

1                   **ALTERNATIVE VOTING METHODS MODIFICATIONS**

2                                   2023 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Katy Hall**

5                           Senate Sponsor: \_\_\_\_\_

---

---

7   **LONG TITLE**

8   **General Description:**

9           This bill repeals the Municipal Alternate Voting Methods Pilot Project.

10 **Highlighted Provisions:**

11       This bill:

- 12       ▶ repeals the Municipal Alternate Voting Methods Pilot Project; and
- 13       ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15       None

16 **Other Special Clauses:**

17       None

18 **Utah Code Sections Affected:**

19 AMENDS:

20       **20A-1-102**, as last amended by Laws of Utah 2022, Chapters 18, 170

21       **20A-1-303**, as last amended by Laws of Utah 2018, Chapter 187

22       **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187

23       **20A-3a-204**, as last amended by Laws of Utah 2022, Chapter 156

24       **20A-4-101**, as last amended by Laws of Utah 2022, Chapter 342

25       **20A-4-102**, as last amended by Laws of Utah 2022, Chapter 342

26       **20A-4-105**, as last amended by Laws of Utah 2022, Chapter 380

27       **20A-4-106**, as last amended by Laws of Utah 2020, Chapter 31



- 28            **20A-4-304**, as last amended by Laws of Utah 2022, Chapter 342
- 29            **20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31
- 30            **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101
- 31            **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305
- 32            **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31
- 33            **20A-9-203**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 34            **20A-9-404**, as last amended by Laws of Utah 2019, Chapters 142, 255 and last
- 35 amended by Coordination Clause, Laws of Utah 2019, Chapter 142
- 36            **63I-2-220**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

37 REPEALS:

- 38            **20A-4-601**, as last amended by Laws of Utah 2022, Chapter 342
- 39            **20A-4-602**, as last amended by Laws of Utah 2022, Chapter 170
- 40            **20A-4-603**, as last amended by Laws of Utah 2022, Chapter 342
- 41            **20A-4-604**, as last amended by Laws of Utah 2022, Chapter 342
- 42            **20A-6-203.5**, as enacted by Laws of Utah 2018, Chapter 187

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

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

46            **20A-1-102. Definitions.**

47            As used in this title:

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

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

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

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

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

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

58            (b) a constitutional amendment;

- 59 (c) an initiative;
- 60 (d) a referendum;
- 61 (e) a bond proposition;
- 62 (f) a judicial retention question;
- 63 (g) an incorporation of a city or town; or
- 64 (h) any other ballot question specifically authorized by the Legislature.
- 65 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
- 66 together using staples or another means in at least three places across the top of the paper in the
- 67 blank space reserved for securing the paper.
- 68 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 69 [20A-4-306](#) to canvass election returns.
- 70 (7) "Bond election" means an election held for the purpose of approving or rejecting
- 71 the proposed issuance of bonds by a government entity.
- 72 (8) "Business reply mail envelope" means an envelope that may be mailed free of
- 73 charge by the sender.
- 74 (9) "Canvass" means the review of election returns and the official declaration of
- 75 election results by the board of canvassers.
- 76 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 77 the canvass.
- 78 (11) "Contracting election officer" means an election officer who enters into a contract
- 79 or interlocal agreement with a provider election officer.
- 80 (12) "Convention" means the political party convention at which party officers and
- 81 delegates are selected.
- 82 (13) "Counting center" means one or more locations selected by the election officer in
- 83 charge of the election for the automatic counting of ballots.
- 84 (14) "Counting judge" means a poll worker designated to count the ballots during
- 85 election day.
- 86 (15) "Counting room" means a suitable and convenient private place or room for use
- 87 by the poll workers and counting judges to count ballots.
- 88 (16) "County officers" means those county officers that are required by law to be
- 89 elected.

- 90 (17) "Date of the election" or "election day" or "day of the election":  
91 (a) means the day that is specified in the calendar year as the day that the election  
92 occurs; and  
93 (b) does not include:  
94 (i) deadlines established for voting by mail, military-overseas voting, or emergency  
95 voting; or  
96 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early  
97 Voting.  
98 (18) "Elected official" means:  
99 (a) a person elected to an office under Section 20A-1-303 [~~or Chapter 4, Part 6,~~  
100 ~~Municipal Alternate Voting Methods Pilot Project~~];  
101 (b) a person who is considered to be elected to a municipal office in accordance with  
102 Subsection 20A-1-206(1)(c)(ii); or  
103 (c) a person who is considered to be elected to a local district office in accordance with  
104 Subsection 20A-1-206(3)(b)(ii).  
105 (19) "Election" means a regular general election, a municipal general election, a  
106 statewide special election, a local special election, a regular primary election, a municipal  
107 primary election, and a local district election.  
108 (20) "Election Assistance Commission" means the commission established by the Help  
109 America Vote Act of 2002, Pub. L. No. 107-252.  
110 (21) "Election cycle" means the period beginning on the first day persons are eligible to  
111 file declarations of candidacy and ending when the canvass is completed.  
112 (22) "Election judge" means a poll worker that is assigned to:  
113 (a) preside over other poll workers at a polling place;  
114 (b) act as the presiding election judge; or  
115 (c) serve as a canvassing judge, counting judge, or receiving judge.  
116 (23) "Election officer" means:  
117 (a) the lieutenant governor, for all statewide ballots and elections;  
118 (b) the county clerk for:  
119 (i) a county ballot and election; and  
120 (ii) a ballot and election as a provider election officer as provided in Section

