

HB0127S01 compared with HB0127

~~{deleted text}~~ shows text that was in HB0127 but was deleted in HB0127S01.

inserted text shows text that was not in HB0127 but was inserted into HB0127S01.

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~~{RANKED-CHOICE}~~ Representative Mike Winder proposes the following substitute bill:

RANKED-CHOICE VOTING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires ranked-choice voting to be used in certain regular primary elections for federal, state, or county office.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires ranked-choice voting to be used in regular primary elections for all races for federal, state, or county office where the number of candidates participating in the primary race exceeds the number of candidates to be nominated in the primary race by two or more;
- ▶ describes requirements for ranked-choice voting relating to the form of ballots, casting ballots, counting ballots, determining the nominees, and recording results;

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and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 20A-1-303**, as last amended by Laws of Utah 2018, Chapter 187
- 20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187
- 20A-3a-204**, as enacted by Laws of Utah 2020, Chapter 31
- 20A-4-101**, as last amended by Laws of Utah 2020, Chapter 31
- 20A-4-102**, as last amended by Laws of Utah 2020, Chapters 31 and 49
- 20A-4-105**, as last amended by Laws of Utah 2020, Chapters 31 and 49
- 20A-4-106**, as last amended by Laws of Utah 2020, Chapter 31
- 20A-4-304**, as last amended by Laws of Utah 2019, Chapters 255 and 433
- 20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31
- 20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305
- 20A-6-203.5**, as enacted by Laws of Utah 2018, Chapter 187
- 20A-9-101**, as last amended by Laws of Utah 2020, Chapter 344
- 20A-9-402**, as last amended by Laws of Utah 1996, Second Special Session, Chapter 3
- 20A-9-403**, as last amended by Laws of Utah 2020, Chapter 22
- 20A-9-406**, as last amended by Laws of Utah 2020, Chapters 22, 31, and 49
- 20A-9-409**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296
- 63I-2-220**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17

ENACTS:

- 20A-9-401.1**, Utah Code Annotated 1953
- 20A-9-412**, Utah Code Annotated 1953
- 20A-9-413**, Utah Code Annotated 1953
- 20A-9-414**, Utah Code Annotated 1953

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20A-9-415, Utah Code Annotated 1953

20A-9-416, Utah Code Annotated 1953

20A-9-417, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

20A-9-401.2, (Renumbered from 20A-9-401, as enacted by Laws of Utah 1994, Chapter 1)

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

Section 1. Section **20A-1-303** is amended to read:

20A-1-303. Determining results.

(1) (a) Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417, when one person is to be elected or nominated, the person receiving the highest number of votes at any:

- (i) election for any office to be filled at that election is elected to that office; and
- (ii) primary for nomination for any office is nominated for that office.

(b) Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417, when more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:

- (i) election for any office to filled at that election are elected to that office; and
- (ii) primary for nomination for any office are nominated for that office.

(2) Any ballot proposition submitted to voters for their approval or rejection:

- (a) passes if the number of "yes" votes is greater than the number of "no" votes; and
- (b) fails if:

- (i) the number of "yes" votes equal the number of "no" votes; or
- (ii) the number of "no" votes is greater than the number of "yes" votes.

Section 2. Section **20A-1-304** is amended to read:

20A-1-304. Tie votes.

Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or ranked-choice voting under Sections 20A-9-412 through 20A-9-417, if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall, in a public meeting held

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within 30 days after the day on which the canvass is completed, determine the candidate selected, by lot, in the presence of each candidate subject to the tie.

Section 3. Section **20A-3a-204** is amended to read:

20A-3a-204. Marking and depositing ballots.

(1) To vote by mail:

(a) except as provided in Subsection (6) or (7), the voter shall prepare the voter's manual ballot by marking the appropriate space with a mark opposite the name of each candidate of the voter's choice for each office to be filled;

(b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the appropriate space with a mark opposite the answer the voter intends to make;

(c) except as provided in Subsection (6), the voter shall record a write-in vote in accordance with Subsection 20A-3a-206(1);

(d) except as provided in Subsection (6), a mark is not required opposite the name of a write-in candidate; and

(e) the voter shall:

(i) complete and sign the affidavit on the return envelope;

(ii) place the voted ballot in the return envelope;

(iii) securely seal the return envelope; and

(iv) (A) attach postage, if necessary, and deposit the return envelope in the mail; or

(B) place the return envelope in a ballot drop box, designated by the election officer, for the precinct where the voter resides.

