

**MUNICIPAL VOTING METHODS AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Adam Robertson**

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

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**LONG TITLE**

**General Description:**

This bill makes approval voting an option for municipal elections under the Municipal Alternate Voting Methods Pilot Project.

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-3a-204**, as enacted by Laws of Utah 2020, Chapter 31



- 28            **20A-4-101**, as last amended by Laws of Utah 2020, Chapter 31
- 29            **20A-4-102**, as last amended by Laws of Utah 2020, Chapters 31 and 49
- 30            **20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31
- 31            **20A-4-601**, as enacted by Laws of Utah 2018, Chapter 187
- 32            **20A-4-602**, as last amended by Laws of Utah 2021, Chapter 101
- 33            **20A-4-603**, as last amended by Laws of Utah 2019, Chapter 305
- 34            **20A-4-604**, as enacted by Laws of Utah 2018, Chapter 187

35 ENACTS:

36            **20A-4-605**, Utah Code Annotated 1953



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

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

40            **20A-3a-204. Marking and depositing ballots.**

41            (1) To vote by mail:

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

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

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

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

51            (e) the voter shall:

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

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

54            (iii) securely seal the return envelope; and

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

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

58            (2) (a) Except as otherwise provided in Section **20A-16-404**, to be valid, a ballot that is

59 mailed must be:

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

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

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

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

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

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

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

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

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

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

78 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot  
79 envelope, complete the information printed on the provisional ballot envelope, and deposit the  
80 provisional ballot envelope in the provisional ballot box.

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

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

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

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

86 and

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

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

89 (ii) using the voting device to enter the name of the valid write-in candidate for whom

90 the voter wishes to vote.

91 (6) To vote in an [~~instant runoff voting~~] alternate voting methods race under [Title  
92 ~~20A,~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project[~~, a voter~~]:

93 (a) for a municipality using the instant runoff voting method described in Sections  
94 20A-4-603 and 20A-4-604, a voter:

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

97 [~~(b)~~] (ii) may indicate, as directed on the ballot, the names of the remaining candidates  
98 in order of the voter's preference[-]; or

99 (b) for a municipality using the approval voting method described in Section  
100 20A-4-605, a voter shall, as directed on the ballot, indicate one or more names of candidates  
101 whom the voter approves for the office, without stating an order of preference.

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

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

105 (b) may not:

106 (i) occupy a voting booth occupied by another, except as provided in Section  
107 20A-3a-208;

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

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

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

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

115 (a) election officials;

116 (b) watchers; or

117 (c) assisting voters with a disability.

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

119 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**  
120 **polling place on day of election before polls close.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149 (f) (i) The director of elections within the Office of the Lieutenant Governor shall make  
150 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
151 describing the procedures that a counting judge is required to follow for counting ballots in an

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

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

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

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

161 (b) as applicable, for an instant runoff voting race under [~~Title 20A, Chapter 4,~~] Part 6,  
162 Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603[~~(3)~~](4).

163 Section 3. Section 20A-4-102 is amended to read:

164 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at**  
165 **polling place on day of election after polls close.**

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

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

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

169 (b) Except as provided in Subsection (2) or a rule made under Subsection  
170 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,  
171 the election judges shall count the ballots by performing the tasks specified in this section in  
172 the order that they are specified.

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

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

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

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

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

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

183 them.

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

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

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

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

193 (3) The judges shall:

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

196 (b) seal that envelope or container.

197 (4) The judges shall:

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

200 (b) seal that envelope or container.

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

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

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

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

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

208 (6) (a) In all elections, the counting judges shall, except as provided in Part 6,  
209 Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection  
210 [20A-4-101\(2\)\(f\)\(i\)](#):

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

213 (ii) count each vote for each write-in candidate who has qualified by filing a

214 declaration of candidacy under Section 20A-9-601;

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

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

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

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

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

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

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

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

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

232 **20A-4-401. Recounts -- Procedure.**

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

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

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



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

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

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

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

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

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

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

254 (e) The election officer shall:

255 (i) supervise the recount;

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

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

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

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

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

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

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

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

280 (d) The election officer shall:

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

284 Disposition of Ballots; and

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

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

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

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

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

294 (b) The board of canvassers shall:

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

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

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

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

304 Section 5. Section **20A-4-601** is amended to read:

305 **20A-4-601. Definitions.**

306 As used in this part:

- 307 (1) "Candidate amplifier" means the product of:  
308 (a) two less than the total number of candidates in a given canvassing phase of a  
309 multi-candidate race; and  
310 (b) .02%.
- 311 (2) "Multi-candidate race" means a nonpartisan municipal race where:  
312 (a) for the election of at-large officers, the number of candidates who qualify for the  
313 race exceeds the total number of seats to be filled; or  
314 (b) for the election of an officer other than an at-large officer, more than two  
315 candidates qualify to run for one office.
- 316 (3) "Participating municipality" means a municipality that is participating in the pilot  
317 project, in accordance with Subsection [20A-4-602\(3\)](#).
- 318 (4) "Pilot project" means the Municipal Alternate Voting Methods Pilot Project created  
319 in Section [20A-4-602](#).
- 320 (5) "Recount threshold" means the sum of the candidate amplifier and the following:  
321 (a) for a canvassing phase in which fewer than 100 valid votes are counted, 0.21%;  
322 (b) for a canvassing phase in which at least 100, but fewer than 500, valid votes are  
323 counted, 0.19%;  
324 (c) for a canvassing phase in which at least 500, but fewer than 1,000, valid votes are  
325 counted, 0.17%;  
326 (d) for a canvassing phase in which at least 1,000, but fewer than 5,000, valid votes are  
327 counted, 0.15%;  
328 (e) for a canvassing phase in which at least 5,000, but fewer than 10,000, valid votes  
329 are counted, 0.13%; and  
330 (f) for a canvassing phase in which 10,000 or more valid votes are counted, 0.11%.
- 331 (6) "Valid" means that the ballot is marked in a manner that permits the vote to be  
332 counted during the applicable ballot-counting phase.
- 333 (7) "Voting method" means:  
334 (a) the instant runoff voting method described in Sections [20A-4-603](#) and [20A-4-604](#);  
335 or  
336 (b) the approval voting method described in Section [20A-4-605](#).  
337 Section 6. Section **20A-4-602** is amended to read:

338           **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**  
339 **Participation.**

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

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

342           (3) (a) A municipality may participate in the pilot project, in accordance with the  
343 requirements of this section and all other applicable provisions of law, during any  
344 odd-numbered year that the pilot project is in effect, if, before the second Monday in May of  
345 the odd-numbered year, the legislative body of the municipality:

346           (i) votes to participate; and

347           (ii) provides written notice to the lieutenant governor and the county clerk:

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

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

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

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

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

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

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

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

368           (c) A municipality that has in effect an ordinance described in Subsection

369 [20A-9-404](#)(3) or (4) may not participate in the pilot project.

370 (6) Except for an election described in Subsection [20A-4-603](#)~~[(9)]~~(10) or  
 371 [20A-4-605](#)(6), an individual who files a declaration of candidacy or a nomination petition, for a  
 372 candidate who will run in an election described in this part, shall file the declaration of  
 373 candidacy or nomination petition during the office hours described in Section [10-3-301](#) and not  
 374 later than the close of those office hours, no sooner than the second Tuesday in August and no  
 375 later than the third Tuesday in August of an odd-numbered year.

376 Section 7. Section [20A-4-603](#) is amended to read:

377 **[20A-4-603. Instant runoff voting.](#)**

378 (1) This section applies to a participating municipality that, under Subsection  
 379 [20A-4-602](#)(3), specifies the candidate elimination voting method as the method that the  
 380 municipality will use.

381 ~~[(1)]~~ (2) In a multi-candidate race, the election officer ~~[for a participating municipality]~~  
 382 shall:

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

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

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

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

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

392 (B) in the event of a tie for the fewest valid first preference votes counted, one of the  
 393 tied candidates, determined by the tied election officer by lot, in accordance with Subsection  
 394 ~~[(6)]~~ (7);

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

398 (iii) if, after adding the votes in accordance with Subsection ~~[(1)]~~ (2)(b)(ii) and  
 399 complying with Subsection ~~[(5)]~~ (6), one candidate receives more than 50% of the valid votes

400 counted, declaring that candidate elected; and

401 (c) if, after adding the valid second preference votes in accordance with Subsection  
402 ~~[(1)]~~ (2)(b)(ii) and complying with Subsection ~~[(5)]~~ (6), no candidate receives more than 50%  
403 of the valid votes counted, conduct subsequent ballot-counting phases by continuing the  
404 process described in Subsection ~~[(1)]~~ (2)(b) until a candidate receives more than 50% of the  
405 valid votes counted, as follows:

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

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

413 ~~[(2)]~~ (3) The election officer shall declare elected the first candidate who receives more  
414 than 50% of the valid votes counted under the process described in Subsection ~~[(1)]~~ (2).

