

PRIMARY ELECTION MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Jason Kyle

LONG TITLE

General Description:

This bill amends the Municipal Alternate Voting Methods Pilot Project.

Highlighted Provisions:

This bill:

- ▶ authorizes the use of instant runoff voting for only a nonpartisan municipal primary election;
- ▶ prohibits the use of instant runoff voting for a municipal general election related to that primary election; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

20A-4-601, as last amended by Laws of Utah 2022, Chapter 342

20A-4-602, as last amended by Laws of Utah 2022, Chapter 170

20A-4-603, as last amended by Laws of Utah 2022, Chapter 342

20A-6-402, as last amended by Laws of Utah 2020, Chapter 31



28 20A-9-203, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
29 20A-9-404, as last amended by Laws of Utah 2019, Chapters 142, 255 and last
30 amended by Coordination Clause, Laws of Utah 2019, Chapter 142



31
32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **20A-1-102. Definitions.**

35 As used in this title:

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

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

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

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

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

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

46 (b) a constitutional amendment;

47 (c) an initiative;

48 (d) a referendum;

49 (e) a bond proposition;

50 (f) a judicial retention question;

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

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

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

56 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
57 20A-4-306 to canvass election returns.

58 (7) "Bond election" means an election held for the purpose of approving or rejecting

59 the proposed issuance of bonds by a government entity.

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

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

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

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

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

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

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

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

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

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

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

81 (b) does not include:

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

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

86 (18) "Elected official" means:

87 (a) a person elected to an office under Section 20A-1-303 [~~or Chapter 4, Part 6,~~
88 ~~Municipal Alternate Voting Methods Pilot Project~~];

89 (b) a person who is considered to be elected to a municipal office in accordance with

90 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

91 (c) a person who is considered to be elected to a local district office in accordance with
92 Subsection [20A-1-206\(3\)\(b\)\(ii\)](#).

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

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

98 (21) "Election cycle" means the period beginning on the first day persons are eligible to
99 file declarations of candidacy and ending when the canvass is completed.

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

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

104 (23) "Election officer" means:

- 105 (a) the lieutenant governor, for all statewide ballots and elections;
- 106 (b) the county clerk for:
 - 107 (i) a county ballot and election; and
 - 108 (ii) a ballot and election as a provider election officer as provided in Section
109 [20A-5-400.1](#) or [20A-5-400.5](#);
- 110 (c) the municipal clerk for:
 - 111 (i) a municipal ballot and election; and
 - 112 (ii) a ballot and election as a provider election officer as provided in Section
113 [20A-5-400.1](#) or [20A-5-400.5](#);
- 114 (d) the local district clerk or chief executive officer for:
 - 115 (i) a local district ballot and election; and
 - 116 (ii) a ballot and election as a provider election officer as provided in Section
117 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 118 (e) the business administrator or superintendent of a school district for:
 - 119 (i) a school district 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 (24) "Election official" means any election officer, election judge, or poll worker.

123 (25) "Election results" means:

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

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

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

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

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

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

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

140 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
141 Local Government Entities - Local Districts, and includes a special service district under Title
142 17D, Chapter 1, Special Service District Act.

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

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

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

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

152 vote.

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

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

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

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

161 (38) "Municipal executive" means:

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

163 (b) the mayor in the council-manager form of government defined in Subsection
164 10-3b-103(7); or

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

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

169 (40) "Municipal legislative body" means:

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

171 (b) the council of a metro township.

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

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

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

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

178 (45) "Official ballot" means the ballots distributed by the election officer for voters to
179 record their votes.