(2) (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is mailed must be:

(i) clearly postmarked before election day, or otherwise clearly marked by the post office as received by the post office before election day; and

(ii) received in the office of the election officer before noon on the day of the official canvass following the election.

(b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls close on election day, be deposited in:

(i) a ballot box at a polling place; or

(ii) a ballot drop box designated by an election officer for the jurisdiction to which the

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ballot relates.

(c) An election officer may, but is not required to, forward a ballot deposited in a ballot drop box in the wrong jurisdiction to the correct jurisdiction.

(d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to deposit the ballot in the ballot drop box.

(3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after complying with Subsections (1)(a) through (d):

(a) sign the official register or pollbook; and

(b) (i) place the ballot in the ballot box; or

(ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope, complete the information printed on the provisional ballot envelope, and deposit the provisional ballot envelope in the provisional ballot box.

(4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

(b) An individual other than an individual with a disability may vote a mechanical ballot at a polling place if permitted by the election officer.

(5) To vote a mechanical ballot, the voter shall:

(a) make the selections according to the instructions provided for the voting device;

and

(b) subject to Subsection (6), record a write-in vote by:

(i) selecting the appropriate position for entering a write-in candidate; and

(ii) using the voting device to enter the name of the valid write-in candidate for whom the voter wishes to vote.

(6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a voter:

(a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's first preference for the office; and

(b) may indicate, as directed on the ballot, the names of the remaining candidates in order of the voter's preference.

(7) To vote in a ranked-choice voting race under Section 20A-9-412 or 20A-9-413, a voter:

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(a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's first preference for the office; and

(b) may indicate, as directed on the ballot:

(i) if there are five or fewer candidates for the office, the names of the remaining candidates in order of the voter's preference; or

(ii) if there are six or more candidates for the office, the names of up to four of the remaining candidates in order of the voter's preference.

~~[(7)]~~ (8) A voter who votes at a polling place:

(a) shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting; and

(b) may not:

(i) occupy a voting booth occupied by another, except as provided in Section 20A-3a-208;

(ii) remain within the voting area more than 10 minutes; or

(iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy a voting booth.

~~[(8)]~~ (9) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.

~~[(9)]~~ (10) A poll worker may not, at a polling place, allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:

(a) election officials;

(b) watchers; or

(c) assisting voters with a disability.

Section 4. Section **20A-4-101** is amended to read:

20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at polling place on day of election before polls close.

(1) Each county legislative body, municipal legislative body, and each poll worker shall comply with the requirements of this section when counting manual ballots on the day of an election, if:

(a) the ballots are cast at a polling place; and

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(b) the ballots are counted at the polling place before the polls close.

(2) (a) Each county legislative body or municipal legislative body shall provide:

(i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have been appointed; and

(ii) a counting room for the use of the poll workers counting the ballots during the day.

(b) At any election in any voting precinct in which both receiving and counting judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:

(i) close the first ballot box and deliver it to the counting judges; and

(ii) prepare and use another ballot box to receive voted ballots.

(c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting judges shall:

(i) take the ballot box to the counting room;

(ii) count the votes on the regular ballots in the ballot box;

(iii) place the provisional ballot envelopes in the envelope or container provided for them for return to the election officer; and

(iv) when they have finished counting the votes in the ballot box, return the emptied box to the receiving judges.

(d) (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the receiving judges shall deliver that ballot box to the counting judges for counting; and

(ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots contained in that box.

(e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.

(f) (i) The director of elections within the Office of the Lieutenant Governor shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, describing the procedures that a counting judge is required to follow for counting ballots in an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a ranked-choice voting race under Sections 20A-9-412 through 20A-9-417.

(ii) When counting ballots in an instant runoff voting race described in Title 20A,

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Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

(iii) When counting ballots in a ranked-choice voting race for a regular primary election, a counting judge shall comply with the applicable procedures established under Subsection (2)(f)(i) and Sections 20A-9-412 through 20A-9-417.

