

HB0264S03 compared with HB0264S01

~~{deleted text}~~ shows text that was in HB0264S01 but was deleted in HB0264S03.

inserted text shows text that was not in HB0264S01 but was inserted into HB0264S03.

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~~{Representative Douglas R}~~Senator Daniel W. ~~{Welton}~~Thatcher proposes the following substitute bill:

MUNICIPAL ALTERNATE VOTING METHODS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: ~~{~~Curtis S. Bramble~~}~~

LONG TITLE

General Description:

This bill amends provisions relating to the Municipal Alternate Voting Methods Pilot Project.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ replaces references to the "canvassing phase" with the term "ballot-counting phase";
- ▶ modifies provisions for determining a voter's intent on an instant runoff voting ballot;
- ▶ modifies provisions for determining when a vote is valid in an instant runoff race;
- ▶ modifies and clarifies recount procedures and requirements;

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- ▶ permits a canvassing deadline extension, when necessary, to conduct a recount;
- ▶ gives a participating municipality the option of selecting different methods of conducting an election as part of the Municipal Alternate Voting Methods Pilot Project;
- ▶ describes the process of voting and of determining winners in an alternate voting methods race, depending on the voting method selected by a participating municipality; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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-4-304, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

20A-4-401, as last amended by Laws of Utah 2020, Chapter 31

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

ENACTS:

20A-4-605, Utah Code Annotated 1953

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

Section 1. Section 20A-3a-204 is amended to read:

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

(1) To vote by mail:

(a) except as provided in Subsection (6), the voter shall prepare the voter's manual

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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 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.

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(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~~ alternate voting methods race under ~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~, a voter:

~~(a)~~ [a voter]:

(a) for a municipality using the instant runoff voting method described in Sections 20A-4-603 and 20A-4-604, 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 ~~;~~ or

(b) for a municipality using the approval voting method described in Section 20A-4-605, a voter shall, as directed on the ballot, indicate one or more names of candidates whom the voter approves for the office, without stating an order of 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

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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 ~~4-2~~2. Section **20A-4-101** is amended to read:

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

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

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

(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

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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 alternate voting method race under [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project.

(ii) When counting ballots in an instant runoff voting alternate voting method 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)~~] Subsections 20A-4-603(~~3~~4) through (~~5~~6).

Section 2~~2~~3. Section **20A-4-102** is amended to read:

20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at

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polling place on day of election after polls close.

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

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

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

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

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

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

(ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project, ~~[Subsection 20A-4-603(3)]~~ Subsections 20A-4-603(~~3~~4) through (~~5~~6).

(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

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county clerk or city recorder; and

(b) seal that envelope or container.

(4) The judges shall:

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

(b) seal that envelope or container.

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

(b) In regular primary elections the judges shall:

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

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

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

(6) (a) In all elections, the counting judges shall, except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, 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

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space provided on the tally list.

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

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

Section ~~3}4~~. Section **20A-4-304** is amended to read:

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

(1) Each board of canvassers shall:

(a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

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

(b) declare:

(i) "approved" those ballot propositions that:

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

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

(ii) "rejected" those ballot propositions that:

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

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

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

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

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

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

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

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

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- (d) each office that appeared on the ballot;
- (e) from each voting precinct:
 - (i) the number of votes for each candidate;
 - (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, 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~~] ballot-counting 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 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

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

Section 5. Section 20A-4-401 is amended to read:

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

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(1) (a) This section does not apply to ~~[a] an alternate voting method~~ race conducted ~~[by instant runoff voting under Chapter 4,~~ under Part 6, Municipal Alternate Voting Methods Pilot Project.

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

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

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

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

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

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

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

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

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

(e) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

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

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

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

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

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

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

(d) The election officer shall:

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

Disposition of Ballots; and

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

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

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

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

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

(b) The board of canvassers shall:

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(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 ~~(4)~~6. Section **20A-4-601** is amended to read:

20A-4-601. 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~~] ballot-counting phase of a multi-candidate race; and

(b) .02%.

(2) "First preference ranking" means the candidate selected as the candidate most preferred by a voter, as indicated by:

(a) the number one; or

(b) if the voter does not assign the number one to any candidate, the number two.

~~(2)~~ (3) "Multi-candidate race" means a nonpartisan municipal race where:

(a) for the election of at-large officers, the number of candidates who qualify for the race exceeds the total number of seats to be filled; or

(b) for the election of an officer other than an at-large officer, more than two candidates qualify to run for one office.

~~(3)~~ (4) "Participating municipality" means a municipality that is participating in the pilot project, in accordance with Subsection 20A-4-602(3).

~~(4)~~ (5) "Pilot project" means the Municipal Alternate Voting Methods Pilot Project created in Section 20A-4-602.

