

HB0178S01 compared with HB0178

~~{deleted text}~~ shows text that was in HB0178 but was deleted in HB0178S01.

inserted text shows text that was not in HB0178 but was inserted into HB0178S01.

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

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 certain multi-candidate races in primary ~~{and general}~~ elections.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires ranked-choice voting to be used for certain 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.

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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
- 20A-1-304, as repealed and reenacted by Laws of Utah 2018, Chapter 187
- 20A-3a-204, as enacted by Laws of Utah 2020, Chapter 31
- 20A-4-101, as last amended by Laws of Utah 2020, Chapter 31
- 20A-4-102, as last amended by Laws of Utah 2020, Chapters 31 and 49
- 20A-4-105, as last amended by Laws of Utah 2020, Chapters 31 and 49
- 20A-4-106, as last amended by Laws of Utah 2020, Chapter 31
- 20A-4-303, as last amended by Laws of Utah 2020, Chapter 31
- 20A-4-304, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 20A-4-306, as last amended by Laws of Utah 2019, Chapter 433
- 20A-4-401, as last amended by Laws of Utah 2020, Chapter 31
- ~~{ 20A-5-400.1, as last amended by Laws of Utah 2021, Chapter 101~~
- ‡ 20A-5-802, as last amended by Laws of Utah 2019, Chapter 305
- ~~{ 20A-6-301, as last amended by Laws of Utah 2021, Chapter 136~~
- ~~— 20A-6-401, as last amended by Laws of Utah 2020, Chapter 31~~
- ~~— 20A-6-401.1, as last amended by Laws of Utah 2020, Chapter 31~~
- ~~— 20A-6-402, as last amended by Laws of Utah 2020, Chapter 31~~
- ‡ 20A-9-101, as last amended by Laws of Utah 2020, Chapter 344
- 20A-9-202, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- ~~{ 20A-9-203, as last amended by Laws of Utah 2021, First Special Session, Chapter 15~~
- ‡ 20A-9-402, as last amended by Laws of Utah 1996, Second Special Session, Chapter 3
- 20A-9-403, as last amended by Laws of Utah 2020, Chapter 22
- ~~{ 20A-9-404, as last amended by Laws of Utah 2019, Chapters 142, 255 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 142~~

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‡ 20A-9-406, as last amended by Laws of Utah 2020, Chapters 22, 31, and 49
20A-9-409, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
20A-9-701, as last amended by Laws of Utah 2015, Chapter 296
20A-9-806, as last amended by Laws of Utah 2020, Chapter 31
20A-9-809, as last amended by Laws of Utah 2019, Chapter 433

~~{ 63I-2-220, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6~~

‡ENACTS:

20A-1-1001, Utah Code Annotated 1953

20A-1-1002, Utah Code Annotated 1953

20A-1-1003, Utah Code Annotated 1953

20A-1-1004, Utah Code Annotated 1953

20A-1-1005, Utah Code Annotated 1953

20A-1-1006, Utah Code Annotated 1953

20A-1-1007, Utah Code Annotated 1953

20A-1-1008, Utah Code Annotated 1953

~~{ 20A-1-1009, Utah Code Annotated 1953~~

~~— 20A-1-1010, Utah Code Annotated 1953~~

~~— 20A-1-1011, Utah Code Annotated 1953~~

~~— 20A-1-1012, Utah Code Annotated 1953~~

REPEALS:

~~— 20A-4-601, as enacted by Laws of Utah 2018, Chapter 187~~

~~— 20A-4-602, as last amended by Laws of Utah 2021, Chapter 101~~

~~— 20A-4-603, as last amended by Laws of Utah 2019, Chapter 305~~

~~— 20A-4-604, as enacted by Laws of Utah 2018, Chapter 187~~

~~— 20A-6-203.5, as enacted by Laws of Utah 2018, Chapter 187~~

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

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

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive

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voter by the county clerk.

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

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

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

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

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.

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

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

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

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

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

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

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

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

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

(15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.

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

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

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

(b) does not include:

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

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

(18) "Elected official" means:

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

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

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

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

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

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

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

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(23) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

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

(d) the local district clerk or chief executive officer for:

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

(e) the business administrator or superintendent of a school district for:

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

(24) "Election official" means any election officer, election judge, or poll worker.

(25) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

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(26) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by [~~a person~~] an individual with the intent to sign the record.

(28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) in a primary or general election for a partisan office, in a partisan regular primary election or a presidential primary election, where the number of candidates who qualify for the race exceeds two;~~

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

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

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

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

~~(38)~~ (39) "Municipal executive" means:

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

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

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

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

~~(40)~~ (41) "Municipal legislative body" means:

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

(b) the council of a metro township.

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

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

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

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

~~(45)~~ (46) "Official ballot" means the ballots distributed by the election officer for

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voters to record their votes.

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

(a) the ballot as an official ballot;

(b) the date of the election; and

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

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

~~[(47)]~~ (48) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

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

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

(b) "Poll worker" includes election judges.

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

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

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

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

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

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

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

(a) is built into a voting machine; and

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

~~[(56)]~~ (57) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for

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the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

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

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

~~[(58)]~~ (59) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify ~~[a person's]~~ an individual's legal right to vote.

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

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

- (i) elected to public office; or
- (ii) appointed to fill a vacancy in an elected public office.

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

(62) "Ranked-choice voting" means an election method in which a voter may rank candidates in order of the voter's preference and the candidate to be nominated or elected is determined in accordance with the procedures described in Chapter 1, Part 10, Ranked-choice Voting, or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

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

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

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

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

~~[(65)]~~ (67) "Regular primary election" means the election, held on the date specified in

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Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

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

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

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

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

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

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

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

(a) is spoiled by the voter;

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

(c) lacks the official endorsement.

