

1144 [(l) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
1145 Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection
1146 20A-4-101(2)(f)(i)" is repealed.]

1147 [(m) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
1148 provided in Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1149 [(n) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3a-204(6),
1150 or Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1151 [(o) In Subsections 20A-4-105(3), (4), and (11), the language that states "Except as
1152 otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1153 [(p) In Subsection 20A-4-106(2), the language that states "or Title 20A, Chapter 4, Part
1154 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]

1155 [(q) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Part
1156 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1157 [(r) Subsection 20A-4-304(2)(e) is repealed and replaced with the following.]

1158 [" (v) from each voting precinct:]

1159 [(A) the number of votes for each candidate; and]

1160 [(B) the number of votes for and against each ballot proposition;".]

1161 [(s) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection
1162 (1) are renumbered accordingly, and the cross-references to those subsections are renumbered
1163 accordingly.]

1164 [(t) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
1165 repealed.]

1166 [(u) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local
1167 political subdivision to conduct an election, is repealed.]

1168 [(v) In Section 20A-5-802, relating to the certification of voting equipment:]

1169 [(i) delete "Except as provided in Subsection (2)(b)(ii)." from the beginning of
1170 Subsection (2); and]

1171 [(ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered
1172 accordingly.]

1173 [(w) Section 20A-6-203.5 is repealed.]

1174 [(x) In Subsections 20A-6-402(1) and (2), the language that states "Except as otherwise

1082 Section 25. Section **20A-9-701** is amended to read:

1083 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

1084 (1) No later than August 31 of each regular general election year, the lieutenant
1085 governor shall certify to each county clerk, for offices to be voted upon at the regular general
1086 election in that county clerk's county:

1087 (a) the names of each candidate nominated under Subsection 20A-9-202(4)[~~or~~],

1088 Subsection 20A-9-403(5), or Sections 20A-9-412 through 20A-9-417; and

1089 (b) the names of the candidates for president and vice president that are certified by the
1090 registered political party as the party's nominees.

1091 (2) The names shall be certified by the lieutenant governor and shall be displayed on
1092 the ballot as they are provided on the candidate's declaration of candidacy. No other names
1093 may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered
1094 political party, political party, or other political group.

1095 Section 26. Section **63I-2-220** is amended to read:

1096 **63I-2-220. Repeal dates -- Title 20A.**

1097 (1) On January 1, 2021:

1098 (a) Subsection 20A-1-201.5(1), the language that states "Except as provided in
1099 Subsection (4)," is repealed.

1100 (b) Subsection 20A-1-201.5(4) is repealed.

1101 (c) Subsections 20A-1-204(1)(a)(i) through (iii) are repealed and replaced with the
1102 following:

1103 "(i) the fourth Tuesday in June; or

1104 (ii) the first Tuesday after the first Monday in November.".

1105 (d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii),
1106 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection
1107 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.

1108 (e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:

1109 "(b) Unless expressly provided otherwise in this title, for a registered political party
1110 that is not a qualified political party, the deadline for filing a declaration of candidacy for an
1111 elective office that is to be filled at the next regular general election is 5 p.m. on the first
1112 Monday after the third Saturday in April.";

1020 for the last excluded candidate to one of the remaining candidates, in the order of the next
1021 preference indicated by the voter; and

1022 (iii) after complying with Subsection (2)(c)(ii) and Section 20A-9-414:
1023 (A) if only two candidates remain, declaring the remaining candidates nominated; or
1024 (B) if, after all preference votes have been counted, more than two candidates remain
1025 due to a tie, breaking the tie, by lot, in accordance with Section 20A-9-415 and declaring the
1026 two remaining candidates nominated.

1027 Section 21. Section **20A-9-414** is enacted to read:

1028 **20A-9-414. Recount for ranked-choice voting.**

1029 Except as provided in Subsection 20A-9-416(2), a recount is required before excluding
1030 a candidate from a race under Section 20A-9-412 or 20A-9-413, if the difference between the
1031 number of votes counted for the candidate who receives the fewest valid votes in the applicable
1032 ballot-counting phase of the race and the number of votes counted for any other candidate in
1033 the same ballot-counting phase is equal to or less than the product of the following, rounded up
1034 to the nearest whole number:

1035 (1) the total number of voters who cast a valid vote counted in that ballot-counting
1036 phase; and

1037 (2) the recount threshold.

1038 Section 22. Section **20A-9-415** is enacted to read:

1039 **20A-9-415. Breaking a tie for ranked-choice voting.**

1040 (1) The election officer shall break a tie, by lot, in the manner determined by the
1041 election officer, in accordance with Subsection (2).

