

1 **MUNICIPAL ALTERNATIVE VOTING METHODS PILOT**

2 **PROJECT AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jeffrey D. Stenquist**

6 Senate Sponsor: Curtis S. Bramble

7 Cosponsors: Mike Winder

8 Jennifer Dailey-Provost

9

10 **LONG TITLE**

11 **General Description:**

12 This bill amends provisions relating to the Municipal Alternative Voting Methods Pilot
13 Project.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ provides that the legislative body of a municipality makes the determination to
17 participate in the pilot project;
- 18 ▶ removes the sunset date for a provision relating to a municipality entering into a
19 contract with a county to conduct an election; and
- 20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides a special effective date.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **20A-4-602**, as last amended by Laws of Utah 2019, Chapter 305

28 **20A-5-400.1**, as last amended by Laws of Utah 2019, Chapter 305

29 **63I-2-220**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17



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

32 Section 1. Section **20A-4-602** is amended to read:

33 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**
34 **Participation.**

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

36 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.

37 (3) (a) A municipality may participate in the pilot project, in accordance with the
38 requirements of this section and all other applicable provisions of law, during any
39 odd-numbered year that the pilot project is in effect, if, before ~~[April 15]~~ the second Monday in
40 May of the odd-numbered year, the legislative body of the municipality:

41 (i) votes to participate; and

42 (ii) provides written notice to the lieutenant governor~~[-(i)] and the county clerk~~ stating
43 that the municipality intends to participate in the pilot project for the year specified in the
44 notice~~[-and]~~.

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

48 (b) ~~[A]~~ The legislative body of a municipality that provides the notice of intent
49 described in Subsection (3)(a) may withdraw the notice of intent, and not participate in the
50 pilot project, if the legislative body of the municipality provides written notice of withdrawal to
51 the lieutenant governor and the county clerk before ~~[April 15]~~ the second Monday in May.

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

54 (5) (a) An election officer of a participating municipality shall, in accordance with the

55 provisions of this part, conduct a multi-candidate race during the municipal general election
 56 using instant runoff voting.

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

60 (c) A municipality that has in effect an ordinance described in Subsection
 61 20A-9-404(3) or (4) may not participate in the pilot project.

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

68 Section 2. Section 20A-5-400.1 is amended to read:

69 **20A-5-400.1. Contracting with an election officer to conduct elections -- Fees --**
 70 **Contracts and interlocal agreements -- Private providers.**

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

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

77 (c) [~~Subject to Subsection (1)(d), and upon~~] Upon approval by the lieutenant governor,
 78 a municipality may enter into a contract or agreement under Subsection (1)(a) with any local
 79 political subdivision in the state, regardless of whether the municipality is located in, next to, or
 80 near, the local political subdivision, to conduct an election during which the municipality is
 81 participating in the Municipal Alternate Voting Methods Pilot Project.

82 ~~[(d) (i) Subsection (1)(c) only applies to an election held in 2019.]~~
83 ~~[(ii)]~~ (d) If a municipality enters into a contract or agreement, under Subsection (1)(c),
84 with a local political subdivision other than a county within which the municipality exists, the
85 municipality, the local political subdivision, and the county within which the municipality
86 exists shall enter into a cooperative agreement to ensure the proper functioning of the election.

- 87 (2) A provider election officer shall conduct an election:
88 (a) under the direction of the contracting election officer; and
89 (b) in accordance with a contract or interlocal agreement.
90 (3) A provider election officer shall establish fees for conducting an election for a
91 contracting election officer that:
92 (a) are consistent with the contract or interlocal agreement; and
93 (b) do not exceed the actual costs incurred by the provider election officer.
94 (4) The contract or interlocal agreement under this section may specify that a
95 contracting election officer request, within a specified number of days before the election, that
96 the provider election officer conduct the election to allow adequate preparations by the
97 provider election officer.
98 (5) An election officer conducting an election may appoint or employ an agent or
99 professional service to assist in conducting the election.

