

MUNICIPAL ALTERNATE VOTING METHODS

MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions relating to marking a ballot for a race conducted by alternate voting methods;
- ▶ gives a municipality participating in the Municipal Alternate Voting Methods Pilot Project the option to select different alternate voting methods;
- ▶ describes the process of voting and of determining a winner in a race conducted by the single transferrable vote method; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187
- 29 **20A-3a-204**, as enacted by Laws of Utah 2020, Chapter 31
- 30 **20A-4-101**, as last amended by Laws of Utah 2020, Chapter 31
- 31 **20A-4-102**, as last amended by Laws of Utah 2020, Chapters 31 and 49
- 32 **20A-4-304**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 33 **20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31
- 34 **20A-4-601**, as enacted by Laws of Utah 2018, Chapter 187
- 35 **20A-4-602**, as last amended by Laws of Utah 2021, Chapter 101
- 36 **20A-4-603**, as last amended by Laws of Utah 2019, Chapter 305
- 37 **20A-4-604**, as enacted by Laws of Utah 2018, Chapter 187
- 38 **20A-6-203.5**, as enacted by Laws of Utah 2018, Chapter 187
- 39 **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31

40 ENACTS:

41 **20A-4-605**, Utah Code Annotated 1953



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

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

45 **20A-1-304. Tie votes.**

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

52 Section 2. Section **20A-3a-204** is amended to read:

53 **20A-3a-204. Marking and depositing ballots.**

54 (1) To vote by mail:

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

58 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the

59 appropriate space with a mark opposite the answer the voter intends to make;

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

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

64 (e) the voter shall:

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

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

67 (iii) securely seal the return envelope; and

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

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

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

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

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

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

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

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

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

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

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

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

90 (b) (i) place the ballot in the ballot box; or
91 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
92 envelope, complete the information printed on the provisional ballot envelope, and deposit the
93 provisional ballot envelope in the provisional ballot box.

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

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

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

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

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

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

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

104 (6) To vote in an [~~instant runoff voting~~] an alternate voting method race under [~~Title~~
105 ~~20A,~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a voter:

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

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

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

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

113 (b) may not:

114 (i) occupy a voting booth occupied by another, except as provided in Section
115 [20A-3a-208](#);

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

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

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

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

- 123 (a) election officials;
124 (b) watchers; or
125 (c) assisting voters with a disability.

126 Section 3. Section **20A-4-101** is amended to read:

127 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**
128 **polling place on day of election before polls close.**

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

- 132 (a) the ballots are cast at a polling place; and
133 (b) the ballots are counted at the polling place before the polls close.

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

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

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

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

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

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

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

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

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

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

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

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

152 judges for counting; and

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

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

157 (f) (i) The director of elections within the Office of the Lieutenant Governor shall make
158 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
159 describing the procedures that a counting judge is required to follow for counting ballots in an
160 [~~instant runoff voting~~] an alternate voting method race under [~~Title 20A, Chapter 4,~~] Part 6,
161 Municipal Alternate Voting Methods Pilot Project.

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

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

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

169 (b) as applicable, for an [~~instant runoff voting~~] an alternate voting method race under
170 [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project, [~~Subsection~~
171 [20A-4-603\(3\)](#)] Subsection [20A-4-603\(4\)](#), or [20A-4-605\(5\)](#).

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

173 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at**
174 **polling place on day of election after polls close.**

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

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

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

178 (b) Except as provided in Subsection (2) or a rule made under Subsection
179 [20A-4-101\(2\)\(f\)\(i\)](#), as soon as the polls have been closed and the last qualified voter has voted,
180 the election judges shall count the ballots by performing the tasks specified in this section in
181 the order that they are specified.

182 (c) To resolve questions that arise during the counting of ballots, a counting judge shall

183 apply the standards and requirements of:

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

185 (ii) as applicable, for an ~~[instant runoff voting]~~ alternate voting method race under Part

186 6, Municipal Alternate Voting Methods Pilot Project, [~~Subsection 20A-4-603(3)~~] Subsection

187 20A-4-603(4), or 20A-4-605(5).

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

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

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

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

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

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

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

203 (3) The judges shall:

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

206 (b) seal that envelope or container.

207 (4) The judges shall:

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

210 (b) seal that envelope or container.

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

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

214 (i) count the number of ballots cast for each party;
215 (ii) place the ballots cast for each party in separate piles; and
216 (iii) count all the ballots for one party before beginning to count the ballots cast for
217 other parties.