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

(a) to the extent applicable, Section 20A-4-105; [~~and~~]

(b) 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)[~~;~~]; and

(c) as applicable, for a ranked-choice voting race in a regular primary election, Section 20A-9-417.

Section 5. Section **20A-4-102** is amended to read:

20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at polling place on day of election after polls close.

(1) (a) This section governs counting manual ballots on the day of an election, if:

(i) the ballots are cast at a polling place; and

(ii) the ballots are counted at the polling place after the polls close.

(b) 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.

(c) 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 Part 6, Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3)[~~;~~]; and

(iii) as applicable, for a ranked-choice voting race in a regular primary election, Section 20A-9-417.

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

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(b) (i) If there are more ballots in the ballot box than there are names entered in the 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 Part 6, Municipal Alternate Voting Methods Pilot Project, Sections 20A-9-412 through 20A-9-417, or

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a rule made under Subsection 20A-4-101(2)(f)(i):

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

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

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

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

(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

(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 6. 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 manual ballot, two counting judges jointly adjudicate the ballot, except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417, 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 is adjudicated under this section, the counting judges may not count the vote.

(2) Except as provided in Subsection (10), Subsection 20A-3a-204(6) or (7), [~~or~~] Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through

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20A-9-417, 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 Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417, the counting judges shall count a defective or incomplete mark on a manual 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) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417, 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.

(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 3a, Voting.

(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.

(7) The counting judges may not count a manual ballot that does not have the official endorsement by an election officer.

(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.

(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.

(10) The counting judges shall count a vote for the president and the vice president of

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any political party as a vote for the presidential electors selected by the political party.

(11) Except as otherwise provided in 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 7. Section **20A-4-106** is amended to read:

20A-4-106. Manual ballots -- Sealing.

(1) After the official canvas of an election, the election officer shall store all election returns in containers that identify the containers' contents.

(2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except when examined during a recount conducted under the authority of Section 20A-4-401 [~~or~~], Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or Section 20A-9-414.

Section 8. Section **20A-4-304** is amended to read:

20A-4-304. Declaration of results -- Canvassers' report.

(1) Each board of canvassers shall:

(a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417, declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to

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the lieutenant governor; and

(d) if applicable, certify the results of each local district election to the local district clerk.

(2) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:

(a) the total number of votes cast in the board's jurisdiction;

(b) the names of each candidate whose name appeared on the ballot;

(c) the title of each ballot proposition that appeared on the ballot;

(d) each office that appeared on the ballot;

(e) from each voting precinct:

(i) the number of votes for each candidate;

(ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, or ranked-choice voting under Sections 20A-9-412 through 20A-9-417, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each canvassing phase; and

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

(f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;

(g) the number of ballots that were rejected; and

(h) a statement certifying that the information contained in the report is accurate.

(3) The election officer and the board of canvassers shall:

(a) review the report to ensure that it is correct; and

(b) sign the report.

(4) The election officer shall:

(a) record or file the certified report in a book kept for that purpose;

(b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;

(c) publish a copy of the certified report in accordance with Subsection (5); and

(d) file a copy of the certified report with the lieutenant governor.

(5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publish the

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certified report described in Subsection (2):

- (a) (i) at least once in a newspaper of general circulation within the jurisdiction;
 - (ii) if there is no newspaper of general circulation within the jurisdiction, by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or
 - (iii) by mailing notice to each residence within the jurisdiction;
 - (b) on the Utah Public Notice Website created in Section 63F-1-701, for one week;
 - (c) in accordance with Section 45-1-101, for one week; and
 - (d) if the jurisdiction has a website, on the jurisdiction's website for one week.
- (6) Instead of publishing the entire certified report under Subsection (5), the election officer may publish a statement that:

(a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and

(b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:

- (i) if the jurisdiction has a website, the jurisdiction's website;
- (ii) the physical address for the jurisdiction; and
- (iii) a mailing address and telephone number.

(7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:

(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and

(b) transmit the separate report by registered mail to the lieutenant governor.

(8) In each county election, municipal election, school election, local district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.

(9) In a regular primary election and in a presidential primary election, the board shall transmit to the lieutenant governor:

(a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant

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governor not later than the second Tuesday after the election; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Section 9. Section **20A-4-401** is amended to read:

20A-4-401. Recounts -- Procedure.

