MUNICIPAL ALTERNATIVE VOTING METHODS PILOT
PROJECT AMENDMENTS
2021 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jeffrey D. Stenquist
Senate Sponsor: Curtis S. Bramble
Cosponsors: Mike Winder
Jennifer Dailey-Provost

LONG TITLE
General Description:
This bill amends provisions relating to the Municipal Alternative Voting Methods Pilot Project.

Highlighted Provisions:
This bill:
- provides that the legislative body of a municipality makes the determination to participate in the pilot project;
- removes the sunset date for a provision relating to a municipality entering into a contract with a county to conduct an election; and
- makes technical and conforming changes.

Money Appropriated in this Bill:
None

Other Special Clauses:
This bill provides a special effective date.

Utah Code Sections Affected:
AMENDS: 20A-4-602, as last amended by Laws of Utah 2019, Chapter 305
Be it enacted by the Legislature of the state of Utah:

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


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

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

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

(i) votes to participate; and

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

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

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

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

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

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

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

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

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

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

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

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

  (c) [Subject to Subsection (1)(d), and upon] Upon approval by the lieutenant governor,
a municipality may enter into a contract or agreement under Subsection (1)(a) with any local
political subdivision in the state, regardless of whether the municipality is located in, next to, or
near, the local political subdivision, to conduct an election during which the municipality is
participating in the Municipal Alternate Voting Methods Pilot Project.
(d) (i) Subsection (1)(c) only applies to an election held in 2019.

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

(2) A provider election officer shall conduct an election:
   (a) under the direction of the contracting election officer; and
   (b) in accordance with a contract or interlocal agreement.

(3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:
   (a) are consistent with the contract or interlocal agreement; and
   (b) do not exceed the actual costs incurred by the provider election officer.

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

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

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

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

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

[(i) 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.".]

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

[(k) Subsection 20A-4-102(1)(c) 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.".]

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

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

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

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

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

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

[(r) 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;:

(s) 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:

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

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

(v) 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:

(w) Section 20A-6-203.5 is repealed:

(x) In Subsections 20A-6-402(1) and (2), 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:

(y) 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:

(z) 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:

(aa) 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:

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

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

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

Section 4. Effective date.

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