1042 (2) The election officer shall:

1043 (a) cast or draw the lot in the presence of at least two election officials and any
1044 counting poll watchers who are present and desire to witness the casting or drawing of the lot;
1045 and

1046 (b) sign a public document that identifies:

1047 (i) the tied individuals for whom the lots are cast or drawn;
1048 (ii) the time, date, and place of the casting or drawing of the lot;
1049 (iii) the race and, if applicable, the ballot-counting phase, of the election for which the
1050 tie is broken;

(i) excluding from the multi-candidate race:

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

(B) in the event of a tie for the fewest valid first preference votes counted, one of the candidates, determined by the election officer by lot, in accordance with Section 415;

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

(iii) if, after adding the votes in accordance with Subsection (2)(b)(ii) and complying with section 20A-9-414, one candidate receives more than 50% of the valid votes counted, naming that candidate nominated; and

(c) if, after adding the valid second preference votes in accordance with Subsection i) and complying with Section 20A-9-414, no candidate receives more than 50% of the votes counted, conduct subsequent ballot-counting phases by continuing the process set in Subsection (2)(b) until a candidate receives more than 50% of the valid votes, as follows:

(i) after complying with Section 20A-9-414, excluding from consideration the
state who receives the fewest valid votes counted or, in the event of a tie for the fewest
votes counted, excluding one of the tied candidates, by lot, in accordance with Section
415;

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

(iii) after complying with Section 20A-9-414:

(A) declaring nominated the first candidate who receives more than 50% of the valid counted under the process described in Subsections (2)(c)(i) and (ii); or

B) if the last two remaining candidates tie, breaking the tie, by lot, in accordance with 20A-9-415, and declaring the winner of the tie break nominated.

Section 20. Section **20A-9-413** is enacted to read:

20A-9-413. Ranked-choice voting -- Nonpartisan, multi-candidate, regular race.

896 Section 18. Section **20A-9-409** is amended to read:

897 **20A-9-409. Primary election provisions relating to qualified political party.**

898 (1) The regular primary election is held on the date specified in Section 20A-1-201.5.

899 (2) (a) A qualified political party that nominates ~~one or more candidates for an~~
900 ~~elective~~ more than one candidate for a particular office under Section 20A-9-407 and does not
901 have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not
902 required to, participate in the primary election for that office.

903 ~~[(b) A qualified political party that has only one candidate qualify as a candidate for an~~
904 ~~elective office under Section 20A-9-408 and does not nominate a candidate for that office~~
905 ~~under Section 20A-9-407, may, but is not required to, participate in the primary election for~~
906 ~~that office.]~~

907 ~~[(c)] (b) A qualified political party that nominates one or more candidates for an~~
908 ~~[elective] office under Section 20A-9-407 and has one or more candidates qualify as a~~
909 ~~candidate for that office under Section 20A-9-408 shall participate in the primary election for~~
910 ~~that office.~~

911 ~~[(d)] (c) A qualified political party that has two or more candidates qualify as~~
912 ~~candidates for an [elective] office under Section 20A-9-408 and does not nominate a candidate~~
913 ~~for that office under Section 20A-9-407 shall participate in the primary election for that office.~~

914 (3) ~~[Notwithstanding Subsection (2), in]~~ In an opt-in county, as defined in Section
915 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election
916 for a county commission office if:

917 (a) there is more than one:

918 (i) open position as defined in Section 17-52a-201; or

919 (ii) midterm vacancy as defined in Section 17-52a-201; and

920 (b) the number of candidates nominated under Section 20A-9-407 or qualified under
921 Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number
922 of respective open positions or midterm vacancies.

923 ~~[(4) (a) As used in this Subsection (4), a candidate is "unopposed" if:]~~

924 ~~[(i) no individual other than the candidate receives a certification, from the appropriate~~
925 ~~filings officer, for the regular primary election ballot of the candidate's registered political party~~
926 ~~for a particular elective office; or]~~

834 (6) For a regular primary race described in Subsection 20A-9-402(2), a candidate's
835 nomination is determined, and any tie broken, in accordance with Sections 20-9-412 through
836 20A-9-417.

837 (7) The expense of providing all ballots, blanks, or other supplies to be used at [any] a
838 regular primary election [provided for by this section], and all expenses necessarily incurred in
839 the preparation for or the conduct of that regular primary election shall be paid out of the
840 treasury of the county or state, in the same manner as for the regular general elections.

841 (8) An individual may not file a declaration of candidacy for a registered political party
842 of which the individual is not a member, except to the extent that the registered political party
843 permits otherwise under the registered political party's bylaws.

