

RANKED-CHOICE VOTING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill requires ranked-choice voting to be used in multi-candidate races in primary and general elections.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires ranked-choice voting to be used for multi-candidate races in primary and general elections;
- ▶ describes requirements for ranked-choice voting relating to the form of ballots, casting ballots, counting ballots, determining the nominees, and recording results;
- ▶ repeals the Municipal Alternate Voting Methods Pilot Project; 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-1-102, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354

20A-1-303, as last amended by Laws of Utah 2018, Chapter 187



- 28 **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187
- 29 **20A-3a-204**, as enacted by Laws of Utah 2020, Chapter 31
- 30 **20A-4-101**, as last amended by Laws of Utah 2020, Chapter 31
- 31 **20A-4-102**, as last amended by Laws of Utah 2020, Chapters 31 and 49
- 32 **20A-4-105**, as last amended by Laws of Utah 2020, Chapters 31 and 49
- 33 **20A-4-106**, as last amended by Laws of Utah 2020, Chapter 31
- 34 **20A-4-303**, as last amended by Laws of Utah 2020, Chapter 31
- 35 **20A-4-304**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 36 **20A-4-306**, as last amended by Laws of Utah 2019, Chapter 433
- 37 **20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31
- 38 **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101
- 39 **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305
- 40 **20A-6-301**, as last amended by Laws of Utah 2021, Chapter 136
- 41 **20A-6-401**, as last amended by Laws of Utah 2020, Chapter 31
- 42 **20A-6-401.1**, as last amended by Laws of Utah 2020, Chapter 31
- 43 **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31
- 44 **20A-9-101**, as last amended by Laws of Utah 2020, Chapter 344
- 45 **20A-9-202**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 46 **20A-9-203**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 47 **20A-9-402**, as last amended by Laws of Utah 1996, Second Special Session, Chapter 3
- 48 **20A-9-403**, as last amended by Laws of Utah 2020, Chapter 22
- 49 **20A-9-404**, as last amended by Laws of Utah 2019, Chapters 142, 255 and last
- 50 amended by Coordination Clause, Laws of Utah 2019, Chapter 142
- 51 **20A-9-406**, as last amended by Laws of Utah 2020, Chapters 22, 31, and 49
- 52 **20A-9-409**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 53 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296
- 54 **20A-9-806**, as last amended by Laws of Utah 2020, Chapter 31
- 55 **20A-9-809**, as last amended by Laws of Utah 2019, Chapter 433
- 56 **63I-2-220**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 57 ENACTS:
- 58 **20A-1-1001**, Utah Code Annotated 1953

- 59 **20A-1-1002**, Utah Code Annotated 1953
- 60 **20A-1-1003**, Utah Code Annotated 1953
- 61 **20A-1-1004**, Utah Code Annotated 1953
- 62 **20A-1-1005**, Utah Code Annotated 1953
- 63 **20A-1-1006**, Utah Code Annotated 1953
- 64 **20A-1-1007**, Utah Code Annotated 1953
- 65 **20A-1-1008**, Utah Code Annotated 1953
- 66 **20A-1-1009**, Utah Code Annotated 1953
- 67 **20A-1-1010**, Utah Code Annotated 1953
- 68 **20A-1-1011**, Utah Code Annotated 1953
- 69 **20A-1-1012**, Utah Code Annotated 1953

70 REPEALS:

- 71 **20A-4-601**, as enacted by Laws of Utah 2018, Chapter 187
- 72 **20A-4-602**, as last amended by Laws of Utah 2021, Chapter 101
- 73 **20A-4-603**, as last amended by Laws of Utah 2019, Chapter 305
- 74 **20A-4-604**, as enacted by Laws of Utah 2018, Chapter 187
- 75 **20A-6-203.5**, as enacted by Laws of Utah 2018, Chapter 187



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

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

79 **20A-1-102. Definitions.**

80 As used in this title:

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

83 (2) "Automatic tabulating equipment" means apparatus that automatically examines
84 and counts votes recorded on ballots and tabulates the results.

85 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
86 storage medium, that records an individual voter's vote.

87 (b) "Ballot" does not include a record to tally multiple votes.

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

- 90 (a) an opinion question specifically authorized by the Legislature;
- 91 (b) a constitutional amendment;
- 92 (c) an initiative;
- 93 (d) a referendum;
- 94 (e) a bond proposition;
- 95 (f) a judicial retention question;
- 96 (g) an incorporation of a city or town; or
- 97 (h) any other ballot question specifically authorized by the Legislature.
- 98 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
- 99 together using staples or another means in at least three places across the top of the paper in the
- 100 blank space reserved for securing the paper.
- 101 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 102 [20A-4-306](#) to canvass election returns.
- 103 (7) "Bond election" means an election held for the purpose of approving or rejecting
- 104 the proposed issuance of bonds by a government entity.
- 105 (8) "Business reply mail envelope" means an envelope that may be mailed free of
- 106 charge by the sender.
- 107 (9) "Canvass" means the review of election returns and the official declaration of
- 108 election results by the board of canvassers.
- 109 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 110 the canvass.
- 111 (11) "Contracting election officer" means an election officer who enters into a contract
- 112 or interlocal agreement with a provider election officer.
- 113 (12) "Convention" means the political party convention at which party officers and
- 114 delegates are selected.
- 115 (13) "Counting center" means one or more locations selected by the election officer in
- 116 charge of the election for the automatic counting of ballots.
- 117 (14) "Counting judge" means a poll worker designated to count the ballots during
- 118 election day.
- 119 (15) "Counting room" means a suitable and convenient private place or room for use
- 120 by the poll workers and counting judges to count ballots.

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

123 (17) "Date of the election" or "election day" or "day of the election":

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

126 (b) does not include:

127 (i) deadlines established for voting by mail, military-overseas voting, or emergency
128 voting; or

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

131 (18) "Elected official" means:

132 (a) ~~[a person]~~ an individual elected to an office under Section 20A-1-303 or [~~Chapter 4,~~
133 ~~Part 6, Municipal Alternate Voting Methods Pilot Project]~~ Chapter 1, Part 10, Ranked-choice
134 Voting;

135 (b) ~~[a person]~~ an individual who is considered to be elected to a municipal office in
136 accordance with Subsection 20A-1-206(1)(c)(ii); or

137 (c) ~~[a person]~~ an individual who is considered to be elected to a local district office in
138 accordance with Subsection 20A-1-206(3)(c)(ii).

139 (19) "Election" means a regular general election, a municipal general election, a
140 statewide special election, a local special election, a regular primary election, a municipal
141 primary election, and a local district election.

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

144 (21) "Election cycle" means the period beginning on the first day ~~[persons are]~~ an
145 individual is eligible to file ~~[declarations]~~ a declaration of candidacy and ending when the
146 canvass is completed.

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

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

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

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

151 (23) "Election officer" means:

- 152 (a) the lieutenant governor, for all statewide ballots and elections;
- 153 (b) the county clerk for:
 - 154 (i) a county ballot and election; and
 - 155 (ii) a ballot and election as a provider election officer as provided in Section
 - 156 20A-5-400.1 or 20A-5-400.5;
- 157 (c) the municipal clerk for:
 - 158 (i) a municipal ballot and election; and
 - 159 (ii) a ballot and election as a provider election officer as provided in Section
 - 160 20A-5-400.1 or 20A-5-400.5;
- 161 (d) the local district clerk or chief executive officer for:
 - 162 (i) a local district ballot and election; and
 - 163 (ii) a ballot and election as a provider election officer as provided in Section
 - 164 20A-5-400.1 or 20A-5-400.5; or
- 165 (e) the business administrator or superintendent of a school district for:
 - 166 (i) a school district ballot and election; and
 - 167 (ii) a ballot and election as a provider election officer as provided in Section
 - 168 20A-5-400.1 or 20A-5-400.5.
- 169 (24) "Election official" means any election officer, election judge, or poll worker.
- 170 (25) "Election results" means:
 - 171 (a) for an election other than a bond election, the count of votes cast in the election and
 - 172 the election returns requested by the board of canvassers; or
 - 173 (b) for bond elections, the count of those votes cast for and against the bond
 - 174 proposition plus any or all of the election returns that the board of canvassers may request.
- 175 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
- 176 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
- 177 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 178 the total votes cast form.
- 179 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
- 180 or logically associated with a record and executed or adopted by [~~a person~~] an individual with
- 181 the intent to sign the record.
- 182 (28) "Inactive voter" means a registered voter who is listed as inactive by a county

183 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

184 (29) "Judicial office" means the office filled by any judicial officer.

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

187 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
188 Local Government Entities - Local Districts, and includes a special service district under Title
189 17D, Chapter 1, Special Service District Act.

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

192 (33) "Local election" means a regular county election, a regular municipal election, a
193 municipal primary election, a local special election, a local district election, and a bond
194 election.

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

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

200 (36) "Manual ballot" means a paper document produced by an election officer on
201 which an individual records an individual's vote by directly placing a mark on the paper
202 document using a pen or other marking instrument.

203 (37) "Mechanical ballot" means a record, including a paper record, electronic record, or
204 mechanical record, that:

205 (a) is created via electronic or mechanical means; and

206 (b) records an individual voter's vote cast via a method other than an individual directly
207 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

208 (38) "Multi-candidate race" means a race where:

209 (a) in a primary or general election for a partisan office, the number of candidates who
210 qualify for the race exceeds two;

211 (b) in a primary election for a nonpartisan office where only one position is open, the
212 number of candidates who qualify for the race exceeds two; or

213 (c) for a nonpartisan office where two or more positions are open:

214 (i) for a primary election, the number of candidates who qualify for the race exceeds
215 twice the number of open positions; or

216 (ii) for a general election, the number of candidates who qualify for the race exceeds
217 the number of open positions.

218 [~~38~~] (39) "Municipal executive" means:

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

220 (b) the mayor in the council-manager form of government defined in Subsection
221 10-3b-103(7); or

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

223 [~~39~~] (40) "Municipal general election" means the election held in municipalities and,
224 as applicable, local districts on the first Tuesday after the first Monday in November of each
225 odd-numbered year for the purposes established in Section 20A-1-202.

226 [~~40~~] (41) "Municipal legislative body" means:

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

228 (b) the council of a metro township.

229 [~~41~~] (42) "Municipal office" means an elective office in a municipality.

230 [~~42~~] (43) "Municipal officers" means those municipal officers that are required by
231 law to be elected.

232 [~~43~~] (44) "Municipal primary election" means an election held to nominate
233 candidates for municipal office.

234 [~~44~~] (45) "Municipality" means a city, town, or metro township.

235 [~~45~~] (46) "Official ballot" means the ballots distributed by the election officer for
236 voters to record their votes.

237 [~~46~~] (47) "Official endorsement" means the information on the ballot that identifies:

238 (a) the ballot as an official ballot;

239 (b) the date of the election; and

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

242 (ii) for a ballot prepared by a county clerk, the words required by Subsection
243 20A-6-301(1)(b)(iii).

244 [~~47~~] (48) "Official register" means the official record furnished to election officials

245 by the election officer that contains the information required by Section 20A-5-401.

246 ~~[(48)]~~ (49) "Political party" means an organization of registered voters that has
247 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
248 Formation and Procedures.

249 ~~[(49)]~~ (50) (a) "Poll worker" means ~~[a person]~~ an individual assigned by an election
250 official to assist with an election, voting, or counting votes.

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

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

253 ~~[(50)]~~ (51) "Pollbook" means a record of the names of voters in the order that they
254 appear to cast votes.

255 ~~[(51)]~~ (52) "Polling place" means a building where voting is conducted.

256 ~~[(52)]~~ (53) "Position" means a square, circle, rectangle, or other geometric shape on a
257 ballot in which the voter marks the voter's choice.

258 ~~[(53)]~~ (54) "Presidential ~~[Primary Election]~~ primary election" means the election
259 established in Chapter 9, Part 8, Presidential Primary Election.

260 ~~[(54)]~~ (55) "Primary convention" means the political party conventions held during the
261 year of the regular general election.

262 ~~[(55)]~~ (56) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

265 ~~[(56)]~~ (57) "Provider election officer" means an election officer who enters into a
266 contract or interlocal agreement with a contracting election officer to conduct an election for
267 the contracting election officer's local political subdivision in accordance with Section
268 20A-5-400.1.

269 ~~[(57)]~~ (58) "Provisional ballot" means a ballot voted provisionally by ~~[a person]~~ an
270 individual:

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

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

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

274 ~~[(58)]~~ (59) "Provisional ballot envelope" means an envelope printed in the form
275 required by Section 20A-6-105 that is used to identify provisional ballots and to provide

276 information to verify ~~[a person's]~~ an individual's legal right to vote.

277 ~~[(59)]~~ (60) (a) "Public figure" means an individual who, due to the individual being
278 considered for, holding, or having held a position of prominence in a public or private capacity,
279 or due to the individual's celebrity status, has an increased risk to the individual's safety.

280 (b) "Public figure" does not include an individual:

281 (i) elected to public office; or

282 (ii) appointed to fill a vacancy in an elected public office.

283 ~~[(60)]~~ (61) "Qualify" or "qualified" means to take the oath of office and begin
284 performing the duties of the position for which the individual was elected.

285 (62) "Ranked-choice voting" means an election method in which a voter may rank
286 candidates in order of the voter's preference and the candidate to be nominated or elected is
287 determined in accordance with the procedures described in Chapter 1, Part 10, Ranked-choice
288 Voting.

289 ~~[(61)]~~ (63) "Receiving judge" means the poll worker that checks the voter's name in the
290 official register at a polling location and provides the voter with a ballot.

291 ~~[(62)]~~ (64) "Registration form" means a form by which an individual may register to
292 vote under this title.

293 ~~[(63)]~~ (65) "Regular ballot" means a ballot that is not a provisional ballot.

294 ~~[(64)]~~ (66) "Regular general election" means the election held throughout the state on
295 the first Tuesday after the first Monday in November of each even-numbered year for the
296 purposes established in Section 20A-1-201.

297 ~~[(65)]~~ (67) "Regular primary election" means the election, held on the date specified in
298 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
299 local school board positions to advance to the regular general election.

300 ~~[(66)]~~ (68) "Resident" means ~~[a person]~~ an individual who resides within a specific
301 voting precinct in Utah.

302 ~~[(67)]~~ (69) "Return envelope" means the envelope, described in Subsection
303 20A-3a-202(4), provided to a voter with a manual ballot:

304 (a) into which the voter places the manual ballot after the voter has voted the manual
305 ballot in order to preserve the secrecy of the voter's vote; and

306 (b) that includes the voter affidavit and a place for the voter's signature.