218 (6) (a) In all elections, the counting judges shall, except as provided in Part 6,
219 Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection
220 [20A-4-101\(2\)\(f\)\(i\)](#):

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

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

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

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

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

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

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

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

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

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

241 Section 5. Section [20A-4-304](#) is amended to read:

242 **[20A-4-304. Declaration of results -- Canvassers' report.](#)**

243 (1) Each board of canvassers shall:

244 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,

245 declare "elected" or "nominated" those persons who:
246 (i) had the highest number of votes; and
247 (ii) sought election or nomination to an office completely within the board's
248 jurisdiction;
249 (b) declare:
250 (i) "approved" those ballot propositions that:
251 (A) had more "yes" votes than "no" votes; and
252 (B) were submitted only to the voters within the board's jurisdiction;
253 (ii) "rejected" those ballot propositions that:
254 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
255 votes; and
256 (B) were submitted only to the voters within the board's jurisdiction;
257 (c) certify the vote totals for persons and for and against ballot propositions that were
258 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
259 the lieutenant governor; and
260 (d) if applicable, certify the results of each local district election to the local district
261 clerk.
262 (2) As soon as the result is declared, the election officer shall prepare a report of the
263 result, which shall contain:
264 (a) the total number of votes cast in the board's jurisdiction;
265 (b) the names of each candidate whose name appeared on the ballot;
266 (c) the title of each ballot proposition that appeared on the ballot;
267 (d) each office that appeared on the ballot;
268 (e) from each voting precinct:
269 (i) the number of votes for each candidate;
270 (ii) for each race conducted by [~~instant runoff voting~~] an alternate voting method under
271 Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for
272 each candidate for each potential ballot-counting phase and the name of [~~the~~] each candidate
273 elected or excluded in each [~~canvassing~~] ballot-counting phase; and
274 (iii) the number of votes for and against each ballot proposition;
275 (f) the total number of votes given in the board's jurisdiction to each candidate, and for

276 and against each ballot proposition;

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

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

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

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

281 (b) sign the report.

282 (4) The election officer shall:

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

284 (b) prepare and transmit a certificate of nomination or election under the officer's seal

285 to each nominated or elected candidate;

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

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

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

289 days after the day on which the board of canvassers declares the election results, publicize the

290 certified report described in Subsection (2):

291 (a) (i) by publishing notice at least once in a newspaper of general circulation within

292 the jurisdiction;

293 (ii) by posting one notice, and at least one additional notice per 2,000 population of the

294 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents

295 of the jurisdiction, subject to a maximum of 10 notices; or

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

297 (b) by posting notice on the Utah Public Notice Website, created in Section

298 [63A-16-601](#), for one week; and

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

300 one week.

301 (6) Instead of including a copy of the entire certified report, a notice required under

302 Subsection (5) may contain a statement that:

303 (a) includes the following: "The Board of Canvassers for [indicate name of

304 jurisdiction] has prepared a report of the election results for the [indicate type and date of

305 election]."; and

306 (b) specifies the following sources where an individual may view or obtain a copy of

307 the entire certified report:

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

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

310 (iii) a mailing address and telephone number.

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

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

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

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

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

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

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

327 Section 6. Section **20A-4-401** is amended to read:

328 **20A-4-401. Recounts -- Procedure.**

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

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

337 (c) For a race between candidates where the total of all votes cast in the race is 400 or

338 less, if the difference between the number of votes cast for a winning candidate in the race and
339 a losing candidate in the race is one vote, that losing candidate may file a request for a recount
340 in accordance with Subsection (1)(d).

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

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

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

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

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

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

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

350 (e) The election officer shall:

351 (i) supervise the recount;

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

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

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

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

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

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

369 Subsection (2)(c).

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

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

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

374 (iii) the county clerk, for propositions voted on entirely within a single county; or

375 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

376 (d) The election officer shall:

377 (i) supervise the recount;

378 (ii) recount all ballots cast for that ballot proposition or bond proposition;

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

380 Disposition of Ballots; and

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

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

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

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

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

390 (b) The board of canvassers shall:

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

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

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

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

400 Section 7. Section **20A-4-601** is amended to read:

401 **20A-4-601. Definitions.**

402 As used in this part:

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

404 (a) two less than the total number of candidates in a given [~~canvassing~~] ballot-counting
405 phase of a multi-candidate race; and

406 (b) .02%.

