

RANKED CHOICE VOTING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill changes the repeal date of the Municipal Alternate Voting Methods Pilot Project.

Highlighted Provisions:

This bill:

- ▶ modifies the repeal date of the Municipal Alternate Voting Methods Pilot Project from January 1, 2026, to May 1, 2024; 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 2023, Chapters 15, 234 and 297

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

20A-1-304, as repealed and reenacted by Laws of Utah 2018, Chapter 187

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

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

20A-4-102, as last amended by Laws of Utah 2023, Chapters 156, 297



- 28 **20A-4-105**, as last amended by Laws of Utah 2022, Chapter 380
- 29 **20A-4-106**, as last amended by Laws of Utah 2023, Chapters 156, 297
- 30 **20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435
- 31 **20A-4-401**, as last amended by Laws of Utah 2023, Chapter 15
- 32 **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101
- 33 **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305
- 34 **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31
- 35 **20A-9-203**, as last amended by Laws of Utah 2023, Chapters 116, 435
- 36 **20A-9-404**, as last amended by Laws of Utah 2023, Chapter 116
- 37 **63I-2-220**, as last amended by Laws of Utah 2023, Second Special Session, Chapter 1

38 REPEALS:

- 39 **20A-4-601**, as last amended by Laws of Utah 2022, Chapter 342
- 40 **20A-4-602**, as last amended by Laws of Utah 2022, Chapter 170
- 41 **20A-4-603**, as last amended by Laws of Utah 2022, Chapter 342
- 42 **20A-4-604**, as last amended by Laws of Utah 2022, Chapter 342
- 43 **20A-6-203.5**, as enacted by Laws of Utah 2018, Chapter 187

44

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

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

47 **20A-1-102. Definitions.**

48 As used in this title:

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

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

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

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

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

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

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

90 elected.

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

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

94 (b) does not include:

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

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

99 (18) "Elected official" means:

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

102 (b) a person who is considered to be elected to a municipal office in accordance with
103 Subsection 20A-1-206(1)(c)(ii); or

104 (c) a person who is considered to be elected to a special district office in accordance
105 with Subsection 20A-1-206(3)(b)(ii).

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

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

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

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

114 (a) preside over other poll workers at a polling place;

115 (b) act as the presiding election judge; or

116 (c) serve as a canvassing judge, counting judge, or receiving judge.

117 (23) "Election officer" means:

118 (a) the lieutenant governor, for all statewide ballots and elections;

119 (b) the county clerk for:

120 (i) a county ballot and election; and

- 121 (ii) a ballot and election as a provider election officer as provided in Section
- 122 20A-5-400.1 or 20A-5-400.5;
- 123 (c) the municipal clerk for:
- 124 (i) a municipal ballot and election; and
- 125 (ii) a ballot and election as a provider election officer as provided in Section
- 126 20A-5-400.1 or 20A-5-400.5;
- 127 (d) the special district clerk or chief executive officer for:
- 128 (i) a special district ballot and election; and
- 129 (ii) a ballot and election as a provider election officer as provided in Section
- 130 20A-5-400.1 or 20A-5-400.5; or
- 131 (e) the business administrator or superintendent of a school district for:
- 132 (i) a school district ballot and election; and
- 133 (ii) a ballot and election as a provider election officer as provided in Section
- 134 20A-5-400.1 or 20A-5-400.5.
- 135 (24) "Election official" means any election officer, election judge, or poll worker.
- 136 (25) "Election results" means:
- 137 (a) for an election other than a bond election, the count of votes cast in the election and
- 138 the election returns requested by the board of canvassers; or
- 139 (b) for bond elections, the count of those votes cast for and against the bond
- 140 proposition plus any or all of the election returns that the board of canvassers may request.
- 141 (26) "Election returns" includes:
- 142 (a) the pollbook, the military and overseas absentee voter registration and voting
- 143 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess
- 144 ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes
- 145 cast form; and
- 146 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a
- 147 ballot.
- 148 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
- 149 or logically associated with a record and executed or adopted by a person with the intent to sign
- 150 the record.
- 151 (28) "Inactive voter" means a registered voter who is listed as inactive by a county

152 clerk under Subsection [20A-2-505\(4\)\(c\)\(i\)](#) or (ii).

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

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

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

159 (32) "Local political subdivision" means a county, a municipality, a special district, or
160 a local school district.