(1) (a) This section does not apply to a race conducted by instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or ranked-choice voting under Sections 20A-9-412 through 20A-9-417.

(b) Except as provided in Subsection (1)(c), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all candidates in the race, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(c) For a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall file the request:

(i) for a municipal primary election, with the municipal clerk, before 5 p.m. within three days after the canvass; or

(ii) for all other elections, before 5 p.m. within seven days after the canvass with:

(A) the municipal clerk, if the election is a municipal general election;

(B) the local district clerk, if the election is a local district election;

(C) the county clerk, for races voted on entirely within a single county; or

(D) the lieutenant governor, for statewide races and multicounty races.

(e) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

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(iv) for a race where only one candidate may win, declare elected the candidate who receives the highest number of votes on the recount; and

(v) for a race where multiple candidates may win, declare elected the applicable number of candidates who receive the highest number of votes on the recount.

(2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for or against the proposition, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall file the request with:

- (i) the municipal clerk, if the election is a municipal election;
- (ii) the local district clerk, if the election is a local district election;
- (iii) the county clerk, for propositions voted on entirely within a single county; or
- (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

(d) The election officer shall:

- (i) supervise the recount;
- (ii) recount all ballots cast for that ballot proposition or bond proposition;
- (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

Disposition of Ballots; and

(iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.

(e) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.

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(f) The voters requesting the recount shall pay the costs of the recount.

(3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.

(4) (a) Upon completion of the recount, the election officer shall immediately convene the board of canvassers.

(b) The board of canvassers shall:

(i) canvass the election returns for the race or proposition that was the subject of the recount; and

(ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.

(c) If the recount is for a statewide or multicounty race or for a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection 20A-4-304 (7).

(d) The canvassers' report prepared as provided in this Subsection (4) is the official result of the race or proposition that is the subject of the recount.

Section 10. Section **20A-5-802** is amended to read:

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

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

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

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

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

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

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

(A) are generally accepted in the industry at the time the lieutenant governor reviews the voting equipment for certification; and

(B) meet the requirements of Subsection (2)(a)(ii);

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(ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require that a voting system:

- (A) is accurate and reliable;
- (B) possesses established and maintained access controls;
- (C) has not been fraudulently manipulated or tampered with;
- (D) is able to identify fraudulent or erroneous changes to the voting equipment; and
- (E) protects the secrecy of a voter's ballot; and

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

- (A) the United States Election Assistance Commission; or
- (B) a laboratory that has been accredited by the United States Election Assistance Commission to test voting equipment.

(b) (i) Voting equipment used in the state may include technology that allows for ranked-choice voting.

(ii) The lieutenant governor may, for voting equipment used for ranked-choice voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417 certify voting equipment that has been successfully used within the United States or a territory of the United States for ranked-choice voting for a race for federal office.

Section 11. Section **20A-6-203.5** is amended to read:

20A-6-203.5. Ranked-choice or instant runoff voting ballot.

(1) If, in a regular primary election, at least one of the races is conducted by ranked-choice voting under Sections 20A-9-412 through 20A-9-417, the portion of the ballot relating to that race shall:

(a) list each candidate who qualifies to be placed on the election ballot for that race;

and

(b) opposite each candidate's name, include a place where a voter can indicate the voter's vote in order of preference, as described in Sections 20A-9-412 through 20A-9-417:

(i) for each candidate, if there are five or fewer candidates for the office; or

(ii) for up to five candidates, if there are six or more candidates for the office.

(2) If, in an election, at least one of the races is conducted by instant runoff voting

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under [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the portion of the ballot relating to that race shall:

~~[(1)]~~ (a) list each candidate who qualifies to be placed on the election ballot for that race;

~~[(2)]~~ (b) opposite each candidate's name, include a place where a voter can indicate the voter's vote in order of preference for each candidate, as described in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project; and

~~[(3)]~~ (c) provide the ability for a voter to enter a write-in candidate's name and indicate the voter's ordered preference for the write-in candidate.

Section 12. Section **20A-9-101** is amended to read:

20A-9-101. Definitions.

As used in this chapter:

(1) (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;

(ii) presidential elector;

(iii) any political party offices; and

(iv) municipal or local district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

(4) (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.