407 (2) "Election threshold" means the number of votes, calculated as described in
408 Subsection 20A-4-605(2), that is sufficient for a candidate to be elected in a race conducted
409 using the single transferable vote method.

410 [~~(2)~~] (3) "Multi-candidate race" means a nonpartisan municipal race where:

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

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

415 [~~(3)~~] (4) "Participating municipality" means a municipality that is participating in the
416 pilot project, in accordance with Subsection 20A-4-602(3).

417 [~~(4)~~] (5) "Pilot project" means the Municipal Alternate Voting Methods Pilot Project
418 created in Section 20A-4-602.

419 [~~(5)~~] (6) "Recount threshold" means:

420 (a) for a race conducted using the instant runoff voting method described in Section
421 20A-4-603, the sum of the candidate amplifier and the following:

422 [~~(a)~~] (i) for a [~~canvassing~~] ballot-counting phase in which fewer than 100 valid votes
423 are counted, 0.21%;

424 [~~(b)~~] (ii) for a [~~canvassing~~] ballot-counting phase in which at least 100, but fewer than
425 500, valid votes are counted, 0.19%;

426 [~~(c)~~] (iii) for a [~~canvassing~~] ballot-counting phase in which at least 500, but fewer than
427 1,000, valid votes are counted, 0.17%;

428 [~~(d)~~] (iv) for a [~~canvassing~~] ballot-counting phase in which at least 1,000, but fewer
429 than 5,000, valid votes are counted, 0.15%;

430 [~~(e)~~] (v) for a [~~canvassing~~] ballot-counting phase in which at least 5,000, but fewer

431 than 10,000, valid votes are counted, 0.13%; and

432 ~~[(f)]~~ (vi) for a ~~[canvassing]~~ ballot-counting phase in which 10,000 or more valid votes
433 are counted, 0.11%~~[-]~~; and

434 (b) for a race conducted using the single transferable vote method described in Section
435 20A-4-605, the product of the candidate amplifier and the following:

436 (i) for a ballot-counting phase in which the total transfer value of all valid votes is less
437 than 100, 0.21%;

438 (ii) for a ballot-counting phase in which the total transfer value of all valid votes is at
439 least 100, but less than 500, 0.19%;

440 (iii) for a ballot-counting phase in which the total transfer value of all valid votes is at
441 least 500, but less than 1,000, 0.17%;

442 (iv) for a ballot-counting phase in which the total transfer value of all valid votes is at
443 least 1,000, but less than 5,000, 0.15%;

444 (v) for a ballot-counting phase in which the total transfer value of all valid votes is at
445 least 5,000, but less than 10,000, 0.13%; and

446 (vi) for a ballot-counting phase in which the total transfer value of all valid votes is at
447 least 10,000, 0.11%.

448 (7) "Surplus fraction" means the number, calculated as described in Subsection
449 20A-4-605(3), that is used to determine the transfer value of a vote in a race conducted using
450 the single transferable vote method.

451 (8) "Transfer value" means, in a race conducted using the single transferable vote
452 method, the value of a vote, calculated as described in Subsection 20A-4-605(4), that is
453 transferred from an elected candidate to a voter's next valid preference vote.

454 ~~[(6)]~~ (9) "Valid" means that the ballot is marked in a manner that permits the ~~[vote]~~
455 ranking to be counted during the applicable ballot-counting phase.

456 Section 8. Section **20A-4-602** is amended to read:

457 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**
458 **Participation.**

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

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

461 (3) (a) A municipality may participate in the pilot project, in accordance with the

462 requirements of this section and all other applicable provisions of law, during any
463 odd-numbered year that the pilot project is in effect, if, before the second Monday in May of
464 the odd-numbered year, the legislative body of the municipality:

465 (i) votes to participate; and

466 (ii) provides written notice to the lieutenant governor and the county clerk;

467 (A) stating that the municipality intends to participate in the pilot project for the year
468 specified in the notice[-]; and

469 (B) pursuant to Subsection (3)(b), specifying the alternate voting method that the
470 municipality will use for each multi-candidate race.

471 (b) (i) For a multi-candidate race to elect a single at-large officer or an officer other
472 than an at-large officer, a municipality may use the instant runoff voting method described in
473 Sections [20A-4-603](#) and [20A-4-604](#).

474 (ii) For a multi-candidate race to elect more than one at-large officer, a participating
475 municipality may use the instant runoff voting method described in Sections [20A-4-603](#) and
476 [20A-4-604](#), or the single transferable vote method described in Section [20A-4-605](#).