121 20A-5-400.1 or 20A-5-400.5;

122 (c) the municipal clerk for:

123 (i) a municipal ballot and election; and

124 (ii) a ballot and election as a provider election officer as provided in Section

125 20A-5-400.1 or 20A-5-400.5;

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

127 (i) a local district ballot and election; and

128 (ii) a ballot and election as a provider election officer as provided in Section

129 20A-5-400.1 or 20A-5-400.5; or

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

131 (i) a school district ballot and election; and

132 (ii) a ballot and election as a provider election officer as provided in Section

133 20A-5-400.1 or 20A-5-400.5.

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

135 (25) "Election results" means:

136 (a) for an election other than a bond election, the count of votes cast in the election and

137 the election returns requested by the board of canvassers; or

138 (b) for bond elections, the count of those votes cast for and against the bond

139 proposition plus any or all of the election returns that the board of canvassers may request.

140 (26) "Election returns" includes the pollbook, the military and overseas absentee voter

141 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted

142 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and

143 the total votes cast form.

144 (27) "Electronic signature" means an electronic sound, symbol, or process attached to

145 or logically associated with a record and executed or adopted by a person with the intent to sign

146 the record.

147 (28) "Inactive voter" means a registered voter who is listed as inactive by a county

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

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

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

151 court judge.

152 (31) "Local district" means a local government entity under Title 17B, Limited Purpose  
153 Local Government Entities - Local Districts, and includes a special service district under Title  
154 17D, Chapter 1, Special Service District Act.

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

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

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

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

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

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

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

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

173 (38) "Municipal executive" means:

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

175 (b) the mayor in the council-manager form of government defined in Subsection  
176 [10-3b-103\(7\)](#); or

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

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

181 (40) "Municipal legislative body" means:

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

- 183 (b) the council of a metro township.
- 184 (41) "Municipal office" means an elective office in a municipality.
- 185 (42) "Municipal officers" means those municipal officers that are required by law to be  
186 elected.
- 187 (43) "Municipal primary election" means an election held to nominate candidates for  
188 municipal office.
- 189 (44) "Municipality" means a city, town, or metro township.
- 190 (45) "Official ballot" means the ballots distributed by the election officer for voters to  
191 record their votes.
- 192 (46) "Official endorsement" means the information on the ballot that identifies:  
193 (a) the ballot as an official ballot;  
194 (b) the date of the election; and  
195 (c) (i) for a ballot prepared by an election officer other than a county clerk, the  
196 facsimile signature required by Subsection [20A-6-401\(1\)\(a\)\(iii\)](#); or  
197 (ii) for a ballot prepared by a county clerk, the words required by Subsection  
198 [20A-6-301\(1\)\(b\)\(iii\)](#).
- 199 (47) "Official register" means the official record furnished to election officials by the  
200 election officer that contains the information required by Section [20A-5-401](#).
- 201 (48) "Political party" means an organization of registered voters that has qualified to  
202 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
203 and Procedures.
- 204 (49) (a) "Poll worker" means a person assigned by an election official to assist with an  
205 election, voting, or counting votes.  
206 (b) "Poll worker" includes election judges.  
207 (c) "Poll worker" does not include a watcher.
- 208 (50) "Pollbook" means a record of the names of voters in the order that they appear to  
209 cast votes.
- 210 (51) "Polling place" means a building where voting is conducted.
- 211 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
212 in which the voter marks the voter's choice.
- 213 (53) "Presidential Primary Election" means the election established in Chapter 9, Part

214 8, Presidential Primary Election.

215 (54) "Primary convention" means the political party conventions held during the year  
216 of the regular general election.

217 (55) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

220 (56) "Provider election officer" means an election officer who enters into a contract or  
221 interlocal agreement with a contracting election officer to conduct an election for the  
222 contracting election officer's local political subdivision in accordance with Section  
223 [20A-5-400.1](#).

224 (57) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

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

235 (i) elected to public office; or

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

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

239 (61) "Receiving judge" means the poll worker that checks the voter's name in the  
240 official register at a polling place and provides the voter with a ballot.