307 [(68)] (70) "Sample ballot" means a mock ballot similar in form to the official ballot
308 printed and distributed as provided in Section 20A-5-405.

309 [(69)] (71) "Special election" means an election held as authorized by Section
310 20A-1-203.

311 [(70)] (72) "Spoiled ballot" means each ballot that:

312 (a) is spoiled by the voter;

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

314 (c) lacks the official endorsement.

315 [(71)] (73) "Statewide special election" means a special election called by the governor
316 or the Legislature in which all registered voters in Utah may vote.

317 [(72)] (74) "Tabulation system" means a device or system designed for the sole
318 purpose of tabulating votes cast by voters at an election.

319 [(73)] (75) "Ticket" means a list of:

320 (a) political parties;

321 (b) candidates for an office; or

322 (c) ballot propositions.

323 [(74)] (76) "Transfer case" means the sealed box used to transport voted ballots to the
324 counting center.

325 [(75)] (77) "Vacancy" means the absence of [~~a person~~] an individual to serve in any
326 position created by statute, whether that absence occurs because of death, disability,
327 disqualification, resignation, or other cause.

328 [(76)] (78) "Valid voter identification" means:

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

331 (i) a currently valid Utah driver license;

332 (ii) a currently valid identification card that is issued by:

333 (A) the state; or

334 (B) a branch, department, or agency of the United States;

335 (iii) a currently valid Utah permit to carry a concealed weapon;

336 (iv) a currently valid United States passport; or

337 (v) a currently valid United States military identification card;

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

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

343 (c) two forms of identification not listed under Subsection [~~(76)~~] (78)(a) or (b) but that
344 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
345 which may include:

- 346 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
347 election;
- 348 (ii) a bank or other financial account statement, or a legible copy thereof;
- 349 (iii) a certified birth certificate;
- 350 (iv) a valid social security card;
- 351 (v) a check issued by the state or the federal government or a legible copy thereof;
- 352 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 353 (vii) a currently valid Utah hunting or fishing license;
- 354 (viii) certified naturalization documentation;
- 355 (ix) a currently valid license issued by an authorized agency of the United States;
- 356 (x) a certified copy of court records showing the voter's adoption or name change;
- 357 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 358 (xii) a currently valid identification card issued by:
 - 359 (A) a local government within the state;
 - 360 (B) an employer for an employee; or
 - 361 (C) a college, university, technical school, or professional school located within the
362 state; or
 - 363 (xiii) a current Utah vehicle registration.

364 [~~(77)~~] (79) "Valid write-in candidate" means a candidate who has qualified as a
365 write-in candidate by following the procedures and requirements of this title.

366 [~~(78)~~] (80) "Vote by mail" means to vote, using a manual ballot that is mailed to the
367 voter, by:

- 368 (a) mailing the ballot to the location designated in the mailing; or

369 (b) depositing the ballot in a ballot drop box designated by the election officer.

370 [(79)] (81) "Voter" means an individual who:

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

372 (b) meets the requirements of election registration;

373 (c) is registered to vote; and

374 (d) is listed in the official register book.

375 [(80)] (82) "Voter registration deadline" means the registration deadline provided in

376 Section 20A-2-102.5.

377 [(81)] (83) "Voting area" means the area within six feet of the voting booths, voting
378 machines, and ballot box.

379 [(82)] (84) "Voting booth" means:

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

382 (b) a voting device that is free standing.

383 [(83)] (85) "Voting device" means any device provided by an election officer for a
384 voter to vote a mechanical ballot.

385 [(84)] (86) "Voting precinct" means the smallest geographical voting unit, established
386 under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

387 [(85)] (87) "Watcher" means an individual who complies with the requirements
388 described in Section 20A-3a-801 to become a watcher for an election.

389 [(86)] (88) "Write-in ballot" means a ballot containing any write-in votes.

390 [(87)] (89) "Write-in vote" means a vote cast for an individual, whose name is not
391 printed on the ballot, in accordance with the procedures established in this title.

392 Section 2. Section 20A-1-303 is amended to read:

393 **20A-1-303. Determining results.**

394 (1) (a) Except as provided in [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting~~
395 ~~Methods Pilot Project~~] Chapter 1, Part 10, Ranked-choice Voting, when one [~~person~~]
396 individual is to be elected or nominated, the [~~person~~] individual receiving the highest number
397 of votes at any:

398 (i) election for any office to be filled at that election is elected to that office; and

399 (ii) primary for nomination for any office is nominated for that office.

400 (b) Except as provided in [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting~~
401 ~~Methods Pilot Project~~] Chapter 1, Part 10, Ranked-choice Voting, when more than one
402 [~~person~~] individual is to be elected or nominated, the [~~persons~~] individuals receiving the
403 highest number of votes at any:

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

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

- 407 (a) passes if the number of "yes" votes is greater than the number of "no" votes; and
- 408 (b) fails if:
 - 409 (i) the number of "yes" votes equal the number of "no" votes; or
 - 410 (ii) the number of "no" votes is greater than the number of "yes" votes.

411 Section 3. Section **20A-1-304** is amended to read:

412 **20A-1-304. Tie votes.**

413 Except for a [~~race conducted by instant runoff voting under Title 20A, Chapter 4, Part~~
414 ~~6, Municipal Alternate Voting Methods Pilot Project~~] multi-candidate race conducted by
415 ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, if two or more
416 candidates for a position have an equal and the highest number of votes for any office, the
417 election officer shall, in a public meeting held within 30 days after the day on which the
418 canvass is completed, determine the candidate selected, by lot, in the presence of each
419 candidate subject to the tie.

420 Section 4. Section **20A-1-1001** is enacted to read:

421 **Part 10. Ranked-choice Voting**

422 **20A-1-1001. Definitions.**

423 As used in this part:

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

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

427 (b) .02%.

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

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

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

431 counted, 0.19%;

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

433 counted, 0.17%;

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

435 counted, 0.15%;

436 (e) for a canvassing phase in which at least 5,000, but fewer than 10,000, valid votes

437 are counted, 0.13%; and

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

439 (3) "Valid" means that the ballot is marked in a manner that permits the vote to be

440 counted during the applicable ballot-counting phase.

441 Section 5. Section **20A-1-1002** is enacted to read:

442 **20A-1-1002. Ranked-choice voting.**

443 An election official shall conduct an election for a multi-candidate race by

444 ranked-choice voting in accordance with the requirements of this part.

445 Section 6. Section **20A-1-1003** is enacted to read:

446 **20A-1-1003. Determining ranked-choice voting results -- Presidential and regular**

447 **primary elections.**

448 (1) This section applies to a multi-candidate race held during a presidential primary

449 election or a regular primary election.

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

451 (a) (i) conduct the first ballot-counting phase by counting the first valid preference

452 votes for each candidate; and

453 (ii) if, after complying with Section [20A-1-1008](#), one of the candidates receives more

454 than 50% of the first valid preference votes counted, declare that candidate nominated;

455 (b) if, after counting the first valid preference votes for each candidate, and complying

456 with Section [20A-1-1008](#), no candidate receives more than 50% of the first valid preference

457 votes counted, conduct the second ballot-counting phase by:

458 (i) excluding from the multi-candidate race:

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

460 (B) in the event of a tie for the fewest first valid preference votes counted, one of the

461 tied candidates, determined by the election officer, by lot, in accordance with Section

462 [20A-1-1009](#);

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

466 (iii) if, after adding the votes in accordance with Subsection (2)(b)(ii) and complying
467 with Section [20A-1-1008](#), one candidate receives more than 50% of the valid votes counted,
468 declaring that candidate nominated; and

469 (c) if, after adding the second valid preference votes in accordance with Subsection
470 (2)(b)(ii) and complying with Section [20A-1-1008](#), no candidate receives more than 50% of the
471 valid votes counted, conduct subsequent ballot-counting phases by continuing the process
472 described in Subsection (2)(b) until a candidate receives more than 50% of the valid votes
473 counted, as follows:

474 (i) after complying with Section [20A-1-1008](#), excluding from consideration the
475 candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest
476 valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section
477 [20A-1-1009](#);

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

481 (iii) after complying with Section [20A-1-1008](#):

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

484 (B) if the last two remaining candidates tie, breaking the tie, by lot, in accordance with
485 Section [20A-1-1009](#), and declaring the winner of the tie break nominated.

486 Section 7. Section **20A-1-1004** is enacted to read:

487 **20A-1-1004. Determining ranked-choice voting results -- Municipal primary**
488 **elections -- Office that is not an at-large office.**

489 (1) This section applies to a multi-candidate race held during a municipal primary
490 election for an office that is not an at-large office.

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

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

493 (i) counting the first valid preference votes for each candidate;
494 (ii) after complying with Section 20A-1-1008, excluding from the race:
495 (A) the candidate who receives the fewest first valid preference votes counted; or
496 (B) in the event of a tie for the fewest first valid preference votes counted, one of the
497 tied candidates, determined by the election officer, by lot, in accordance with Section
498 20A-1-1009; and
499 (iii) if, after complying with Subsection (2)(a)(ii), only two candidates remain,
500 declaring the remaining candidates nominated;
501 (b) if, after complying with Subsection (2)(a)(ii), more than two candidates remain,
502 conduct the second ballot-counting phase by:
503 (i) adding, to the first valid preference votes received by the remaining candidates, the
504 second valid preference votes cast for the remaining candidates by the voters who cast a first
505 valid preference vote for the excluded candidate;
506 (ii) after complying with Section 20A-1-1008, excluding from the race:
507 (A) the candidate who receives the fewest valid votes under Subsection (2)(b)(i); or
508 (B) in the event of a tie for the fewest valid votes received, one of the tied candidates,
509 determined by the election officer, by lot, in accordance with Section 20A-1-1009; and
510 (iii) if, after complying with Subsection (2)(b)(ii), only two candidates remain,
511 declaring the remaining candidates nominated; and
512 (c) if, after complying with Subsection (2)(b)(ii), more than two candidates remain,
513 conduct subsequent counting phases by continuing the process described in Subsection (2)(b)
514 until only two candidates remain, as follows:
515 (i) after complying with Section 20A-1-1008, excluding from consideration the
516 candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest
517 valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section
518 20A-1-1009;
519 (ii) adding the next valid preference vote cast by each voter whose vote was counted
520 for the last excluded candidate to one of the remaining candidates, in the order of the next
521 preference indicated by the voter; and
522 (iii) after complying with Subsection (2)(c)(ii) and Section 20A-1-1008:
523 (A) if only two candidates remain, declaring the remaining candidates nominated; or

524 (B) if, after all preference votes have been counted, more than two candidates remain
525 due to a tie, breaking the tie, by lot, in accordance with Section 20A-1-1009 and declaring the
526 two remaining candidates nominated.

527 Section 8. Section 20A-1-1005 is enacted to read:

528 **20A-1-1005. Determining ranked-choice voting results -- Municipal primary**
529 **elections -- At-large office.**

530 (1) This section applies to a multi-candidate race held during a municipal primary
531 election for an at-large office.

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

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

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

535 (ii) after complying with Section 20A-1-1008, excluding from the race:

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

537 (B) in the event of a tie for the fewest first valid preference votes counted, one of the

538 tied candidates, determined by the election officer, by lot, in accordance with Section

539 20A-1-1009; and

540 (iii) if, after complying with Subsection (2)(a)(ii), the number of candidates remaining
541 is equal to twice the number of open positions, declaring the remaining candidates nominated;

542 (b) if, after complying with Subsection (2)(a)(ii), the number of candidates remaining
543 is more than twice the number of open positions, conduct the second ballot-counting phase by:

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

547 (ii) after complying with Section 20A-1-1008, excluding from the race:

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

549 (B) in the event of a tie for the fewest valid votes received, one of the tied candidates,

550 determined by the election officer, by lot, in accordance with Section 20A-1-1009; and

551 (c) if, after complying with Subsection (2)(b)(ii), the number of candidates remaining
552 is more than twice the number of open positions, conduct subsequent counting phases by
553 continuing the process described in Subsection (2)(b) until the number of remaining candidates
554 is equal to twice the number of open positions, as follows:

555 (i) after complying with Section 20A-1-1008, excluding from consideration the
556 candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest
557 valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section
558 20A-1-1009;

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

562 (iii) after complying with Subsection (2)(c)(ii) and Section 20A-1-1008:

563 (A) if the number of remaining candidates is equal to twice the number of open
564 positions, declaring the remaining candidates nominated; or

565 (B) if, due to a tie, the number of remaining candidates is more than twice the number
566 of open positions after all preferences votes have been counted, breaking the tie, by lot, in
567 accordance with Section 20A-1-1009 and declaring a number of the remaining candidates,
568 equal to twice the number of open positions, nominated.

569 Section 9. Section 20A-1-1006 is enacted to read:

570 **20A-1-1006. Determining ranked-choice voting results -- General elections --**
571 **Office that is not an at-large office.**

572 (1) This section applies to a multi-candidate race held during a general election for an
573 office that is not an at-large office.

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

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

577 (ii) if, after complying with Section 20A-1-1008, one of the candidates receives more
578 than 50% of the first valid preference votes counted, declare that candidate elected;

579 (b) if, after counting the first valid preference votes for each candidate, and complying
580 with Section 20A-1-1008, no candidate receives more than 50% of the first valid preference
581 votes counted, conduct the second ballot-counting phase by:

582 (i) excluding from the multi-candidate race:

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

584 (B) in the event of a tie for the fewest first valid preference votes counted, one of the
585 tied candidates, determined by the election officer, by lot, in accordance with Section

586 [20A-1-1009](#);

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

590 (iii) if, after adding the votes in accordance with Subsection (2)(b)(ii) and complying
591 with Section [20A-1-1008](#), one candidate receives more than 50% of the valid votes counted,
592 declaring that candidate elected; and

593 (c) if, after adding the second valid preference votes in accordance with Subsection
594 (2)(b)(ii) and complying with Section [20A-1-1008](#), no candidate receives more than 50% of the
595 valid votes counted, conduct subsequent ballot-counting phases by continuing the process
596 described in Subsection (2)(b) until a candidate receives more than 50% of the valid votes
597 counted, as follows:

598 (i) after complying with Section [20A-1-1008](#), excluding from consideration the
599 candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest
600 valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section
601 [20A-1-1009](#);

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

605 (iii) after complying with Section [20A-1-1008](#):

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

608 (B) if the last two remaining candidates tie, breaking the tie, by lot, in accordance with
609 Section [20A-1-1009](#), and declaring the winner of the tie break elected.