844 Section 17. Section 20A-9-406 is amended to read:

845 **20A-9-406. Qualified political party -- Requirements and exemptions.**

846 The following provisions apply to a qualified political party:

847 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each
848 odd-numbered year, certify to the lieutenant governor the identity of one or more registered
849 political parties whose members may vote for the qualified political party's candidates and
850 whether unaffiliated voters may vote for the qualified political party's candidates;

851 (2) the following provisions do not apply to a nomination for the qualified political
852 party:

853 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a); and
854 [~~(b) Subsection 20A-9-403(5)(c); and~~]
855 [~~(c)~~] (b) Section 20A-9-405;

856 (3) an individual may only seek the nomination of the qualified political party by using
857 a method described in Section 20A-9-407, Section 20A-9-408, or both;

858 (4) the qualified political party shall comply with the provisions of Sections
859 20A-9-407, 20A-9-408, and 20A-9-409;

860 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer
861 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated
862 by a qualified political party:

863 (a) under the qualified political party's name, if any; or
864 (b) under the title of the qualified registered political party as designated by the

772 (B) reflect a bona fide effort to determine the validity of a candidate's entire
773 submission, using widely recognized statistical sampling techniques; and

774 (ii) provide for the transparent, orderly, and timely submission, verification, and
775 certification of nomination petition signatures.

776 (g) The county clerk shall:

777 (i) review the declarations of candidacy filed by candidates for local boards of
778 education to determine if more than two candidates have filed for the same seat;

779 (ii) place the names of all candidates who have filed a declaration of candidacy for a
780 local board of education seat on the nonpartisan section of the ballot if more than two
781 candidates have filed for the same seat; and

782 (iii) determine the order of the local board of education candidates' names on the ballot
783 in accordance with Section 20A-6-305.

784 (4) (a) Before the deadline described in Subsection 20A-9-409(4)(e)(b), the lieutenant
785 governor shall provide to the county clerks:

786 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
787 county, and county offices who have received certifications under Subsection (3), along with
788 instructions on how those names shall appear on the primary election ballot in accordance with
789 Section 20A-6-305; and

790 (ii) a list of unopposed candidates for elective office who have been nominated by a
791 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
792 unopposed candidates from the primary election ballot.

793 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
794 joint-ticket running mates shall appear jointly on the primary election ballot.

795 (c) After the county clerk receives the certified list from the lieutenant governor under
796 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
797 substantially the following form:

798 "Notice is given that a primary election will be held Tuesday, June ___,
799 _____ (year), to nominate party candidates for the parties and candidates for nonpartisan
800 local school board positions listed on the primary ballot. The polling place for voting precinct
801 _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
802 Attest: county clerk."

710 other political group and a candidate for elective office who is not nominated in the manner
711 prescribed in this section or in Subsection 20A-9-202(4).

712 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
713 even-numbered year in which a regular general election will be held.

714 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
715 shall:

716 (i) either declare the registered political party's intent to participate in the next regular
717 primary election or declare that the registered political party chooses not to have the names of
718 the registered political party's candidates for elective office featured on the ballot at the next
719 regular general election; and

720 (ii) if the registered political party participates in the upcoming regular primary
721 election, identify one or more registered political parties whose members may vote for the
722 registered political party's candidates and whether individuals identified as unaffiliated with a
723 political party may vote for the registered political party's candidates.

724 (b) (i) A registered political party that is a continuing political party shall file the
725 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
726 November 30 of each odd-numbered year.

727 (ii) An organization that is seeking to become a registered political party under Section
728 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
729 political party files the petition described in Section 20A-8-103.

730 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
731 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
732 office on the regular primary ballot of the registered political party listed on the declaration of
733 candidacy only if the individual is certified by the appropriate filing officer as having submitted
734 a set of nomination petitions that was:

735 (i) circulated and completed in accordance with Section 20A-9-405; and

736 (ii) signed by at least 2% of the registered political party's members who reside in the
737 political division of the office that the individual seeks.

738 (b) (i) A candidate for elective office shall submit nomination petitions to the
739 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
740 in March.

648 Section 13. Section **20A-9-401.1** is enacted to read:

649 **20A-9-401.1. Definitions.**

650 As used in this part:

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

652 (a) two less than the total number of candidates in a given canvassing phase of a
653 multi-candidate race; and

654 (b) .02%.

655 (2) "Multi-candidate race" means a race where:

656 (a) for the nomination for a partisan office, the number of candidates who qualify for
657 the race exceeds two; or

658 (b) for the nomination for a non-partisan office, the number of candidates who qualify
659 for the race exceeds three.

660 (3) "Recount threshold" means the sum of the candidate amplifier and the following:

661 (a) for a canvassing phase in which fewer than 100 valid votes are counted, 0.21%;

662 (b) for a canvassing phase in which at least 100, but fewer than 500, valid votes are
663 counted, 0.19%;

664 (c) for a canvassing phase in which at least 500, but fewer than 1,000, valid votes are
665 counted, 0.17%;

666 (d) for a canvassing phase in which at least 1,000, but fewer than 5,000, valid votes are
667 counted, 0.15%;

668 (e) for a canvassing phase in which at least 5,000, but fewer than 10,000, valid votes
669 are counted, 0.13%; and

670 (f) for a canvassing phase in which 10,000 or more valid votes are counted, 0.11%.