100 Section 3. Section **63I-2-220** is amended to read:

101 **63I-2-220. Repeal dates -- Title 20A.**

- 102 (1) On January 1, 2021:
103 (a) Subsection [20A-1-201.5](#)(1), the language that states "Except as provided in
104 Subsection (4)," is repealed.
105 (b) Subsection [20A-1-201.5](#)(4) is repealed.
106 (c) Subsections [20A-1-204](#)(1)(a)(i) through (iii) are repealed and replaced with the
107 following:
108 "(i) the fourth Tuesday in June; or

- 109 (ii) the first Tuesday after the first Monday in November."
- 110 (d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii),
111 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection
112 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.
- 113 (e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:
114 "(b) Unless expressly provided otherwise in this title, for a registered political party
115 that is not a qualified political party, the deadline for filing a declaration of candidacy for an
116 elective office that is to be filled at the next regular general election is 5 p.m. on the first
117 Monday after the third Saturday in April."[:].
- 118 (f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:
119 "(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
120 the third Saturday in April."
- 121 (2) Subsection 20A-5-803(8) is repealed July 1, 2023.
- 122 (3) Section 20A-5-804 is repealed July 1, 2023.
- 123 [~~(4) On January 1, 2026:~~]
- 124 [~~(a) In Subsection 20A-1-102(18)(a), the language that states "or Chapter 4, Part 6,
125 Municipal Alternate Voting Methods Pilot Project" is repealed.]~~]
- 126 [~~(b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as
127 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
128 repealed.]~~]
- 129 [~~(c) In Section 20A-1-304, the language that states "Except for a race conducted by
130 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
131 Pilot Project," is repealed.]~~]
- 132 [~~(d) In Subsection 20A-3a-204(1)(a), (c), or (d), the language that states "except as
133 provided in Subsection (6)," is repealed.]~~]
- 134 [~~(e) Subsection 20A-3a-204 (5)(b), the language that states "subject to Subsection (6),"
135 is repealed.]~~]

136 [~~(f) Subsection 20A-3a-204(6) is repealed and the remaining subsections in Section~~
137 ~~20A-3a-204 are renumbered accordingly.~~]

138 [~~(g) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in~~
139 ~~Subsection (2)(f)," is repealed.~~]

140 [~~(h) Subsection 20A-4-101(2)(f) is repealed.~~]

141 [~~(i) Subsection 20A-4-101(3) is repealed and replaced with the following:~~]

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

144 [~~(j) In Subsection 20A-4-102(1)(b), the language that states "or a rule made under~~
145 ~~Subsection 20A-4-101(2)(f)(i)" is repealed.~~]

146 [~~(k) Subsection 20A-4-102(1)(c) is repealed and replaced with the following:~~]

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

149 [~~(l) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in~~
150 ~~Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection~~
151 ~~20A-4-101(2)(f)(i)" is repealed.~~]

152 [~~(m) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise~~
153 ~~provided in Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.~~]

154 [~~(n) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3a-204(6),~~
155 ~~or Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.~~]

156 [~~(o) In Subsections 20A-4-105(3), (4), and (11), the language that states "Except as~~
157 ~~otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.~~]

158 [~~(p) In Subsection 20A-4-106(2), the language that states "or Title 20A, Chapter 4, Part~~
159 ~~6, Municipal Alternate Voting Methods Pilot Project" is repealed.~~]

160 [~~(q) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Part~~
161 ~~6, Municipal Alternate Voting Methods Pilot Project," is repealed.~~]

162 [~~(r) Subsection 20A-4-304(2)(c) is repealed and replaced with the following:~~]

163 [~~(v) from each voting precinct;~~]
164 [~~(A) the number of votes for each candidate; and~~]
165 [~~(B) the number of votes for and against each ballot proposition;".~~]
166 [~~(s) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection~~
167 ~~(1) are renumbered accordingly, and the cross-references to those subsections are renumbered~~
168 ~~accordingly.~~]
169 [~~(t) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is~~
170 ~~repealed.~~]
171 [~~(u) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local~~
172 ~~political subdivision to conduct an election, is repealed.~~]
173 [~~(v) In Section 20A-5-802, relating to the certification of voting equipment:~~]
174 [~~(i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of~~
175 ~~Subsection (2); and~~]
176 [~~(ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered~~
177 ~~accordingly.~~]
178 [~~(w) Section 20A-6-203.5 is repealed.~~]
179 [~~(x) In Subsections 20A-6-402(1) and (2), the language that states "Except as otherwise~~
180 ~~required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,~~
181 ~~Municipal Alternate Voting Methods Pilot Project," is repealed.~~]
182 [~~(y) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter~~
183 ~~4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.~~]
184 [~~(z) In Subsection 20A-9-203(3)(c)(i), the language that states "except as provided in~~
185 ~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.~~]
186 [~~(aa) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,~~
187 ~~Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.~~]
188 [~~(bb) In Subsection 20A-9-404(2), the language that states "Except as otherwise~~
189 ~~provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is~~

190 repealed.]

191 (4) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
192 repealed January 1, 2026.

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

194 (6) Section 20A-1-310 is repealed January 1, 2021.

195 Section 4. **Effective date.**

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