610 Section 10. Section **20A-1-1007** is enacted to read:

611 **20A-1-1007. Determining ranked-choice voting results -- General elections --**

612 **At-large office.**

613 (1) This section applies to a multi-candidate race held during a general election for an
614 at-large office.

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

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

- 617 (i) counting the first valid preference votes for each candidate;
618 (ii) after complying with Section 20A-1-1008, excluding from the race:
619 (A) the candidate who receives the fewest first valid preference votes counted; or
620 (B) in the event of a tie for the fewest first valid preference votes counted, one of the
621 tied candidates, determined by the election officer, by lot, in accordance with Section
622 20A-1-1009; and
623 (iii) after complying with Subsection (2)(a)(ii), if the number of candidates remaining
624 is equal to the number of open positions, declaring the remaining candidates elected; or
625 (b) if, after complying with Subsection (2)(a)(ii), the number of remaining candidates
626 is more than the number of open positions, conduct the second ballot-counting phase by:
627 (i) adding, to the first valid preference votes received by the remaining candidates, the
628 second valid preference votes cast for the remaining candidates by the voters who cast a first
629 valid preference vote for the excluded candidate;
630 (ii) after complying with Section 20A-1-1008, excluding from the race:
631 (A) the candidate who receives the fewest valid votes under Subsection (2)(b)(i); or
632 (B) in the event of a tie for the fewest valid votes received, one of the tied candidates,
633 determined by the election officer, by lot, in accordance with Section 20A-1-1009; and
634 (iii) if, after complying with Subsection (2)(b)(ii), the number of candidates remaining
635 is equal to the number of open positions, declaring the remaining candidates elected; or
636 (c) if, after complying with Subsection (2)(b)(ii), the number of candidates remaining
637 is more than the number of open positions, conduct subsequent counting phases by continuing
638 the process described in Subsection (2)(b) as follows:
639 (i) after complying with Section 20A-1-1008, excluding from consideration the
640 candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest
641 valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section
642 20A-1-1009;
643 (ii) adding the next valid preference vote cast by each voter whose vote was counted
644 for the last excluded candidate to one of the remaining candidates, in the order of the next
645 preference indicated by the voter; and
646 (iii) if, after complying with Subsection (2)(c)(ii) and Section 20A-1-1008:
647 (A) the number of candidates remaining is equal to the number of open positions,

648 declaring the remaining candidates elected; or

649 (B) if, after all preference votes have been counted, the number of remaining
650 candidates exceeds the number of open positions due to a tie, breaking the tie, by lot, in
651 accordance with Section 20A-1-1009 and declaring a number of the remaining candidates,
652 equal to the number of open positions, elected.

653 Section 11. Section **20A-1-1008** is enacted to read:

654 **20A-1-1008. Recount for ranked-choice voting.**

655 Except as provided in Subsection 20A-1-1010(2), a recount is required before
656 excluding a candidate from a race under Sections 20A-1-1003 through 20A-1-1007 if the
657 difference between the number of votes counted for the candidate who receives the fewest valid
658 votes in the applicable ballot-counting phase of the race and the number of votes counted for
659 any other candidate in the same ballot-counting phase is equal to or less than the product of the
660 following, rounded up to the nearest whole number:

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

663 (2) the recount threshold.

664 Section 12. Section **20A-1-1009** is enacted to read:

665 **20A-1-1009. Breaking a tie vote for ranked-choice voting.**

666 (1) For a race conducted under this part, the election officer shall break a tie, by lot, in
667 the manner determined by the election officer, in accordance with Subsection (2).

668 (2) The election officer shall:

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

671 and

672 (b) sign a public document that identifies:

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

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

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

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

678 (v) the result of the lot; and

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

681 Section 13. Section **20A-1-1010** is enacted to read:

682 **20A-1-1010. Batch elimination.**

683 (1) In a ballot count conducted under Sections 20A-1-1003 through 20A-1-1007, the
684 election officer may exclude candidates through batch elimination by, instead of excluding only
685 one candidate in a ballot-counting phase, excluding each candidate:

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

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

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

694 (2) The requirement for a recount before excluding a candidate under Sections
695 20A-1-1003 through 20A-1-1007 does not apply to a candidate who is excluded through batch
696 elimination.

697 Section 14. Section **20A-1-1011** is enacted to read:

698 **20A-1-1011. Validity of vote.**

699 (1) As used in this section, "withdrawn candidate" means:

700 (a) except as provided in Subsection (1)(b), a candidate in a multi-candidate race who
701 complies with the requirements of Subsection 20A-9-202(6) before the date of the election; or

702 (b) for a multi-candidate race in a presidential primary election, a candidate who,
703 before the date of the presidential primary election, files with the lieutenant governor, in person
704 or via a designated agent, a confirmation of the candidate's withdrawal signed by the candidate
705 and the national and state chairs of the candidate's registered political party.

706 (2) A vote is not valid for a particular phase of a race conducted by ranked-choice
707 voting under Sections 20A-1-1003 through 20A-1-1007, and for all subsequent phases, if the
708 voter indicates the same rank for more than one candidate for that phase.

709 (3) In a race conducted by ranked-choice voting under Sections 20A-1-1003 through

710 [20A-1-1007](#):

711 (a) a preference vote cast for a fifth or greater preference is not valid, but the previous
712 preference votes are valid if the ballot is otherwise marked in accordance with the requirements
713 of this part; and

714 (b) a preference vote cast for a withdrawn candidate is not valid, but previous and
715 subsequent preference votes are valid if the ballot is otherwise marked in accordance with the
716 requirements of this part.

717 Section 15. Section **20A-1-1012** is enacted to read:

718 **20A-1-1012. Ranked-choice voting ballot.**

719 If, in an election, at least one of the races is conducted by ranked-choice voting under
720 this part, the portion of the ballot relating to that race shall:

721 (1) include:

722 (a) instructions to voters that clearly indicate how to rank candidates in order of the
723 voter's preference; and

724 (b) the words "Vote for up to _____ (the number of candidates for which the voter may
725 vote) in order of preference";

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

727 (3) opposite each candidate's name, include a place where a voter may indicate the
728 voter's vote in order of preference for each candidate, as described in Sections [20A-1-1003](#)
729 through [20A-1-1007](#) and Section [20A-3a-204](#):

730 (a) for each candidate, if there are four or fewer candidates for the nomination or
731 office; or

732 (b) for up to four candidates, if there are five or more candidates for the nomination or
733 office; and

734 (4) provide the ability for a voter to enter a write-in candidate's name and indicate the
735 voter's ordered preference for the write-in candidate.

736 Section 16. Section **20A-3a-204** is amended to read:

737 **20A-3a-204. Marking and depositing ballots.**

738 (1) To vote by mail:

739 (a) except as provided in Subsection (6), the voter shall prepare the voter's manual
740 ballot by marking the appropriate space with a mark opposite the name of each candidate of the

741 voter's choice for each office to be filled;

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

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

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

748 (e) the voter shall:

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

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

751 (iii) securely seal the return envelope; and

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

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

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

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

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

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

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

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

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

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

771 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after

772 complying with Subsections (1)(a) through (d):

773 (a) sign the official register or pollbook; and

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

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

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

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

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

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

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

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

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

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

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

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

794 (6) To vote in a race conducted by ranked-choice voting under Chapter 1, Part 10,
795 Ranked-choice Voting, a voter:

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

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

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

801 (ii) if there are five or more candidates for the nomination or office, the names of up to
802 three of the remaining candidates in order of the voter's preference.

- 803 (7) A voter who votes at a polling place:
- 804 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting
- 805 area after voting; and
- 806 (b) may not:
- 807 (i) occupy a voting booth occupied by another, except as provided in Section
- 808 [20A-3a-208](#);
- 809 (ii) remain within the voting area more than 10 minutes; or
- 810 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
- 811 voters are waiting to occupy a voting booth.
- 812 (8) If the official register shows any voter as having voted, that voter may not reenter
- 813 the voting area during that election unless that voter is an election official or watcher.
- 814 (9) A poll worker may not, at a polling place, allow more than four voters more than
- 815 the number of voting booths into the voting area at one time unless those excess voters are:
- 816 (a) election officials;
- 817 (b) watchers; or
- 818 (c) assisting voters with a disability.
- 819 Section 17. Section **20A-4-101** is amended to read:
- 820 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**
- 821 **polling place on day of election before polls close.**
- 822 (1) Each county legislative body, municipal legislative body, and each poll worker
- 823 shall comply with the requirements of this section when counting manual ballots on the day of
- 824 an election, if:
- 825 (a) the ballots are cast at a polling place; and
- 826 (b) the ballots are counted at the polling place before the polls close.
- 827 (2) (a) Each county legislative body or municipal legislative body shall provide:
- 828 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
- 829 judges have been appointed; and
- 830 (ii) a counting room for the use of the poll workers counting the ballots during the day.
- 831 (b) At any election in any voting precinct in which both receiving and counting judges
- 832 have been appointed, when at least 20 votes have been cast, the receiving judges shall:
- 833 (i) close the first ballot box and deliver it to the counting judges; and

834 (ii) prepare and use another ballot box to receive voted ballots.
835 (c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting
836 judges shall:
837 (i) take the ballot box to the counting room;
838 (ii) count the votes on the regular ballots in the ballot box;
839 (iii) place the provisional ballot envelopes in the envelope or container provided for
840 them for return to the election officer; and
841 (iv) when they have finished counting the votes in the ballot box, return the emptied
842 box to the receiving judges.
843 (d) (i) During the course of election day, whenever there are at least 20 ballots
844 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
845 judges for counting; and
846 (ii) the counting judges shall immediately count the regular ballots and segregate the
847 provisional ballots contained in that box.
848 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
849 until the polls close.
850 (f) (i) The director of elections within the Office of the Lieutenant Governor shall make
851 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
852 describing the procedures that a counting judge is required to follow for counting ballots in [~~an~~
853 ~~instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting~~
854 ~~Methods Pilot Project]~~ a race conducted by ranked-choice voting under Chapter 1, Part 10,
855 Ranked-choice Voting.
856 [~~(ii) When counting ballots in an instant runoff voting race described in Title 20A,~~
857 ~~Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall~~
858 ~~comply with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4,~~
859 ~~Part 6, Municipal Alternate Voting Methods Pilot Project.]
860 (ii) When counting ballots in a race conducted by ranked-choice voting, a counting
861 judge shall comply with the applicable procedures established under Subsection (2)(f)(i) and
862 Chapter 1, Part 10, Ranked-choice Voting.
863 (3) To resolve questions that arise during the counting of ballots, a counting judge shall
864 apply the standards and requirements of:~~

865 (a) to the extent applicable, Section [20A-4-105](#); and
866 [~~(b) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6,~~
867 ~~Municipal Alternate Voting Methods Pilot Project, Subsection [20A-4-603\(3\)](#).]~~

868 (b) as applicable, for a race conducted by ranked-choice voting under Chapter 1, Part
869 10, Ranked-choice Voting, Section [20A-1-1011](#).

870 Section 18. Section **20A-4-102** is amended to read:

871 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at**
872 **polling place on day of election after polls close.**

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

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

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

876 (b) Except as provided in Subsection (2) or a rule made under Subsection
877 [20A-4-101\(2\)\(f\)\(i\)](#), as soon as the polls have been closed and the last qualified voter has voted,
878 the election judges shall count the ballots by performing the tasks specified in this section in
879 the order that they are specified.

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

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

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

885 (ii) as applicable, for a race conducted by ranked-choice voting under Chapter 1, Part
886 10, Ranked-choice Voting, Section [20A-1-1011](#).

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

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

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

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

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

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

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

902 (3) The judges shall:

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

905 (b) seal that envelope or container.

906 (4) The judges shall:

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

909 (b) seal that envelope or container.

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

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

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

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

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

917 (6) (a) In all elections, the counting judges shall, except as provided in [~~Part 6,~~
918 ~~Municipal Alternate Voting Methods Pilot Project~~] Chapter 1, Part 10, Ranked-choice Voting,
919 or a rule made under Subsection [20A-4-101\(2\)\(f\)\(i\)](#):

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

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

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

926 (iv) evaluate each ballot and each vote based on the standards and requirements of

927 Section [20A-4-105](#);

928 (v) write the word "spoiled" on the back of each ballot that lacks the official
929 endorsement and deposit it in the spoiled ballot envelope; and

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

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

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

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

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

940 Section 19. Section **20A-4-105** is amended to read:

941 **20A-4-105. Standards and requirements for evaluating voter's ballot choice.**

942 (1) (a) An election officer shall ensure that when a question arises regarding a vote
943 recorded on a manual ballot, two counting judges jointly adjudicate the ballot, except as
944 otherwise provided in [~~Part 6, Municipal Alternate Voting Methods Pilot Project~~] Chapter 1,
945 Part 10, Ranked-choice Voting, in accordance with the requirements of this section.

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

948 (2) Except as provided in Subsection (10), Subsection [20A-3a-204\(6\)](#), or [~~Part 6,~~
949 ~~Municipal Alternate Voting Methods Pilot Project~~] Chapter 1, Part 10, Ranked-choice Voting,
950 if a voter marks more names than there are individuals to be elected to an office, or if the
951 counting judges cannot determine a voter's choice for an office, the counting judges may not
952 count the voter's vote for that office.

953 (3) Except as otherwise provided in [~~Part 6, Municipal Alternate Voting Methods Pilot~~
954 ~~Project~~] Chapter 1, Part 10, Ranked-choice Voting, the counting judges shall count a defective
955 or incomplete mark on a manual ballot if:

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

957 (b) there is no other mark or cross on the ballot indicating the voter's intent to vote

958 other than as indicated by the incomplete or defective mark.

959 (4) Except as otherwise provided in [~~Part 6, Municipal Alternate Voting Methods Pilot~~
960 ~~Project~~] Chapter 1, Part 10, Ranked-choice Voting, the counting judges may not reject a ballot
961 marked by the voter because of marks on the ballot other than those marks allowed by this
962 section unless the extraneous marks on a ballot show an intent by an individual to mark the
963 individual's ballot so that the individual's ballot can be identified.

964 (5) (a) In counting the ballots, the counting judges shall give full consideration to the
965 intent of the voter.