671 (4) "Valid" means that the ballot is marked in a manner that permits the vote to be
672 counted during the applicable ballot-counting phase.

673 Section 14. Section **20A-9-401.2**, which is renumbered from Section 20A-9-401 is
674 renumbered and amended to read:

675 **[20A-9-401]. 20A-9-401.2. Primary elections.**

676 (1) This part shall be construed liberally so as to ensure full opportunity for persons to
677 become candidates and for voters to express their choice.

678 (2) This part may not be construed to govern or regulate the internal procedures of a

586 applicable clerk described in Subsection (6)(c) or (d);
587 (c) the county clerk, for county offices and local school district offices;
588 (d) the county clerk in the filer's county of residence, for multicounty offices;
589 (e) the city or town clerk, for municipal offices; or
590 (f) the local district clerk, for local district offices.
591 (7) "Local district office" means an elected office in a local district.
592 (8) "Local government office" includes county offices, municipal offices, and local
593 district offices and other elective offices selected by the voters from a political division entirely
594 within one county.
595 (9) (a) "Multicounty office" means an elective office where the officeholder is selected
596 by the voters from more than one county.
597 (b) "Multicounty office" does not mean:
598 (i) a county office;
599 (ii) a federal office;
600 (iii) the office of justice or judge of any court of record or not of record;
601 (iv) the office of presidential elector;
602 (v) any political party offices; or
603 (vi) any municipal or local district offices.
604 (10) "Municipal office" means an elective office in a municipality.
605 (11) (a) "Political division" means a geographic unit from which an officeholder is
606 elected and that an officeholder represents.
607 (b) "Political division" includes a county, a city, a town, a local district, a school
608 district, a legislative district, and a county prosecution district.
609 (12) "Qualified political party" means a registered political party that:
610 (a) (i) permits a delegate for the registered political party to vote on a candidate
611 nomination in the registered political party's convention remotely; or
612 (ii) provides a procedure for designating an alternate delegate if a delegate is not
613 present at the registered political party's convention;
614 (b) does not hold the registered political party's convention before the fourth Saturday
615 in March of an even-numbered year;
616 (c) permits a member of the registered political party to seek the registered political

524 certifying voting equipment that has been certified by:

525 (A) the United States Election Assistance Commission; or

526 (B) a laboratory that has been accredited by the United States Election Assistance
527 Commission to test voting equipment.

528 (b) (i) Voting equipment used in the state may include technology that allows for
529 ranked-choice voting.

530 (ii) The lieutenant governor may, for voting equipment used for ranked-choice voting
531 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or
532 Sections 20A-9-412 through 20A-9-417 certify voting equipment that has been successfully
533 used within the United States or a territory of the United States for ranked-choice voting for a
534 race for federal office.

535 Section 11. Section **20A-6-203.5** is amended to read:

536 **20A-6-203.5. Ranked-choice or instant runoff voting ballot.**

537 (1) If, in a regular primary election, at least one of the races is conducted by

538 ranked-choice voting under Sections 20A-9-412 through 20A-9-417, the portion of the ballot
539 relating to that race shall:

540 (a) list each candidate who qualifies to be placed on the election ballot for that race;
541 and

542 (b) opposite each candidate's name, include a place where a voter can indicate the
543 voter's vote in order of preference, as described in Sections 20A-9-412 through 20A-9-417:

544 (i) for each candidate, if there are five or fewer candidates for the office; or
545 (ii) for up to five candidates, if there are six or more candidates for the office.

546 (2) If, in an election, at least one of the races is conducted by instant runoff voting

547 under [Title 20A,] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the
548 portion of the ballot relating to that race shall:

549 [1] (a) list each candidate who qualifies to be placed on the election ballot for that
550 race;

551 [2] (b) opposite each candidate's name, include a place where a voter can indicate the
552 voter's vote in order of preference for each candidate, as described in [Title 20A,] Chapter 4,
553 Part 6, Municipal Alternate Voting Methods Pilot Project; and

554 [3] (c) provide the ability for a voter to enter a write-in candidate's name and indicate

462 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
463 days after the day of the canvass with the person described in Subsection (2)(c).

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

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

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

476 (d) The election officer shall:

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

480 Disposition of Ballots; and

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

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

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

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

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

490 (b) The board of canvassers shall:

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

400 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.

401 (6) Instead of publishing the entire certified report under Subsection (5), the election

402 officer may publish a statement that:

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

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

405 election]."; and

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

407 the entire certified report:

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

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

410 (iii) a mailing address and telephone number.