241 (62) "Registration form" means a form by which an individual may register to vote  
242 under this title.

243 (63) "Regular ballot" means a ballot that is not a provisional ballot.

244 (64) "Regular general election" means the election held throughout the state on the first



245 Tuesday after the first Monday in November of each even-numbered year for the purposes  
246 established in Section 20A-1-201.

247 (65) "Regular primary election" means the election, held on the date specified in  
248 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan  
249 local school board positions to advance to the regular general election.

250 (66) "Resident" means a person who resides within a specific voting precinct in Utah.

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

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

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

256 (68) "Sample ballot" means a mock ballot similar in form to the official ballot,  
257 published as provided in Section 20A-5-405.

258 (69) "Special election" means an election held as authorized by Section 20A-1-203.

259 (70) "Spoiled ballot" means each ballot that:

260 (a) is spoiled by the voter;

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

262 (c) lacks the official endorsement.

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

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

267 (73) "Ticket" means a list of:

268 (a) political parties;

269 (b) candidates for an office; or

270 (c) ballot propositions.

271 (74) "Transfer case" means the sealed box used to transport voted ballots to the  
272 counting center.

273 (75) "Vacancy" means the absence of a person to serve in any position created by  
274 statute, whether that absence occurs because of death, disability, disqualification, resignation,  
275 or other cause.

- 276 (76) "Valid voter identification" means:
- 277 (a) a form of identification that bears the name and photograph of the voter which may
- 278 include:
- 279 (i) a currently valid Utah driver license;
- 280 (ii) a currently valid identification card that is issued by:
- 281 (A) the state; or
- 282 (B) a branch, department, or agency of the United States;
- 283 (iii) a currently valid Utah permit to carry a concealed weapon;
- 284 (iv) a currently valid United States passport; or
- 285 (v) a currently valid United States military identification card;
- 286 (b) one of the following identification cards, whether or not the card includes a
- 287 photograph of the voter:
- 288 (i) a valid tribal identification card;
- 289 (ii) a Bureau of Indian Affairs card; or
- 290 (iii) a tribal treaty card; or
- 291 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
- 292 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 293 may include:
- 294 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 295 election;
- 296 (ii) a bank or other financial account statement, or a legible copy thereof;
- 297 (iii) a certified birth certificate;
- 298 (iv) a valid social security card;
- 299 (v) a check issued by the state or the federal government or a legible copy thereof;
- 300 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 301 (vii) a currently valid Utah hunting or fishing license;
- 302 (viii) certified naturalization documentation;
- 303 (ix) a currently valid license issued by an authorized agency of the United States;
- 304 (x) a certified copy of court records showing the voter's adoption or name change;
- 305 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 306 (xii) a currently valid identification card issued by:

- 307 (A) a local government within the state;
- 308 (B) an employer for an employee; or
- 309 (C) a college, university, technical school, or professional school located within the
- 310 state; or
- 311 (xiii) a current Utah vehicle registration.
- 312 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 313 candidate by following the procedures and requirements of this title.
- 314 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 315 (a) mailing the ballot to the location designated in the mailing; or
- 316 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 317 (79) "Voter" means an individual who:
- 318 (a) meets the requirements for voting in an election;
- 319 (b) meets the requirements of election registration;
- 320 (c) is registered to vote; and
- 321 (d) is listed in the official register book.
- 322 (80) "Voter registration deadline" means the registration deadline provided in Section
- 323 [20A-2-102.5](#).
- 324 (81) "Voting area" means the area within six feet of the voting booths, voting
- 325 machines, and ballot box.
- 326 (82) "Voting booth" means:
- 327 (a) the space or compartment within a polling place that is provided for the preparation
- 328 of ballots, including the voting enclosure or curtain; or
- 329 (b) a voting device that is free standing.
- 330 (83) "Voting device" means any device provided by an election officer for a voter to
- 331 vote a mechanical ballot.
- 332 (84) "Voting precinct" means the smallest geographical voting unit, established under
- 333 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.
- 334 (85) "Watcher" means an individual who complies with the requirements described in
- 335 Section [20A-3a-801](#) to become a watcher for an election.
- 336 (86) "Write-in ballot" means a ballot containing any write-in votes.
- 337 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on

338 the ballot, in accordance with the procedures established in this title.

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

340 **20A-1-303. Determining results.**

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

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

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

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

349 (i) election for any office to filled at that election are elected to that office; and

350 (ii) primary for nomination for any office are nominated for that office.

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

352 (a) passes if the number of "yes" votes is greater than the number of "no" votes; and

353 (b) fails if:

354 (i) the number of "yes" votes equal the number of "no" votes; or

355 (ii) the number of "no" votes is greater than the number of "yes" votes.