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

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

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

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

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

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

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

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

982 (11) Except as otherwise provided in [~~Part 6, Municipal Alternate Voting Methods~~
983 ~~Pilot Project~~] Chapter 1, Part 10, Ranked-choice Voting, in counting the valid write-in votes, if,
984 by casting a valid write-in vote, a voter has cast more votes for an office than that voter is
985 entitled to vote for that office, the counting judges shall count the valid write-in vote as being
986 the obvious intent of the voter.

987 Section 20. Section **20A-4-106** is amended to read:

988 **20A-4-106. Manual ballots -- Sealing.**

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

991 (2) After the ballots are stored under Subsection (1), the ballots may not be examined
992 by anyone, except when examined during a recount conducted under the authority of Section
993 [20A-1-1008](#) or [20A-4-401](#) [~~or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting~~
994 ~~Methods Pilot Project~~].

995 Section 21. Section **20A-4-303** is amended to read:

996 **20A-4-303. Duties of the board of canvassers -- Canvassing the returns.**

997 (1) (a) Before the board of canvassers convenes, the election officer shall:

998 (i) count the ballots;

999 (ii) prepare a certified summary of:

1000 (A) all ballots counted; and

1001 (B) all ballots not counted, with an explanation regarding the reason the ballots were
1002 not counted; and

1003 (iii) make available to the board of canvassers for inspection, all ballots, registers,
1004 books, and forms related to the election.

1005 (b) The board of canvassers shall canvass the election returns by publicly:

1006 (i) reviewing the summary reports prepared by the election officer and any ballots,
1007 registers, books, or forms requested by the board of canvassers; and

1008 (ii) certifying the votes cast:

1009 (A) each ~~[person]~~ individual voted for; and

1010 (B) for and against each ballot proposition voted upon at the election.

1011 (c) The board of canvassers shall, once having begun the canvass, continue until it is
1012 completed.

1013 (2) In canvassing returns, the board of canvassers may not:

1014 (a) reject any election returns if the board can determine the number of votes cast for
1015 each ~~[person]~~ individual from it;

1016 (b) reject any election returns if the election returns:

1017 (i) do not show who administered the oath to the judges of election;

1018 (ii) show that the election judges failed to fill out all the certificates in the pollbooks; or

1019 (iii) show that the election judges failed to do or perform any other act in preparing the

1020 returns that is not essential to determine for whom the votes were cast; or

1021 (c) reject any returns from any voting precinct that do not conform with the
1022 requirements for making, certifying, and returning the returns if those returns are sufficiently
1023 explicit to enable the board of canvassers to determine the number of votes cast for each
1024 ~~[person]~~ individual and for and against each ballot proposition.

1025 (3) (a) If it clearly appears to the election officer and board of canvassers that certain
1026 matters are omitted or that clerical mistakes exist in election returns received, the election
1027 officer shall correct the omissions and mistakes.

1028 (b) The clerk and the board of canvassers may adjourn from day to day to await receipt
1029 of corrected election material.

1030 (4) If a recount is conducted as authorized by Section [20A-1-1008](#) or [20A-4-401](#), the
1031 board of canvassers shall canvass the results of that recount as provided in this section and
1032 ~~[Section]~~, as applicable, Section [20A-1-1008](#) or [20A-4-401](#).

1033 Section 22. Section **20A-4-304** is amended to read:

1034 **20A-4-304. Declaration of results -- Canvassers' report.**

1035 (1) Each board of canvassers shall:

1036 (a) except as provided in ~~[Part 6, Municipal Alternate Voting Methods Pilot Project]~~
1037 Chapter 1, Part 10, Ranked-choice Voting, declare "elected" or "nominated" those ~~[persons]~~
1038 individuals who:

1039 (i) had the highest number of votes; and

1040 (ii) sought election or nomination to an office completely within the board's
1041 jurisdiction;

1042 (b) declare:

1043 (i) "approved" those ballot propositions that:

1044 (A) had more "yes" votes than "no" votes; and

1045 (B) were submitted only to the voters within the board's jurisdiction;

1046 (ii) "rejected" those ballot propositions that:

1047 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
1048 votes; and

1049 (B) were submitted only to the voters within the board's jurisdiction;

1050 (c) certify the vote totals for ~~[persons]~~ individuals and for and against ballot

1051 propositions that were submitted to voters within and beyond the board's jurisdiction and
1052 transmit those vote totals to the lieutenant governor; and

1053 (d) if applicable, certify the results of each local district election to the local district
1054 clerk.

1055 (2) As soon as the result is declared, the election officer shall prepare a report of the
1056 result, which shall contain:

1057 (a) the total number of votes cast in the board's jurisdiction;

1058 (b) the names of each candidate whose name appeared on the ballot;

1059 (c) the title of each ballot proposition that appeared on the ballot;

1060 (d) each office that appeared on the ballot;

1061 (e) from each voting precinct:

1062 (i) the number of votes for each candidate;

1063 (ii) for each race conducted by [~~instant runoff~~] ranked-choice voting under [~~Part 6;~~
1064 ~~Municipal Alternate Voting Methods Pilot Project~~] Chapter 1, Part 10, Ranked-choice Voting,
1065 the number of valid votes cast for each candidate for each potential ballot-counting phase and
1066 the name of the candidate excluded in each canvassing phase; and

1067 (iii) the number of votes for and against each ballot proposition;

1068 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
1069 and against each ballot proposition;

1070 (g) the number of ballots that were rejected; and

1071 (h) a statement certifying that the information contained in the report is accurate.

1072 (3) The election officer and the board of canvassers shall:

1073 (a) review the report to ensure that it is correct; and

1074 (b) sign the report.

1075 (4) The election officer shall:

1076 (a) record or file the certified report in a book kept for that purpose;

1077 (b) prepare and transmit a certificate of nomination or election under the officer's seal
1078 to each nominated or elected candidate;

1079 (c) publish a copy of the certified report in accordance with Subsection (5); and

1080 (d) file a copy of the certified report with the lieutenant governor.

1081 (5) Except as provided in Subsection (6), the election officer shall, no later than seven

1082 days after the day on which the board of canvassers declares the election results, publicize the
1083 certified report described in Subsection (2):

1084 (a) (i) by publishing notice at least once in a newspaper of general circulation within
1085 the jurisdiction;

1086 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
1087 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents
1088 of the jurisdiction, subject to a maximum of 10 notices; or

1089 (iii) by mailing notice to each residence within the jurisdiction;

1090 (b) by posting notice on the Utah Public Notice Website, created in Section
1091 [63A-16-601](#), for one week; and

1092 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
1093 one week.

1094 (6) Instead of including a copy of the entire certified report, a notice required under
1095 Subsection (5) may contain a statement that:

1096 (a) includes the following: "The Board of Canvassers for [indicate name of
1097 jurisdiction] has prepared a report of the election results for the [indicate type and date of
1098 election]."; and

1099 (b) specifies the following sources where an individual may view or obtain a copy of
1100 the entire certified report:

1101 (i) if the jurisdiction has a website, the jurisdiction's website;

1102 (ii) the physical address for the jurisdiction; and

1103 (iii) a mailing address and telephone number.

1104 (7) When there has been a regular general or a statewide special election for statewide
1105 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
1106 or more county ballot proposition, each board of canvassers shall:

1107 (a) prepare a separate report detailing the number of votes for each candidate and the
1108 number of votes for and against each ballot proposition; and

1109 (b) transmit the separate report by registered mail to the lieutenant governor.

1110 (8) In each county election, municipal election, school election, local district election,
1111 and local special election, the election officer shall transmit the reports to the lieutenant
1112 governor within 14 days after the date of the election.

1113 (9) In a regular primary election and in a presidential primary election, the board shall
1114 transmit to the lieutenant governor:

1115 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
1116 governor not later than the second Tuesday after the election; and

1117 (b) a complete tabulation showing voting totals for all primary races, precinct by
1118 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
1119 primary election.

1120 Section 23. Section **20A-4-306** is amended to read:

1121 **20A-4-306. Statewide canvass.**

1122 (1) (a) The state board of canvassers shall convene:

1123 (i) on the fourth Monday of November, at noon; or

1124 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
1125 returns of a statewide special election.

1126 (b) The state auditor, the state treasurer, and the attorney general are the state board of
1127 canvassers.

1128 (c) Attendance of all members of the state board of canvassers shall be required to
1129 constitute a quorum for conducting the canvass.

1130 (2) (a) The state board of canvassers shall:

1131 (i) meet in the lieutenant governor's office; and

1132 (ii) compute and determine the vote for officers and for and against any ballot
1133 propositions voted upon by the voters of the entire state or of two or more counties.

1134 (b) The lieutenant governor, as secretary of the board shall file a report in [his] the
1135 lieutenant governor's office that details:

1136 (i) except as provided in Subsection (2)(b)(iii), for each statewide officer and ballot
1137 proposition:

1138 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

1139 (B) the candidates for each statewide office whose names appeared on the ballot, plus
1140 any recorded write-in candidates;

1141 (C) the number of votes from each county cast for each candidate and for and against
1142 each ballot proposition;

1143 (D) the total number of votes cast statewide for each candidate and for and against each

1144 ballot proposition; and
1145 (E) the total number of votes cast statewide; ~~and~~
1146 (ii) except as provided in Subsection (2)(b)(iii), for each officer or ballot proposition
1147 voted on in two or more counties:
1148 (A) the name of each of those offices and ballot propositions that appeared on the
1149 ballot;
1150 (B) the candidates for those offices, plus any recorded write-in candidates;
1151 (C) the number of votes from each county cast for each candidate and for and against
1152 each ballot proposition; and
1153 (D) the total number of votes cast for each candidate and for and against each ballot
1154 proposition~~[-]~~; and
1155 (iii) for each race conducted by ranked-choice voting under Chapter 1, Part 10,
1156 Ranked-choice Voting, the number of valid votes cast for each candidate for each potential
1157 ballot-counting phase and the name of the candidate excluded in each canvassing phase.
1158 (c) The lieutenant governor shall:
1159 (i) prepare certificates of election for:
1160 (A) each successful candidate; and
1161 (B) each of the presidential electors of the candidate for president who received a
1162 majority of the votes;
1163 (ii) authenticate each certificate with ~~his~~ the lieutenant governor's seal; and
1164 (iii) deliver a certificate of election to:
1165 (A) each candidate who had the highest number of votes for each office; and
1166 (B) each of the presidential electors of the candidate for president who received a
1167 majority of the votes.
1168 (3) If the lieutenant governor has not received election returns from all counties on the
1169 fifth day before the day designated for the meeting of the state board of canvassers, the
1170 lieutenant governor shall:
1171 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
1172 county;
1173 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
1174 required by Section [20A-4-304](#) from the clerk; and

1175 (c) pay the messenger the per diem provided by law as compensation.

1176 (4) The state board of canvassers may not withhold the declaration of the result or any
1177 certificate of election because of any defect or informality in the returns of any election if the
1178 board can determine from the returns, with reasonable certainty, what office is intended and
1179 who is elected to it.

1180 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
1181 governor shall:

1182 (i) canvass the returns for all multicounty candidates required to file with the office of
1183 the lieutenant governor; and

1184 (ii) publish and file the results of the canvass in the lieutenant governor's office.

1185 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
1186 certify the results of the primary canvass to the county clerks.

1187 (6) (a) At noon on the fourth Tuesday in March of a year in which a presidential
1188 election will be held, the lieutenant governor shall:

1189 (i) canvass the returns of the presidential primary election; and

1190 (ii) publish and file the results of the canvass in the lieutenant governor's office.

1191 (b) The lieutenant governor shall certify the results of the presidential primary election
1192 canvass to each registered political party that participated in the primary not later than the April
1193 15 after the primary election.

1194 Section 24. Section **20A-4-401** is amended to read:

1195 **20A-4-401. Recounts -- Procedure.**

1196 (1) (a) This section does not apply to a race conducted by [~~instant runoff voting under~~
1197 ~~Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~] ranked-choice voting
1198 under Chapter 1, Part 10, Ranked-choice Voting.

1199 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the
1200 difference between the number of votes cast for a winning candidate in the race and a losing
1201 candidate in the race is equal to or less than .25% of the total number of votes cast for all
1202 candidates in the race, that losing candidate may file a request for a recount in accordance with
1203 Subsection (1)(d).

1204 (c) For a race between candidates where the total of all votes cast in the race is 400 or
1205 less, if the difference between the number of votes cast for a winning candidate in the race and

1206 a losing candidate in the race is one vote, that losing candidate may file a request for a recount
1207 in accordance with Subsection (1)(d).

1208 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall
1209 file the request:

1210 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within
1211 three days after the canvass; or

1212 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

1213 (A) the municipal clerk, if the election is a municipal general election;

1214 (B) the local district clerk, if the election is a local district election;

1215 (C) the county clerk, for races voted on entirely within a single county; or

1216 (D) the lieutenant governor, for statewide races and multicounty races.

1217 (e) The election officer shall:

1218 (i) supervise the recount;

1219 (ii) recount all ballots cast for that race;

1220 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
1221 Disposition of Ballots;

1222 (iv) for a race where only one candidate may win, declare elected the candidate who
1223 receives the highest number of votes on the recount; and

1224 (v) for a race where multiple candidates may win, declare elected the applicable
1225 number of candidates who receive the highest number of votes on the recount.

1226 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
1227 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
1228 the total votes cast for or against the proposition, any 10 voters who voted in the election where
1229 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
1230 days after the day of the canvass with the ~~[person]~~ individual described in Subsection (2)(c).

1231 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
1232 against the proposition is 400 or less, if the difference between the number of votes cast for the
1233 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
1234 voted in the election where the proposition was on the ballot may file a request for a recount
1235 before 5 p.m. within seven days after the day of the canvass with the ~~[person]~~ individual
1236 described in Subsection (2)(c).

1237 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
1238 file the request with:

- 1239 (i) the municipal clerk, if the election is a municipal election;
1240 (ii) the local district clerk, if the election is a local district election;
1241 (iii) the county clerk, for propositions voted on entirely within a single county; or
1242 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

1243 (d) The election officer shall:

- 1244 (i) supervise the recount;
1245 (ii) recount all ballots cast for that ballot proposition or bond proposition;
1246 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

1247 Disposition of Ballots; and

- 1248 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
1249 based upon the results of the recount.

1250 (e) Proponents and opponents of the ballot proposition or bond proposition may
1251 designate representatives to witness the recount.

1252 (f) The voters requesting the recount shall pay the costs of the recount.

1253 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
1254 ~~[person]~~ individual requesting the recount.

1255 (4) (a) Upon completion of the recount, the election officer shall immediately convene
1256 the board of canvassers.