411 (7) When there has been a regular general or a statewide special election for statewide

412 officers, for officers that appear on the ballot in more than one county, or for a statewide or two

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

414 (a) prepare a separate report detailing the number of votes for each candidate and the

415 number of votes for and against each ballot proposition; and

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

417 (8) In each county election, municipal election, school election, local district election,

418 and local special election, the election officer shall transmit the reports to the lieutenant

419 governor within 14 days after the date of the election.

420 (9) In a regular primary election and in a presidential primary election, the board shall

421 transmit to the lieutenant governor:

422 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant

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

424 (b) a complete tabulation showing voting totals for all primary races, precinct by

425 precinct, to be mailed to the lieutenant governor on or before the third Friday following the

426 primary election.

427 Section 9. Section **20A-4-401** is amended to read:

428 **20A-4-401. Recounts -- Procedure.**

429 (1) (a) This section does not apply to a race conducted by instant runoff voting under

430 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or ranked-choice voting

338 returns in containers that identify the containers' contents.

339 (2) After the ballots are stored under Subsection (1), the ballots may not be examined
340 by anyone, except when examined during a recount conducted under the authority of Section
341 20A-4-401 [or], Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
342 Project, or Section 20A-9-414.

343 Section 8. Section **20A-4-304** is amended to read:

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

344 (1) Each board of canvassers shall:

345 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or
346 Sections 20A-9-412 through 20A-9-417, declare "elected" or "nominated" those persons who:
347
348 (i) had the highest number of votes; and
349 (ii) sought election or nomination to an office completely within the board's
350 jurisdiction;

351 (b) declare:

352 (i) "approved" those ballot propositions that:
353 (A) had more "yes" votes than "no" votes; and
354 (B) were submitted only to the voters within the board's jurisdiction;
355 (ii) "rejected" those ballot propositions that:
356 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
357 votes; and
358 (B) were submitted only to the voters within the board's jurisdiction;

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

362 (d) if applicable, certify the results of each local district election to the local district
363 clerk.

364 (2) As soon as the result is declared, the election officer shall prepare a report of the
365 result, which shall contain:

366 (a) the total number of votes cast in the board's jurisdiction;
367 (b) the names of each candidate whose name appeared on the ballot;
368 (c) the title of each ballot proposition that appeared on the ballot;

276 Section 20A-4-105;

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

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

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

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

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

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

289 Section 6. Section **20A-4-105** is amended to read:

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

291 (1) (a) An election officer shall ensure that when a question arises regarding a vote
292 recorded on a manual ballot, two counting judges jointly adjudicate the ballot, except as
293 otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections
294 20A-9-412 through 20A-9-417, in accordance with the requirements of this section.

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

297 (2) Except as provided in Subsection (10), Subsection 20A-3a-204(6) or (7), [or] Part
298 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through
299 20A-9-417, if a voter marks more names than there are individuals to be elected to an office, or
300 if the counting judges cannot determine a voter's choice for an office, the counting judges may
301 not count the voter's vote for that office.

302 (3) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot
303 Project, or Sections 20A-9-412 through 20A-9-417, the counting judges shall count a defective
304 or incomplete mark on a manual ballot if:

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

306 (b) there is no other mark or cross on the ballot indicating the voter's intent to vote

214 (a) to the extent applicable, Section 20A-4-105; [and]
215 (b) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6,
216 Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3)[-]; and
217 (c) as applicable, for a ranked-choice voting race in a regular primary election, Section
218 20A-9-417.

219 Section 5. Section **20A-4-102** is amended to read:

220 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at
221 polling place on day of election after polls close.**

222 (1) (a) This section governs counting manual ballots on the day of an election, if:
223 (i) the ballots are cast at a polling place; and
224 (ii) the ballots are counted at the polling place after the polls close.
225 (b) Except as provided in Subsection (2) or a rule made under Subsection
226 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,
227 the election judges shall count the ballots by performing the tasks specified in this section in
228 the order that they are specified.

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

231 (i) to the extent applicable, Section 20A-4-105; [and]
232 (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate
233 Voting Methods Pilot Project, Subsection 20A-4-603(3)[-]; and
234 (iii) as applicable, for a ranked-choice voting race in a regular primary election, Section
235 20A-9-417.

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

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

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

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

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

154 (b) may not:

155 (i) occupy a voting booth occupied by another, except as provided in Section
156 20A-3a-208;

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

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

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

162 [¶] (10) A poll worker may not, at a polling place, allow more than four voters more
163 than the number of voting booths into the voting area at one time unless those excess voters
164 are:

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

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

169 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**
170 **polling place on day of election before polls close.**

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

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

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

76 (2) (a) Each county legislative body or municipal legislative body shall require the persons close.