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

357 **20A-1-304. Tie votes.**

358 [~~Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part~~  
359 ~~6, Municipal Alternate Voting Methods Pilot Project, if~~] If two or more candidates for a  
360 position have an equal and the highest number of votes for any office, the election officer shall,  
361 in a public meeting held within 30 days after the day on which the canvass is completed,  
362 determine the candidate selected, by lot, in the presence of each candidate subject to the tie.

363 Section 4. Section **20A-3a-204** is amended to read:

364 **20A-3a-204. Marking and depositing ballots.**

365 (1) To vote by mail:

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

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

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

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

375 (e) the voter shall:

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

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

378 (iii) if required, place a copy of the voter's valid voter identification in the return  
379 envelope;

380 (iv) securely seal the return envelope; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

412 and

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

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

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

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

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

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

423 ~~[(7)]~~ (6) A voter who votes at a polling place:

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

426 (b) may not:

427 (i) occupy a voting booth occupied by another, except as provided in Section

428 [20A-3a-208](#);

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

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

431 voters are waiting to occupy a voting booth.

432           ~~[(8)]~~ (7) If the official register shows any voter as having voted, that voter may not  
433 reenter the voting area during that election unless that voter is an election official or watcher.

434           ~~[(9)]~~ (8) A poll worker may not, at a polling place, allow more than four voters more  
435 than the number of voting booths into the voting area at one time unless those excess voters  
436 are:

- 437           (a) election officials;
- 438           (b) watchers; or
- 439           (c) assisting voters with a disability.

440           Section 5. Section **20A-4-101** is amended to read:

441           **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**  
442 **polling place on day of election before polls close.**

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

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

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

- 449           (i) two sets of ballot boxes for all voting precincts where both receiving and counting  
450 judges have been appointed; and
- 451           (ii) a counting room for the use of the poll workers counting the ballots during the day.
- 452           (b) At any election in any voting precinct in which both receiving and counting judges  
453 have been appointed, when at least 20 votes have been cast, the receiving judges shall:
  - 454           (i) close the first ballot box and deliver it to the counting judges; and
  - 455           (ii) prepare and use another ballot box to receive voted ballots.

456           (c) ~~[Except as provided in Subsection (2)(f), upon]~~ Upon receipt of the ballot box, the  
457 counting judges shall:

- 458           (i) take the ballot box to the counting room;
- 459           (ii) count the votes on the regular ballots in the ballot box;
- 460           (iii) place the provisional ballot envelopes in the envelope or container provided for  
461 them for return to the election officer; and

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

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

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

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

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

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

479 (3) To resolve questions that arise during the counting of ballots, a counting judge  
480 shall, to the extent applicable, apply the standards and requirements of[?] [Section 20A-4-105.](#)

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

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

484 Section 6. Section [20A-4-102](#) is amended to read:

485 **[20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at](#)**  
486 **[polling place on day of election after polls close.](#)**

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

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

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

490 (b) Except as provided in Subsection (2) ~~[or a rule made under Subsection~~

491 ~~[20A-4-101](#)(2)(f)(i)]~~, as soon as the polls have been closed and the last qualified voter has

492 voted, the election judges shall count the ballots by performing the tasks specified in this



493 section in the order that they are specified.

494 (c) To resolve questions that arise during the counting of ballots, a counting judge  
495 shall, to the extent applicable, apply the standards and requirements of[+] Section 20A-4-105.

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

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

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

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

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

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

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

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

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

514 (3) The judges shall:

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

517 (b) seal that envelope or container.

518 (4) The judges shall:

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

521 (b) seal that envelope or container.

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

524 (b) In regular primary elections the judges shall:  
525 (i) count the number of ballots cast for each party;  
526 (ii) place the ballots cast for each party in separate piles; and  
527 (iii) count all the ballots for one party before beginning to count the ballots cast for  
528 other parties.

529 (6) (a) In all elections, the counting judges shall~~[-except as provided in Part 6,~~  
530 ~~Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection~~  
531 ~~20A-4-101(2)(f)(i):~~];

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

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

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

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

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

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

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

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

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

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

552 Section 7. Section 20A-4-105 is amended to read:

553 **20A-4-105. Standards and requirements for evaluating voter's ballot choice.**

554 (1) (a) An election officer shall ensure that when a question arises regarding a vote

555 recorded on a manual ballot, two counting judges jointly adjudicate the ballot[, except as  
556 otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project,] in  
557 accordance with the requirements of this section.

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

560 (c) An election officer shall store adjudicated ballots separately from other ballots to  
561 enable a court to review the ballots if the election is challenged in court.