1257 (b) The board of canvassers shall:

1258 (i) canvass the election returns for the race or proposition that was the subject of the
1259 recount; and

1260 (ii) with the assistance of the election officer, prepare and sign the report required by
1261 Section [20A-4-304](#) or [20A-4-306](#).

1262 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
1263 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
1264 governor as required by Subsection [20A-4-304](#) (7).

1265 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
1266 result of the race or proposition that is the subject of the recount.

1267 Section 25. Section **20A-5-400.1** is amended to read:

1268 **20A-5-400.1. Contracting with an election officer to conduct elections -- Fees --**
1269 **Contracts and interlocal agreements -- Private providers.**

1270 (1) (a) In accordance with this section, a local political subdivision may enter into a
1271 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation
1272 Act, with a provider election officer to conduct an election.

1273 (b) If the boundaries of a local political subdivision holding the election extend beyond
1274 a single local political subdivision, the local political subdivision may have more than one
1275 provider election officer conduct an election.

1276 ~~[(c) Upon approval by the lieutenant governor, a municipality may enter into a contract~~
1277 ~~or agreement under Subsection (1)(a) with any local political subdivision in the state,~~
1278 ~~regardless of whether the municipality is located in, next to, or near, the local political~~
1279 ~~subdivision, to conduct an election during which the municipality is participating in the~~
1280 ~~Municipal Alternate Voting Methods Pilot Project.]~~

1281 ~~[(d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with~~
1282 ~~a local political subdivision other than a county within which the municipality exists, the~~
1283 ~~municipality, the local political subdivision, and the county within which the municipality~~
1284 ~~exists shall enter into a cooperative agreement to ensure the proper functioning of the election:]~~

1285 (2) A provider election officer shall conduct an election:

- 1286 (a) under the direction of the contracting election officer; and
1287 (b) in accordance with a contract or interlocal agreement.

1288 (3) A provider election officer shall establish fees for conducting an election for a
1289 contracting election officer that:

- 1290 (a) are consistent with the contract or interlocal agreement; and
1291 (b) do not exceed the actual costs incurred by the provider election officer.

1292 (4) The contract or interlocal agreement under this section may specify that a
1293 contracting election officer request, within a specified number of days before the election, that
1294 the provider election officer conduct the election to allow adequate preparations by the
1295 provider election officer.

1296 (5) An election officer conducting an election may appoint or employ an agent or
1297 professional service to assist in conducting the election.

1298 Section 26. Section **20A-5-802** is amended to read:

1299 **20A-5-802. Certification of voting equipment.**

1300 (1) For the voting equipment used in the jurisdiction over which an election officer has
1301 authority, the election officer shall:

1302 (a) before each election, use logic and accuracy tests to ensure that the voting
1303 equipment performs the voting equipment's functions accurately;

1304 (b) develop and implement a procedure to protect the physical security of the voting
1305 equipment; and

1306 (c) ensure that the voting equipment is certified by the lieutenant governor under
1307 Subsection (2) as having met the requirements of this section.

1308 (2) (a) Except as provided in Subsection (2)(b)(ii):

1309 (i) the lieutenant governor shall ensure that all voting equipment used in the state is
1310 independently tested using security testing protocols and standards that:

1311 (A) are generally accepted in the industry at the time the lieutenant governor reviews
1312 the voting equipment for certification; and

1313 (B) meet the requirements of Subsection (2)(a)(ii);

1314 (ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require
1315 that a voting system:

1316 (A) is accurate and reliable;

1317 (B) possesses established and maintained access controls;

1318 (C) has not been fraudulently manipulated or tampered with;

1319 (D) is able to identify fraudulent or erroneous changes to the voting equipment; and

1320 (E) protects the secrecy of a voter's ballot; and

1321 (iii) The lieutenant governor may comply with the requirements of Subsection (2)(a) by
1322 certifying voting equipment that has been certified by:

1323 (A) the United States Election Assistance Commission; or

1324 (B) a laboratory that has been accredited by the United States Election Assistance
1325 Commission to test voting equipment.

1326 (b) (i) Voting equipment used in the state ~~may~~ shall include technology that allows
1327 for ranked-choice voting.

1328 (ii) The lieutenant governor may, for voting equipment used for ranked-choice voting
1329 under [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~]

1330 Chapter 1, Part 10, Ranked-choice Voting, certify voting equipment that has been successfully
1331 used within the United States or a territory of the United States for ranked-choice voting for a
1332 race for federal office.

1333 Section 27. Section **20A-6-301** is amended to read:

1334 **20A-6-301. Manual ballots -- Regular general election.**

1335 (1) [~~Each~~] Except as otherwise required for a race conducted by ranked-choice voting
1336 under Chapter 1, Part 10, Ranked-choice Voting, each election officer shall ensure that:

1337 (a) all manual ballots furnished for use at the regular general election contain:

1338 (i) no captions or other endorsements except as provided in this section;

1339 (ii) no symbols, markings, or other descriptions of a political party or group, except for
1340 a registered political party that has chosen to nominate its candidates in accordance with
1341 Section [20A-9-403](#); and

1342 (iii) no indication that a candidate for [~~elective~~] office has been nominated by, or has
1343 been endorsed by, or is in any way affiliated with a political party or group, unless the
1344 candidate has been nominated by a registered political party in accordance with Subsection
1345 [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#);

1346 (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:

1347 (i) "Official Ballot for ____ County, Utah";

1348 (ii) the date of the election; and

1349 (iii) the words "certified by the Clerk of _____ County" or, as applicable, the
1350 name of a combined office that includes the duties of a county clerk;

1351 (c) unaffiliated candidates, candidates not affiliated with a registered political party,
1352 and all other candidates for [~~elective~~] office who were not nominated by a registered political
1353 party in accordance with Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#), are listed with
1354 the other candidates for the same office in accordance with Section [20A-6-305](#), without a party
1355 name or title;

1356 (d) each ticket containing the lists of candidates, including the party name and device,
1357 are separated by heavy parallel lines;

1358 (e) the offices to be filled are plainly printed immediately above the names of the
1359 candidates for those offices;

1360 (f) the names of candidates are printed in capital letters, not less than one-eighth nor

1361 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
1362 lines or rules three-eighths of an inch apart; and

1363 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in
1364 which a write-in candidate is qualified under Section 20A-9-601:

1365 (i) the ballot includes a space for a write-in candidate immediately following the last
1366 candidate listed on that ticket; or

1367 (ii) for the offices of president and vice president and governor and lieutenant
1368 governor, the ballot includes two spaces for write-in candidates immediately following the last
1369 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in
1370 candidates.

1371 (2) An election officer shall ensure that:

1372 (a) each individual nominated by any registered political party under Subsection
1373 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:

1374 (i) under the registered political party's name, if any; or

1375 (ii) under the title of the registered political party as designated by them in their
1376 certificates of nomination or petition, or, if none is designated, then under some suitable title;

1377 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5,
1378 Candidates not Affiliated with a Party, are placed on the ballot;

1379 (c) the names of the candidates for president and vice president are used on the ballot
1380 instead of the names of the presidential electors; and

1381 (d) the ballots contain no other names.

1382 (3) [~~When~~] Except as otherwise required for a race conducted by ranked-choice voting
1383 under Chapter 1, Part 10, Ranked-choice Voting, when the ballot contains a nonpartisan
1384 section, the election officer shall ensure that:

1385 (a) the designation of the office to be filled in the election and the number of
1386 candidates to be elected are printed in type not smaller than eight point;

1387 (b) the words designating the office are printed flush with the left-hand margin;

1388 (c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for
1389 which the voter may vote)" extend to the extreme right of the column;

1390 (d) the nonpartisan candidates are grouped according to the office for which they are
1391 candidates;

1392 (e) the names in each group are placed in the order specified under Section 20A-6-305
1393 with the surnames last; and

1394 (f) each group is preceded by the designation of the office for which the candidates
1395 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of
1396 candidates for which the voter may vote)," according to the number to be elected.

1397 (4) Each election officer shall ensure that:

1398 (a) proposed amendments to the Utah Constitution are listed on the ballot in
1399 accordance with Section 20A-6-107;

1400 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
1401 with Section 20A-6-107;

1402 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
1403 title assigned to each bond proposition under Section 11-14-206; and

1404 (d) the judicial retention section of the ballot includes a statement at the beginning
1405 directing voters to the Judicial Performance Evaluation Commission's website in accordance
1406 with Subsection 20A-12-201(4).

1407 Section 28. Section 20A-6-401 is amended to read:

1408 **20A-6-401. Ballots for municipal primary elections.**

1409 (1) ~~[Each]~~ Except as otherwise required for a race conducted by ranked-choice voting
1410 under Chapter 1, Part 10, Ranked-choice Voting, each election officer shall ensure that:

1411 (a) the following endorsements are printed in 18 point bold type:

1412 (i) "Official Primary Ballot for ____ (City, Town, or Metro Township), Utah";

1413 (ii) the date of the election; and

1414 (iii) a facsimile of the signature of the election officer and the election officer's title in
1415 eight point type;

1416 (b) immediately below the election officer's title, two one-point parallel horizontal
1417 rules separate endorsements from the rest of the ballot;

1418 (c) immediately below the horizontal rules, an "Instructions to Voters" section is
1419 printed in 10 point bold type that states: "To vote for a candidate, mark the space following the
1420 name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by
1421 two one-point parallel rules;

1422 (d) after the rules, the designation of the office for which the candidates seek

1423 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
1424 for up to ____ (the number of candidates for which the voter may vote)" are printed to extend
1425 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

1426 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
1427 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305
1428 with surnames last and grouped according to the office that they seek;

1429 (f) a square with sides not less than one-fourth inch long is printed immediately
1430 adjacent to the names of the candidates; and

1431 (g) the candidate groups are separated from each other by one light and one heavy line
1432 or rule.

1433 (2) A municipal primary ballot may not contain any space for write-in votes.

1434 Section 29. Section 20A-6-401.1 is amended to read:

1435 **20A-6-401.1. Ballots for partisan municipal primary elections.**

1436 (1) ~~[An]~~ Except as otherwise required for a race conducted by ranked-choice voting
1437 under Chapter 1, Part 10, Ranked-choice Voting, an election officer shall ensure that:

1438 (a) all manual ballots furnished for use at the regular primary election:

1439 (i) separate the candidates of one political party from those of the other political
1440 parties; and

1441 (ii) contain no captions or other endorsements except as provided in this section;

1442 (b) the names of all candidates from each party are listed on the same ballot in one or
1443 more columns under their party name and emblem;

1444 (c) the political parties are printed on the ballot in the order specified under Section
1445 20A-6-305;

1446 (d) the following endorsements are printed in 18-point bold type:

1447 (i) "Official Primary Ballot for ____ (name of municipality), Utah";

1448 (ii) the date of the election; and

1449 (iii) a facsimile of the signature of the election officer and the election officer's title in
1450 eight point type;

1451 (e) after the facsimile signature, the political party emblem and the name of the
1452 political party are printed;

1453 (f) after the party name and emblem, the ballot contains the following printed in not

1454 smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a
1455 candidate, mark the space following the name of the person for whom you wish to vote and in
1456 no other place. Do not vote for any candidate listed under more than one party or group
1457 designation.", followed by two one-point parallel horizontal rules;

1458 (g) after the rules, the designation of the office for which the candidates seek
1459 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
1460 for up to _____ (the number of candidates for which the voter may vote)" are printed to extend
1461 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

1462 (h) after the hair-line rule, the names of the candidates are printed in heavy face type
1463 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305
1464 with surnames last and grouped according to the office that they seek;

1465 (i) a square with sides not less than one-fourth inch long is printed immediately
1466 adjacent to the names of the candidates;

1467 (j) the candidate groups are separated from each other by one light and one heavy line
1468 or rule; and

1469 (k) the nonpartisan candidates are listed as follows:

1470 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"
1471 is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of
1472 the party listing above; and

1473 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
1474 candidate's name, the voting square, and any other necessary information is printed in the same
1475 style and manner as for party candidates.

1476 (2) [~~For~~] Except as otherwise required for a race conducted by ranked-choice voting
1477 under Chapter 1, Part 10, Ranked-choice Voting, for mechanical ballots, the election officer
1478 may require that:

1479 (a) the ballot for a regular primary election consist of several groups of pages or display
1480 screens, so that a separate group can be used to list the names of candidates seeking nomination
1481 of each qualified political party, with additional groups used to list candidates for other
1482 nonpartisan offices;

1483 (b) the separate groups of pages or display screens are identified by color or other
1484 suitable means; and

1485 (c) the ballot contains instructions that direct the voter how to vote the ballot.

1486 Section 30. Section **20A-6-402** is amended to read:

1487 **20A-6-402. Ballots for municipal general elections.**

1488 (1) [~~Except as otherwise required for a race conducted by instant runoff voting under~~
1489 ~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~] Except as
1490 otherwise required for a race conducted by ranked-choice voting under Chapter 1, Part 10,
1491 Ranked-choice Voting, for a manual ballot at a municipal general election, an election officer
1492 shall ensure that:

1493 (a) the names of the two candidates who received the highest number of votes for
1494 mayor in the municipal primary are placed upon the ballot;

1495 (b) if no municipal primary election was held, the names of the candidates who filed
1496 declarations of candidacy for municipal offices are placed upon the ballot;

1497 (c) for other offices:

1498 (i) twice the number of candidates as there are positions to be filled are certified as
1499 eligible for election in the municipal general election from those candidates who received the
1500 greater number of votes in the primary election; and

1501 (ii) the names of those candidates are placed upon the municipal general election
1502 ballot;

1503 (d) the names of the candidates are placed on the ballot in the order specified under
1504 Section **20A-6-305**;

1505 (e) in an election in which a voter is authorized to cast a write-in vote and where a
1506 write-in candidate is qualified under Section **20A-9-601**, a write-in area is placed upon the
1507 ballot that contains, for each office in which there is a qualified write-in candidate:

1508 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

1509 (ii) a square or other conforming area that is adjacent to or opposite the blank
1510 horizontal line to enable the voter to indicate the voter's vote;

1511 (f) ballot propositions that have qualified for the ballot, including propositions
1512 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
1513 listed on the ballot in accordance with Section **20A-6-107**; and

1514 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
1515 title assigned to each bond proposition under Section **11-14-206**.