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

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

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

(a) political parties;

(b) candidates for an office; or

(c) ballot propositions.

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

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

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

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

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

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

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

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

- (i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;
- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid social security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- (xii) a currently valid identification card issued by:
 - (A) a local government within the state;

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(B) an employer for an employee; or

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

(xiii) a current Utah vehicle registration.

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

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

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

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

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

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

~~[(80)]~~ (82) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

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

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

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

(b) a voting device that is free standing.

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

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

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

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

~~[(87)]~~ (89) "Write-in vote" means a vote cast for an individual, whose name is not

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printed on the ballot, in accordance with the procedures established in this title.

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

20A-1-303. Determining results.

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

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

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

- (i) election for any office to be filled at that election are elected to that office; and
 - (ii) primary for nomination for any office are nominated for that office.
- (2) Any ballot proposition submitted to voters for their approval or rejection:
- (a) passes if the number of "yes" votes is greater than the number of "no" votes; and
 - (b) fails if:
 - (i) the number of "yes" votes equal the number of "no" votes; or
 - (ii) the number of "no" votes is greater than the number of "yes" votes.

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

20A-1-304. Tie votes.

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

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

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20A-1-1001. Definitions.

As used in this part:

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

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

(b) .02%.

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

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

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

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

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

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

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

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

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

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

An election official shall conduct ~~an election for~~ a multi-candidate race held during a presidential primary election or a partisan regular primary election by ranked-choice voting in accordance with the requirements of this part.

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

20A-1-1003. Determining ranked-choice voting results -- Presidential and partisan regular primary elections.

(1) This section applies to a multi-candidate race held during a presidential primary election or a partisan regular primary election.

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

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

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votes for each candidate; and

(i) if, after complying with Section ~~{20A-1-1008}~~20A-1-1004, one of the candidates receives more than 50% of the first valid preference votes counted, declare that candidate nominated;

(b) if, after counting the first valid preference votes for each candidate, and complying with Section ~~{20A-1-1008}~~20A-1-1004, no candidate receives more than 50% of the first valid preference votes counted, conduct the second ballot-counting phase by:

(i) excluding from the multi-candidate race:

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

(B) in the event of a tie for the fewest first valid preference votes counted, one of the tied candidates, determined by the election officer, by lot, in accordance with Section ~~{20A-1-1009}~~20A-1-1005;

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

(iii) if, after adding the votes in accordance with Subsection (2)(b)(ii) and complying with Section ~~{20A-1-1008}~~20A-1-1004, one candidate receives more than 50% of the valid votes counted, declaring that candidate nominated; and

(c) if, after adding the second valid preference votes in accordance with Subsection (2)(b)(ii) and complying with Section ~~{20A-1-1008}~~20A-1-1004, no candidate receives more than 50% of the valid votes counted, conduct subsequent ballot-counting phases by continuing the process described in Subsection (2)(b) until a candidate receives more than 50% of the valid votes counted, as follows:

(i) after complying with Section ~~{20A-1-1008}~~20A-1-1004, excluding from consideration the candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section ~~{20A-1-1009}~~20A-1-1005;

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

(iii) after complying with Section ~~{20A-1-1008}~~20A-1-1004;

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

(B) if the last two remaining candidates tie, breaking the tie, by lot, in accordance with Section ~~{20A-1-1009}~~20A-1-1005, and declaring the winner of the tie break nominated.

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

20A-1-1004. ~~{ Determining }~~ Recount for ranked-choice voting ~~{ results =~~ Municipal primary elections -- Office that is not an at-large office:

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

~~(2) For a race described};~~

Except as provided in Subsection ~~{(1)}~~, the election officer shall:

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

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

~~(ii) after complying with ~~{20A-1-1006(2)}~~, a recount is required before excluding a candidate from a race under Section ~~{20A-1-1008}~~, excluding from the race:~~

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

~~(B) in the event of a tie for the fewest first valid preference votes counted, one of the tied candidates, determined by the election officer, by lot, in accordance with Section 20A-1-1009; and~~

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

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

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

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

~~(A) ~~{20A-1-1003}~~ if the difference between the number of votes counted for the candidate who receives the fewest valid votes ~~{under Subsection (2)(b)(i)}~~; or~~

~~(B) in the event of a tie for the fewest valid votes received, one of the tied candidates, determined by the election officer, by lot, in accordance with Section 20A-1-1009; and~~

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

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

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

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

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

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

~~—— (B) if, after all preference votes have been counted, more than two candidates remain due to a tie, breaking the tie, by lot, in accordance with Section 20A-1-1009 and declaring the two remaining candidates nominated};~~
in the applicable ballot-counting phase of the race and the number of votes counted for any other candidate in the same ballot-counting phase is equal to or less than the product of the following, rounded up to the nearest whole number:

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

(2) the recount threshold.

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

20A-1-1005. ~~{ Determining }~~ **Breaking a tie vote for** ranked-choice voting ~~{ results~~
== Municipal primary elections == At-large office.