~~(5)~~ (6) "Recount threshold" means the sum of the candidate amplifier and the following:

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- (a) for a [~~canvassing~~] ballot-counting phase in which fewer than 100 valid [~~votes~~] rankings are counted, 0.21%;
- (b) for a [~~canvassing~~] ballot-counting phase in which at least 100, but fewer than 500, valid [~~votes~~] rankings are counted, 0.19%;
- (c) for a [~~canvassing~~] ballot-counting phase in which at least 500, but fewer than 1,000, valid [~~votes~~] rankings are counted, 0.17%;
- (d) for a [~~canvassing~~] ballot-counting phase in which at least 1,000, but fewer than 5,000, valid [~~votes~~] rankings are counted, 0.15%;
- (e) for a [~~canvassing~~] ballot-counting phase in which at least 5,000, but fewer than 10,000, valid [~~votes~~] rankings are counted, 0.13%; and
- (f) for a [~~canvassing~~] ballot-counting phase in which 10,000 or more valid [~~votes~~] rankings are counted, 0.11%.

~~[(6)]~~ (7) "Valid" means that the ballot is marked in a manner that permits the [~~vote~~] ranking to be counted during the applicable ballot-counting phase.

(8) "Voting method" means:

(a) the instant runoff voting method described in Sections 20A-4-603 and 20A-4-604;

or

(b) the approval voting method described in Section 20A-4-605.

Section 7. Section 20A-4-602 is amended to read:

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

- (1) There is created the Municipal Alternate Voting Methods Pilot Project.
- (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.
- (3) (a) A municipality may participate in the pilot project, in accordance with the requirements of this section and all other applicable provisions of law, during any odd-numbered year that the pilot project is in effect, if, before the second Monday in May of the odd-numbered year, the legislative body of the municipality:
 - (i) votes to participate; and
 - (ii) provides written notice to the lieutenant governor and the county clerk:
 - (A) stating that the municipality intends to participate in the pilot project for the year specified in the notice~~[-]; and~~

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(B) specifying the voting method that the municipality will use.

(b) The legislative body of a municipality that provides the notice of intent described in Subsection (3)(a) may:

(i) withdraw the notice of intent, and not participate in the pilot project, if the legislative body of the municipality provides written notice of withdrawal to the lieutenant governor and the county clerk before the second Monday in May; or

(ii) change the voting method specified under Subsection (3)(a)(ii)(B) to another voting method, if the municipality provides written notice of the change to the lieutenant governor and the county clerk before the second Monday in May.

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

(5) (a) An election officer of a participating municipality shall, in accordance with the provisions of this part, conduct a multi-candidate race during the municipal general election using ~~instant runoff voting~~ the voting method most recently specified in accordance with Subsection (3).

(b) Except as provided in Subsection 20A-4-603~~(9)~~(10) or 20A-4-605(6), an election officer of a participating municipality that will conduct a multi-candidate race under Subsection (5)(a) may not conduct a municipal primary election relating to that race.

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

(6) Except for an election described in Subsection 20A-4-603~~(9)~~(10) or 20A-4-605(6), an individual who files a declaration of candidacy or a nomination petition, for a candidate who will run in an election described in this part, shall file the declaration of candidacy or nomination petition during the office hours described in Section 10-3-301 and not later than the close of those office hours, no sooner than the second Tuesday in August and no later than the third Tuesday in August of an odd-numbered year.

Section ~~5~~8. Section **20A-4-603** is amended to read:

20A-4-603. Instant runoff voting.

(1) This section applies to a participating municipality that, under Subsection 20A-4-602(3), specifies the candidate elimination voting method as the method that the municipality will use.

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~~[(1)]~~1(2) In a multi-candidate race, the election officer ~~[for a participating municipality]~~ shall:

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

(ii) if ~~[, after complying with Subsection (5);]~~ one of the candidates receives more than 50% of the valid first preference ~~[votes]~~ rankings counted, declare that candidate elected;

(b) if, after counting the valid first preference ~~[votes]~~ rankings for each candidate, ~~[and complying with Subsection (5);]~~ no candidate receives more than 50% of the valid first preference ~~[votes]~~ rankings counted, conduct the second ballot-counting phase by:

(i) excluding from the multi-candidate race:

(A) the candidate who received the fewest valid first preference ~~[votes]~~ rankings counted; or

(B) in the event of a tie for the fewest valid first preference ~~[votes]~~ rankings counted, one of the tied candidates, determined by the ~~[tied]~~ election officer by lot, in accordance with Subsection ~~[(6)]~~1(7);

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

(iii) if, after adding the ~~[votes]~~ rankings in accordance with Subsection ~~[(1)]~~1(2)(b)(ii) ~~[and complying with Subsection (5)]~~, one candidate receives more than 50% of the valid ~~[votes]~~ rankings counted, declaring that candidate elected; and