1516 (2) [~~Except as otherwise required for a race conducted by instant runoff voting under~~
1517 ~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~] Except as
1518 otherwise required for a race conducted by ranked-choice voting under Chapter 1, Part 10,
1519 Ranked-choice Voting, when using a mechanical ballot at municipal general elections, each
1520 election officer shall ensure that:

- 1521 (a) the following endorsements are displayed on the first portion of the ballot:
- 1522 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
- 1523 (ii) the date of the election; and
- 1524 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 1525 (b) immediately below the election officer's title, a distinct border or line separates the
1526 endorsements from the rest of the ballot;
- 1527 (c) immediately below the border or line, an "Instructions to Voters" section is
1528 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
1529 the candidate(s) for each respective office." followed by another border or line;
- 1530 (d) after the border or line, the designation of the office for which the candidates seek
1531 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
1532 candidates for which the voter may vote)" are displayed, followed by a line or border;
- 1533 (e) after the line or border, the names of the candidates are displayed in the order
1534 specified under Section [20A-6-305](#) with surnames last and grouped according to the office that
1535 they seek;
- 1536 (f) a voting square or position is located adjacent to the name of each candidate;
- 1537 (g) following the name of the last candidate for each office in which a write-in
1538 candidate is qualified under Section [20A-9-601](#), the ballot contains a write-in space where the
1539 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 1540 (h) the candidate groups are separated from each other by a line or border.
- 1541 (3) When a municipality has chosen to nominate candidates by convention or
1542 committee, the election officer shall ensure that the party name is included with the candidate's
1543 name on the ballot.

1544 Section 31. Section [20A-9-101](#) is amended to read:

1545 **20A-9-101. Definitions.**

1546 As used in this chapter:

1547 (1) (a) "Candidates for [~~elective~~] office" means [~~persons~~] individuals who file a
1548 declaration of candidacy under Section 20A-9-202 to run in a regular general election for a
1549 federal office, constitutional office, multicounty office, or county office.

1550 (b) "Candidates for [~~elective~~] office" does not mean candidates for:

1551 (i) justice or judge of court of record or not of record;

1552 (ii) presidential elector;

1553 (iii) any political party offices; and

1554 (iv) municipal or local district offices.

1555 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
1556 attorney general, state auditor, and state treasurer.

1557 (3) "Continuing political party" means the same as that term is defined in Section
1558 20A-8-101.

1559 (4) (a) "County office" means an [~~elective~~] office where the officeholder is selected by
1560 voters entirely within one county.

1561 (b) "County office" does not mean:

1562 (i) the office of justice or judge of any court of record or not of record;

1563 (ii) the office of presidential elector;

1564 (iii) any political party offices;

1565 (iv) any municipal or local district offices; and

1566 (v) the office of United States Senator and United States Representative.

1567 (5) "Federal office" means an elective office for United States Senator and United
1568 States Representative.

1569 (6) "Filing officer" means:

1570 (a) the lieutenant governor, for:

1571 (i) the office of United States Senator and United States Representative; and

1572 (ii) all constitutional offices;

1573 (b) for the office of a state senator or state representative, the lieutenant governor or the
1574 applicable clerk described in Subsection (6)(c) or (d);

1575 (c) the county clerk, for county offices and local school district offices;

1576 (d) the county clerk in the filer's county of residence, for multicounty offices;

1577 (e) the city or town clerk, for municipal offices; or

- 1578 (f) the local district clerk, for local district offices.
- 1579 (7) "Local district office" means an elected office in a local district.
- 1580 (8) "Local government office" includes county offices, municipal offices, and local
1581 district offices and other elective offices selected by the voters from a political division entirely
1582 within one county.
- 1583 (9) (a) "Multicounty office" means an [~~elective~~] office where the officeholder is
1584 selected by the voters from more than one county.
- 1585 (b) "Multicounty office" does not mean:
- 1586 (i) a county office;
- 1587 (ii) a federal office;
- 1588 (iii) the office of justice or judge of any court of record or not of record;
- 1589 (iv) the office of presidential elector;
- 1590 (v) any political party offices; or
- 1591 (vi) any municipal or local district offices.
- 1592 (10) "Municipal office" means an elective office in a municipality.
- 1593 (11) (a) "Political division" means a geographic unit from which an officeholder is
1594 elected and that an officeholder represents.
- 1595 (b) "Political division" includes a county, a city, a town, a local district, a school
1596 district, a legislative district, and a county prosecution district.
- 1597 (12) "Qualified political party" means a registered political party that:
- 1598 (a) (i) permits a delegate for the registered political party to vote on a candidate
1599 nomination in the registered political party's convention remotely; or
- 1600 (ii) provides a procedure for designating an alternate delegate if a delegate is not
1601 present at the registered political party's convention;
- 1602 (b) does not hold the registered political party's convention before the fourth Saturday
1603 in March of an even-numbered year;
- 1604 (c) permits a member of the registered political party to seek the registered political
1605 party's nomination for any [~~elective~~] office by the member choosing to seek the nomination by
1606 either or both of the following methods:
- 1607 (i) seeking the nomination through the registered political party's convention process,
1608 in accordance with the provisions of Section [20A-9-407](#); or

1609 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
1610 of Section 20A-9-408; and

1611 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
1612 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
1613 election in the following year, the registered political party intends to nominate the registered
1614 political party's candidates in accordance with the provisions of Section 20A-9-406; or

1615 (ii) if the registered political party is not a continuing political party, certifies at the
1616 time that the registered political party files the petition described in Section 20A-8-103 that, for
1617 the next election, the registered political party intends to nominate the registered political
1618 party's candidates in accordance with the provisions of Section 20A-9-406.

1619 (13) "Unopposed" means that, for a particular race:

1620 (a) no individual other than the candidate receives a certification from the applicable
1621 filing officer for the regular primary election ballot of the candidate's registered political party
1622 for that race; or

1623 (b) if more than one position is open, the number of candidates who receive a
1624 certification from the applicable filing officer for the regular primary election of the candidate's
1625 registered political party does not exceed the total number of open positions.

1626 Section 32. Section 20A-9-202 is amended to read:

1627 **20A-9-202. Declarations of candidacy for regular general elections.**

1628 (1) (a) An individual seeking to become a candidate for an elective office that is to be
1629 filled at the next regular general election shall:

1630 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person
1631 with the filing officer on or after January 1 of the regular general election year, and, if
1632 applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

1633 (ii) pay the filing fee.

1634 (b) Unless expressly provided otherwise in this title, for a registered political party that
1635 is not a qualified political party, the deadline for filing a declaration of candidacy for an
1636 elective office that is to be filled at the next regular general election is 5 p.m. on the first
1637 Monday after the fourth Saturday in April.

1638 (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file
1639 a declaration of candidacy with the filing officer if:

1640 (i) the individual is located outside of the state during the entire filing period;
1641 (ii) the designated agent appears in person before the filing officer;
1642 (iii) the individual communicates with the filing officer using an electronic device that
1643 allows the individual and filing officer to see and hear each other; and

1644 (iv) the individual provides the filing officer with an email address to which the filing
1645 officer may send the individual the copies described in Subsection [20A-9-201\(5\)](#).

1646 (d) Each county clerk who receives a declaration of candidacy from a candidate for
1647 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
1648 candidacy to the lieutenant governor within one business day after the candidate files the
1649 declaration of candidacy.

1650 (e) Each day during the filing period, each county clerk shall notify the lieutenant
1651 governor electronically or by telephone of candidates who have filed a declaration of candidacy
1652 with the county clerk.

1653 (f) Each individual seeking the office of lieutenant governor, the office of district
1654 attorney, or the office of president or vice president of the United States shall comply with the
1655 specific declaration of candidacy requirements established by this section.

1656 (2) (a) Each individual intending to become a candidate for the office of district
1657 attorney within a multicounty prosecution district that is to be filled at the next regular general
1658 election shall:

1659 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
1660 creating the prosecution district on or after January 1 of the regular general election year, and
1661 before the individual circulates nomination petitions under Section [20A-9-405](#); and

1662 (ii) pay the filing fee.

1663 (b) The designated clerk shall provide to the county clerk of each county in the
1664 prosecution district a certified copy of each declaration of candidacy filed for the office of
1665 district attorney.

1666 (3) (a) Before the deadline described in Subsection (1)(b), each lieutenant governor
1667 candidate shall:

1668 (i) file a declaration of candidacy with the lieutenant governor;

1669 (ii) pay the filing fee; and

1670 (iii) submit a letter from a candidate for governor who has received certification for the

1671 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
1672 as a joint-ticket running mate.

1673 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

1674 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
1675 replace the disqualified candidate.

1676 (4) Before 5 p.m. no later than August 31, each registered political party shall:

1677 (a) certify the names of the political party's candidates for president and vice president
1678 of the United States to the lieutenant governor; or

1679 (b) provide written authorization for the lieutenant governor to accept the certification
1680 of candidates for president and vice president of the United States from the national office of
1681 the registered political party.

1682 (5) (a) A declaration of candidacy filed under this section is valid unless a written
1683 objection is filed with the clerk or lieutenant governor before 5 p.m. on the last business day
1684 that is at least 10 days before the deadline described in Subsection 20A-9-409(4)[(c)](b).

1685 (b) If an objection is made, the clerk or lieutenant governor shall:

1686 (i) mail or personally deliver notice of the objection to the affected candidate
1687 immediately; and

1688 (ii) decide any objection within 48 hours after it is filed.

1689 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1690 problem by amending the declaration or petition before 5 p.m. within three days after the day
1691 on which the objection is sustained or by filing a new declaration before 5 p.m. within three
1692 days after the day on which the objection is sustained.

1693 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1694 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1695 by a district court if prompt application is made to the court.

1696 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1697 of its discretion, agrees to review the lower court decision.

1698 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by
1699 filing a written affidavit with the clerk.

1700 (7) (a) Except for a candidate who is certified by a registered political party under
1701 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than

1702 August 31 of a general election year, each individual running as a candidate for vice president
1703 of the United States shall:

1704 (i) file a declaration of candidacy, in person or via a designated agent, on a form
1705 developed by the lieutenant governor, that:

1706 (A) contains the individual's name, address, and telephone number;

1707 (B) states that the individual meets the qualifications for the office of vice president of
1708 the United States;

1709 (C) names the presidential candidate, who has qualified for the general election ballot,
1710 with which the individual is running as a joint-ticket running mate;

1711 (D) states that the individual agrees to be the running mate of the presidential candidate
1712 described in Subsection (7)(a)(i)(C); and

1713 (E) contains any other necessary information identified by the lieutenant governor;

1714 (ii) pay the filing fee; and

1715 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)
1716 that names the individual as a joint-ticket running mate as a vice presidential candidate.

1717 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
1718 candidacy.

1719 (c) A vice presidential candidate who fails to meet the requirements described in this
1720 Subsection (7) may not appear on the general election ballot.

1721 (8) An individual filing a declaration of candidacy for president or vice president of the
1722 United States shall pay a filing fee of \$500.

1723 Section 33. Section **20A-9-203** is amended to read:

1724 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1725 (1) An individual may become a candidate for any municipal office if:

1726 (a) the individual is a registered voter; and

1727 (b) (i) the individual has resided within the municipality in which the individual seeks
1728 to hold ~~elective~~ office for the 12 consecutive months immediately before the date of the
1729 election; or

1730 (ii) the territory in which the individual resides was annexed into the municipality, the
1731 individual has resided within the annexed territory or the municipality the 12 consecutive
1732 months immediately before the date of the election.

1733 (2) (a) For purposes of determining whether an individual meets the residency
1734 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
1735 before the election, the municipality is considered to have been incorporated 12 months before
1736 the date of the election.

1737 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
1738 council position shall, if elected from a district, be a resident of the council district from which
1739 the candidate is elected.

1740 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
1741 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
1742 against the elective franchise may not hold office in this state until the right to hold elective
1743 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

1744 (3) (a) An individual seeking to become a candidate for a municipal office shall,
1745 regardless of the nomination method by which the individual is seeking to become a candidate:

1746 (i) except as provided in Subsection (3)(b) [~~or Title 20A, Chapter 4, Part 6, Municipal~~
1747 ~~Alternate Voting Methods Pilot Project~~], and subject to Subsection 20A-9-404(3)(e), file a
1748 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
1749 described in Section 10-3-301 and not later than the close of those office hours, between June 1
1750 and June 7 of any odd-numbered year; and

1751 (ii) pay the filing fee, if one is required by municipal ordinance.

1752 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
1753 declaration of candidacy with the city recorder or town clerk if:

1754 (i) the individual is located outside of the state during the entire filing period;

1755 (ii) the designated agent appears in person before the city recorder or town clerk;

1756 (iii) the individual communicates with the city recorder or town clerk using an
1757 electronic device that allows the individual and city recorder or town clerk to see and hear each
1758 other; and

1759 (iv) the individual provides the city recorder or town clerk with an email address to
1760 which the city recorder or town clerk may send the individual the copies described in
1761 Subsection (4).

1762 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1763 (i) [~~except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting~~

1764 ~~Methods Pilot Project,~~] filing a nomination petition with the city recorder or town clerk during
1765 the office hours described in Section 10-3-301 and not later than the close of those office
1766 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
1767 of the nomination petition of the lesser of at least:

1768 (A) 25 registered voters who reside in the municipality; or

1769 (B) 20% of the registered voters who reside in the municipality; and

1770 (ii) paying the filing fee, if one is required by municipal ordinance.

1771 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
1772 petition, the filing officer shall:

1773 (i) read to the prospective candidate or individual filing the petition the constitutional
1774 and statutory qualification requirements for the office that the candidate is seeking;

1775 (ii) require the candidate or individual filing the petition to state whether the candidate
1776 meets the requirements described in Subsection (4)(a)(i); and

1777 (iii) inform the candidate or the individual filing the petition that an individual who
1778 holds a municipal elected office may not, at the same time, hold a county elected office.

1779 (b) If the prospective candidate does not meet the qualification requirements for the
1780 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1781 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1782 filing officer shall:

1783 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1784 written on the declaration of candidacy;

1785 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
1786 for the office the candidate is seeking and inform the candidate that failure to comply will
1787 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1788 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1789 Electronic Voter Information Website Program and inform the candidate of the submission
1790 deadline under Subsection 20A-7-801(4)(a);

1791 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1792 described under Section 20A-9-206 and inform the candidate that:

1793 (A) signing the pledge is voluntary; and

1794 (B) signed pledges shall be filed with the filing officer; and

1795 (v) accept the declaration of candidacy or nomination petition.

1796 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1797 officer shall:

1798 (i) accept the candidate's pledge; and

1799 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1800 candidate's pledge to the chair of the county or state political party of which the candidate is a
1801 member.