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

~~—— (2) For a race described in Subsection (1)};~~

(1) For a race conducted under this part, the election officer shall ~~};~~

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

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

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- ~~(ii) after complying with Section 20A-1-1008, excluding from the race:~~
- ~~(A) the candidate who receives the fewest first valid preference votes counted; or~~
- ~~(B) in the event of a tie for the fewest first valid preference votes counted, one of the tied candidates; } break a tie, by lot, in the manner determined by the election officer, ~~{by lot,~~ in accordance with {Section 20A-1-1009; and~~
- ~~(iii) if, after complying with Subsection (2)(a)(ii), the number of candidates remaining is equal to twice the number of open positions, declaring the remaining candidates nominated;~~
- ~~(b) if, after complying with Subsection (2)(a)(ii), the number of candidates remaining is more than twice the number of open positions, conduct the second } Subsection (2).~~
- (2) The election officer shall:
- (a) cast or draw the lot in the presence of at least two election officials and any counting poll watchers who are present and desire to witness the casting or drawing of the lot; and
- (b) sign a public document that identifies:
- (i) the tied individuals for whom the lots are cast or drawn;
- (ii) the time, date, and place of the casting or drawing of the lot;
- (iii) the race and, if applicable, the ballot-counting phase } ~~by:~~
- ~~(i) adding, to the first valid preference votes received by the remaining candidates, the second valid preference votes cast for the remaining candidates by the voters who cast a first valid preference vote for the excluded candidate;~~
- ~~(ii) after complying with Section 20A-1-1008, excluding from the race:~~
- ~~(A) the candidate who receives the fewest valid votes under Subsection (2)(b)(i); or~~
- ~~(B) in the event of a tie for the fewest valid votes received, one of the tied candidates; determined by} of the election for which the tie is broken;~~
- (iv) the method used for casting or drawing the lot;
- (v) the result of the lot; and
- (vi) the name of the election officer, } ~~by lot, in accordance with Section 20A-1-1009;~~
- and
- ~~(c) if, after complying with Subsection (2)(b)(ii), the number of candidates remaining is more than twice the number of open positions, conduct subsequent counting phases by continuing the process described in Subsection (2)(b) until the number of remaining candidates~~

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is equal to twice the number of open positions, as follows:

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

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

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

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

~~—— (B) if, due to a tie, the number of remaining candidates is more than twice the number of open positions after all preferences votes have been counted, breaking the tie, by lot, in accordance with Section 20A-1-1009 and declaring a number of the remaining candidates equal to twice the number of open positions, nominated}~~ election officials, and counting poll watchers who witnessed the casting or drawing of the lot.

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

~~20A-1-1006. { Determining ranked-choice voting results -- General elections --~~

Office that is not an at-large office:

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

~~—— (2) For a race described in Subsection (1)} Batch elimination.~~

~~(1) In a ballot count conducted under Section 20A-1-1003, the election officer {shall:~~

~~—— (a) (i) conduct the first}~~ may exclude candidates through batch elimination by, instead of excluding only one candidate in a ballot-counting phase {by counting the first valid preference votes for each candidate; and

~~—— (ii) if, after complying with Section 20A-1-1008, one of the candidates receives more than 50% of the first valid preference votes counted, declare}~~ excluding each candidate:

~~(a) for which the number of remaining candidates with more valid votes than that candidate {elected;~~

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

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~~with Section 20A-1-1008, no candidate receives more than 50% of the first valid preference votes counted, conduct the second ballot-counting phase by:~~

~~—— (i) excluding from the multi-candidate race:~~

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

~~—— (B) in the event of a tie for the fewest first valid preference votes counted, one of the tied candidates, determined by the election officer, by lot, in accordance with Section 20A-1-1009;~~

~~—— (ii) adding, to the first valid preference }is greater than or equal to the number of candidates to be nominated or elected; and~~

~~(b) (i) for which the number of valid votes counted for the {remaining candidates, the second valid preference votes cast for the remaining candidates by the voters who cast a first valid preference vote for the excluded candidate; and~~

~~—— (iii) if, after adding the votes in accordance with Subsection (2)(b)(ii) and complying with }candidate in the phase plus the number of votes counted for all candidates with fewer valid votes in the phase is less than the number of valid votes for the candidate with the next highest amount of valid votes in the phase; or~~

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

~~(2) The requirement for a recount before excluding a candidate under Section {20A-1-1008, one candidate receives more than 50% of the valid votes counted, declaring that candidate elected; and~~

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

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

~~—— (ii) adding the next valid preference vote cast by each voter whose vote was counted~~

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~~for the last excluded candidate to one of the remaining candidates, in the order of the next preference indicated by the voter; and~~

~~—— (iii) after complying with Section 20A-1-1008;~~

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

~~—— (B) if the last two remaining candidates tie, breaking the tie, by lot, in accordance with Section 20A-1-1009, and declaring the winner of the tie break elected; } 20A-1-1003 does not apply to a candidate who is excluded through batch elimination.~~

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

20A-1-1007.} ~~Determining ranked-choice voting results -- General elections --~~

At-large office:

~~—— (1) This section applies to} **Validity of vote.**~~

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

~~(a) except as provided in Subsection (1)(b), a candidate in a multi-candidate race ~~held~~ during a general election for an at-large office.~~

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

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

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

~~—— (ii) after complying with} **who complies with the requirements of Subsection**~~

~~20A-9-202(6) before the date of the election; or~~

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

~~(2) A vote is not valid for a particular phase of a race conducted by ranked-choice voting under Section ~~20A-1-1008, excluding from the race:~~~~

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

~~—— (B) in the event of a tie for the fewest first valid preference votes counted, one of the tied candidates, determined by the election officer, by lot, in accordance with} **20A-1-1003, and for all subsequent phases, if the voter indicates the same rank for more than one candidate for that phase.**~~