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

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

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

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

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

172 (36) "Municipal executive" means:

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

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

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

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

180 (38) "Municipal legislative body" means:

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

182 (b) the council of a metro township.

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

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

216 (53) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

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

223 (55) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

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

234 (i) elected to public office; or

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

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

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

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

242 (61) "Regular ballot" means a ballot that is not a provisional ballot.

243 (62) "Regular general election" means the election held throughout the state on the first
244 Tuesday after the first Monday in November of each even-numbered year for the purposes

245 established in Section 20A-1-201.

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

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

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

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

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

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

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

260 (68) "Special district officers" means those special district board members who are
261 required by law to be elected.

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

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

264 (a) is spoiled by the voter;

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

266 (c) lacks the official endorsement.

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

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

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

272 (a) political parties;

273 (b) candidates for an office; or

274 (c) ballot propositions.

275 (74) "Transfer case" means the sealed box used to transport voted ballots to the

276 counting center.

277 (75) "Vacancy" means:

278 (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a
279 position created by state constitution or state statute, whether that absence occurs because of
280 death, disability, disqualification, resignation, or other cause; or

281 (b) in relation to a candidate for a position created by state constitution or state statute,
282 the removal of a candidate due to the candidate's death, resignation, or disqualification.

283 (76) "Valid voter identification" means:

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

286 (i) a currently valid Utah driver license;

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

288 (A) the state; or

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

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

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

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

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

295 (i) a valid tribal identification card;

296 (ii) a Bureau of Indian Affairs card; or

297 (iii) a tribal treaty card; or

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

301 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
302 election;

303 (ii) a bank or other financial account statement, or a legible copy thereof;

304 (iii) a certified birth certificate;

305 (iv) a valid social security card;

306 (v) a check issued by the state or the federal government or a legible copy thereof;

- 307 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 308 (vii) a currently valid Utah hunting or fishing license;
- 309 (viii) certified naturalization documentation;
- 310 (ix) a currently valid license issued by an authorized agency of the United States;
- 311 (x) a certified copy of court records showing the voter's adoption or name change;
- 312 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 313 (xii) a currently valid identification card issued by:
 - 314 (A) a local government within the state;
 - 315 (B) an employer for an employee; or
 - 316 (C) a college, university, technical school, or professional school located within the
 - 317 state; or
 - 318 (xiii) a current Utah vehicle registration.
- 319 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 320 candidate by following the procedures and requirements of this title.
- 321 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
 - 322 (a) mailing the ballot to the location designated in the mailing; or
 - 323 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 324 (79) "Voter" means an individual who:
 - 325 (a) meets the requirements for voting in an election;
 - 326 (b) meets the requirements of election registration;
 - 327 (c) is registered to vote; and
 - 328 (d) is listed in the official register book.
- 329 (80) "Voter registration deadline" means the registration deadline provided in Section
- 330 [20A-2-102.5](#).
- 331 (81) "Voting area" means the area within six feet of the voting booths, voting
- 332 machines, and ballot box.
- 333 (82) "Voting booth" means:
 - 334 (a) the space or compartment within a polling place that is provided for the preparation
 - 335 of ballots, including the voting enclosure or curtain; or
 - 336 (b) a voting device that is free standing.
- 337 (83) "Voting device" means any device provided by an election officer for a voter to

338 vote a mechanical ballot.

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

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

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

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

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

347 **20A-1-303. Determining results.**

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

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

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

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

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

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

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

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

360 (b) fails if:

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

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

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

364 **20A-1-304. Tie votes.**

365 [~~Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part~~
366 ~~6, Municipal Alternate Voting Methods Pilot Project, if~~]

367 If two or more candidates for a position have an equal and the highest number of votes
368 for any office, the election officer shall, in a public meeting held within 30 days after the day

369 on which the canvass is completed, determine the candidate selected, by lot, in the presence of
370 each candidate subject to the tie.

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

372 **20A-3a-204. Marking and depositing ballots.**

373 (1) To vote by mail:

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

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

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

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

383 (e) the voter shall:

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

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

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

388 (iv) securely seal the return envelope; and

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

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

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

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

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

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

400 (i) a ballot box at a polling place; or
401 (ii) a ballot drop box designated by an election officer for the jurisdiction to which the
402 ballot relates.

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

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

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

410 (a) sign the official register or pollbook; and
411 (b) (i) place the ballot in the ballot box; or
412 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
413 envelope, complete the information printed on the provisional ballot envelope, and deposit the
414 provisional ballot envelope in the provisional ballot box.