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

79 (ii) a counting room for the use of the poll workers mentioned in 1(1)(b) and 1(1)(c).

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

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

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

(e) the voter shall:

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

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

(iii) securely seal the return envelope; and

(iv) (A) attach postage, if necessary, and deposit the *return envelope* in a mail box.

(B) place the return envelope in a ballot drop box in the mail; or

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

(i) clearly postmarked before election day, or otherwise clearly marked by the post office as received by the post office before election day.

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

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

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

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

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

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

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

28 **20A-1-303**, as last amended by Laws of Utah 2018, Chapter 187
29 **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187
30 **20A-3a-204**, as enacted by Laws of Utah 2020, Chapter 31
31 **20A-4-101**, as last amended by Laws of Utah 2020, Chapter 31
32 **20A-4-102**, as last amended by Laws of Utah 2020, Chapters 31 and 49
33 **20A-4-105**, as last amended by Laws of Utah 2020, Chapters 31 and 49
34 **20A-4-106**, as last amended by Laws of Utah 2020, Chapter 31
35 **20A-4-304**, as last amended by Laws of Utah 2019, Chapters 255 and 433
36 **20A-4-401**, as last amended by Laws of Utah 2020, Chapter 31
37 **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305
38 **20A-6-203.5**, as enacted by Laws of Utah 2018, Chapter 187
39 **20A-9-101**, as last amended by Laws of Utah 2020, Chapter 344
40 **20A-9-402**, as last amended by Laws of Utah 1996, Second Special Session, Chapter 3
41 **20A-9-403**, as last amended by Laws of Utah 2020, Chapter 22
42 **20A-9-406**, as last amended by Laws of Utah 2020, Chapters 22, 31, and 49
43 **20A-9-409**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
44 **20A-9-701**, as last amended by Laws of Utah 2015, Chapter 296
45 **63I-2-220**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17
46 ENACTS:

47 **20A-9-401.1**, Utah Code Annotated 1953
48 **20A-9-412**, Utah Code Annotated 1953
49 **20A-9-413**, Utah Code Annotated 1953
50 **20A-9-414**, Utah Code Annotated 1953
51 **20A-9-415**, Utah Code Annotated 1953
52 **20A-9-416**, Utah Code Annotated 1953
53 **20A-9-417**, Utah Code Annotated 1953

54 RENUMBERS AND AMENDS:

55 **20A-9-401.2**, (Renumbered from 20A-9-401, as enacted by Laws of Utah 1994,
56 Chapter 1)

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

----- Forwarded message -----

From: **Justin Lee** <justinlee@utah.gov>
Date: Sun, Nov 8, 2020 at 5:33 PM
Subject: Re: TRACK YOUR BALLOT
To: Sherrie Swensen <SSwensen@slco.org>
Cc: Lannie Chapman <LKChapman@slco.org>, Jenn Fowler <JLFowler@slco.org>, Hatch,Ricky <rhatch@co.weber.ut.us>

You'd think the phrase track my mail or provisional ballot would clue them in. We can make an adjustment there.

Justin

On Nov 8, 2020, at 5:17 PM, Sherrie Swensen <SSwensen@slco.org> wrote:

Hi Justin,

We are being slammed with emails and phone calls from voters who are trying to use TRACK YOUR BALLOT to verify if their **in-person ballot** was counted. When they see the message that a ballot was mailed to them, they think their vote didn't count. Will you PLEASE change the message and let voters know that the tool doesn't apply to those who voted in person?

Thank you,

<image007.png> **Sherrie Swensen**

Salt Lake County Clerk
SSwensen@slco.org
385-468-7370
<image008.png>

<image009.jpg>
[SLCO Clerk Website](#)

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mjackson@co.davis.ut.us; mrowley@co.millard.ut.us; myoung@boxeldercounty.org; rjudd@summitcounty.org; rwheeler@utah.gov; ryan@wayne.utah.gov; scwall@sevier.utah.gov; seth.marsing@carbon.utah.gov; slafitte@morgan-county.net; slyon@sanpeteountyutah.gov; smoore@slco.org; sneill@sanpeteountyutah.gov; SSWENSEN@SLCO.ORG; stingley@slco.org; stsai@slco.org; swilkerson@morgan-county.net; tduncan@uintah.utah.gov; tlake@morgan-county.net; tmcmillin@beaver.utah.gov; wmcknight@wasatch.utah.gov; lincoln@uacnet.org; zeke@uacnet.org; Lindsey Parkinson <Imparkinson87@gmail.com>; qhall@grandcountyutah.net; Shanel Bess <sbess@ironcounty.net>; Brandy Grace <brandy@uacnet.org>; Cowley, Ryan <rcowley@co.weber.ut.us>; hunter@uacnet.org
Subject: [EXTERNAL]RE: HB197-Voter affiliation - please take survey before Friday 10 AM