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~~(3) In a race conducted by ranked-choice voting under Section 20A-1-1009; and~~
~~— (iii) after complying with Subsection (2)(a)(ii), if the number of candidates remaining is equal to the number of open positions, declaring the remaining candidates elected; or~~
~~— (b) if, after complying with Subsection (2)(a)(ii), the number of remaining candidates is more than the number of open positions, conduct the second ballot-counting phase by:~~
~~— (i) adding, to the first valid preference votes received by the remaining candidates, the second valid preference votes cast for the remaining candidates by the voters who cast a first valid preference vote for the excluded candidate;~~
~~— (ii) after complying with Section 20A-1-1008, excluding from the race:~~
~~— (A) the candidate who receives the fewest valid votes under Subsection (2)(b)(i); or~~
~~— (B) in the event of a tie for the fewest valid votes received, one of the tied candidates, determined by the election officer, by lot, in accordance with Section 20A-1-1009; and~~
~~— (iii) if, after complying with Subsection (2)(b)(ii), the number of candidates remaining is equal to the number of open positions, declaring the remaining candidates elected; or~~
~~— (c) if, after complying with Subsection (2)(b)(ii), the number of candidates remaining is more than the number of open positions, conduct subsequent counting phases by continuing the process described in Subsection (2)(b) as follows:~~
~~— (i) after complying with Section 20A-1-1008, excluding from consideration the candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section 20A-1-1009;~~
~~— (ii) adding the next valid~~ 20A-1-1003:
~~— (a) a preference vote cast by each voter whose vote was counted for the last excluded candidate to one of the remaining candidates, in the order of the next preference indicated by the voter; and~~
~~— (iii) if, after complying with Subsection (2)(c)(ii) and Section 20A-1-1008:~~
~~— (A) the number of candidates remaining is equal to the number of open positions, declaring the remaining candidates elected; or~~
~~— (B) if, after all~~ for a fifth or greater preference is not valid, but the previous ~~preference~~ votes ~~have been counted, the number of remaining candidates exceeds the number of open positions due to a tie, breaking the tie, by lot,~~ are valid if the ballot is otherwise marked in

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accordance with ~~{Section 20A-1-1009 and declaring a number of the remaining candidates, equal to the number of open positions, elected};~~ the requirements of this part; and

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

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

~~20A-1-1008. {Recount for ranked-choice}~~ Ranked-choice voting~~};~~

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

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

~~— (2) the recount threshold.~~

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

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

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

~~(2) The election officer shall:~~

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

~~(b) sign a public document that identifies:~~

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

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

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

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

~~(v) the result of the lot; and~~

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

~~—— Section 13. Section 20A-1-1010 is enacted to read:~~

~~—— 20A-1-1010. Batch elimination:~~

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

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

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

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

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

~~—— Section 14. Section 20A-1-1011 is enacted to read:~~

~~—— 20A-1-1011. Validity of vote:~~

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

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

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

~~—— (2) A vote is not valid for a particular phase of a race conducted by ranked-choice~~

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~~voting under Sections 20A-1-1003 through 20A-1-1007, and for all subsequent phases, if the voter indicates the same rank for more than one candidate for that phase:~~

~~—— (3) In a race conducted by ranked-choice voting under Sections 20A-1-1003 through 20A-1-1007:~~

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

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

~~—— Section 15. Section 20A-1-1012 is enacted to read:~~

~~—— 20A-1-1012. Ranked-choice voting} ballot.~~

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

(1) include:

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

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

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

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

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

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

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

Section ~~{16}~~12. Section **20A-3a-204** is amended to read:

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

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(1) To vote by mail:

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

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

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

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

(e) the voter shall:

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

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

(iii) securely seal the return envelope; and

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

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

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

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

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

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

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

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

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

(d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a

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ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to deposit the ballot in the ballot drop box.

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

(a) sign the official register or pollbook; and

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

~~(~~f~~i~~A~~) if there are four or fewer candidates for the nomination~~{ or office}~~, the names~~

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of the remaining candidates in order of the voter's preference; or

(~~iii~~;B) if there are five or more candidates for the nomination ~~{ or office }~~, the names of up to three of the remaining candidates in order of the voter's preference.

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

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

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

(7) A voter who votes at a polling place:

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

(b) may not:

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

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

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

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

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

(a) election officials;

(b) watchers; or

(c) assisting voters with a disability.

Section ~~{17}~~13. Section 20A-4-101 is amended to read:

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

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

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- (a) the ballots are cast at a polling place; and
- (b) the ballots are counted at the polling place before the polls close.
- (2) (a) Each county legislative body or municipal legislative body shall provide:
 - (i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have been appointed; and
 - (ii) a counting room for the use of the poll workers counting the ballots during the day.
- (b) At any election in any voting precinct in which both receiving and counting judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:
 - (i) close the first ballot box and deliver it to the counting judges; and
 - (ii) prepare and use another ballot box to receive voted ballots.
- (c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting judges shall:
 - (i) take the ballot box to the counting room;
 - (ii) count the votes on the regular ballots in the ballot box;
 - (iii) place the provisional ballot envelopes in the envelope or container provided for them for return to the election officer; and
 - (iv) when they have finished counting the votes in the ballot box, return the emptied box to the receiving judges.
- (d) (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the receiving judges shall deliver that ballot box to the counting judges for counting; and
 - (ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots contained in that box.
- (e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.
- (f) (i) The director of elections within the Office of the Lieutenant Governor shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, describing the procedures that a counting judge is required to follow for counting ballots in ~~{[an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project]}~~ a race conducted by ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, ~~or~~.