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

418 (5) To vote a mechanical ballot, the voter shall:
419 (a) make the selections according to the instructions provided for the voting device;
420 and
421 (b) ~~[subject to Subsection (6);]~~ record a write-in vote by:
422 (i) selecting the appropriate position for entering a write-in candidate; and
423 (ii) using the voting device to enter the name of the valid write-in candidate for whom
424 the voter wishes to vote.

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

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

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

431 [~~(7)~~] (6) A voter who votes at a polling place:

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

434 (b) may not:

435 (i) occupy a voting booth occupied by another, except as provided in Section
436 [20A-3a-208](#);

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

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

440 [~~(8)~~] (7) If the official register shows any voter as having voted, that voter may not
441 reenter the voting area during that election unless that voter is an election official or watcher.

442 [~~(9)~~] (8) A poll worker may not, at a polling place, allow more than four voters more
443 than the number of voting booths into the voting area at one time unless those excess voters
444 are:

445 (a) election officials;

446 (b) watchers; or

447 (c) assisting voters with a disability.

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

449 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**
450 **polling place on day of election before polls close.**

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

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

455 (b) the ballots are counted at the polling place before the polls close.

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

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

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

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

- 462 (i) close the first ballot box and deliver it to the counting judges; and
- 463 (ii) prepare and use another ballot box to receive voted ballots.
- 464 (c) [~~Except as provided in Subsection (2)(f), upon~~] Upon receipt of the ballot box, the
- 465 counting judges shall:
 - 466 (i) take the ballot box to the counting room;
 - 467 (ii) count the votes on the regular ballots in the ballot box;
 - 468 (iii) place the provisional ballot envelopes in the envelope or container provided for
 - 469 them for return to the election officer; and
 - 470 (iv) when they have finished counting the votes in the ballot box, return the emptied
 - 471 box to the receiving judges.
- 472 (d) (i) During the course of election day, whenever there are at least 20 ballots
- 473 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
- 474 judges for counting; and
- 475 (ii) the counting judges shall immediately count the regular ballots and segregate the
- 476 provisional ballots contained in that box.
- 477 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
- 478 until the polls close.
- 479 [~~(f) (i) The director of elections within the Office of the Lieutenant Governor shall~~
- 480 ~~make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
- 481 ~~describing the procedures that a counting judge is required to follow for counting ballots in an~~
- 482 ~~instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project.]~~
- 483 [~~(ii) When counting ballots in an instant runoff voting race described in Part 6,~~
- 484 ~~Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the~~
- 485 ~~procedures established under Subsection (2)(f)(i) and Part 6, Municipal Alternate Voting~~
- 486 ~~Methods Pilot Project.]~~
- 487 (3) To resolve questions that arise during the counting of ballots, a counting judge
- 488 shall, to the extent applicable, apply the standards and requirements of[~~:~~] Section 20A-4-105.
- 489 [~~(a) to the extent applicable, Section 20A-4-105; and~~
- 490 [~~(b) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate~~
- 491 ~~Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).]~~
- 492 Section 6. Section **20A-4-102** is amended to read:

493 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at**
494 **polling place on day of election after polls close.**

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

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

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

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

499 ~~20A-4-101(2)(f)(i)~~], as soon as the polls have been closed and the last qualified voter has

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

501 section in the order that they are specified.

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

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

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

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

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

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

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

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

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

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

522 (3) The judges shall:

523 (a) place all unused ballots in the envelope or container provided for return to the

524 county clerk or city recorder; and
525 (b) seal that envelope or container.
526 (4) The judges shall:
527 (a) place all of the provisional ballot envelopes in the envelope provided for them for
528 return to the election officer; and
529 (b) seal that envelope or container.
530 (5) (a) In counting the votes, the election judges shall read and count each ballot
531 separately.
532 (b) In regular primary elections the judges shall:
533 (i) count the number of ballots cast for each party;
534 (ii) place the ballots cast for each party in separate piles; and
535 (iii) count all the ballots for one party before beginning to count the ballots cast for
536 other parties.
537 (6) (a) In all elections, the counting judges shall ~~[, except as provided in Part 6,~~
538 ~~Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection~~
539 ~~20A-4-101(2)(f)(i)]~~:
540 (i) count one vote for each candidate designated by the marks in the squares next to the
541 candidate's name;
542 (ii) count each vote for each write-in candidate who has qualified by filing a
543 declaration of candidacy under Section 20A-9-601;
544 (iii) read every name marked on the ballot and mark every name upon the tally sheets
545 before another ballot is counted;
546 (iv) evaluate each ballot and each vote based on the standards and requirements of
547 Section 20A-4-105;
548 (v) write the word "spoiled" on the back of each ballot that lacks the official
549 endorsement and deposit it in the spoiled ballot envelope; and
550 (vi) read, count, and record upon the tally sheets the votes that each candidate and
551 ballot proposition received from all ballots, except excess or spoiled ballots.
552 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or
553 persons clearly not eligible to qualify for office.
554 (c) The judges shall certify to the accuracy and completeness of the tally list in the