(b) "County office" does not mean:

(i) the office of justice or judge of any court of record or not of record;

(ii) the office of presidential elector;

(iii) any political party offices;

(iv) any municipal or local district offices; and

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(v) the office of United States Senator and United States Representative.

(5) "Federal office" means an elective office for United States Senator and United States Representative.

(6) "Filing officer" means:

(a) the lieutenant governor, for:

(i) the office of United States Senator and United States Representative; and

(ii) all constitutional offices;

(b) for the office of a state senator or state representative, the lieutenant governor or the applicable clerk described in Subsection (6)(c) or (d);

(c) the county clerk, for county offices and local school district offices;

(d) the county clerk in the filer's county of residence, for multicounty offices;

(e) the city or town clerk, for municipal offices; or

(f) the local district clerk, for local district offices.

(7) "Local district office" means an elected office in a local district.

(8) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.

(9) (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.

(b) "Multicounty office" does not mean:

(i) a county office;

(ii) a federal office;

(iii) the office of justice or judge of any court of record or not of record;

(iv) the office of presidential elector;

(v) any political party offices; or

(vi) any municipal or local district offices.

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

(11) (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.

(b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.

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(12) "Qualified political party" means a registered political party that:

(a) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or

(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;

(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;

(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d) (i) if the registered political party is a continuing political party, no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

(13) "Unopposed" means:

(a) in relation to a race other than a multi-candidate race described in Sections 20A-9-212 through 20A-9-417, that:

(i) no individual other than the candidate receives a certification from the applicable filing officer for the regular primary election ballot of the candidate's registered political party for a particular office; or

(ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive from the applicable filing officer for the regular primary election of the candidate's registered political party does not exceed the total number of

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candidates to be elected or nominated for that office; or

(b) in relation to a multi-candidate race described in Sections 20A-9-212 through 20A-9-417:

(i) for a partisan race, that no individual, other than the candidate, qualifies for the regular primary election ballot of the candidate's registered political party for a particular office; or

(ii) for a nonpartisan race, no more than two candidates will qualify for the regular general election ballot.

Section 13. Section **20A-9-401.1** is enacted to read:

20A-9-401.1. Definitions.

As used in this part:

(1) "Candidate amplifier" means the product of:

(a) two less than the total number of candidates in a given canvassing phase of a multi-candidate race; and

(b) .02%.

(2) "Multi-candidate race" means a race where:

(a) for the nomination for a partisan office, the number of candidates who qualify for the race exceeds two; or

(b) for the nomination for a non-partisan office, the number of candidates who qualify for the race exceeds three.

(3) "Recount threshold" means the sum of the candidate amplifier and the following:

(a) for a canvassing phase in which fewer than 100 valid votes are counted, 0.21%;

(b) for a canvassing phase in which at least 100, but fewer than 500, valid votes are counted, 0.19%;

(c) for a canvassing phase in which at least 500, but fewer than 1,000, valid votes are counted, 0.17%;

(d) for a canvassing phase in which at least 1,000, but fewer than 5,000, valid votes are counted, 0.15%;

(e) for a canvassing phase in which at least 5,000, but fewer than 10,000, valid votes are counted, 0.13%; and

(f) for a canvassing phase in which 10,000 or more valid votes are counted, 0.11%.

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(4) "Valid" means that the ballot is marked in a manner that permits the vote to be counted during the applicable ballot-counting phase.

Section 14. Section **20A-9-401.2**, which is renumbered from Section 20A-9-401 is renumbered and amended to read:

~~[20A-9-401].~~ **20A-9-401.2. Primary elections.**

(1) This part shall be construed liberally so as to ensure full opportunity for persons to become candidates and for voters to express their choice.

(2) This part may not be construed to govern or regulate the internal procedures of a registered political party.

Section 15. Section **20A-9-402** is amended to read:

20A-9-402. General requirements for all regular primary elections.

(1) Except as provided in Subsection (2), the lieutenant governor, county clerks, and election judges shall follow the procedures and requirements of this title in administering primary elections.