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~~— [(ii) When counting ballots in] an instant runoff voting race {described in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the procedures established under Subsection (2)(f)(i) and Title 20A,} under [Title 20A,] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project. {}}~~

(ii) When counting ballots in a race conducted by ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, a counting judge shall comply with the {applicable } procedures established under Subsection (2)(f)(i) and Chapter 1, Part 10, Ranked-choice Voting.

~~[(ii)] (iii) When counting ballots in an instant runoff voting race described in [Title 20A,] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the procedures established under Subsection (2)(f)(i) and [Title 20A,] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.~~

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

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

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

~~— (b) as applicable, } [;]:~~

(i) for a race conducted by ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, Section {20A-1-1011.

~~— Section 18} 20A-1-1007; or~~

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

Section 14. Section **20A-4-102** is amended to read:

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

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

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

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

(b) Except as provided in Subsection (2) or a rule made under Subsection 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,

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the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

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

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

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

~~(ii) as applicable, [;];~~

(A) for a race conducted by ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, Section ~~{20A-1-1011}~~20A-1-1007; or

(B) for an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

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

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

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

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

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

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

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

(3) The judges shall:

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

(b) seal that envelope or container.

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(4) The judges shall:

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

(b) seal that envelope or container.

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

(b) In regular primary elections the judges shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{19}~~15. Section 20A-4-105 is amended to read:

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

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

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

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

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

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

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

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

(5) (a) In counting the ballots, the counting judges shall give full consideration to the

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intent of the voter.

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

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

(a) stamping or writing an official endorsement; or

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

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

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

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

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

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

Section ~~{20}~~[16](#). Section **20A-4-106** is amended to read:

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

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

(2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except when examined during a recount conducted under the authority of Section ~~{20A-1-1008 or }~~[20A-4-401](#) ~~{}~~ or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project] [20A-1-1004, 20A-4-401, or 20A-4-603](#).

Section ~~{21}~~[17](#). Section **20A-4-303** is amended to read:

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

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

(i) count the ballots;

(ii) prepare a certified summary of:

(A) all ballots counted; and

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

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

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

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

(ii) certifying the votes cast:

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

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

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

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

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

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

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

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

(iii) show that the election judges failed to do or perform any other act in preparing the returns that is not essential to determine for whom the votes were cast; or

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

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

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officer shall correct the omissions and mistakes.

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

(4) If a recount is conducted as authorized by Section ~~{20A-1-1008 or}~~ ~~[20A-4-401]~~ 20A-1-1004, 20A-4-401, or 20A-4-603, the board of canvassers shall canvass the results of that recount as provided in this section and [Section 20A-4-401], as applicable, Section ~~{20A-1-1008 or}~~ 20A-1-1004, 20A-4-401, or 20A-4-603.

Section ~~{22}~~ 18. Section **20A-4-304** is amended to read:

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

(1) Each board of canvassers shall:

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

(i) had the highest number of votes; and

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

(b) declare:

(i) "approved" those ballot propositions that:

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

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

(ii) "rejected" those ballot propositions that:

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

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

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

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

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

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- (a) the total number of votes cast in the board's jurisdiction;
 - (b) the names of each candidate whose name appeared on the ballot;
 - (c) the title of each ballot proposition that appeared on the ballot;
 - (d) each office that appeared on the ballot;
 - (e) from each voting precinct:
 - (i) the number of votes for each candidate;
 - (ii) for each race conducted by ~~instant runoff~~ ranked-choice voting under ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, or instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project ~~Chapter 1, Part 10, Ranked-choice Voting~~, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each canvassing phase; and
 - (iii) the number of votes for and against each ballot proposition;
 - (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;
 - (g) the number of ballots that were rejected; and
 - (h) a statement certifying that the information contained in the report is accurate.
- (3) The election officer and the board of canvassers shall:
- (a) review the report to ensure that it is correct; and
 - (b) sign the report.
- (4) The election officer shall:
- (a) record or file the certified report in a book kept for that purpose;
 - (b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
 - (c) publish a copy of the certified report in accordance with Subsection (5); and
 - (d) file a copy of the certified report with the lieutenant governor.
- (5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2):
- (a) (i) by publishing notice at least once in a newspaper of general circulation within the jurisdiction;
 - (ii) by posting one notice, and at least one additional notice per 2,000 population of the

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jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents of the jurisdiction, subject to a maximum of 10 notices; or

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

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

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

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

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

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

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

(ii) the physical address for the jurisdiction; and

(iii) a mailing address and telephone number.

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

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

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

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

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

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

(b) a complete tabulation showing voting totals for all primary races, precinct by

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precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Section ~~{23}~~19. Section **20A-4-306** is amended to read:

20A-4-306. Statewide canvass.

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and

(E) the total number of votes cast statewide; ~~[and]~~

(ii) except as provided in Subsection (2)(b)(iii), for each officer or ballot proposition voted on in two or more counties:

(A) the name of each of those offices and ballot propositions that appeared on the

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ballot;

(B) the candidates for those offices, plus any recorded write-in candidates;

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

(D) the total number of votes cast for each candidate and for and against each ballot proposition[-]; and

(iii) for each race conducted by ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, or instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each canvassing phase.

(c) The lieutenant governor shall:

(i) prepare certificates of election for:

(A) each successful candidate; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes;

(ii) authenticate each certificate with ~~his~~ the lieutenant governor's seal; and

(iii) deliver a certificate of election to:

(A) each candidate who had the highest number of votes for each office; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes.

(3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:

(a) send a messenger to the clerk of the board of county canvassers of the delinquent county;

(b) instruct the messenger to demand a certified copy of the board of canvasser's report required by Section 20A-4-304 from the clerk; and

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

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

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who is elected to it.