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

566 (3) [~~Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot~~  
567 ~~Project, the~~] The counting judges shall count a defective or incomplete mark on a manual ballot  
568 if:

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

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

572 (4) [~~Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot~~  
573 ~~Project, the~~] The counting judges may not reject a ballot marked by the voter because of marks  
574 on the ballot other than those marks allowed by this section unless the extraneous marks on a  
575 ballot show an intent by an individual to mark the individual's ballot so that the individual's  
576 ballot can be identified.

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

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

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

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

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

585 (7) The counting judges may not count a manual ballot that does not have the official

586 endorsement by an election officer.

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

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

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

595 (11) [~~Except as otherwise provided in Part 6, Municipal Alternate Voting Methods~~  
596 ~~Pilot Project, in~~] In counting the valid write-in votes, if, by casting a valid write-in vote, a voter  
597 has cast more votes for an office than that voter is entitled to vote for that office, the counting  
598 judges shall count the valid write-in vote as being the obvious intent of the voter.

599 Section 8. Section 20A-4-106 is amended to read:

600 **20A-4-106. Manual ballots -- Sealing.**

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

603 (2) After the ballots are stored under Subsection (1), the ballots may not be examined  
604 by anyone, except when examined during a recount conducted under the authority of Section  
605 20A-4-401 [~~or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot~~  
606 ~~Project~~].

607 Section 9. Section 20A-4-304 is amended to read:

608 **20A-4-304. Declaration of results -- Canvassers' report.**

609 (1) Each board of canvassers shall:

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

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

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

615 (b) declare:

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

- 617 (A) had more "yes" votes than "no" votes; and  
618 (B) were submitted only to the voters within the board's jurisdiction; or  
619 (ii) "rejected" those ballot propositions that:  
620 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
621 votes; and  
622 (B) were submitted only to the voters within the board's jurisdiction;  
623 (c) certify the vote totals for persons and for and against ballot propositions that were  
624 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
625 the lieutenant governor; and  
626 (d) if applicable, certify the results of each local district election to the local district  
627 clerk.
- 628 (2) As soon as the result is declared, the election officer shall prepare a report of the  
629 result, which shall contain:
- 630 (a) the total number of votes cast in the board's jurisdiction;  
631 (b) the names of each candidate whose name appeared on the ballot;  
632 (c) the title of each ballot proposition that appeared on the ballot;  
633 (d) each office that appeared on the ballot;  
634 (e) from each voting precinct:  
635 (i) the number of votes for each candidate; and  
636 ~~[(ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate~~  
637 ~~Voting Methods Pilot Project, the number of valid votes cast for each candidate for each~~  
638 ~~potential ballot-counting phase and the name of the candidate excluded in each ballot-counting~~  
639 ~~phase; and]~~
- 640 ~~[(iii)]~~ (ii) the number of votes for and against each ballot proposition;  
641 (f) the total number of votes given in the board's jurisdiction to each candidate, and for  
642 and against each ballot proposition;  
643 (g) the number of ballots that were rejected; and  
644 (h) a statement certifying that the information contained in the report is accurate.
- 645 (3) The election officer and the board of canvassers shall:  
646 (a) review the report to ensure that it is correct; and  
647 (b) sign the report.

648 (4) The election officer shall:  
649 (a) record or file the certified report in a book kept for that purpose;  
650 (b) prepare and transmit a certificate of nomination or election under the officer's seal  
651 to each nominated or elected candidate;  
652 (c) publish a copy of the certified report in accordance with Subsection (5); and  
653 (d) file a copy of the certified report with the lieutenant governor.  
654 (5) Except as provided in Subsection (6), the election officer shall, no later than seven  
655 days after the day on which the board of canvassers declares the election results, publicize the  
656 certified report described in Subsection (2):  
657 (a) (i) by publishing notice at least once in a newspaper of general circulation within  
658 the jurisdiction;  
659 (ii) by posting one notice, and at least one additional notice per 2,000 population of the  
660 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents  
661 of the jurisdiction, subject to a maximum of 10 notices; or  
662 (iii) by mailing notice to each residence within the jurisdiction;  
663 (b) by posting notice on the Utah Public Notice Website, created in Section  
664 [63A-16-601](#), for one week; and  
665 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for  
666 one week.  
667 (6) Instead of including a copy of the entire certified report, a notice required under  
668 Subsection (5) may contain a statement that:  
669 (a) includes the following: "The Board of Canvassers for [indicate name of  
670 jurisdiction] has prepared a report of the election results for the [indicate type and date of  
671 election]."; and  
672 (b) specifies the following sources where an individual may view or obtain a copy of  
673 the entire certified report:  
674 (i) if the jurisdiction has a website, the jurisdiction's website;  
675 (ii) the physical address for the jurisdiction; and  
676 (iii) a mailing address and telephone number.  
677 (7) When there has been a regular general or a statewide special election for statewide  
678 officers, for officers that appear on the ballot in more than one county, or for a statewide or two

679 or more county ballot proposition, each board of canvassers shall:

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

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

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

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

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

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

693 Section 10. Section **20A-4-401** is amended to read:

694 **20A-4-401. Recounts -- Procedure.**

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

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

702 ~~[(c)]~~ (b) For a race between candidates where the total of all votes cast in the race is  
703 400 or less, if the difference between the number of votes cast for a winning candidate in the  
704 race and a losing candidate in the race is one vote, that losing candidate may file a request for a  
705 recount in accordance with Subsection ~~[(1)(d)]~~ (1)(c).