180 (46) "Official endorsement" means the information on the ballot that identifies:

181 (a) the ballot as an official ballot;

182 (b) the date of the election; and

- 183 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
184 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 185 (ii) for a ballot prepared by a county clerk, the words required by Subsection
186 20A-6-301(1)(b)(iii).
- 187 (47) "Official register" means the official record furnished to election officials by the
188 election officer that contains the information required by Section 20A-5-401.
- 189 (48) "Political party" means an organization of registered voters that has qualified to
190 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
191 and Procedures.
- 192 (49) (a) "Poll worker" means a person assigned by an election official to assist with an
193 election, voting, or counting votes.
- 194 (b) "Poll worker" includes election judges.
- 195 (c) "Poll worker" does not include a watcher.
- 196 (50) "Pollbook" means a record of the names of voters in the order that they appear to
197 cast votes.
- 198 (51) "Polling place" means a building where voting is conducted.
- 199 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
200 in which the voter marks the voter's choice.
- 201 (53) "Presidential Primary Election" means the election established in Chapter 9, Part
202 8, Presidential Primary Election.
- 203 (54) "Primary convention" means the political party conventions held during the year
204 of the regular general election.
- 205 (55) "Protective counter" means a separate counter, which cannot be reset, that:
206 (a) is built into a voting machine; and
207 (b) records the total number of movements of the operating lever.
- 208 (56) "Provider election officer" means an election officer who enters into a contract or
209 interlocal agreement with a contracting election officer to conduct an election for the
210 contracting election officer's local political subdivision in accordance with Section
211 20A-5-400.1.
- 212 (57) "Provisional ballot" means a ballot voted provisionally by a person:
213 (a) whose name is not listed on the official register at the polling place;

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

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

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

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

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

223 (i) elected to public office; or

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

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

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

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

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

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

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

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

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

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

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

244 (68) "Sample ballot" means a mock ballot similar in form to the official ballot,

245 published as provided in Section 20A-5-405.

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

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

248 (a) is spoiled by the voter;

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

250 (c) lacks the official endorsement.

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

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

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

256 (a) political parties;

257 (b) candidates for an office; or

258 (c) ballot propositions.

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

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

264 (76) "Valid voter identification" means:

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

267 (i) a currently valid Utah driver license;

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

269 (A) the state; or

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

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

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

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

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

276 (i) a valid tribal identification card;
277 (ii) a Bureau of Indian Affairs card; or
278 (iii) a tribal treaty card; or
279 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
280 the name of the voter and provide evidence that the voter resides in the voting precinct, which
281 may include:

- 282 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
283 election;
- 284 (ii) a bank or other financial account statement, or a legible copy thereof;
- 285 (iii) a certified birth certificate;
- 286 (iv) a valid social security card;
- 287 (v) a check issued by the state or the federal government or a legible copy thereof;
- 288 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 289 (vii) a currently valid Utah hunting or fishing license;
- 290 (viii) certified naturalization documentation;
- 291 (ix) a currently valid license issued by an authorized agency of the United States;
- 292 (x) a certified copy of court records showing the voter's adoption or name change;
- 293 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 294 (xii) a currently valid identification card issued by:
 - 295 (A) a local government within the state;
 - 296 (B) an employer for an employee; or
 - 297 (C) a college, university, technical school, or professional school located within the
298 state; or
- 299 (xiii) a current Utah vehicle registration.

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

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

- 303 (a) mailing the ballot to the location designated in the mailing; or
- 304 (b) depositing the ballot in a ballot drop box designated by the election officer.

305 (79) "Voter" means an individual who:

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

307 (b) meets the requirements of election registration;

308 (c) is registered to vote; and

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

310 (80) "Voter registration deadline" means the registration deadline provided in Section

311 [20A-2-102.5](#).

312 (81) "Voting area" means the area within six feet of the voting booths, voting
313 machines, and ballot box.

314 (82) "Voting booth" means:

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

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

318 (83) "Voting device" means any device provided by an election officer for a voter to
319 vote a mechanical ballot.

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

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

324 (86) "Write-in ballot" means a ballot containing any write-in votes.