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

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

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

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

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

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

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

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

Section ~~{24}~~20. Section **20A-4-401** is amended to read:

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

(1) (a) This section does not apply to a race conducted by ~~{f}~~ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, or instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project ~~{f ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting}~~.

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

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

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

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file the request:

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

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

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

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

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

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

(e) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

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

Disposition of Ballots;

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

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

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

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

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

(i) the municipal clerk, if the election is a municipal election;

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

(d) The election officer shall:

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

Disposition of Ballots; and

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

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

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

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

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

(b) The board of canvassers shall:

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

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

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

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

Section ~~{25}~~21. Section ~~{20A-5-400.1}~~20A-5-802 is amended to read:

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

~~_____ (1) (a) In accordance with this section, a local political subdivision may enter into a~~

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~~contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct an election:~~

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

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

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

~~—— (2) A provider election officer shall conduct an election:~~

~~—— (a) under the direction of the contracting election officer; and~~

~~—— (b) in accordance with a contract or interlocal agreement.~~

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

~~—— (a) are consistent with the contract or interlocal agreement; and~~

~~—— (b) do not exceed the actual costs incurred by the provider election officer.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) is accurate and reliable;

(B) possesses established and maintained access controls;

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

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

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

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

(A) the United States Election Assistance Commission; or

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

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

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

Chapter 1, Part 10, Ranked-choice Voting, or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify voting equipment that has been successfully used within the

United States or a territory of the United States for ranked-choice voting for a race for federal

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office.

Section ~~{27}~~22. Section ~~{20A-6-301}~~20A-9-101 is amended to read:

~~{~~ ~~20A-6-301. Manual ballots -- Regular general election:~~

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

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

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

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

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

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

~~———— (i) "Official Ballot for _____ County, Utah";~~

~~———— (ii) the date of the election; and~~

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

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

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

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

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

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

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

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

~~_____ (2) An election officer shall ensure that:~~

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

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

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

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

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

~~_____ (d) the ballots contain no other names;~~

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

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

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

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

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

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

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

~~_____ (4) Each election officer shall ensure that:~~

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

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

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

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

~~_____ Section 28. Section **20A-6-401** is amended to read:~~

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

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

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

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

~~_____ (ii) the date of the election; and~~

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

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

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

~~_____ (d) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are printed to extend~~

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~~to the extreme right of the column in 10-point bold type, followed by a hair-line rule;~~

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

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

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

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

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

~~—— **20A-6-401.1. Ballots for partisan municipal primary elections:**~~

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

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

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

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

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

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

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

~~—— (i) "Official Primary Ballot for _____ (name of municipality), Utah";~~

~~—— (ii) the date of the election; and~~

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

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

~~—— (f) after the party name and emblem, the ballot contains the following printed in not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, mark the space following the name of the person for whom you wish to vote and in~~

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~~no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;~~

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

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

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

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

~~—— (k) the nonpartisan candidates are listed as follows:~~

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

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

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

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

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

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

~~—— Section 30. Section ~~20A-6-402~~ is amended to read:~~

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~~20A-6-402. Ballots for municipal general elections:~~

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

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

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

~~(c) for other offices:~~

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

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

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

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

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

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

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

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

~~(2) [Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project] Except as~~

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~~otherwise required for a race conducted by ranked-choice voting under Chapter 1, Part 10, Ranked-choice Voting, when using a mechanical ballot at municipal general elections, each election officer shall ensure that:~~

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

~~—— Section 31. Section **20A-9-101** is amended to read:~~

‡ **20A-9-101. Definitions.**

As used in this chapter:

- (1) (a) "Candidates for [elective] office" means [persons] individuals who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a

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federal office, constitutional office, multicounty office, or county office.

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

- (i) justice or judge of court of record or not of record;
- (ii) presidential elector;
- (iii) any political party offices; and
- (iv) municipal or local district offices.

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

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

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

(b) "County office" does not mean:

- (i) the office of justice or judge of any court of record or not of record;
- (ii) the office of presidential elector;
- (iii) any political party offices;
- (iv) any municipal or local district offices; and
- (v) the office of United States Senator and United States Representative.

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

(6) "Filing officer" means:

(a) the lieutenant governor, for:

- (i) the office of United States Senator and United States Representative; and
- (ii) all constitutional offices;

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

- (c) the county clerk, for county offices and local school district offices;
- (d) the county clerk in the filer's county of residence, for multicounty offices;
- (e) the city or town clerk, for municipal offices; or
- (f) the local district clerk, for local district offices.

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

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

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

(b) "Multicounty office" does not mean:

(i) a county office;

(ii) a federal office;

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

(iv) the office of presidential elector;

(v) any political party offices; or

(vi) any municipal or local district offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~32~~23. Section **20A-9-202** is amended to read:

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

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

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

(ii) pay the filing fee.

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

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

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

(ii) the designated agent appears in person before the filing officer;

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(iii) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other; and

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

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

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

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

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

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

(ii) pay the filing fee.