555 space provided on the tally list.

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

558 (7) (a) Except as provided in Subsection (7)(b), only an election judge and a watcher
559 may be present at the place where counting is conducted until the count is completed.

560 (b) (i) An auditor conducting an audit described in Section 36-12-15.2 may be present
561 at the place where counting is conducted, regardless of whether the count is completed.

562 (ii) The lieutenant governor may be present at the place where counting is conducted,
563 regardless of whether the count is completed.

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

565 **20A-4-105. Standards and requirements for evaluating voter's ballot choice.**

566 (1) (a) An election officer shall ensure that when a question arises regarding a vote
567 recorded on a manual ballot, two counting judges jointly adjudicate the ballot[~~except as~~
568 ~~otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project,~~] in
569 accordance with the requirements of this section.

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

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

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

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

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

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

584 (4) [~~Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot~~
585 ~~Project, the~~] The counting judges may not reject a ballot marked by the voter because of marks

586 on the ballot other than those marks allowed by this section unless the extraneous marks on a
587 ballot show an intent by an individual to mark the individual's ballot so that the individual's
588 ballot can be identified.

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

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

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

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

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

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

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

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

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

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

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

612 **20A-4-106. Manual ballots -- Sealing.**

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

615 (2) After the ballots are stored under Subsection (1), the ballots may not be examined
616 by anyone, except as follows:

617 (a) when examined during a recount conducted under the authority of Section
618 20A-4-401 [~~or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot~~
619 ~~Project~~];

620 (b) an auditor conducting an audit described in Section 36-12-15.2 may examine the
621 ballots:

622 (i) if the audit uncovers evidence that raises a substantial doubt regarding the accuracy
623 of the results of an election, the auditor may examine the ballots until the later of:

624 (A) the end of the calendar year in which the election was held; or

625 (B) if the election is contested, when the contest is resolved; or

626 (ii) at any time via a subpoena or other legal process; or

627 (c) the lieutenant governor may examine the ballots:

628 (i) until the later of:

629 (A) the end of the calendar year in which the election was held; or

630 (B) if the election is contested, when the contest is resolved; or

631 (ii) at any time via a subpoena or other legal process.

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

633 **20A-4-304. Declaration of results -- Canvassers' report.**

634 (1) Each board of canvassers shall:

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

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

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

640 (b) declare:

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

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

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

644 (ii) "rejected" those ballot propositions that:

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

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

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

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

653 (2) The election officer shall submit a report to the board of canvassers that includes
654 the following information:

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

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

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

658 (d) each office that appeared on the ballot;

659 (e) from each voting precinct:

660 (i) the number of votes for each candidate; and

661 ~~[(ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate~~
662 ~~Voting Methods Pilot Project, the number of valid votes cast for each candidate for each~~
663 ~~potential ballot-counting phase and the name of the candidate excluded in each ballot-counting~~
664 ~~phase; and]~~

665 ~~[(iii)]~~ (ii) the number of votes for and against each ballot proposition;

666 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
667 and against each ballot proposition;

668 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:

669 (i) the number of ballots counted;

670 (ii) provisional ballots; and

671 (iii) the number of ballots rejected;

672 (h) a final ballot reconciliation report;

673 (i) other information required by law to be provided to the board of canvassers; and

674 (j) a statement certifying that the information contained in the report is accurate.

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

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

677 (b) sign the report.