(2) An election official shall conduct a multi-candidate race held during a regular primary election by ranked choice voting, in accordance with the requirements of this part, for the following offices:

(a) president and vice president of the United States;

(b) United States senator;

(c) United States representative;

(~~f~~~~a~~~~d~~) governor, lieutenant governor, attorney general, state auditor, and state treasurer;

(~~f~~~~b~~~~e~~) state senate and state representative;

(~~f~~~~c~~~~f~~) state school board member;

(~~f~~~~d~~~~g~~) local school board member; and

(~~f~~~~e~~~~h~~) a county elected office.

~~[(2)]~~ (3) If there is any conflict between any provision of this part and any other sections in [~~Title 20A, Election Code~~] this title, this part takes precedence.

Section 16. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

(1) (a) Candidates for elective office that are to be filled at the next regular general

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election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The regular primary election is held on the date specified in Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

(b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.

(c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

(d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.

(2) (a) Each registered political party, in a statement filed with the lieutenant governor, shall:

(i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and

(ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.

(b) (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.

(ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered

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political party files the petition described in Section 20A-8-103.

(3) (a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a set of nomination petitions that was:

(i) circulated and completed in accordance with Section 20A-9-405; and

(ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.

(b) (i) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.

(ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.

(c) (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.

(ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.

(d) The filing officer shall:

(i) verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;

(ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);

(iii) consider active and inactive voters eligible to sign nomination petitions;

(iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter

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registration form; and

(v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).

(e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

(i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.

(4) (a) Before the deadline described in Subsection 20A-9-409(4)~~(c)~~(b), the lieutenant governor shall provide to the county clerks:

(i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and

(ii) a list of unopposed candidates for elective office who have been nominated by a

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registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.

(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.

(c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June ____, _____ (year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
Attest: county clerk."

(5) For a regular primary race other than a race described in Subsection 20A-9-402(2):

(a) ~~[A]~~ a candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

(i) nominated for that office by the candidate's registered political party; or

(ii) for a nonpartisan local school board position, nominated for that office~~[-]:~~

(b) ~~[Hf]~~ if two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions~~[-]:~~

~~[(c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:]~~

~~[(A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or]~~

~~[(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.]~~

~~[(ii) A]~~ (c) for a partisan race, a candidate who is unopposed for [an elective] office in the regular primary election of a registered political party is nominated by the party for that

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office without appearing on the primary election ballot[.];

(d) for a nonpartisan race, a candidate who is unopposed for office in the regular primary election is nominated to appear on the regular general election ballot;

~~[(6)(a) When]~~ (e) except as provided in Subsection (6), when a tie vote occurs ~~[in any primary election for any]~~ for a national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines[.]; and

~~[(b) When]~~ (f) except as provided in Subsection (6), when a tie vote occurs ~~[in any primary election for any]~~ for a county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(6) For a regular primary race described in Subsection 20A-9-402(2), a candidate's nomination is determined, and any tie broken, in accordance with Sections 20-9-412 through 20A-9-417.

(7) The expense of providing all ballots, blanks, or other supplies to be used at ~~[any]~~ a regular primary election ~~[provided for by this section]~~, and all expenses necessarily incurred in the preparation for or the conduct of that regular primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

(8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

Section 17. 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 following provisions do not apply to a nomination for the qualified political party:

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(a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a); and

~~[(b) Subsection 20A-9-403(5)(c); and]~~

~~[(c)]~~ (b) Section 20A-9-405;

(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)(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;

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

(7) notwithstanding Subsection 20A-6-304(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 a mechanical ballot;

(8) "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;

(9) 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);

(10) 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;

(11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include

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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;

(12) ~~[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

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

Section 18. Section **20A-9-409** is amended to read:

20A-9-409. Primary election provisions relating to qualified political party.

(1) The regular primary election is held on the date specified in Section 20A-1-201.5.

(2) (a) A qualified political party that nominates ~~[one or more candidates for an elective]~~ more than one candidate for a particular office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the primary election for that office.

~~[(b) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.]~~

~~[(c)]~~ (b) A qualified political party that nominates one or more candidates for an ~~[elective]~~ office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.

~~[(d)]~~ (c) A qualified political party that has two or more candidates qualify as candidates for an ~~[elective]~~ office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.

(3) ~~[Notwithstanding Subsection (2), in]~~ In an opt-in county, as defined in Section

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17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election for a county commission office if:

(a) there is more than one:

- (i) open position as defined in Section 17-52a-201; or
- (ii) midterm vacancy as defined in Section 17-52a-201; and

(b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.