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

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

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

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

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

491 (b) Except as provided in Subsection ~~[[20A-4-603\(9\)](#)]~~ [20A-4-603\(10\)](#), an election
492 officer of a participating municipality that will conduct a multi-candidate race under

493 Subsection (5)(a) may not conduct a municipal primary election relating to that race.

494 (c) A municipality that has in effect an ordinance described in Subsection
495 [20A-9-404](#)(3) or (4) may not participate in the pilot project.

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

502 Section 9. Section [20A-4-603](#) is amended to read:

503 **[20A-4-603](#). Instant runoff voting method.**

504 (1) This section applies to a participating municipality that, under Subsection
505 [20A-4-602](#)(3), specifies the instant runoff voting method as the method that the municipality
506 will use.

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

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

511 (ii) if, after complying with Subsection [~~(5)~~] (6), one of the candidates receives more
512 than 50% of the valid first preference votes counted, declare that candidate elected;

513 (b) if, after counting the valid first preference votes for each candidate, and complying
514 with Subsection [~~(5)~~] (6), no candidate receives more than 50% of the valid first preference
515 votes counted, conduct the second ballot-counting phase by:

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

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

518 (B) in the event of a tie for the fewest valid first preference votes counted, one of the
519 tied candidates, determined by the tied election officer by lot, in accordance with Subsection
520 [~~(6)~~] (7);

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

524 (iii) if, after adding the votes in accordance with Subsection [~~(1)~~] (2)(b)(ii) and
525 complying with Subsection [~~(5)~~] (6), one candidate receives more than 50% of the valid votes
526 counted, declaring that candidate elected; and

527 (c) if, after adding the valid second preference votes in accordance with Subsection
528 [~~(1)~~] (2)(b)(ii) and complying with Subsection [~~(5)~~] (6), no candidate receives more than 50%
529 of the valid votes counted, conduct subsequent ballot-counting phases by continuing the
530 process described in Subsection [~~(1)~~] (2)(b) until a candidate receives more than 50% of the
531 valid votes counted, as follows:

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

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

539 [~~(2)~~] (3) The election officer shall declare elected the first candidate who receives more
540 than 50% of the valid votes counted under the process described in Subsection [~~(1)~~] (2).

541 [~~(3)~~] (4) (a) A vote is valid for a particular phase of a multi-candidate race only if the
542 voter indicates the voter's preference for that phase and all previous phases.

543 (b) A vote is not valid for a particular phase of a multi-candidate race, and for all
544 subsequent phases, if the voter indicates the same rank for more than one candidate for that
545 phase.

546 [~~(4)~~] (5) The election officer shall order a recount of the valid votes in the applicable
547 ballot-counting phase if one candidate appears to have received at least 50% of the vote, and
548 the difference between the number of votes counted for the candidate who received the most
549 valid votes for the applicable ballot-counting phase and any other candidate in the race is equal
550 to or less than the product of the following, rounded up to the nearest whole number:

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

553 (b) the recount threshold.

554 [~~(5)~~] (6) Before excluding a candidate from a multi-candidate race under Subsection

555 [(+) (2), the election officer shall order a recount of the valid votes counted in the applicable
556 ballot-counting phase if the difference between the number of votes counted for the candidate
557 who received the fewest valid votes in the applicable ballot-counting phase of the race and any
558 other candidate in the race is equal to or less than the product of the following, rounded up to
559 the nearest whole number:

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

562 (b) the recount threshold.

563 [(6) (7) For each ballot-counting phase after the first phase, if, after a recount is
564 completed under Subsection [(5) (6), two or more candidates tie as having received the fewest
565 valid votes counted at that point in the ballot count, the election officer shall eliminate one of
566 those candidates from consideration, by lot, in the following manner:

567 (a) determine the names of the candidates who tie as having received the fewest valid
568 votes for that ballot-counting phase;

569 (b) cast the lot in the presence of at least two election officials and any counting poll
570 watchers who are present and desire to witness the casting of the lot; and

571 (c) sign a public document that:

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

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

574 [(7) (8) In a multi-candidate race for an at-large office, [~~where the number of~~
575 ~~candidates who qualify for the race exceeds the total number of at-large seats to be filled for~~
576 ~~the office,]~~ the election officer shall count the votes by:

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

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

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

583 [(8) (9) After a candidate is declared elected under Subsection [(7) (8), the election
584 officer shall, in repeating the process described in Subsections [(+) (2) through [(6) (7) to
585 declare the next candidate elected, add to the vote totals the next valid preference vote of each

586 voter whose vote was counted for a candidate already declared elected.