678 (4) The election officer shall:

- 679 (a) record or file the certified report in a book kept for that purpose;
- 680 (b) prepare and transmit a certificate of nomination or election under the officer's seal
681 to each nominated or elected candidate;
- 682 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 683 (d) file a copy of the certified report with the lieutenant governor.
- 684 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
685 days after the day on which the board of canvassers declares the election results, publicize the
686 certified report described in Subsection (2) for the jurisdiction, as a class A notice under
687 Section [63G-30-102](#), for at least seven days.
- 688 (6) Instead of including a copy of the entire certified report, a notice required under
689 Subsection (5) may contain a statement that:
- 690 (a) includes the following: "The Board of Canvassers for [indicate name of
691 jurisdiction] has prepared a report of the election results for the [indicate type and date of
692 election]."; and
- 693 (b) specifies the following sources where an individual may view or obtain a copy of
694 the entire certified report:
- 695 (i) if the jurisdiction has a website, the jurisdiction's website;
- 696 (ii) the physical address for the jurisdiction; and
- 697 (iii) a mailing address and telephone number.
- 698 (7) When there has been a regular general or a statewide special election for statewide
699 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
700 or more county ballot proposition, each board of canvassers shall:
- 701 (a) prepare a separate report detailing the number of votes for each candidate and the
702 number of votes for and against each ballot proposition; and
- 703 (b) transmit the separate report by registered mail to the lieutenant governor.
- 704 (8) In each county election, municipal election, school election, special district
705 election, and local special election, the election officer shall transmit the reports to the
706 lieutenant governor within 14 days after the date of the election.
- 707 (9) In a regular primary election and in a presidential primary election, the board shall
708 transmit to the lieutenant governor:
- 709 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant

710 governor not later than the second Tuesday after the election; and

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

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

715 **20A-4-401. Recounts -- Procedure.**

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

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

723 ~~[(e)]~~ (b) For a race between candidates where the total of all votes cast in the race is
724 400 or less, if the difference between the number of votes cast for a winning candidate in the
725 race and a losing candidate in the race is one vote, that losing candidate may file a request for a
726 recount in accordance with Subsection ~~[(1)(d)]~~ (1)(c).

727 ~~[(d)]~~ (2) A candidate who files a request for a recount under Subsection (1) ~~[(b) or (c)]~~
728 (a) or (b) shall file the request:

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

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

732 ~~[(A)]~~ (i) the municipal clerk, if the election is a municipal general election;

733 ~~[(B)]~~ (ii) the special district clerk, if the election is a special district election;

734 ~~[(C)]~~ (iii) the county clerk, for races voted on entirely within a single county; or

735 ~~[(D)]~~ (iv) the lieutenant governor, for statewide races and multicounty races.

736 ~~[(e)]~~ (3) The election officer shall:

737 ~~[(i)]~~ (a) supervise the recount;

738 ~~[(ii)]~~ (b) recount all ballots cast for that race;

739 ~~[(iii)]~~ (c) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part
740 4, Disposition of Ballots;

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

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

745 [~~(2)~~] (4) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
746 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
747 the total votes cast for or against the proposition, any 10 voters who voted in the election where
748 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
749 days after the day of the canvass with the person described in Subsection (2)(c).

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

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

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

762 (d) The election officer shall:

- 763 (i) supervise the recount;
764 (ii) recount all ballots cast for that ballot proposition or bond proposition;
765 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
766 Disposition of Ballots; and

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

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

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

772 ~~[(3)]~~ (5) Costs incurred by recount under Subsection (1) may not be assessed against
773 the person requesting the recount.

774 ~~[(4)]~~ (6) (a) Upon completion of the recount, the election officer shall immediately
775 convene the board of canvassers.

776 (b) The board of canvassers shall:

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

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

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

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

786 Section 11. Section **20A-5-400.1** is amended to read:

787 **20A-5-400.1. Contracting with an election officer to conduct elections -- Fees --**
788 **Contracts and interlocal agreements -- Private providers.**

789 (1) (a) In accordance with this section, a local political subdivision may enter into a
790 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation
791 Act, with a provider election officer to conduct an election.

792 (b) If the boundaries of a local political subdivision holding the election extend beyond
793 a single local political subdivision, the local political subdivision may have more than one
794 provider election officer conduct an election.

