write-in section of the ballot.

[(6) (2) [The] A voter may cast a write-in vote on [an electronic] a mechanical ballot by:

(a) marking the appropriate position opposite the area for entering a write-in candidate for the office sought by the candidate for whom the voter wishes to vote; and

(b) entering the name of a valid write-in candidate in the write-in selection area."