587 ~~[(9)]~~ (10) An election officer for a participating municipality may choose to conduct a
588 primary election by using ~~[instant runoff voting in the manner]~~ the instant runoff voting
589 method described in Subsections ~~[(1)]~~ (2) through ~~[(6)]~~ (7), except that:

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

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

597 Section 10. Section **20A-4-604** is amended to read:

598 **20A-4-604. Batch elimination.**

599 (1) In any ballot count conducted under Section **20A-4-603**, the election officer may
600 exclude candidates through batch elimination by, instead of excluding only one candidate in a
601 ballot-counting phase, excluding each candidate:

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

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

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

610 (2) The requirements for a recount before excluding a candidate under Subsection
611 ~~[20A-4-603(5)]~~ **20A-4-603(6)** do not apply to candidates who are excluded through batch
612 elimination.

613 Section 11. Section **20A-4-605** is enacted to read:

614 **20A-4-605. Single transferable vote method.**

615 (1) This section applies to a participating municipality that, under Subsection
616 20A-4-602(3), specifies the single transferable vote method as the method that the municipality

617 will use for a multi-candidate race to elect more than one at-large officer.

618 (2) The election officer shall calculate an election threshold by:

619 (a) determining the total number of first valid preference votes cast in the race;

620 (b) dividing the total number of first valid preference votes cast in the race by the sum

621 of one plus the number of offices to be filled by the race;

622 (c) adding one to the result of Subsection (2)(b); and

623 (d) without rounding, disregarding any fraction from the result of Subsection (2)(c).

624 (3) The election officer shall calculate a surplus fraction by:

625 (a) subtracting the election threshold from an elected candidate's vote total;

626 (b) dividing the result of Subsection (4)(a) by the elected candidate's vote total; and

627 (c) truncating the result of Subsection (4)(b) at four decimal places, without rounding.

628 (4) (a) Each valid preference vote begins with a transfer value of one.

629 (b) When a voter's valid preference vote contributes to the election of a candidate

630 before all at-large seats in the race are filled, the election officer shall calculate the transfer

631 value of that vote by multiplying the transfer value of the vote that contributed to the election

632 of a candidate by the surplus fraction for that elected candidate.

633 (5) (a) A vote is valid for a particular phase of a race conducted by the single

634 transferable vote method only if the voter indicates the voter's preference for that phase and all

635 previous phases.

636 (b) A vote is not valid for a particular phase of a race conducted by the single

637 transferable vote method, and for all subsequent phases, if the voter indicates the same rank for

638 more than one candidate for that phase.

639 (6) In a multi-candidate race to elect more than one at-large officer, the election officer

640 shall:

641 (a) calculate the election threshold for the race;

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

643 for each candidate; and

644 (ii) if a candidate receives a number of valid first preference votes greater than or equal

645 to the election threshold, declare the candidate elected;

646 (c) if, after complying with Subsection (6)(b), all at-large seats in the race have not

647 been filled, conduct the next ballot-counting phase by:

- 648 (i) if a candidate was declared elected during the previous ballot-counting phase:
649 (A) calculating the surplus fraction for the elected candidate;
650 (B) calculating the transfer value for each of the votes that were counted for the elected
651 candidate; and
652 (C) adding each of the votes that were counted for the elected candidate, at each vote's
653 new transfer value, to one of the remaining candidates in the order of the next valid preference
654 indicated by the voter;
655 (ii) if no candidate was declared elected during the previous ballot-counting phase:
656 (A) excluding from consideration the candidate who received the fewest valid
657 preference votes in the previous ballot-counting phase or, in the event of a tie, one of the tied
658 candidates, by lot, in accordance with Subsection [20A-4-603\(7\)](#); and
659 (B) adding, at each vote's current transfer value, the next valid preference vote cast by a
660 voter whose previous valid preference vote was cast for the excluded candidate to one of the
661 remaining candidates in the order of the next preference indicated by the voter; and
662 (iii) declaring elected a candidate who receives a number of valid votes greater than or
663 equal to the election threshold;
664 (d) if, after conducting a ballot-counting phase in accordance with Subsection (6)(c),
665 all at-large seats in the race have not been filled, conduct additional ballot-counting phases by
666 repeating the process described in Subsection (6)(c) until:
667 (i) all at-large seats in the race have been filled; or
668 (ii) the number of remaining candidates equals the number of at-large seats left to be
669 filled in the race; and
670 (e) if the number of remaining candidates equals the number of at-large seats left to be
671 filled in the race, declaring the remaining candidates elected.
672 (7) After completing all ballot-counting phases in a race, the election officer shall order
673 a full recount of the ballots cast for that race if, in one or more of the ballot-counting phases:
674 (a) the difference between the total transfer value of all valid votes counted for a
675 candidate who was declared elected and the total transfer value of all valid votes counted for
676 any other candidate in the same ballot-counting phase is equal to or less than the product of the
677 following, rounded up to the nearest whole number:
678 (i) the total transfer value of all valid votes counted in that ballot-counting phase; and