~~[(4)(a) As used in this Subsection (4), a candidate is "unopposed" if:]~~

~~[(i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or]~~

~~[(ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.]~~

~~[(b)]~~ (4) (a) Before the deadline described in Subsection (4)~~[(c)]~~(b), the lieutenant governor shall:

(i) provide to the county clerks:

(A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; ~~[and]~~

(B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and

(C) a list of unopposed candidates for nonpartisan office; and

(ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.

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

Section 19. Section **20A-9-412** is enacted to read:

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20A-9-412. Ranked-choice voting -- Partisan, multi-candidate, regular primary race.

(1) This section applies to a partisan, multi-candidate race held during a regular primary election to nominate a candidate to compete in the regular general election.

(2) For a race described in Subsection (1), the election officer shall:

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

(ii) if, after complying with Section 20A-9-414, one of the candidates receives more than 50% of the valid first preference votes counted, declare that candidate nominated;

(b) if, after counting the valid first preference votes for each candidate, and complying with Section 20A-9-414, no candidate receives more than 50% of the valid first preference votes counted, conduct the second ballot-counting phase by:

(i) excluding from the multi-candidate race:

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

(B) in the event of a tie for the fewest valid first preference votes counted, one of the tied candidates, determined by the election officer by lot, in accordance with Section 20A-9-415;

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

(iii) if, after adding the votes in accordance with Subsection (2)(b)(ii) and complying with Section 20A-9-414, one candidate receives more than 50% of the valid votes counted, declaring that candidate nominated; and

(c) if, after adding the valid second preference votes in accordance with Subsection (2)(b)(ii) and complying with Section 20A-9-414, no candidate receives more than 50% of the valid votes counted, conduct subsequent ballot-counting phases by continuing the process described in Subsection (2)(b) until a candidate receives more than 50% of the valid votes counted, as follows:

(i) after complying with Section 20A-9-414, excluding from consideration the candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section

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

(iii) after complying with Section 20A-9-414:

(A) declaring nominated the first candidate who receives more than 50% of the valid votes counted under the process described in Subsections (2)(c)(i) and (ii); or

(B) if the last two remaining candidates tie, breaking the tie, by lot, in accordance with Section 20A-9-415, and declaring the winner of the tie break nominated.

Section 20. Section **20A-9-413** is enacted to read:

20A-9-413. Ranked-choice voting -- Nonpartisan, multi-candidate, regular primary race.

(1) This section applies to a nonpartisan, multi-candidate race held during a regular primary election to nominate two candidates to compete in the regular general election.

(2) For a race described in Subsection (1), the election officer shall:

(a) conduct the first ballot-counting phase by:

(i) counting the valid first preference votes for each candidate;

(ii) after complying with Section 20A-9-414, excluding from the race:

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

(B) in the event of a tie for the fewest valid first preference votes counted, one of the tied candidates, determined by the election officer, by lot, in accordance with Section 20A-9-415; and

(iii) if, after complying with Subsection (2)(a)(ii), only two candidates remain, declaring the remaining candidates nominated;

(b) if, after complying with Subsection (2)(a)(ii), more than two candidates remain, conduct the second-ballot counting phase by:

(i) adding, to the valid first preference votes received by the remaining candidates, the valid second preference votes cast for the remaining candidates by the voters who cast a valid first preference vote for the excluded candidate;

(ii) after complying with Section 20A-9-414, excluding from the race:

(A) the candidate who receives the fewest valid votes under Subsection (2)(b)(i); or

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(B) in the event of a tie for the fewest valid votes received, one of the tied candidates, determined by the election officer, by lot, in accordance with Section 20A-9-415; and

(iii) if, after complying with Subsection (2)(b)(ii), only two candidates remain, declaring the remaining candidates nominated; and

(c) if, after complying with Subsection (2)(b)(ii), more than two candidates remain, conduct subsequent counting phases by continuing the process described in Subsection (2)(b) until only two candidates remain, as follows:

(i) after complying with Section 20A-9-414, excluding from consideration the candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section 20A-9-415;

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

(iii) after complying with Subsection (2)(c)(ii) and Section 20A-9-414:

(A) if only two candidates remain, declaring the remaining candidates nominated; or

(B) if, after all preference votes have been counted, more than two candidates remain due to a tie, breaking the tie, by lot, in accordance with Section 20A-9-415 and declaring the two remaining candidates nominated.