CAUTION:This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

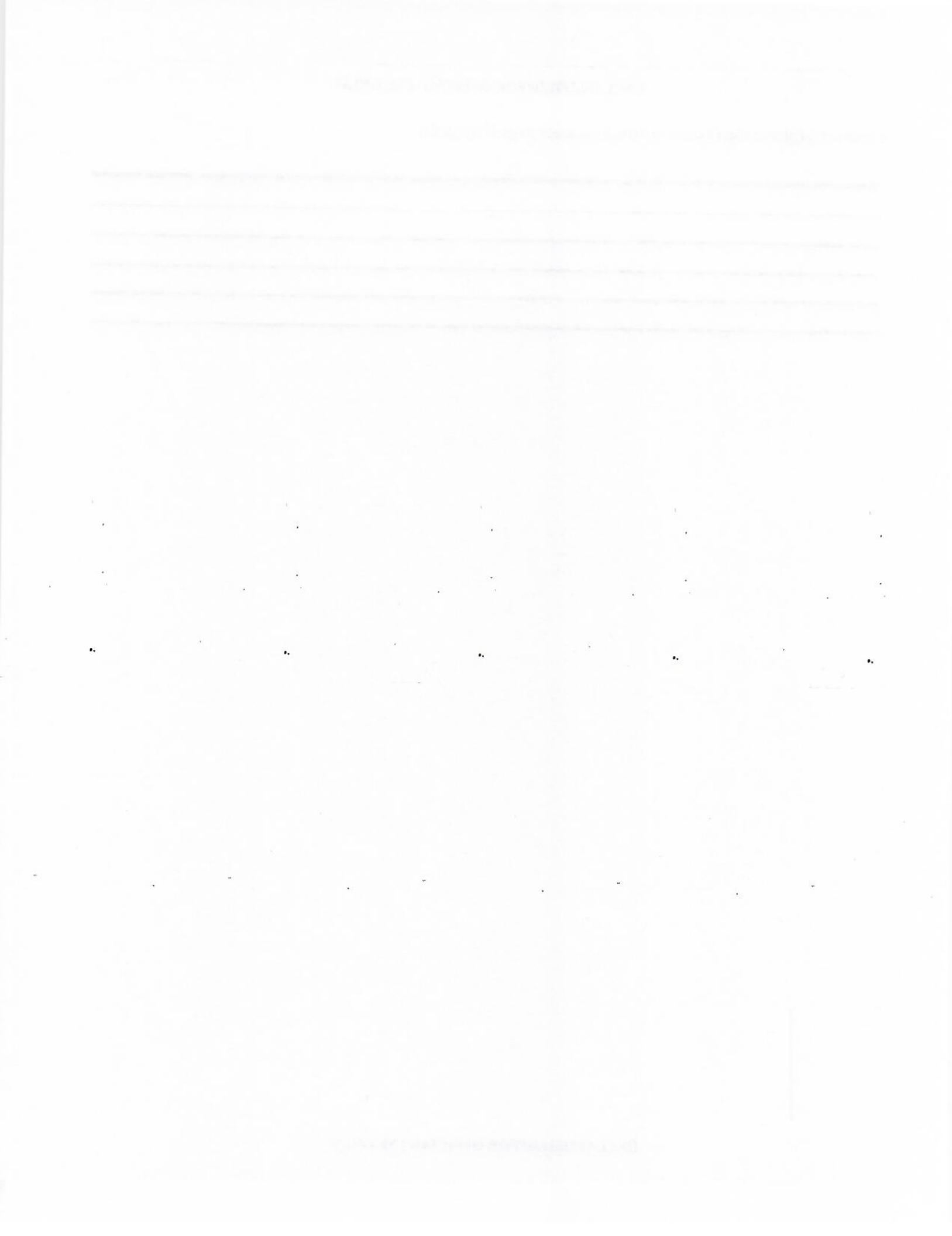
*Please remind me, does this mean the voters cannot change parties on election day, March 31st would be the end?
Including unaffiliated voters?*

Marilyn

*Marilyn K. Gillette
Tooele County Clerk
47 S. Main, Suite #318
Tooele, UT 84074
435-843-3148/435-830-5463
mgillette@tooeleco.org*