415 ~~[(3)]~~ (4) (a) A vote is valid for a particular phase of a multi-candidate race only if the  
416 voter indicates the voter's preference for that phase and all previous phases.

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

420 ~~[(4)]~~ (5) The election officer shall order a recount of the valid votes in the applicable  
421 ballot-counting phase if one candidate appears to have received at least 50% of the vote, and  
422 the difference between the number of votes counted for the candidate who received the most  
423 valid votes for the applicable ballot-counting phase and any other candidate in the race is equal  
424 to or less than the product of the following, rounded up to the nearest whole number:

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

427 (b) the recount threshold.

428 ~~[(5)]~~ (6) Before excluding a candidate from a multi-candidate race under Subsection  
429 ~~[(1)]~~ (2), the election officer shall order a recount of the valid votes counted in the applicable  
430 ballot-counting phase if the difference between the number of votes counted for the candidate

431 who received the fewest valid votes in the applicable ballot-counting phase of the race and any  
432 other candidate in the race is equal to or less than the product of the following, rounded up to  
433 the nearest whole number:

- 434 (a) the total number of voters who cast a valid vote counted in that ballot-counting  
435 phase; and
- 436 (b) the recount threshold.

437 ~~[(6)]~~ (7) For each ballot-counting phase after the first phase, if, after a recount is  
438 completed under Subsection ~~[(5)]~~ (6), two or more candidates tie as having received the fewest  
439 valid votes counted at that point in the ballot count, the election officer shall eliminate one of  
440 those candidates from consideration, by lot, in the following manner:

- 441 (a) determine the names of the candidates who tie as having received the fewest valid  
442 votes for that ballot-counting phase;
- 443 (b) cast the lot in the presence of at least two election officials and any counting poll  
444 watchers who are present and desire to witness the casting of the lot; and
- 445 (c) sign a public document that:
  - 446 (i) certifies the method used for casting the lot and the result of the lot; and
  - 447 (ii) includes the name of each individual who witnessed the casting of the lot.

448 ~~[(7)]~~ (8) In a multi-candidate race for an at-large office, where the number of  
449 candidates who qualify for the race exceeds the total number of at-large seats to be filled for  
450 the office, the election officer shall count the votes by:

- 451 (a) except as provided in Subsection ~~[(8)]~~ (9), counting votes in the same manner as  
452 described in Subsections ~~[(1)]~~ (2) through ~~[(6)]~~ (7), until a candidate is declared elected;
- 453 (b) repeating the process described in Subsection ~~[(7)]~~ (8)(a) for all candidates that are  
454 not declared elected until another candidate is declared elected; and
- 455 (c) continuing the process described in Subsection ~~[(7)]~~ (8)(b) until all at-large seats in  
456 the race are filled.

457 ~~[(8)]~~ (9) After a candidate is declared elected under Subsection ~~[(7)]~~ (8), the election  
458 officer shall, in repeating the process described in Subsections ~~[(1)]~~ (2) through ~~[(6)]~~ (7) to  
459 declare the next candidate elected, add to the vote totals the next valid preference vote of each  
460 voter whose vote was counted for a candidate already declared elected.

461 ~~[(9)]~~ (10) An election officer for a participating municipality may choose to conduct a

462 primary election by using instant runoff voting in the manner described in Subsections ~~[(1)]~~ (2)  
463 through ~~[(6)]~~ (7), except that:

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

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

471 Section 8. Section 20A-4-604 is amended to read:

472 **20A-4-604. Batch elimination.**

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

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

478 (b) (i) for which the number of valid votes counted for the candidate in the phase plus  
479 the number of votes counting for all candidates with fewer valid votes in the phase is less than  
480 the number of valid votes for the candidate with the next highest amount of valid votes in the  
481 phase; or

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

484 (2) The requirements for a recount before excluding a candidate under Subsection  
485 20A-4-603~~[(5)]~~(6) do not apply to candidates who are excluded through batch elimination.

486 Section 9. Section 20A-4-605 is enacted to read:

487 **20A-4-605. Approval voting method.**

488 (1) This section applies to a participating municipality that, under Subsection  
489 20A-4-602(3), specifies the approval voting method as the method that the municipality will  
490 use.

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

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



493 marked as approved; and

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

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

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

501 (b) the recount threshold.

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

504 (a) break the tie by lot, cast or drawn in the presence of at least two election officials  
505 and any counting poll watchers who are present and desire to witness the casting or drawing of  
506 the lot; and

507 (b) sign a public document that:

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

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

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

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

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

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

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

521 (ii) the recount threshold; and

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

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

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