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

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

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

(ii) pay the filing fee; and

(iii) submit a letter from a candidate for governor who has received certification for the primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-ticket running mate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) (a) Except for a candidate who is certified by a registered political party under Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than August 31 of a general election year, each individual running as a candidate for vice president of the United States shall:

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

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

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

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

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

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

(ii) pay the filing fee; and

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

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

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

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

Section ~~{33}~~24. Section ~~{20A-9-203}~~20A-9-402 is amended to read:

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

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

~~_____ (a) the individual is a registered voter; and~~

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

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

~~_____ (2) (a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months~~

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~~before the election, the municipality is considered to have been incorporated 12 months before the date of the election.~~

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

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

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

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

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

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

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

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

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

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

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

~~—— (i) [except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project,] filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office~~

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~~hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support of the nomination petition of the lesser of at least:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (A) signing the pledge is voluntary; and~~

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

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

~~—— (d) If the candidate elects to sign the pledge of fair campaign practices, the filing~~

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officer shall:

~~_____ (i) accept the candidate's pledge, and~~

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

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

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

~~_____ Subscribed and sworn to (or affirmed) before me by _____ on this _____ (month\day\year):~~

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

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

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

~~_____ "NOMINATION PETITION~~

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

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

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

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

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

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

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

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

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

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

~~—— (ii) by posting the list on the Utah Public Notice Website, created in Section 63A-16-601, for seven days; and~~

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

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

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

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

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

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

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

~~—— (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.~~

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- ~~— (d) (i) The clerk's decision upon objections to form is final.~~
- ~~— (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.~~
- ~~— (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.~~
- ~~— (11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.~~
- ~~— Section 34. Section 20A-9-402 is amended to read:~~

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

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

(2) An election official shall administer a multi-candidate race during a [partisan regular primary election in accordance with Chapter 1, Part 10, Ranked-choice Voting.](#)

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

Section ~~{35}~~25. Section 20A-9-403 is amended to read:

20A-9-403. Regular primary elections.

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

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

(c) A filing officer may not permit an official ballot at a regular general election to be

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produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for [elective] office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

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

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

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

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

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

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

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

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

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

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

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in March.

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

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

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

(d) The filing officer shall:

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

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

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

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

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

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

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

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

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

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

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

(g) The county clerk shall:

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

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

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

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

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

(ii) a list of unopposed candidates for ~~elective~~ office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.

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

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

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

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Attest: county clerk."

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

~~[(5)]~~ (a) ~~[A]~~ a candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

- (i) nominated for that office by the candidate's registered political party; or
- (ii) for a nonpartisan local school board position, nominated for that office~~[-];~~

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

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

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

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

~~[(ii) A] (c) for a partisan race, a candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot[-];~~

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

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

~~[(b) (f) [When] except as provided in Subsection (6), when a tie vote occurs [in any primary election for any] for a county office, the district court judges of the district in which~~

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the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(6) In a regular primary, for a multi-candidate race described in Subsection 20A-9-402(2), a candidate's nomination is determined, and any tie broken, in accordance with Chapter 1, Part 10, Ranked-choice Voting.

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

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

Section ~~{36}~~26. Section ~~{20A-9-404}~~20A-9-406 is amended to read:

~~{~~ ~~20A-9-404. Municipal primary elections.~~

~~—— (1) (a) Except as otherwise provided in this section [or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project], candidates for municipal office in all municipalities shall be nominated at a municipal primary election:~~

~~—— (b) Municipal primary elections shall be held:~~

~~—— (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first Monday in the August before the regular municipal election; and~~

~~—— (ii) whenever possible, at the same polling places as the regular municipal election:~~

~~—— (2) (a) [Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if] If the number of candidates for a particular municipal office does not exceed twice the number of individuals needed to fill that office, a primary election for that office may not be held and the candidates are considered nominated.~~

~~—— (b) For a race where only one position is open, if there are three or more candidates for that office, a primary election shall be held in accordance with Chapter 1, Part 10, Ranked-choice Voting, to nominate two candidates to compete in the regular general election:~~

~~—— (c) For a race where more than one position is open, if the number of candidates for that office exceeds twice the number of open positions, a primary election shall be held in accordance with Chapter 1, Part 10, Ranked-choice Voting, to nominate for that office the~~

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~~number of candidates equal to twice the number of open positions.~~

~~—— (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly of voters or delegates.~~

~~—— (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a municipal party convention or committee.~~

~~—— (ii) The municipal party convention or committee described in Subsection (3)(b)(i) shall be held on or before May 30 of an odd-numbered year.~~

~~—— (iii) Any primary election exemption ordinance adopted under this Subsection (3) remains in effect until repealed by ordinance.~~

~~—— (c) (i) A convention or committee may not nominate more than one candidate for each of the municipal offices to be voted upon at the municipal election.~~

~~—— (ii) A convention or committee may not nominate an individual who has accepted the nomination of a different convention or committee.~~

~~—— (iii) A municipal party may not have more than one group of candidates placed upon the ballot and may not group the same candidates on different tickets by the same party under a different name or emblem.~~

~~—— (d) (i) On or before May 31 of an odd-numbered year, a convention or committee shall prepare and submit to the filing officer a certificate of nomination for each individual nominated.~~

~~—— (ii) The certificate of nomination shall:~~

~~—— (A) contain the name of the office for which each individual is nominated, the name, post office address, and, if in a city, the street number of residence and place of business, if any, of each individual nominated;~~

~~—— (B) designate in not more than five words the party that the convention or committee represents;~~

~~—— (C) contain a copy of the resolution passed at the convention that authorized the committee to make the nomination;~~

~~—— (D) contain a statement certifying that the name of the candidate nominated by the political party will not appear on the ballot as a candidate for any other political party;~~

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~~—— (E) be signed by the presiding officer and secretary of the convention or committee; and~~

~~—— (F) contain a statement identifying the residence and post office address of the presiding officer and secretary and certifying that the presiding officer and secretary were officers of the convention or committee and that the certificates are true to the best of their knowledge and belief.~~