Section 21. Section **20A-9-414** is enacted to read:

20A-9-414. Recount for ranked-choice voting.

Except as provided in Subsection 20A-9-416(2), a recount is required before excluding a candidate from a race under Section 20A-9-412 or 20A-9-413, if the difference between the number of votes counted for the candidate who receives the fewest valid votes in the applicable ballot-counting phase of the race and the number of votes counted for any other candidate in the same ballot-counting phase is equal to or less than the product of the following, rounded up to the nearest whole number:

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

(2) the recount threshold.

Section 22. Section **20A-9-415** is enacted to read:

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20A-9-415. Breaking a tie for ranked-choice voting.

(1) The election officer shall break a tie, by lot, in the manner determined by the election officer, in accordance with Subsection (2).

(2) The election officer shall:

(a) cast or draw the lot in the presence of at least two election officials and any counting poll watchers who are present and desire to witness the casting or drawing of the lot; and

(b) sign a public document that identifies:

(i) the tied individuals for whom the lots are cast or drawn;

(ii) the time, date, and place of the casting or drawing of the lot;

(iii) the race and, if applicable, the ballot-counting phase, of the election for which the tie is broken;

(iv) the method used for casting or drawing the lot;

(v) the result of the lot; and

(vi) the name of the election officer, election officials, and counting poll watchers who witness the casting or drawing of the lot.

Section 23. Section **20A-9-416** is enacted to read:

20A-9-416. Batch elimination.

(1) In any ballot count conducted under Section 20A-9-412 or 20A-9-413, the election officer may exclude candidates through batch elimination by, instead of excluding only one candidate in a ballot-counting phase, excluding each candidate:

(a) for which the number of remaining candidates with more valid votes than that candidate is greater than or equal to the number of candidates to be nominated; and

(b) (i) for which the number of valid votes counted for the candidate in the phase plus the number of votes counted for all candidates with fewer valid votes in the phase is less than the number of valid votes for the candidate with the next highest amount of valid votes in the phase; or

(ii) who has fewer valid votes in the phase than a candidate who is excluded under Subsection (1)(b)(i).

(2) The requirement for a recount before excluding a candidate under Section 20A-9-412 or 20A-9-413 does not apply to a candidate who is excluded through batch

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elimination.

Section 24. Section **20A-9-417** is enacted to read:

20A-9-417. Validity of vote.

(1) A vote is valid for a particular phase of a multi-candidate race under Section 20A-9-412 or 20A-9-413 only if the voter indicates the voter's preference for that phase and all previous phases.

(2) A vote is not valid for a particular phase of a multi-candidate race under Section 20A-9-412 or 20A-9-413, and for all subsequent phases, if the voter indicates the same rank for more than one candidate for that phase.

(3) In a multi-candidate race under Section 20A-9-412 or 20A-9-413, a preference vote cast for a sixth or greater preference is not valid, but the previous preference votes are counted if the ballot is otherwise marked in accordance with the requirements of this part.

Section 25. Section **20A-9-701** is amended to read:

20A-9-701. Certification of party candidates to county clerks -- Display on ballot.

(1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk, for offices to be voted upon at the regular general election in that county clerk's county:

(a) the names of each candidate nominated under Subsection 20A-9-202(4)[~~or~~], Subsection 20A-9-403(5), or Sections 20A-9-412 through 20A-9-417; and

(b) the names of the candidates for president and vice president that are certified by the registered political party as the party's nominees.

(2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy. No other names may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered political party, political party, or other political group.

Section 26. 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.

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(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(18)(a), the language that states "or 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 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(d) In Subsection 20A-3a-204(1)(a), (c), or (d), the language that states "except as provided in Subsection (6)," is repealed.]~~

~~[(e) Subsection 20A-3a-204 (5)(b), the language that states "subject to Subsection (6)," is repealed.]~~

~~[(f) Subsection 20A-3a-204(6) is repealed and the remaining subsections in Section~~

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~~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)(c) 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~~

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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 repealed.]~~

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

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

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