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

327 Section 2. Section **20A-4-601** is amended to read:

328 **20A-4-601. Definitions.**

329 As used in this part:

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

331 (a) two less than the total number of candidates in a given ballot-counting phase of a
332 multi-candidate primary race; and

333 (b) .02%.

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

336 (a) the number one; or

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

338 (3) "Multi-candidate primary race" means a nonpartisan municipal primary race where:

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

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

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

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

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

348 (a) for a ballot-counting phase in which fewer than 100 valid rankings are counted,
349 0.21%;

350 (b) for a ballot-counting phase in which at least 100, but fewer than 500, valid rankings
351 are counted, 0.19%;

352 (c) for a ballot-counting phase in which at least 500, but fewer than 1,000, valid
353 rankings are counted, 0.17%;

354 (d) for a ballot-counting phase in which at least 1,000, but fewer than 5,000, valid
355 rankings are counted, 0.15%;

356 (e) for a ballot-counting phase in which at least 5,000, but fewer than 10,000, valid
357 rankings are counted, 0.13%; and

358 (f) for a ballot-counting phase in which 10,000 or more valid rankings are counted,
359 0.11%.

360 (7) "Valid" means that the ballot is marked in a manner that permits the ranking to be
361 counted during the applicable ballot-counting phase.

362 Section 3. Section 20A-4-602 is amended to read:

363 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**
364 **Participation.**

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

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

367 (3) (a) A municipality may participate in the pilot project, in accordance with the
368 requirements of this section and all other applicable provisions of law, during any

369 odd-numbered year that the pilot project is in effect, if, before May 1 of the odd-numbered
370 year, the legislative body of the municipality:

371 (i) votes to participate; and

372 (ii) provides written notice to the lieutenant governor and the county clerk stating that
373 the municipality intends to participate in the pilot project for the year specified in the notice.

374 (b) The legislative body of a municipality that provides the notice of intent described in
375 Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if
376 the legislative body of the municipality provides written notice of withdrawal to the lieutenant
377 governor and the county clerk before May 1.

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

380 (5) (a) An election officer of a participating municipality shall, in accordance with the
381 provisions of this part, conduct a multi-candidate primary race during the municipal [~~general~~]
382 primary election using instant runoff voting.

383 (b) [~~Except as provided in Subsection 20A-4-603(9), an~~] An election officer of a
384 participating municipality that will conduct a multi-candidate primary race under Subsection
385 (5)(a) may not conduct a municipal [~~primary~~] general election relating to that race using instant
386 runoff voting.

387 (c) A municipality that has in effect an ordinance described in Subsection
388 20A-9-404(3) or (4) may not participate in the pilot project.

389 (6) [~~Except for an election described in Subsection 20A-4-603(9), an~~] An individual
390 who files a declaration of candidacy or a nomination petition, for a candidate who will run in
391 [~~an~~] a primary election described in this part, shall file the declaration of candidacy or
392 nomination petition during the office hours described in Section 10-3-301 and not later than the
393 close of those office hours, [~~no sooner than the second Tuesday in August and no later than the~~
394 ~~third Tuesday in August of an odd-numbered year~~] between June 1 and June 7 of any
395 odd-numbered year.

396 Section 4. Section 20A-4-603 is amended to read:

397 **20A-4-603. Instant runoff voting.**

398 (1) In a multi-candidate primary race, the election officer for a participating
399 municipality shall:

400 (a) (i) conduct the first ballot-counting phase by counting the valid first preference
401 rankings for each candidate; ~~[and]~~
402 ~~[(ii) if one of the candidates receives more than 50% of the valid first preference~~
403 ~~rankings counted, declare that candidate elected;]~~
404 (ii) exclude from the multi-candidate primary race:
405 (A) the candidate who received the fewest valid first preference rankings counted; or
406 (B) in the event of a tie for the fewest valid first preference rankings counted, one of
407 the tied candidates, determined by the election officer by lot, in accordance with Subsection
408 (6); and
409 (iii) if the number of remaining candidates is twice the number of seats to be filled,
410 declare those candidates nominated;
411 (b) if, after counting the valid first preference rankings for each candidate, ~~[no~~
412 ~~candidate receives more than 50% of the valid first preference rankings counted;]~~ the number
413 of remaining candidates is more than twice the number of seats to be filled, conduct the second
414 ballot-counting phase by:
415 (i) excluding from the multi-candidate primary race:
416 (A) the candidate who received the fewest valid first preference rankings counted; or
417 (B) in the event of a tie for the fewest valid first preference rankings counted, one of
418 the tied candidates, determined by the election officer by lot, in accordance with Subsection
419 (6);
420 (ii) adding, to the valid first preference rankings counted for the remaining candidates,
421 the next valid preference rankings cast for the remaining candidates by the voters who cast a
422 valid first preference ranking for the excluded candidate; and
423 (iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), ~~[one~~
424 ~~candidate receives more than 50% of the valid rankings counted, declaring that candidate~~
425 ~~elected]~~ the number of remaining candidates is twice the number of seats to be filled, declare
426 those candidates nominated; and
427 (c) if, after adding the next valid preference rankings in accordance with Subsection
428 (1)(b)(ii), ~~[no candidate receives more than 50% of the valid rankings counted]~~ the number of
429 remaining candidates is more than twice the number of seats to be filled, conduct subsequent
430 ballot-counting phases by continuing the process described in Subsection (1)(b) until [a

431 ~~candidate receives more than 50% of the valid rankings counted]~~ there are twice the number of
432 candidates as there are seats to be filled, as follows:

433 (i) excluding from consideration the candidate who has the fewest valid rankings
434 counted or, in the event of a tie for the fewest valid rankings counted, excluding one of the tied
435 candidates, by lot, in accordance with Subsection (6); and

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

439 (2) The election officer shall declare ~~[elected the first candidate who receives more~~
440 ~~than 50% of the valid rankings counted under the process described in Subsection (1)]~~
441 nominated to participate in the municipal general election the number of candidates equal to
442 twice the number of seats to be filled under the process described in Subsection (1).

443 (3) A ranking is valid for a particular ballot-counting phase of a multi-candidate
444 primary race if:

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

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

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

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

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

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

456 (4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate
457 primary race, and for all subsequent ballot-counting phases, if:

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

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

461 (5) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from

462 the race, the next-ranked candidate who has not withdrawn from the race will be counted for
463 that ballot-counting phase.

464 (6) For each ballot-counting phase after the first phase, if two or more candidates tie as
465 having received the fewest valid rankings counted at that point in the ballot count, the election
466 officer shall eliminate one of those candidates from consideration, by lot, in the following
467 manner:

468 (a) determine the names of the candidates who tie as having received the fewest valid
469 rankings for that ballot-counting phase;

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

472 (c) sign a public document that:

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

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

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

478 ~~[(a) except as provided in Subsection (8), counting rankings in the same manner as
479 described in Subsections (1) through (6), until a candidate is declared elected;]~~

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

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

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

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

491 ~~[(a) instead of determining whether a candidate receives more than 50% of the valid
492 preference rankings for a particular ballot-counting phase, the election officer shall proceed to a~~

493 subsequent ballot-counting stage, and exclude the candidate who receives the fewest valid
 494 preference rankings in that phase, until twice the number of seats to be filled in the race
 495 remain; and]

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

498 [~~(10)~~] (7) After completing all ballot-counting phases in a multi-candidate primary
 499 race, the election officer shall order a full recount of the ballots cast for that race if, in one or
 500 more of the ballot-counting phases:

501 (a) the difference between the number of rankings counted for a candidate who is
 502 declared [~~electd~~] nominated and the number of rankings counted for any other candidate in the
 503 same ballot-counting phase is equal to or less than the product of the following, rounded up to
 504 the nearest whole number:

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

507 (ii) the recount threshold; or

508 (b) the difference between the number of rankings counted for the candidate who
 509 received the fewest valid rankings in a ballot-counting phase and the number of rankings
 510 counted for any other candidate in the same ballot-counting phase is equal to or less than the
 511 product of the following, rounded up to the nearest whole number:

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

514 (ii) the recount threshold.