~~—— (iii) A candidate nominated by a municipal party convention or committee shall file a declaration with the filing officer in accordance with Subsection 20A-9-203(3) that includes:~~

~~—— (A) the name of the municipal party or convention that nominated the candidate; and~~

~~—— (B) the office for which the convention or committee nominated the candidate.~~

~~—— (c) A committee appointed at a convention, if authorized by an enabling resolution, may also make nominations or fill vacancies in nominations made at a convention if the committee makes the nomination before the deadline for a write-in candidate to file a declaration of candidacy under Section 20A-9-601.~~

~~—— (f) The election ballot shall substantially comply with the form prescribed in Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections and, as applicable, Section 20A-1-1012, but the party name shall be included with the candidate's name.~~

~~—— (4) (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the May 1 that falls before the regular municipal election that:~~

~~—— (i) exempts the city or town from the other methods of nominating candidates to municipal office provided in this section; and~~

~~—— (ii) provides for a municipal partisan convention method of nominating candidates as provided in this Subsection (4).~~

~~—— (b) (i) Any party that was a registered political party at the last regular general election or regular municipal election is a municipal political party under this section.~~

~~—— (ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:~~

~~—— (A) is signed, with a holographic signature, by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;~~

~~—— (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day~~

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~~before the day on which the municipal party holds a convention to nominate a candidate under this Subsection (4);~~

~~—— (C) is substantially similar to the form of the signature sheets described in Section 20A-7-303; and~~

~~—— (D) contains the name of the municipal political party using not more than five words.~~

~~—— (c) (i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no primary election for that office shall be held and the candidates are considered to be nominated.~~

~~—— (ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a municipal primary election.~~

~~—— (d) [The] Except as provided in Chapter 1, Part 10, Ranked-choice Voting, the clerk shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.~~

~~—— (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the blank ballot box.~~

~~—— (f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box.~~

~~—— Section 37. Section 20A-9-406 is amended to read:~~

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

The following provisions apply to a qualified political party:

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

(2) the following provisions do not apply to a nomination for the qualified political party:

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

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

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

(3) an individual may only seek the nomination of the qualified political party by using

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a method described in Section 20A-9-407, Section 20A-9-408, or both;

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

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

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

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

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

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

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

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

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

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

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

(b) the names of unopposed candidates for [elective] office who have been nominated

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by the qualified political party and instruct the county clerks to exclude such candidates from the primary-election ballot;

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

(13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political party is entitled to have the names of its candidates for ~~[elective]~~ office featured with party affiliation on the ballot at a regular general election.

Section ~~{38}~~27. Section **20A-9-409** is amended to read:

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

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

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

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

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

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

(3) ~~[Notwithstanding Subsection (2), in]~~ In an opt-in county, as defined in Section 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election for a county commission office if:

(a) there is more than one:

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

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

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

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

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

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

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

(i) provide to the county clerks:

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

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

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

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

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

Section ~~{39}~~28. Section **20A-9-701** is amended to read:

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

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

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(a) the names of each candidate nominated under Chapter 1, Part 10, Ranked-choice Voting, Subsection 20A-9-202(4), or Subsection 20A-9-403(5); and

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

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

Section ~~{40}~~29. Section **20A-9-806** is amended to read:

20A-9-806. Ballots.

(1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:

(a) develop manual ballots, mechanical ballots, return envelopes and provisional ballot envelopes to be used in a presidential primary election;

(b) ensure that the ballots, return envelopes, and provisional ballot envelopes comply generally with the requirements of Chapter 6, Part 1, General Requirements for All Ballots and, as applicable, Section ~~{20A-1-1012}~~20A-1-1008; and

(c) provide voting booths, election records and supplies, and ballot boxes for each voting precinct as required by Section 20A-5-403.

(2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the ballots, return envelopes, provisional ballot envelopes, voting booths, election records and supplies, and ballot boxes:

(i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

(ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;

(iii) minimize the possibility of spoiled ballots due to voter confusion; and

(iv) protect against fraud.

(b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties

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shall:

- (i) mark ballots as being for a particular registered political party; and
- (ii) instruct [~~persons~~] individuals counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.
- (c) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties may:
 - (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different colored ballots for each registered political party;
 - (ii) place ballots for each registered political party in different voting booths and direct voters to the particular voting booth for the political party whose ballot they are voting; or
 - (iii) consider other means of accomplishing the objectives described in Subsection (2)(a).

Section ~~{41}~~30. Section **20A-9-809** is amended to read:

20A-9-809. Counting votes -- Canvass -- Certification of results to parties.

(1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and retained, returns canvassed, and recounts and election contests conducted as provided in Chapter 4, Election Returns and Election Contests, or as applicable, Chapter 1, Part 10, Ranked-choice Voting.

(2) After the canvass is complete and the report is prepared, the lieutenant governor shall transmit a copy of the report to each registered political party that participated in the presidential primary election.

~~{~~ ~~Section 42. Section 63I-2-220 is amended to read:~~

~~63I-2-220. Repeal dates -- Title 20A.~~

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

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

~~[(3)] (2) Section 20A-5-804 is repealed July 1, 2023.~~

~~Section 43. Repealer:~~

~~This bill repeals:~~

~~Section 20A-4-601, Definitions.~~

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~~Section 20A-4-602, Municipal Alternate Voting Methods Pilot Project -- Creation -- Participation.~~

~~Section 20A-4-603, Instant runoff voting.~~

~~Section 20A-4-604, Batch elimination.~~

~~Section 20A-6-203.5, Instant runoff voting ballot.~~

‡ Section ~~{44}~~31. **Effective date.**

This bill takes effect on January 1, 2023.