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

800 ~~[(d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with~~
801 ~~a local political subdivision other than a county within which the municipality exists, the~~
802 ~~municipality, the local political subdivision, and the county within which the municipality~~

803 ~~exists shall enter into a cooperative agreement to ensure the proper functioning of the election.]~~

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

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

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

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

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

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

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

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

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

818 **20A-5-802. Certification of voting equipment.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

839 and

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

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

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

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

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

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

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

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

853 **20A-6-402. Ballots for municipal general elections.**

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

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

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

861 (c) for other offices:

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

- 865 (ii) the names of those candidates are placed upon the municipal general election
866 ballot;
- 867 (d) the names of the candidates are placed on the ballot in the order specified under
868 Section [20A-6-305](#);
- 869 (e) in an election in which a voter is authorized to cast a write-in vote and where a
870 write-in candidate is qualified under Section [20A-9-601](#), a write-in area is placed upon the
871 ballot that contains, for each office in which there is a qualified write-in candidate:
- 872 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
873 (ii) a square or other conforming area that is adjacent to or opposite the blank
874 horizontal line to enable the voter to indicate the voter's vote;
- 875 (f) ballot propositions that have qualified for the ballot, including propositions
876 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
877 listed on the ballot in accordance with Section [20A-6-107](#); and
- 878 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
879 title assigned to each bond proposition under Section [11-14-206](#).
- 880 (2) [~~Except as otherwise required for a race conducted by instant runoff voting under~~
881 ~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when~~] When
882 using a mechanical ballot at municipal general elections, each election officer shall ensure that:
- 883 (a) the following endorsements are displayed on the first portion of the ballot:
- 884 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";
885 (ii) the date of the election; and
886 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 887 (b) immediately below the election officer's title, a distinct border or line separates the
888 endorsements from the rest of the ballot;
- 889 (c) immediately below the border or line, an "Instructions to Voters" section is
890 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
891 the candidate(s) for each respective office." followed by another border or line;
- 892 (d) after the border or line, the designation of the office for which the candidates seek
893 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
894 candidates for which the voter may vote)" are displayed, followed by a line or border;
- 895 (e) after the line or border, the names of the candidates are displayed in the order

896 specified under Section 20A-6-305 with surnames last and grouped according to the office that
897 they seek;

898 (f) a voting square or position is located adjacent to the name of each candidate;

899 (g) following the name of the last candidate for each office in which a write-in
900 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the
901 voter may enter the name of and vote for a valid write-in candidate for the office; and

902 (h) the candidate groups are separated from each other by a line or border.

903 (3) When a municipality has chosen to nominate candidates by convention or
904 committee, the election officer shall ensure that the party name is included with the candidate's
905 name on the ballot.

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

907 **20A-9-203. Declarations of candidacy -- Municipal general elections --**

908 **Nomination petition -- Removal of signature.**

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

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

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

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

917 (2) (a) For purposes of determining whether an individual meets the residency
918 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
919 before the election, the municipality is considered to have been incorporated 12 months before
920 the date of the election.

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

924 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
925 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
926 against the elective franchise may not hold office in this state until the right to hold elective

927 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

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

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

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

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

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

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

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

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

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

947 (i) [~~except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot~~
948 ~~Project~~], filing a nomination petition with the city recorder or town clerk during the office
949 hours described in Section 10-3-301 and not later than the close of those office hours, between
950 June 1 and June 7 of any odd-numbered year that includes signatures in support of the
951 nomination petition of the lesser of at least:

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

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

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

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

957 (i) read to the prospective candidate or individual filing the petition the constitutional

958 and statutory qualification requirements for the office that the candidate is seeking;

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

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

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

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

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

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

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

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

977 (A) signing the pledge is voluntary; and

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

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

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

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

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

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

987 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
988 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number

989 (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____
 990 (stating the term). I will meet the legal qualifications required of candidates for this office. If
 991 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
 992 candidate filing period. I will file all campaign financial disclosure reports as required by law
 993 and I understand that failure to do so will result in my disqualification as a candidate for this
 994 office and removal of my name from the ballot. I request that my name be printed upon the
 995 applicable official ballots. (Signed) _____

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

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

999 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
 1000 not sign the form described in Subsection (5)(a).

1001 (c) (i) A nomination petition shall be in substantially the following form:

1002 "NOMINATION PETITION

1003 The undersigned residents of (name of municipality), being registered voters, nominate
 1004 (name of nominee) for the office of (name of office) for the (length of term of office)."

1005 (ii) The remainder of the petition shall contain lines and columns for the signatures of
 1006 individuals signing the petition and each individual's address and phone number.

1007 (6) If the declaration of candidacy or nomination petition fails to state whether the
 1008 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
 1009 for the four-year term.

1010 (7) (a) (i) The clerk shall verify with the county clerk that all candidates are registered
 1011 voters.