From: Mike Wilkins <mwilkins@uintah.utah.gov>
Sent: Friday, February 5, 2021 7:58 AM
To: Hatch, Ricky <rhatch@co.weber.ut.us>
Cc: alainal@juabcounty.com; bacrowther@sevier.utah.gov; bmckenzie@co.davis.ut.us; bpeart@richcountyut.org; braymond@daggettcounty.org; BrendaT@emery.utah.gov; bryan@uacnet.org; camille.moore@garfield.utah.gov; ckoch@co.davis.ut.us; clerkkj@kane.utah.gov; cycling@utah.gov; datapro@manti.com; dianna.schaeffer@cachecounty.org; djessen@ironcounty.net; Intern, Elections <electionintern@co.weber.ut.us>; gingermcmillin@beaver.utah.gov; jdnielson@sanjuancounty.org; jevans@duchesne.utah.gov; JGranger@wasatch.utah.gov; jjhansen@utah.gov; justin.anderson@cachecounty.org; justinlee@utah.gov; jwhittaker@ironcounty.net; kgleave@piute.utah.gov; kim.hafen@washco.utah.gov; krobinson@summitcounty.org; lkchapman@slco.org; lori.perez@carbon.utah.gov; lshafer@utah.gov; Taylor, Lynn <ltaylor@co.weber.ut.us>; markm@utah.gov; mcrook@wasatch.utah.gov; melanie.abplanalp@washco.utah.gov; Marilyn Gillette <mgillette@tooeleco.org>; mhoward@summitcounty.org; mjackson@co.davis.ut.us; mrowley@co.millard.ut.us; myoung@boxeldercounty.org; rjudd@summitcounty.org; rwheeler@utah.gov; ryan@wayne.utah.gov; scwall@sevier.utah.gov; seth.marsing@carbon.utah.gov; slafitte@morgan-county.net; slyon@sanpeteountyutah.gov; smoore@slco.org; sneill@sanpeteountyutah.gov; SSWENSEN@SLCO.ORG; stingley@slco.org; stsai@slco.org; swilkerson@morgan-county.net; tduncan@uintah.utah.gov; tlake@morgan-county.net; tmcmillin@beaver.utah.gov; wmcknight@wasatch.utah.gov; lincoln@uacnet.org; zeke@uacnet.org; Lindsey Parkinson <Imparkinson87@gmail.com>; qhall@grandcountyutah.net; Shanel Bess <sbess@ironcounty.net>; Brandy Grace <brandy@uacnet.org>; Cowley, Ryan <rcowley@co.weber.ut.us>; hunter@uacnet.org



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FBI Customer Satisfaction Survey

Please take a moment to complete this survey and help evaluate the quality, value, and relevance of our product. Your response will help us serve you more effectively and efficiently in the future. Thank you for your cooperation and assistance. Please return to:
Federal Bureau of Investigation
CRIMINAL INVESTIGATIVE DIVISION

Customer and Product Information

NSIR Tracking ID: NSIR-

Product Title: (U//FOUO) [REDACTED]

Platforms

Dated:

Customer Agency: _____

Relevance to Your Intelligence Needs

1. The product increased my knowledge of an issue or topic. (Check one)
 5. Strongly Agree
 4. Somewhat Agree
 3. Neither Agree or Disagree
 2. Somewhat Disagree
 1. Strongly Disagree

Actionable Value

2. The product helped me decide on a course of action. (Check one)
 5. Strongly Agree
 4. Somewhat Agree
 3. Neither Agree or Disagree
 2. Somewhat Disagree
 1. Strongly Disagree

Timeliness Value

3. The product was timely to my needs. (Check one)
 5. Strongly Agree
 4. Somewhat Agree
 3. Neither Agree or Disagree
 2. Somewhat Disagree
 1. Strongly Disagree

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Sent: Friday, February 19, 2021 9:19 AM
To: Sherrie Swensen <SSwensen@slco.org>
Cc: Lannie Chapman <LKChapman@slco.org>
Subject: Fwd: Utah voting systems

Good morning Sherrie,

The email below is from a Salt Lake County resident. I'm going to reach out to her, but before I did I wondered if you had any contact with this individual. Has she ever reached out to your office?

Thanks,
Justin

Justin Lee
Director of Elections
Office of the Lieutenant Governor
State of Utah
justinlee@utah.gov

----- Forwarded message -----

From: [REDACTED] [REDACTED]
Date: Tue, Feb 16, 2021 at 3:16 PM
Subject: Utah voting systems
To: <markm@utah.gov>

Dear Mr. Mitchell,

As the Director of Voting Systems, I'm hoping you can answer my questions. I phoned the Lt. Governor's office but was unable to get through to you. If you have a direct number, I'd be happy to call to discuss my questions.

In Utah code 20a-5-802, section 1a mentions a logic and accuracy test. Who does that testing? Is that a State official or a contracted company? If a contracted company, how is that company chosen? Is there a report made after these tests? If so, where could the public view these reports?

In section 2a(iii), it indicates that the Lt. governor can comply with requirements of 2a (to certify the systems) by certifying equipment certified by the EAC or one of their accredited contractors. Did the Lt. Governor opt for one of these latter options? If so, which one? Was this method used in all UT counties? If not, could you please elaborate on which method was used in which