1802 (5) (a) The declaration of candidacy shall be in substantially the following form:

1803 "I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at
1804 ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number
1805 (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____
1806 (stating the term). I will meet the legal qualifications required of candidates for this office. If
1807 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
1808 candidate filing period. I will file all campaign financial disclosure reports as required by law
1809 and I understand that failure to do so will result in my disqualification as a candidate for this
1810 office and removal of my name from the ballot. I request that my name be printed upon the
1811 applicable official ballots. (Signed) _____

1812 Subscribed and sworn to (or affirmed) before me by ____ on this
1813 _____(month\day\year).

1814 (Signed) _____ (Clerk or other officer qualified to administer oath)."

1815 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
1816 not sign the form described in Subsection (5)(a).

1817 (c) (i) A nomination petition shall be in substantially the following form:

1818 "NOMINATION PETITION

1819 The undersigned residents of (name of municipality), being registered voters, nominate
1820 (name of nominee) for the office of (name of office) for the (length of term of office)."

1821 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1822 individuals signing the petition and each individual's address and phone number.

1823 (6) If the declaration of candidacy or nomination petition fails to state whether the
1824 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
1825 for the four-year term.

1826 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
1827 voters.

1828 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1829 print the candidate's name on the ballot.

1830 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
1831 clerk shall:

1832 (a) publicize a list of the names of the candidates as they will appear on the ballot:

1833 (i) (A) by publishing the list in at least two successive publications of a newspaper of
1834 general circulation in the municipality;

1835 (B) by posting one copy of the list, and at least one additional copy of the list per 2,000
1836 population of the municipality, in places within the municipality that are most likely to give
1837 notice to the voters in the municipality, subject to a maximum of 10 lists; or

1838 (C) by mailing the list to each registered voter in the municipality;

1839 (ii) by posting the list on the Utah Public Notice Website, created in Section
1840 [63A-16-601](#), for seven days; and

1841 (iii) if the municipality has a website, by posting the list on the municipality's website
1842 for seven days; and

1843 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1844 the ballot.

1845 (9) Except as provided in Subsection (10)(c), an individual may not amend a
1846 declaration of candidacy or nomination petition filed under this section after the candidate
1847 filing period ends.

1848 (10) (a) A declaration of candidacy or nomination petition that an individual files under
1849 this section is valid unless [~~a person~~] an individual files a written objection with the clerk
1850 before 5 p.m. within 10 days after the last day for filing.

1851 (b) If [~~a person~~] an individual files an objection, the clerk shall:

1852 (i) mail or personally deliver notice of the objection to the affected candidate
1853 immediately; and

1854 (ii) decide any objection within 48 hours after the objection is filed.

1855 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
1856 days after the day on which the clerk sustains the objection, correct the problem for which the

1857 objection is sustained by amending the candidate's declaration of candidacy or nomination
1858 petition, or by filing a new declaration of candidacy.

1859 (d) (i) The clerk's decision upon objections to form is final.

1860 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1861 prompt application is made to the district court.

1862 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1863 of its discretion, agrees to review the lower court decision.

1864 (11) A candidate who qualifies for the ballot under this section may withdraw as a
1865 candidate by filing a written affidavit with the municipal clerk.

1866 Section 34. Section **20A-9-402** is amended to read:

1867 **20A-9-402. General requirements for all primary elections.**

1868 (1) Except as provided in Subsection [~~(2)~~] (3), the lieutenant governor, county clerks,
1869 and election judges shall follow the procedures and requirements of this title in administering
1870 primary elections.

1871 (2) An election official shall administer a multi-candidate race during a primary
1872 election in accordance with Chapter 1, Part 10, Ranked-choice Voting.

1873 [~~(2)~~] (3) [~~H~~] Except for Chapter 1, Part 10, Ranked-choice Voting, if there is any
1874 conflict between any provision of this part and any other sections in [Title 20A, Election Code]
1875 this title, this part takes precedence.

1876 Section 35. Section **20A-9-403** is amended to read:

1877 **20A-9-403. Regular primary elections.**

1878 (1) (a) Candidates for [~~elective~~] office that are to be filled at the next regular general
1879 election shall be nominated in a regular primary election by direct vote of the people in the
1880 manner prescribed in this section. The regular primary election is held on the date specified in
1881 Section **20A-1-201.5**. Nothing in this section shall affect a candidate's ability to qualify for a
1882 regular general election's ballot as an unaffiliated candidate under Section **20A-9-501** or to
1883 participate in a regular general election as a write-in candidate under Section **20A-9-601**.

1884 (b) Each registered political party that chooses to have the names of the registered
1885 political party's candidates for [~~elective~~] office featured with party affiliation on the ballot at a
1886 regular general election shall comply with the requirements of this section and shall nominate
1887 the registered political party's candidates for [~~elective~~] office in the manner described in this

1888 section.

1889 (c) A filing officer may not permit an official ballot at a regular general election to be
1890 produced or used if the ballot denotes affiliation between a registered political party or any
1891 other political group and a candidate for [~~elective~~] office who is not nominated in the manner
1892 prescribed in this section or in Subsection 20A-9-202(4).

1893 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1894 even-numbered year in which a regular general election will be held.

1895 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
1896 shall:

1897 (i) either declare the registered political party's intent to participate in the next regular
1898 primary election or declare that the registered political party chooses not to have the names of
1899 the registered political party's candidates for [~~elective~~] office featured on the ballot at the next
1900 regular general election; and

1901 (ii) if the registered political party participates in the upcoming regular primary
1902 election, identify one or more registered political parties whose members may vote for the
1903 registered political party's candidates and whether individuals identified as unaffiliated with a
1904 political party may vote for the registered political party's candidates.

1905 (b) (i) A registered political party that is a continuing political party shall file the
1906 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1907 November 30 of each odd-numbered year.

1908 (ii) An organization that is seeking to become a registered political party under Section
1909 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
1910 political party files the petition described in Section 20A-8-103.

1911 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
1912 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for [~~elective~~]
1913 office on the regular primary ballot of the registered political party listed on the declaration of
1914 candidacy only if the individual is certified by the appropriate filing officer as having submitted
1915 a set of nomination petitions that was:

1916 (i) circulated and completed in accordance with Section 20A-9-405; and

1917 (ii) signed by at least 2% of the registered political party's members who reside in the
1918 political division of the office that the individual seeks.

1919 (b) (i) A candidate for [elective] office shall submit nomination petitions to the
1920 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
1921 in March.

1922 (ii) A candidate may supplement the candidate's submissions at any time on or before
1923 the filing deadline.

1924 (c) (i) The lieutenant governor shall determine for each elective office the total number
1925 of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting
1926 the aggregate number of individuals residing in each elective office's political division who
1927 have designated a particular registered political party on the individuals' voter registration
1928 forms on or before November 15 of each odd-numbered year.

1929 (ii) The lieutenant governor shall publish the determination for each elective office no
1930 later than November 30 of each odd-numbered year.

1931 (d) The filing officer shall:

1932 (i) verify signatures on nomination petitions in a transparent and orderly manner, no
1933 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

1934 (ii) for all qualifying candidates for [elective] office who submit nomination petitions
1935 to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the
1936 deadline described in Subsection 20A-9-202(1)(b);

1937 (iii) consider active and inactive voters eligible to sign nomination petitions;

1938 (iv) consider an individual who signs a nomination petition a member of a registered
1939 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
1940 registered political party as the individual's party membership on the individual's voter
1941 registration form; and

1942 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
1943 petition signatures, or use statistical sampling procedures to verify submitted nomination
1944 petition signatures in accordance with rules made under Subsection (3)(f).

1945 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1946 lieutenant governor may appear on the regular primary ballot of a registered political party
1947 without submitting nomination petitions if the candidate files a declaration of candidacy and
1948 complies with Subsection 20A-9-202(3).

1949 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1950 director of elections, within the Office of the Lieutenant Governor, may make rules that:

1951 (i) provide for the use of statistical sampling procedures that:

1952 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1953 (B) reflect a bona fide effort to determine the validity of a candidate's entire

1954 submission, using widely recognized statistical sampling techniques; and

1955 (ii) provide for the transparent, orderly, and timely submission, verification, and

1956 certification of nomination petition signatures.

1957 (g) The county clerk shall:

1958 (i) review the declarations of candidacy filed by candidates for local boards of

1959 education to determine if more than two candidates have filed for the same seat;

1960 (ii) place the names of all candidates who have filed a declaration of candidacy for a

1961 local board of education seat on the nonpartisan section of the ballot if more than two

1962 candidates have filed for the same seat; and

1963 (iii) determine the order of the local board of education candidates' names on the ballot

1964 in accordance with Section [20A-6-305](#).

1965 (4) (a) Before the deadline described in Subsection [20A-9-409\(4\)\(~~e~~\)\(b\)](#), the lieutenant

1966 governor shall provide to the county clerks:

1967 (i) a list of the names of all candidates for federal, constitutional, multi-county, single

1968 county, and county offices who have received certifications under Subsection (3), along with

1969 instructions on how those names shall appear on the primary election ballot in accordance with

1970 Section [20A-6-305](#); and

1971 (ii) a list of unopposed candidates for [~~elective~~] office who have been nominated by a

1972 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the

1973 unopposed candidates from the primary election ballot.

1974 (b) A candidate for lieutenant governor and a candidate for governor campaigning as

1975 joint-ticket running mates shall appear jointly on the primary election ballot.

1976 (c) After the county clerk receives the certified list from the lieutenant governor under

1977 Subsection (4)(a), the county clerk shall post or publish a primary election notice in

1978 substantially the following form:

1979 "Notice is given that a primary election will be held Tuesday, June _____,

1980 _____(year), to nominate party candidates for the parties and candidates for nonpartisan

1981 local school board positions listed on the primary ballot. The polling place for voting precinct
 1982 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

1983 Attest: county clerk."

1984 (5) For a regular primary race other than a multi-candidate race described in Subsection

1985 20A-9-402(2):

1986 ~~[(5)]~~ (a) ~~[A]~~ a candidate who, at the regular primary election, receives the highest
 1987 number of votes cast for the office sought by the candidate is:

1988 (i) nominated for that office by the candidate's registered political party; or

1989 (ii) for a nonpartisan local school board position, nominated for that office[-];

1990 (b) ~~[H]~~ if two or more candidates are to be elected to the office at the regular general

1991 election, those party candidates equal in number to positions to be filled who receive the

1992 highest number of votes at the regular primary election are the nominees of the candidates'

1993 party for those positions[-];

1994 ~~[(c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:]~~

1995 ~~[(A) no individual other than the candidate receives a certification under Subsection (3)~~

1996 ~~for the regular primary election ballot of the candidate's registered political party for a~~

1997 ~~particular elective office; or]~~

1998 ~~[(B) for an office where more than one individual is to be elected or nominated, the~~

1999 ~~number of candidates who receive certification under Subsection (3) for the regular primary~~

2000 ~~election of the candidate's registered political party does not exceed the total number of~~

2001 ~~candidates to be elected or nominated for that office:]~~

2002 ~~[(ii) A]~~ (c) for a partisan race, a candidate who is unopposed for an elective office in

2003 the regular primary election of a registered political party is nominated by the party for that

2004 office without appearing on the primary election ballot[-];

2005 (d) for a nonpartisan race, a candidate who is unopposed for office in the regular

2006 primary election is nominated to appear on the regular general election ballot;

2007 ~~[(6) (a)]~~ (e) [When] except as provided in Subsection (6), when a tie vote occurs [in

2008 any primary election for any] for a national, state, or other office that represents more than one

2009 county, the governor, lieutenant governor, and attorney general shall, at a public meeting called

2010 by the governor and in the presence of the candidates involved, select the nominee by lot cast

2011 in whatever manner the governor determines[-]; and

2012 ~~[(b)] (f) [When]~~ except as provided in Subsection (6), when a tie vote occurs ~~[in any~~
 2013 ~~primary election for any]~~ for a county office, the district court judges of the district in which
 2014 the county is located shall, at a public meeting called by the judges and in the presence of the
 2015 candidates involved, select the nominee by lot cast in whatever manner the judges determine.

2016 (6) In a regular primary, for a multi-candidate race described in Subsection
 2017 20A-9-402(2), a candidate's nomination is determined, and any tie broken, in accordance with
 2018 Chapter 1, Part 10, Ranked-choice Voting.

2019 (7) The expense of providing all ballots, blanks, or other supplies to be used at ~~[any]~~ a
 2020 regular primary election ~~[provided for by this section]~~, and all expenses necessarily incurred in
 2021 the preparation for or the conduct of that regular primary election shall be paid out of the
 2022 treasury of the county or state, in the same manner as for the regular general elections.

2023 (8) An individual may not file a declaration of candidacy for a registered political party
 2024 of which the individual is not a member, except to the extent that the registered political party
 2025 permits otherwise under the registered political party's bylaws.

2026 Section 36. Section **20A-9-404** is amended to read:

2027 **20A-9-404. Municipal primary elections.**

2028 (1) (a) Except as otherwise provided in this section ~~[or Chapter 4, Part 6, Municipal~~
 2029 ~~Alternate Voting Methods Pilot Project]~~, candidates for municipal office in all municipalities
 2030 shall be nominated at a municipal primary election.

2031 (b) Municipal primary elections shall be held:

2032 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
 2033 Monday in the August before the regular municipal election; and

2034 (ii) whenever possible, at the same polling places as the regular municipal election.

2035 (2) (a) ~~[Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting~~
 2036 ~~Methods Pilot Project, if]~~ If the number of candidates for a particular municipal office does not
 2037 exceed twice the number of individuals needed to fill that office, a primary election for that
 2038 office may not be held and the candidates are considered nominated.

2039 (b) For a race where only one position is open, if there are three or more candidates for
 2040 that office, a primary election shall be held in accordance with Chapter 1, Part 10,
 2041 Ranked-choice Voting, to nominate two candidates to compete in the regular general election.

2042 (c) For a race where more than one position is open, if the number of candidates for

2043 that office exceeds twice the number of open positions, a primary election shall be held in
2044 accordance with Chapter 1, Part 10, Ranked-choice Voting, to nominate for that office the
2045 number of candidates equal to twice the number of open positions.

2046 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
2047 of voters or delegates.

2048 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
2049 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
2050 by providing that the nomination of candidates for municipal office to be voted upon at a
2051 municipal election be nominated by a municipal party convention or committee.

2052 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
2053 shall be held on or before May 30 of an odd-numbered year.