1012 (b) With the assistance of the county clerk, and using the procedures described in
 1013 Section [20A-1-1002](#), the municipal clerk shall determine whether the required number of
 1014 signatures of registered voters appears on a nomination petition.

1015 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
 1016 clerk shall:

1017 (a) publicize a list of the names of the candidates as they will appear on the ballot by
 1018 publishing the list for the municipality, as a class A notice under Section [63G-30-102](#), for

1019 seven days; and

1020 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1021 the ballot.

1022 (9) Except as provided in Subsection (10)(c), an individual may not amend a
1023 declaration of candidacy or nomination petition filed under this section after the candidate
1024 filing period ends.

1025 (10) (a) A declaration of candidacy or nomination petition that an individual files under
1026 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
1027 10 days after the last day for filing.

1028 (b) If a person files an objection, the clerk shall:

1029 (i) mail or personally deliver notice of the objection to the affected candidate
1030 immediately; and

1031 (ii) decide any objection within 48 hours after the objection is filed.

1032 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
1033 days after the day on which the clerk sustains the objection, correct the problem for which the
1034 objection is sustained by amending the candidate's declaration of candidacy or nomination
1035 petition, or by filing a new declaration of candidacy.

1036 (d) (i) The clerk's decision upon objections to form is final.

1037 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1038 prompt application is made to the district court.

1039 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1040 of its discretion, agrees to review the lower court decision.

1041 (11) A candidate who qualifies for the ballot under this section may withdraw as a
1042 candidate by filing a written affidavit with the municipal clerk.

1043 (12) (a) A voter who signs a nomination petition under this section may have the
1044 voter's signature removed from the petition by, no later than three business days after the day
1045 on which the petition is filed with the city recorder or municipal clerk, submitting to the
1046 municipal clerk a statement requesting that the voter's signature be removed.

1047 (b) A statement described in Subsection (12)(a) shall comply with the requirements
1048 described in Subsection [20A-1-1003\(2\)](#).

1049 (c) With the assistance of the county clerk and using the procedures described in

1050 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
1051 individual's signature from a petition after receiving a timely, valid statement requesting
1052 removal of the signature.

1053 Section 15. Section 20A-9-404 is amended to read:

1054 **20A-9-404. Municipal primary elections.**

1055 (1) (a) [~~Except as otherwise provided in this section or Chapter 4, Part 6, Municipal~~
1056 ~~Alternate Voting Methods Pilot Project, candidates~~] Candidates for municipal office in all
1057 municipalities shall be nominated at a municipal primary election.

1058 (b) Municipal primary elections shall be held:

1059 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
1060 Monday in the August before the regular municipal election; and

1061 (ii) whenever possible, at the same polling places as the regular municipal election.

1062 (2) [~~Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting~~
1063 ~~Methods Pilot Project, if~~] If the number of candidates for a particular municipal office does not
1064 exceed twice the number of individuals needed to fill that office, a primary election for that
1065 office may not be held and the candidates are considered nominated.

1066 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
1067 of voters or delegates.

1068 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
1069 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
1070 by providing that the nomination of candidates for municipal office to be voted upon at a
1071 municipal election be nominated by a municipal party convention or committee.

1072 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
1073 shall be held on or before May 30 of an odd-numbered year.

1074 (iii) Any primary election exemption ordinance adopted under this Subsection (3)
1075 remains in effect until repealed by ordinance.

1076 (c) (i) A convention or committee may not nominate more than one candidate for each
1077 of the municipal offices to be voted upon at the municipal election.

1078 (ii) A convention or committee may not nominate an individual who has accepted the
1079 nomination of a different convention or committee.

1080 (iii) A municipal party may not have more than one group of candidates placed upon

1081 the ballot and may not group the same candidates on different tickets by the same party under a
1082 different name or emblem.

1083 (d) (i) On or before May 31 of an odd-numbered year, a convention or committee shall
1084 prepare and submit to the filing officer a certificate of nomination for each individual
1085 nominated.

1086 (ii) The certificate of nomination shall:

1087 (A) contain the name of the office for which each individual is nominated, the name,
1088 post office address, and, if in a city, the street number of residence and place of business, if
1089 any, of each individual nominated;

1090 (B) designate in not more than five words the party that the convention or committee
1091 represents;

1092 (C) contain a copy of the resolution passed at the convention that authorized the
1093 committee to make the nomination;

1094 (D) contain a statement certifying that the name of the candidate nominated by the
1095 political party will not appear on the ballot as a candidate for any other political party;

1096 (E) be signed by the presiding officer and secretary of the convention or committee;
1097 and

1098 (F) contain a statement identifying the residence and post office address of the
1099 presiding officer and secretary and certifying that the presiding officer and secretary were
1100 officers of the convention or committee and that the certificates are true to the best of their
1101 knowledge and belief.