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

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

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

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

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

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

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

715 [~~(e)~~] (d) The election officer shall:

716 (i) supervise the recount;

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

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

719 Disposition of Ballots;

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

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

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

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

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

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

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

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

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



- 741 (d) The election officer shall:
- 742 (i) supervise the recount;
- 743 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 744 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
- 745 Disposition of Ballots; and
- 746 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
- 747 based upon the results of the recount.
- 748 (e) Proponents and opponents of the ballot proposition or bond proposition may
- 749 designate representatives to witness the recount.
- 750 (f) The voters requesting the recount shall pay the costs of the recount.
- 751 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
- 752 person requesting the recount.
- 753 (4) (a) Upon completion of the recount, the election officer shall immediately convene
- 754 the board of canvassers.
- 755 (b) The board of canvassers shall:
- 756 (i) canvass the election returns for the race or proposition that was the subject of the
- 757 recount; and
- 758 (ii) with the assistance of the election officer, prepare and sign the report required by
- 759 Section [20A-4-304](#) or [20A-4-306](#).
- 760 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
- 761 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
- 762 governor as required by Subsection [20A-4-304](#)(7).
- 763 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
- 764 result of the race or proposition that is the subject of the recount.
- 765 Section 11. Section **20A-5-400.1** is amended to read:
- 766 **20A-5-400.1. Contracting with an election officer to conduct elections -- Fees --**
- 767 **Contracts and interlocal agreements -- Private providers.**
- 768 (1) (a) In accordance with this section, a local political subdivision may enter into a
- 769 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation
- 770 Act, with a provider election officer to conduct an election.
- 771 (b) If the boundaries of a local political subdivision holding the election extend beyond

772 a single local political subdivision, the local political subdivision may have more than one  
773 provider election officer conduct an election.

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

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

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

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

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

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

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

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

796 Section 12. Section **20A-5-802** is amended to read:

797 **20A-5-802. Certification of voting equipment.**

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

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

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

803 equipment; and

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

806 ~~[(2)(a) Except as provided in Subsection (2)(b)(ii):]~~

807 ~~[(i)]~~ (2) (a) ~~[the]~~ The lieutenant governor shall ensure that all voting equipment used in  
808 the state is independently tested using security testing protocols and standards that:

809 ~~[(A)]~~ (i) are generally accepted in the industry at the time the lieutenant governor  
810 reviews the voting equipment for certification; and

811 ~~[(B)]~~ (ii) meet the requirements of Subsection ~~[(2)(a)(ii);]~~ (2)(b).

812 ~~[(ii)]~~ (b) ~~[the]~~ The testing protocols and standards described in Subsection ~~[(2)(a)(i)]~~

813 (2)(a) shall require that a voting system:

814 ~~[(A)]~~ (i) is accurate and reliable;

815 ~~[(B)]~~ (ii) possesses established and maintained access controls;

816 ~~[(C)]~~ (iii) has not been fraudulently manipulated or tampered with;

817 ~~[(D)]~~ (iv) is able to identify fraudulent or erroneous changes to the voting equipment;

818 and

819 ~~[(E)]~~ (v) protects the secrecy of a voter's ballot~~[-and]~~.

820 ~~[(iii)]~~ (c) The lieutenant governor may comply with the requirements of ~~[Subsection~~

821 ~~(2)(a)]~~ Subsections (2)(a) and (b) by certifying voting equipment that has been certified by:

822 ~~[(A)]~~ (i) the United States Election Assistance Commission; or

823 ~~[(B)]~~ (ii) a laboratory that has been accredited by the United States Election Assistance  
824 Commission to test voting equipment.