515 [~~(11)~~] (8) A recount described in [~~Subsection (10)~~] Subsection (7):

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

517 (b) provides for only one recount.

518 [~~(12)~~] (9) Notwithstanding Section [20A-4-301](#), a board of municipal canvassers may
 519 extend the canvass deadline by up to seven additional days, if necessary, to conduct a recount
 520 required under [~~Subsection (10)~~] Subsection (7).

521 Section 5. Section **20A-6-402** is amended to read:

522 **20A-6-402. Ballots for municipal general elections.**

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

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

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

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

530 (c) for other offices:

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

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

536 (d) the names of the candidates are placed on the ballot in the order specified under
537 Section [20A-6-305](#);

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

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

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

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

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

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

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

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

554 (ii) the date of the election; and

- 555 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 556 (b) immediately below the election officer's title, a distinct border or line separates the
557 endorsements from the rest of the ballot;
- 558 (c) immediately below the border or line, an "Instructions to Voters" section is
559 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
560 the candidate(s) for each respective office." followed by another border or line;
- 561 (d) after the border or line, the designation of the office for which the candidates seek
562 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
563 candidates for which the voter may vote)" are displayed, followed by a line or border;
- 564 (e) after the line or border, the names of the candidates are displayed in the order
565 specified under Section 20A-6-305 with surnames last and grouped according to the office that
566 they seek;
- 567 (f) a voting square or position is located adjacent to the name of each candidate;
- 568 (g) following the name of the last candidate for each office in which a write-in
569 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the
570 voter may enter the name of and vote for a valid write-in candidate for the office; and
- 571 (h) the candidate groups are separated from each other by a line or border.
- 572 (3) When a municipality has chosen to nominate candidates by convention or
573 committee, the election officer shall ensure that the party name is included with the candidate's
574 name on the ballot.

575 Section 6. Section 20A-9-203 is amended to read:

576 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

645 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

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

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

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

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

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

670 "NOMINATION PETITION

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

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

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

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

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

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

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

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

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

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

691 (ii) by posting the list on the Utah Public Notice Website, created in Section
692 [63A-16-601](#), for seven days; and

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

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

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

700 (10) (a) A declaration of candidacy or nomination petition that an individual files under
701 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
702 10 days after the last day for filing.

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

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

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

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

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

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

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

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

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

718 Section 7. Section **20A-9-404** is amended to read:

719 **20A-9-404. Municipal primary elections.**

720 (1) (a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal
721 Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities
722 shall be nominated at a municipal primary election.

723 (b) Municipal primary elections shall be held:

724 (i) consistent with Section [20A-1-201.5](#), on the second Tuesday following the first
725 Monday in the August before the regular municipal election; and

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

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

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

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

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

739 (iii) Any primary election exemption ordinance adopted under this Subsection (3)

740 remains in effect until repealed by ordinance.

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

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

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

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

751 (ii) The certificate of nomination shall:

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

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

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

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

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

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

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

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

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

771 (e) A committee appointed at a convention, if authorized by an enabling resolution,
772 may also make nominations or fill vacancies in nominations made at a convention if the
773 committee makes the nomination before the deadline for a write-in candidate to file a
774 declaration of candidacy under Section [20A-9-601](#).

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

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

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

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

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

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

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

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

794 (C) is substantially similar to the form of the signature sheets described in Section
795 [20A-7-303](#); and

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

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

800 (ii) If the number of candidates for a particular office exceeds twice the number of
801 offices to be filled at the regular municipal election, those candidates for municipal office shall

802 be nominated at a municipal primary election.

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

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

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