(c) if, after adding the next valid ~~[second]~~ preference ~~[votes]~~ rankings in accordance with Subsection ~~[(1)]~~1(2)(b)(ii) ~~[and complying with Subsection (5)]~~, no candidate receives more than 50% of the valid ~~[votes]~~ rankings counted, conduct subsequent ballot-counting phases by continuing the process described in Subsection ~~[(1)]~~1(2)(b) until a candidate receives more than 50% of the valid ~~[votes]~~ rankings counted, as follows:

(i) ~~[after complying with Subsection (5);]~~ excluding from consideration the candidate who has the fewest valid ~~[votes]~~ rankings counted or, in the event of a tie for the fewest valid ~~[votes]~~ rankings counted, excluding one of the tied candidates, by lot, in accordance with Subsection ~~[(6)]~~1(7); and

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

~~[(2)]~~ (3) The election officer shall declare elected the first candidate who receives more than 50% of the valid [~~votes~~] rankings counted under the process described in Subsection ~~[(+)]~~ (2).

~~[(3)]~~ ~~[(b)]~~ (4) A [~~vote~~] ranking is valid for a particular ballot-counting phase of a multi-candidate race [~~only~~] if:

(a) the voter indicates the voter's preference for that ballot-counting phase and all previous ballot-counting phases[:]; or

(b) in the event that the voter skips a number in filling out the rankings on a ballot:

(i) the voter clearly indicates an order of preference for the candidates;

(ii) the voter does not skip two or more consecutive numbers at any point before the preference ranking that would otherwise be counted for the current ballot-counting phase;

(iii) the candidate next preferred by the voter is clearly indicated by a subsequent number that most closely follows the number assigned by the voter for the previously-ranked candidate; and

(iv) the voter did not give the same rank to more than one candidate for the applicable ballot-counting phase or a previous ballot-counting phase.

~~[(b)]~~ ~~[(4)]~~ (5) A [~~vote~~] ranking is not valid for a particular ballot-counting phase of a multi-candidate race, and for all subsequent ballot-counting phases, if:

(a) the voter indicates the same rank for more than one candidate for that ballot-counting phase[:]; or

~~[(4)]~~ The election officer shall order a recount of the valid votes in the applicable ballot-counting phase if one candidate appears to have received at least 50% of the vote, and the difference between the number of votes counted for the candidate who received the most valid votes for the applicable ballot-counting phase and any other candidate in the race is equal to or less than the product of the following, rounded up to the nearest whole number:]

~~[(a)]~~ the total number of voters who cast a valid vote that is counted in the applicable ballot-counting phase of the race; and]

~~[(b)]~~ the recount threshold. ~~(5)~~ Before excluding a candidate from a multi-candidate

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~~race under Subsection (1), the election officer shall order a recount of the valid votes counted in the applicable ballot-counting phase if the difference between the number of votes counted for the candidate who received the fewest valid votes in the applicable ballot-counting phase of the race and any other candidate in the race is equal to or less than the product of the following, rounded up to the nearest whole number:]~~

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

~~[(b) the recount threshold.]~~

~~(b) the voter skips two or more consecutive numbers before ranking another candidate.~~

(5) (6) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from the race, the next-ranked candidate who has not withdrawn from the race will be counted for that ballot-counting phase.

~~[(6) (7) For each ballot-counting phase after the first phase, if, after a recount is completed under Subsection (5),] two or more candidates tie as having received the fewest valid [votes] rankings counted at that point in the ballot count, the election officer shall eliminate one of those candidates from consideration, by lot, in the following manner:~~

~~(a) determine the names of the candidates who tie as having received the fewest valid [votes] rankings for that ballot-counting phase;~~

~~(b) cast 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 of the lot; and~~

~~(c) sign a public document that:~~

~~(i) certifies the method used for casting the lot and the result of the lot; and~~

~~(ii) includes the name of each individual who witnessed the casting of the lot.~~

(7) (8) In a multi-candidate race for an at-large office, where the number of candidates who qualify for the race exceeds the total number of at-large seats to be filled for the office, the election officer shall count the [votes] rankings by:

~~(a) except as provided in Subsection [(8) (9)], counting [votes] rankings in the same manner as described in Subsections [(+) (2)] through [(6) (7)], until a candidate is declared elected;~~

~~(b) repeating the process described in Subsection [(7) (8)](a) for all candidates that are not declared elected until another candidate is declared elected; and~~

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(c) continuing the process described in Subsection ~~[(7)](8)~~(b) until all at-large seats in the race are filled.