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

827 ~~[(ii) The lieutenant governor may, for voting equipment used for ranked-choice voting~~  
828 ~~under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify~~  
829 ~~voting equipment that has been successfully used within the United States or a territory of the~~  
830 ~~United States for ranked-choice voting for a race for federal office.]~~

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

832 **20A-6-402. Ballots for municipal general elections.**

833 (1) ~~[Except as otherwise required for a race conducted by instant runoff voting under~~

834 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for] For a  
835 manual ballot at a municipal general election, an election officer shall ensure that:

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

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

840 (c) for other offices:

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

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

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

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

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

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

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

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

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

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

863 (i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

864 (ii) the date of the election; and

- 865 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 866 (b) immediately below the election officer's title, a distinct border or line separates the  
867 endorsements from the rest of the ballot;
- 868 (c) immediately below the border or line, an "Instructions to Voters" section is  
869 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as  
870 the candidate(s) for each respective office." followed by another border or line;
- 871 (d) after the border or line, the designation of the office for which the candidates seek  
872 election is displayed, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
873 candidates for which the voter may vote)" are displayed, followed by a line or border;
- 874 (e) after the line or border, the names of the candidates are displayed in the order  
875 specified under Section 20A-6-305 with surnames last and grouped according to the office that  
876 they seek;
- 877 (f) a voting square or position is located adjacent to the name of each candidate;
- 878 (g) following the name of the last candidate for each office in which a write-in  
879 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the  
880 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 881 (h) the candidate groups are separated from each other by a line or border.
- 882 (3) When a municipality has chosen to nominate candidates by convention or  
883 committee, the election officer shall ensure that the party name is included with the candidate's  
884 name on the ballot.

885 Section 14. Section 20A-9-203 is amended to read:

886 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

895 (2) (a) For purposes of determining whether an individual meets the residency

896 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
897 before the election, the municipality is considered to have been incorporated 12 months before  
898 the date of the election.

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

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

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

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

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

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

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

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

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

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

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

925 (i) [~~except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting~~  
926 ~~Methods Pilot Project,~~] filing a nomination petition with the city recorder or town clerk during

927 the office hours described in Section 10-3-301 and not later than the close of those office  
928 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support  
929 of the nomination petition of the lesser of at least:

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

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

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

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

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

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

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

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

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

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

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

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

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

955 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

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

974 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
975 \_\_\_\_\_(month\day\year).

976 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)."

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

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

980 "NOMINATION PETITION

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

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

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

988 (7) (a) The clerk shall verify with the county clerk that all candidates are registered



989 voters.

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

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

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

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

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

1000 (C) by mailing the list to each registered voter in the municipality;

1001 (ii) by posting the list on the Utah Public Notice Website, created in Section  
1002 [63A-16-601](#), for seven days; and

1003 (iii) if the municipality has a website, by posting the list on the municipality's website  
1004 for seven days; and

1005 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
1006 the ballot.

1007 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
1008 declaration of candidacy or nomination petition filed under this section after the candidate  
1009 filing period ends.

1010 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
1011 this section is valid unless a person files a written objection with the clerk before 5 p.m. within  
1012 10 days after the last day for filing.

1013 (b) If a person files an objection, the clerk shall:

1014 (i) mail or personally deliver notice of the objection to the affected candidate  
1015 immediately; and

1016 (ii) decide any objection within 48 hours after the objection is filed.

1017 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three  
1018 days after the day on which the clerk sustains the objection, correct the problem for which the  
1019 objection is sustained by amending the candidate's declaration of candidacy or nomination

1020 petition, or by filing a new declaration of candidacy.

1021 (d) (i) The clerk's decision upon objections to form is final.

1022 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
1023 prompt application is made to the district court.

1024 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
1025 of its discretion, agrees to review the lower court decision.

1026 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
1027 candidate by filing a written affidavit with the municipal clerk.

1028 Section 15. Section **20A-9-404** is amended to read:

1029 **20A-9-404. Municipal primary elections.**

1030 (1) (a) [~~Except as otherwise provided in this section or Chapter 4, Part 6, Municipal~~  
1031 ~~Alternate Voting Methods Pilot Project, candidates~~] Candidates for municipal office in all  
1032 municipalities shall be nominated at a municipal primary election.

1033 (b) Municipal primary elections shall be held:

1034 (i) consistent with Section **20A-1-201.5**, on the second Tuesday following the first  
1035 Monday in the August before the regular municipal election; and

1036 (ii) whenever possible, at the same polling places as the regular municipal election.

1037 (2) [~~Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting~~  
1038 ~~Methods Pilot Project, if~~] If the number of candidates for a particular municipal office does not  
1039 exceed twice the number of individuals needed to fill that office, a primary election for that  
1040 office may not be held and the candidates are considered nominated.

1041 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly  
1042 of voters or delegates.

1043 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal  
1044 election, any third, fourth, or fifth class city or town may exempt itself from a primary election  
1045 by providing that the nomination of candidates for municipal office to be voted upon at a  
1046 municipal election be nominated by a municipal party convention or committee.

1047 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)  
1048 shall be held on or before May 30 of an odd-numbered year.