1102 (iii) A candidate nominated by a municipal party convention or committee shall file a
1103 declaration with the filing officer in accordance with Subsection [20A-9-203\(3\)](#) that includes:

1104 (A) the name of the municipal party or convention that nominated the candidate; and

1105 (B) the office for which the convention or committee nominated the candidate.

1106 (e) A committee appointed at a convention, if authorized by an enabling resolution,
1107 may also make nominations or fill vacancies in nominations made at a convention if the
1108 committee makes the nomination before the deadline for a write-in candidate to file a
1109 declaration of candidacy under Section [20A-9-601](#).

1110 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,
1111 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included

1112 with the candidate's name.

1113 (4) (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the
1114 May 1 that falls before the regular municipal election that:

1115 (i) exempts the city or town from the other methods of nominating candidates to
1116 municipal office provided in this section; and

1117 (ii) provides for a municipal partisan convention method of nominating candidates as
1118 provided in this Subsection (4).

1119 (b) (i) Any party that was a registered political party at the last regular general election
1120 or regular municipal election is a municipal political party under this section.

1121 (ii) Any political party may qualify as a municipal political party by presenting a
1122 petition to the city recorder that:

1123 (A) is signed, with a holographic signature, by registered voters within the municipality
1124 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
1125 municipal election at which a mayor was elected;

1126 (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day
1127 before the day on which the municipal party holds a convention to nominate a candidate under
1128 this Subsection (4);

1129 (C) is substantially similar to the form of the signature sheets described in Section
1130 [20A-7-303](#); and

1131 (D) contains the name of the municipal political party using not more than five words.

1132 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use the
1133 procedures described in Section [20A-1-1002](#) to determine whether each signer is a registered
1134 voter who is qualified to sign the petition.

1135 (c) (i) If the number of candidates for a particular office does not exceed twice the
1136 number of offices to be filled at the regular municipal election, no primary election for that
1137 office shall be held and the candidates are considered to be nominated.

1138 (ii) If the number of candidates for a particular office exceeds twice the number of
1139 offices to be filled at the regular municipal election, those candidates for municipal office shall
1140 be nominated at a municipal primary election.

1141 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the
1142 ballot forms required by Section [20A-6-401](#) and, as applicable, Section [20A-6-401.1](#).

1143 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
1144 blank ballot box.

1145 (f) Immediately after the canvass, the election judges shall, without examination,
1146 destroy the tickets deposited in the blank ballot box.

1147 (5) (a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's
1148 signature removed from the petition by, no later than three business days after the day on which
1149 the petition is filed with the city recorder or town clerk, submitting to the city recorder or town
1150 clerk a statement requesting that the voter's signature be removed.

1151 (b) A statement described in Subsection (5)(a) shall comply with the requirements
1152 described in Subsection 20A-1-1003(2).

1153 (c) With the assistance of the county clerk and using the procedures described in
1154 Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to remove
1155 an individual's signature from a petition after receiving a timely, valid statement requesting
1156 removal of the signature.

1157 Section 16. Section **63I-2-220** is amended to read:

1158 **63I-2-220. Repeal dates: Title 20A.**

1159 [(1)] Sections 20A-1-207 and 20A-1-208 are repealed May 1, 2024.

1160 [~~(2) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is~~
1161 ~~repealed January 1, 2026.~~]

1162 [~~(3) Subsection 20A-5-803(8) is repealed July 1, 2023.~~]

1163 [~~(4) Section 20A-5-804 is repealed July 1, 2023.~~]

1164 Section 17. **Repealer.**

1165 This bill repeals:

1166 Section 20A-4-601, **Definitions.**

1167 Section 20A-4-602, **Municipal Alternate Voting Methods Pilot Project -- Creation**
1168 **-- Participation.**

1169 Section 20A-4-603, **Instant runoff voting.**

1170 Section 20A-4-604, **Batch elimination.**

1171 Section 20A-6-203.5, **Instant runoff voting ballot.**

1172 Section 18. **Effective date.**

1173 This bill takes effect on May 1, 2024.