- 679 (ii) the recount threshold; or
 680 (b) the difference between the total transfer value of all valid votes counted for a
 681 candidate who was excluded from consideration and the total transfer value of all valid votes
 682 counted for any other candidate in the same ballot-counting phase is equal to or less than the
 683 product of the following, rounded up to the nearest whole number:
- 684 (i) the total value of all valid votes counted in that ballot-counting phase; and
 685 (ii) the recount threshold.
- 686 (8) A recount described in Subsection (7):
 687 (a) requires rescanning and tabulating all valid ballots; and
 688 (b) provides for only one recount.
- 689 (9) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend
 690 the canvass deadline by up to seven additional days, if necessary, to conduct a recount required
 691 under Subsection (7).
- 692 (10) A candidate who is declared elected under Subsection (6) has a number of votes
 693 equal to the election threshold for the race in all subsequent ballot-counting phases.

694 Section 12. Section **20A-6-203.5** is amended to read:

695 **20A-6-203.5. Alternate voting method ballot.**

696 If, in an election, at least one of the races is conducted by [~~instant runoff voting~~] an
 697 alternate voting method under [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting
 698 Methods Pilot Project, the portion of the ballot relating to that race shall:

- 699 (1) list each candidate who qualifies to be placed on the election ballot for that race;
 700 (2) opposite each candidate's name, include a place where a voter can indicate the
 701 voter's vote in order of preference for each candidate, as described in [~~Title 20A,~~] Chapter 4,
 702 Part 6, Municipal Alternate Voting Methods Pilot Project; and
 703 (3) provide the ability for a voter to enter a write-in candidate's name and indicate the
 704 voter's ordered preference for the write-in candidate.

705 Section 13. Section **20A-6-402** is amended to read:

706 **20A-6-402. Ballots for municipal general elections.**

707 (1) Except as otherwise required for a race conducted by [~~instant runoff voting~~] an
 708 alternate voting method under [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting
 709 Methods Pilot Project, for a manual ballot at a municipal general election, an election officer

710 shall ensure that:

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

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

715 (c) for other offices:

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

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

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

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

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

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

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

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

734 (2) Except as otherwise required for a race conducted by [~~instant runoff voting~~] an
735 alternate voting method under [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting
736 Methods Pilot Project, when using a mechanical ballot at municipal general elections, each
737 election officer shall ensure that:

738 (a) the following endorsements are displayed on the first portion of the ballot:

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

740 (ii) the date of the election; and

- 741 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 742 (b) immediately below the election officer's title, a distinct border or line separates the
743 endorsements from the rest of the ballot;
- 744 (c) immediately below the border or line, an "Instructions to Voters" section is
745 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
746 the candidate(s) for each respective office." followed by another border or line;
- 747 (d) after the border or line, the designation of the office for which the candidates seek
748 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
749 candidates for which the voter may vote)" are displayed, followed by a line or border;
- 750 (e) after the line or border, the names of the candidates are displayed in the order
751 specified under Section [20A-6-305](#) with surnames last and grouped according to the office that
752 they seek;
- 753 (f) a voting square or position is located adjacent to the name of each candidate;
- 754 (g) following the name of the last candidate for each office in which a write-in
755 candidate is qualified under Section [20A-9-601](#), the ballot contains a write-in space where the
756 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 757 (h) the candidate groups are separated from each other by a line or border.
- 758 (3) When a municipality has chosen to nominate candidates by convention or
759 committee, the election officer shall ensure that the party name is included with the candidate's
760 name on the ballot.