1049 (iii) Any primary election exemption ordinance adopted under this Subsection (3)  
1050 remains in effect until repealed by ordinance.

1051 (c) (i) A convention or committee may not nominate more than one candidate for each  
1052 of the municipal offices to be voted upon at the municipal election.

1053 (ii) A convention or committee may not nominate an individual who has accepted the  
1054 nomination of a different convention or committee.

1055 (iii) A municipal party may not have more than one group of candidates placed upon  
1056 the ballot and may not group the same candidates on different tickets by the same party under a  
1057 different name or emblem.

1058 (d) (i) On or before May 31 of an odd-numbered year, a convention or committee shall  
1059 prepare and submit to the filing officer a certificate of nomination for each individual  
1060 nominated.

1061 (ii) The certificate of nomination shall:

1062 (A) contain the name of the office for which each individual is nominated, the name,  
1063 post office address, and, if in a city, the street number of residence and place of business, if  
1064 any, of each individual nominated;

1065 (B) designate in not more than five words the party that the convention or committee  
1066 represents;

1067 (C) contain a copy of the resolution passed at the convention that authorized the  
1068 committee to make the nomination;

1069 (D) contain a statement certifying that the name of the candidate nominated by the  
1070 political party will not appear on the ballot as a candidate for any other political party;

1071 (E) be signed by the presiding officer and secretary of the convention or committee;  
1072 and

1073 (F) contain a statement identifying the residence and post office address of the  
1074 presiding officer and secretary and certifying that the presiding officer and secretary were  
1075 officers of the convention or committee and that the certificates are true to the best of their  
1076 knowledge and belief.

1077 (iii) A candidate nominated by a municipal party convention or committee shall file a  
1078 declaration with the filing officer in accordance with Subsection [20A-9-203\(3\)](#) that includes:

1079 (A) the name of the municipal party or convention that nominated the candidate; and

1080 (B) the office for which the convention or committee nominated the candidate.

1081 (e) A committee appointed at a convention, if authorized by an enabling resolution,

1082 may also make nominations or fill vacancies in nominations made at a convention if the  
1083 committee makes the nomination before the deadline for a write-in candidate to file a  
1084 declaration of candidacy under Section [20A-9-601](#).

1085 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,  
1086 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included  
1087 with the candidate's name.

1088 (4) (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the  
1089 May 1 that falls before the regular municipal election that:

1090 (i) exempts the city or town from the other methods of nominating candidates to  
1091 municipal office provided in this section; and

1092 (ii) provides for a municipal partisan convention method of nominating candidates as  
1093 provided in this Subsection (4).

1094 (b) (i) Any party that was a registered political party at the last regular general election  
1095 or regular municipal election is a municipal political party under this section.

1096 (ii) Any political party may qualify as a municipal political party by presenting a  
1097 petition to the city recorder that:

1098 (A) is signed, with a holographic signature, by registered voters within the municipality  
1099 equal to at least 20% of the number of votes cast for all candidates for mayor in the last  
1100 municipal election at which a mayor was elected;

1101 (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day  
1102 before the day on which the municipal party holds a convention to nominate a candidate under  
1103 this Subsection (4);

1104 (C) is substantially similar to the form of the signature sheets described in Section  
1105 [20A-7-303](#); and

1106 (D) contains the name of the municipal political party using not more than five words.

1107 (c) (i) If the number of candidates for a particular office does not exceed twice the  
1108 number of offices to be filled at the regular municipal election, no primary election for that  
1109 office shall be held and the candidates are considered to be nominated.

1110 (ii) If the number of candidates for a particular office exceeds twice the number of  
1111 offices to be filled at the regular municipal election, those candidates for municipal office shall  
1112 be nominated at a municipal primary election.

1113 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the  
1114 ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.

1115 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the  
1116 blank ballot box.

1117 (f) Immediately after the canvass, the election judges shall, without examination,  
1118 destroy the tickets deposited in the blank ballot box.

1119 Section 16. Section 63I-2-220 is amended to read:

1120 **63I-2-220. Repeal dates: Title 20A.**

1121 [~~(1) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is~~  
1122 ~~repealed January 1, 2026.~~]

1123 [~~(2) Subsection 20A-5-803(8) is repealed July 1, 2023.~~]

1124 [~~(3) Section 20A-5-804 is repealed July 1, 2023.~~]

1125 Section 17. **Repealer.**

1126 This bill repeals:

1127 Section 20A-4-601, **Definitions.**

1128 Section 20A-4-602, **Municipal Alternate Voting Methods Pilot Project -- Creation**  
1129 **-- Participation.**

1130 Section 20A-4-603, **Instant runoff voting.**

1131 Section 20A-4-604, **Batch elimination.**

1132 Section 20A-6-203.5, **Instant runoff voting ballot.**