~~[(8)](9)~~ After a candidate is declared elected under Subsection ~~[(7)](8)~~, the election officer shall, in repeating the process described in Subsections ~~[(1)](2)~~ through ~~[(6)](7)~~ to declare the next candidate elected, add to the [vote] ranking totals the next valid preference vote of each voter whose [vote] ranking was counted for a candidate already declared elected.

~~[(9)](10)~~ An election officer for a participating municipality may choose to conduct a primary election by using instant runoff voting in the manner described in Subsections ~~[(1)](2)~~ through ~~[(6)](7)~~, except that:

(a) instead of determining whether a candidate receives more than 50% of the valid preference [votes] rankings for a particular ballot-counting phase, the election officer shall proceed to a subsequent ballot-counting stage, and exclude the candidate who receives the fewest valid preference [votes] rankings in that phase, until twice the number of seats to be filled in the race remain; and

(b) after complying with Subsection ~~[(9)](10)~~(a), the election officer shall declare the remaining candidates nominated to participate in the municipal general election.

~~[(10)](11)~~ After completing all ballot-counting phases in a multi-candidate race, the election officer shall order a full recount of the ballots cast for that race if, in one or more of the ballot-counting phases:

(a) the difference between the number of rankings counted for a candidate who is declared elected and the number of rankings 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:

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

(ii) the recount threshold; or

(b) the difference between the number of rankings counted for the candidate who received the fewest valid rankings in a ballot-counting phase and the number of rankings 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:

(i) the total number of voters who cast a valid ranking counted in that ballot-counting

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phase; and

(ii) the recount threshold.

~~(11)~~12) A recount described in Subsection ~~(10)~~11):

(a) requires rescanning and tabulating all valid ballots; and

(b) provides for only one recount.

~~(12)~~13) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend the canvass deadline by up to seven additional days, if necessary, to conduct a recount required under Subsection ~~(10)~~11.

Section ~~6~~9. Section **20A-4-604** is amended to read:

20A-4-604. Batch elimination.

~~(1)~~ In any ballot count conducted under Section 20A-4-603, 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)~~ (1) for which the number of remaining candidates with more valid [votes] rankings than that candidate is greater than or equal to the number of offices to be filled; and

~~(b)~~~~(i)~~ (2) (a) for which the number of valid [votes] rankings counted for the candidate in the ballot-counting phase plus the number of [votes counting] rankings counted for all candidates with fewer valid [votes] rankings in the ballot-counting phase is less than the number of valid [votes] rankings for the candidate with the next highest amount of valid [votes] rankings in the ballot-counting phase; or

~~(ii)~~ (b) who has fewer valid [votes] rankings in the ballot-counting phase than a candidate who is excluded under Subsection ~~(1)~~~~(b)~~~~(i)~~ (2)(a).

~~(2) The requirements for a recount before excluding a candidate under Subsection 20A-4-603(5) do not apply to candidates who are excluded through batch elimination.]~~

Section 10. Section 20A-4-605 is enacted to read:

20A-4-605. Approval voting method.

(1) This section applies to a participating municipality that, under Subsection 20A-4-602(3), specifies the approval voting method as the method that the municipality will use.

(2) In a multi-candidate race, the election officer shall:

(a) for each candidate, calculate the number of valid ballots on which the candidate is

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marked as approved; and

(b) subject to Subsection (3), declare elected the candidate who receives the highest number of approvals.

(3) The election officer shall order a recount of the valid ballots if the difference between the candidate who receives the highest number of approvals and any other candidate in the race is equal to or less than the product of the following, rounded up to the nearest whole number:

(a) the combined number of approvals for the two candidates; and

(b) the recount threshold.

(4) If, after complying with Subsection (3), two or more candidates tie with the highest number of approvals, the election officer shall:

(a) break the tie by lot, cast or drawn 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:

(i) certifies the method used for casting or drawing the lot and the result of the lot; and

(ii) includes the name of each individual who witnessed the casting or drawing of the lot.

(5) In a multi-candidate race for an at-large office, the election officer shall:

(a) for each candidate, calculate the number of valid ballots on which the candidate is marked as approved;

(b) subject to Subsection (5)(c), declare elected the number of candidates, equal to the number of positions to be filled, who receive the highest number of approvals;

(c) order a recount of the valid ballots if the difference between the number of approvals received by the candidate to be declared elected with the fewest number of approvals and any candidate with fewer approvals is equal to or less than the product of the following rounded up to the nearest whole number:

(i) the combined number of approvals for the two candidates; and

(ii) the recount threshold; and

(d) break a tie, if necessary, in accordance with Subsection (4).

(6) An election officer for a participating municipality may choose to conduct a

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primary election by using the approval voting method in the manner described in Subsections (1) through (4), except that, after complying with Subsections (3) and (4), if applicable, the election officer shall declare the top two candidates nominated to participate in the general election.