2054 (iii) Any primary election exemption ordinance adopted under this Subsection (3)
2055 remains in effect until repealed by ordinance.

2056 (c) (i) A convention or committee may not nominate more than one candidate for each
2057 of the municipal offices to be voted upon at the municipal election.

2058 (ii) A convention or committee may not nominate an individual who has accepted the
2059 nomination of a different convention or committee.

2060 (iii) A municipal party may not have more than one group of candidates placed upon
2061 the ballot and may not group the same candidates on different tickets by the same party under a
2062 different name or emblem.

2063 (d) (i) On or before May 31 of an odd-numbered year, a convention or committee shall
2064 prepare and submit to the filing officer a certificate of nomination for each individual
2065 nominated.

2066 (ii) The certificate of nomination shall:

2067 (A) contain the name of the office for which each individual is nominated, the name,
2068 post office address, and, if in a city, the street number of residence and place of business, if
2069 any, of each individual nominated;

2070 (B) designate in not more than five words the party that the convention or committee
2071 represents;

2072 (C) contain a copy of the resolution passed at the convention that authorized the
2073 committee to make the nomination;

2074 (D) contain a statement certifying that the name of the candidate nominated by the
2075 political party will not appear on the ballot as a candidate for any other political party;

2076 (E) be signed by the presiding officer and secretary of the convention or committee;
2077 and

2078 (F) contain a statement identifying the residence and post office address of the
2079 presiding officer and secretary and certifying that the presiding officer and secretary were
2080 officers of the convention or committee and that the certificates are true to the best of their
2081 knowledge and belief.

2082 (iii) A candidate nominated by a municipal party convention or committee shall file a
2083 declaration with the filing officer in accordance with Subsection [20A-9-203](#)(3) that includes:

2084 (A) the name of the municipal party or convention that nominated the candidate; and

2085 (B) the office for which the convention or committee nominated the candidate.

2086 (e) A committee appointed at a convention, if authorized by an enabling resolution,
2087 may also make nominations or fill vacancies in nominations made at a convention if the
2088 committee makes the nomination before the deadline for a write-in candidate to file a
2089 declaration of candidacy under Section [20A-9-601](#).

2090 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,
2091 Part 4, Ballot Form Requirements for Municipal Elections and, as applicable, Section
2092 [20A-1-1012](#), but the party name shall be included with the candidate's name.

2093 (4) (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the
2094 May 1 that falls before the regular municipal election that:

2095 (i) exempts the city or town from the other methods of nominating candidates to
2096 municipal office provided in this section; and

2097 (ii) provides for a municipal partisan convention method of nominating candidates as
2098 provided in this Subsection (4).

2099 (b) (i) Any party that was a registered political party at the last regular general election
2100 or regular municipal election is a municipal political party under this section.

2101 (ii) Any political party may qualify as a municipal political party by presenting a
2102 petition to the city recorder that:

2103 (A) is signed, with a holographic signature, by registered voters within the municipality
2104 equal to at least 20% of the number of votes cast for all candidates for mayor in the last

2105 municipal election at which a mayor was elected;

2106 (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day
2107 before the day on which the municipal party holds a convention to nominate a candidate under
2108 this Subsection (4);

2109 (C) is substantially similar to the form of the signature sheets described in Section
2110 [20A-7-303](#); and

2111 (D) contains the name of the municipal political party using not more than five words.

2112 (c) (i) If the number of candidates for a particular office does not exceed twice the
2113 number of offices to be filled at the regular municipal election, no primary election for that
2114 office shall be held and the candidates are considered to be nominated.

2115 (ii) If the number of candidates for a particular office exceeds twice the number of
2116 offices to be filled at the regular municipal election, those candidates for municipal office shall
2117 be nominated at a municipal primary election.

2118 (d) ~~[The]~~ Except as provided in Chapter 1, Part 10, Ranked-choice Voting, the clerk
2119 shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by
2120 Section [20A-6-401](#) and, as applicable, Section [20A-6-401.1](#).

2121 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
2122 blank ballot box.

2123 (f) Immediately after the canvass, the election judges shall, without examination,
2124 destroy the tickets deposited in the blank ballot box.

2125 Section 37. Section [20A-9-406](#) is amended to read:

2126 **[20A-9-406. Qualified political party -- Requirements and exemptions.](#)**

2127 The following provisions apply to a qualified political party:

2128 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each
2129 odd-numbered year, certify to the lieutenant governor the identity of one or more registered
2130 political parties whose members may vote for the qualified political party's candidates and
2131 whether unaffiliated voters may vote for the qualified political party's candidates;

2132 (2) the following provisions do not apply to a nomination for the qualified political
2133 party:

2134 (a) Subsections [20A-9-403](#)(1) through (3)(b) and (3)(d) through (4)(a); and

2135 ~~[(b) Subsection [20A-9-403](#)(5)(c); and]~~

2136 [~~(c)~~] (b) Section 20A-9-405;

2137 (3) an individual may only seek the nomination of the qualified political party by using

2138 a method described in Section 20A-9-407, Section 20A-9-408, or both;

2139 (4) the qualified political party shall comply with the provisions of Sections

2140 20A-9-407, 20A-9-408, and 20A-9-409;

2141 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer

2142 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated

2143 by a qualified political party:

2144 (a) under the qualified political party's name, if any; or

2145 (b) under the title of the qualified registered political party as designated by the

2146 qualified political party in the certification described in Subsection (1), or, if none is

2147 designated, then under some suitable title;

2148 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for

2149 ballots in regular general elections, that each candidate who is nominated by the qualified

2150 political party is listed by party;

2151 (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that

2152 the party designation of each candidate who is nominated by the qualified political party is

2153 displayed adjacent to the candidate's name on a mechanical ballot;

2154 (8) "candidates for [~~elective~~] office," defined in Subsection 20A-9-101(1)(a), also

2155 includes an individual who files a declaration of candidacy under Section 20A-9-407 or

2156 20A-9-408 to run in a regular general election for a federal office, constitutional office,

2157 multicounty office, or county office;

2158 (9) an individual who is nominated by, or seeking the nomination of, the qualified

2159 political party is not required to comply with Subsection 20A-9-201(1)(c);

2160 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled

2161 to have each of the qualified political party's candidates for [~~elective~~] office appear on the

2162 primary ballot of the qualified political party with an indication that each candidate is a

2163 candidate for the qualified political party;

2164 (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include

2165 on the list provided by the lieutenant governor to the county clerks:

2166 (a) the names of all candidates of the qualified political party for federal, constitutional,

2167 multicounty, and county offices; and

2168 (b) the names of unopposed candidates for [elective] office who have been nominated
2169 by the qualified political party and instruct the county clerks to exclude such candidates from
2170 the primary-election ballot;

2171 (12) [~~notwithstanding Subsection 20A-9-403(5)(c),~~] a candidate who is unopposed for
2172 an [elective] office in the regular primary election of the qualified political party is nominated
2173 by the party for that office without appearing on the primary ballot; and

2174 (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
2175 20A-9-405, the qualified political party is entitled to have the names of its candidates for
2176 [elective] office featured with party affiliation on the ballot at a regular general election.

2177 Section 38. Section 20A-9-409 is amended to read:

2178 **20A-9-409. Primary election provisions relating to qualified political party.**

2179 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.

2180 (2) (a) A qualified political party that nominates [~~one or more candidates~~] more than
2181 one candidate for an [elective] office under Section 20A-9-407 and does not have a candidate
2182 qualify as a candidate for that office under Section 20A-9-408, may, but is not required to,
2183 participate in the primary election for that office.

2184 [~~(b) A qualified political party that has only one candidate qualify as a candidate for an~~
2185 ~~elective office under Section 20A-9-408 and does not nominate a candidate for that office~~
2186 ~~under Section 20A-9-407, may, but is not required to, participate in the primary election for~~
2187 ~~that office.~~]

2188 [(c)] (b) A qualified political party that nominates one or more candidates for an
2189 [elective] office under Section 20A-9-407 and has one or more candidates qualify as a
2190 candidate for that office under Section 20A-9-408 shall participate in the primary election for
2191 that office.

2192 [(d)] (c) A qualified political party that has two or more candidates qualify as
2193 candidates for an [elective] office under Section 20A-9-408 and does not nominate a candidate
2194 for that office under Section 20A-9-407 shall participate in the primary election for that office.

2195 (3) [~~Notwithstanding Subsection (2), in~~] In an opt-in county, as defined in Section
2196 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election
2197 for a county commission office if:

2198 (a) there is more than one:

2199 (i) open position as defined in Section 17-52a-201; or

2200 (ii) midterm vacancy as defined in Section 17-52a-201; and

2201 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
2202 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number
2203 of respective open positions or midterm vacancies.

2204 [~~(4) (a) As used in this Subsection (4), a candidate is "unopposed" if:~~]

2205 [~~(i) no individual other than the candidate receives a certification, from the appropriate
2206 filing officer, for the regular primary election ballot of the candidate's registered political party
2207 for a particular elective office; or]~~

2208 [~~(ii) for an office where more than one individual is to be elected or nominated, the
2209 number of candidates who receive certification, from the appropriate filing officer, for the
2210 regular primary election of the candidate's registered political party does not exceed the total
2211 number of candidates to be elected or nominated for that office.]~~

2212 [~~(b)~~] (4) (a) Before the deadline described in Subsection (4)~~[(c)]~~(b), the lieutenant
2213 governor shall:

2214 (i) provide to the county clerks:

2215 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
2216 county, and county offices who have received certifications from the appropriate filing officer,
2217 along with instructions on how those names shall appear on the primary election ballot in
2218 accordance with Section 20A-6-305; ~~[and]~~

2219 (B) a list of unopposed candidates for ~~[elective]~~ office who have been nominated by a
2220 registered political party; and

2221 (C) a list of unopposed candidates for nonpartisan office; and

2222 (ii) instruct the county clerks to exclude unopposed candidates from the primary
2223 election ballot.

2224 ~~[(c)]~~ (b) The deadline described in Subsection (4)~~[(b)]~~(a) is 5 p.m. on the first
2225 Wednesday after the ~~[fourth]~~ third Saturday in April.

2226 Section 39. Section 20A-9-701 is amended to read:

2227 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

2228 (1) No later than August 31 of each regular general election year, the lieutenant

2229 governor shall certify to each county clerk, for offices to be voted upon at the regular general
2230 election in that county clerk's county:

2231 (a) the names of each candidate nominated under Chapter 1, Part 10, Ranked-choice
2232 Voting, Subsection [20A-9-202\(4\)](#)₂ or Subsection [20A-9-403\(5\)](#); and

2233 (b) the names of the candidates for president and vice president that are certified by the
2234 registered political party as the party's nominees.

2235 (2) The names shall be certified by the lieutenant governor and shall be displayed on
2236 the ballot as they are provided on the candidate's declaration of candidacy. No other names
2237 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered
2238 political party, political party, or other political group.

2239 Section 40. Section [20A-9-806](#) is amended to read:

2240 **[20A-9-806. Ballots.](#)**

2241 (1) The lieutenant governor, together with county clerks, suppliers of election
2242 materials, and representatives of registered political parties, shall:

2243 (a) develop manual ballots, mechanical ballots, return envelopes and provisional ballot
2244 envelopes to be used in a presidential primary election;

2245 (b) ensure that the ballots, return envelopes, and provisional ballot envelopes comply
2246 generally with the requirements of Chapter 6, Part 1, General Requirements for All Ballots and,
2247 as applicable, Section [20A-1-1012](#); and

2248 (c) provide voting booths, election records and supplies, and ballot boxes for each
2249 voting precinct as required by Section [20A-5-403](#).

2250 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Chapter 6, Part
2251 1, General Requirements for All Ballots, and Section [20A-5-403](#), the lieutenant governor,
2252 together with county clerks, suppliers of election materials, and representatives of registered
2253 political parties shall ensure that the ballots, return envelopes, provisional ballot envelopes,
2254 voting booths, election records and supplies, and ballot boxes:

2255 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

2256 (ii) simplify the task of poll workers, particularly in determining a voter's party
2257 affiliation;

2258 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

2259 (iv) protect against fraud.

2260 (b) To accomplish the requirements of this Subsection (2), the lieutenant governor,
2261 county clerks, suppliers of election materials, and representatives of registered political parties
2262 shall:

- 2263 (i) mark ballots as being for a particular registered political party; and
- 2264 (ii) instruct ~~[persons]~~ individuals counting the ballots to count only those votes for
2265 candidates from the registered political party whose ballot the voter received.

2266 (c) To accomplish the requirements of this Subsection (2), the lieutenant governor,
2267 county clerks, suppliers of election materials, and representatives of registered political parties
2268 may:

- 2269 (i) notwithstanding the requirements of Sections [20A-6-101](#) and [20A-6-102](#), use
2270 different colored ballots for each registered political party;
- 2271 (ii) place ballots for each registered political party in different voting booths and direct
2272 voters to the particular voting booth for the political party whose ballot they are voting; or
- 2273 (iii) consider other means of accomplishing the objectives described in Subsection
2274 (2)(a).

2275 Section 41. Section **20A-9-809** is amended to read:

2276 **20A-9-809. Counting votes -- Canvass -- Certification of results to parties.**

2277 (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and
2278 retained, returns canvassed, and recounts and election contests conducted as provided in
2279 Chapter 4, Election Returns and Election Contests, or as applicable, Chapter 1, Part 10,
2280 Ranked-choice Voting.

2281 (2) After the canvass is complete and the report is prepared, the lieutenant governor
2282 shall transmit a copy of the report to each registered political party that participated in the
2283 presidential primary election.

2284 Section 42. Section **63I-2-220** is amended to read:

2285 **63I-2-220. Repeal dates -- Title 20A.**

2286 [~~(1) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is~~
2287 ~~repealed January 1, 2026.~~]

2288 [~~(2)~~] (1) Subsection [20A-5-803](#)(8) is repealed July 1, 2023.

2289 [~~(3)~~] (2) Section [20A-5-804](#) is repealed July 1, 2023.

2290 Section 43. **Repealer.**

- 2291 This bill repeals:
- 2292 Section **20A-4-601, Definitions.**
- 2293 Section **20A-4-602, Municipal Alternate Voting Methods Pilot Project -- Creation**
- 2294 **-- Participation.**
- 2295 Section **20A-4-603, Instant runoff voting.**
- 2296 Section **20A-4-604, Batch elimination.**
- 2297 Section **20A-6-203.5, Instant runoff voting ballot.**
- 2298 Section 44. **Effective date.**
- 2299 This bill takes effect on January 1, 2023.