

From: Sherrie Swensen
To: [Justin Lee](#)
Cc: [Lannie Chapman](#)
Subject: RE: Utah voting systems
Date: Friday, February 19, 2021 10:20:36 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Thank you Justin.

From: Justin Lee <justinlee@utah.gov>
Sent: Friday, February 19, 2021 9:30 AM
To: Sherrie Swensen <sswensen@slco.org>
Cc: Lannie Chapman <LKChapman@slco.org>; Jenn Fowler <JLFowler@slco.org>
Subject: Re: Utah voting systems

Thank you. I'll let you know how my conversation with her goes. She might reach out to you after we talk.

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

On Fri, Feb 19, 2021 at 9:28 AM Sherrie Swensen <sswensen@slco.org> wrote:

Hi Justin,

I searched my emails and the got-vote emails and I have not received an email from [REDACTED].



Sherrie Swensen
Salt Lake County Clerk
sswensen@slco.org
385-468-7370



[SLCO Clerk Website](#)

From: Justin Lee <justinlee@utah.gov>

counties? If an accredited contractor (or contractors) was used, which one? How was that contractor chosen? Is a report or certificate issued of the certification of voting systems? If so, how can the public view this document?

The EAC website indicates that Salt Lake County does not use EAC accredited systems. Why is that? What are they using? If their systems are not accredited by the EAC, how is the Lt. Governor ensuring they meet the requirements in section 2a(ii)? Is the same method of certification used for Salt Lake County machines as is used in other counties? If not, how are Salt Lake County machines certified? Is a report available for their certification? If so, how can the public view this document?

I contacted the Lt. Governor's office a couple of weeks ago to ask where to find previous election audits. However, no one has responded to my inquiry. Perhaps you could help direct me? According to Verifiedvoting.org, they should be posted on the Lt. Governor's website, but I cannot locate them there. Could you tell me where they are posted for public viewing?

Finally, I have grave concerns about the voting systems we use in Utah for our elections. The attention these machines are finally getting nationally, has given me hope that we might finally address their vulnerability to outside influence. While the highly contested states have clearly shown there is reason to be concerned, other states are now finding reason to question their own vote counts. Just this past week New Hampshire found significant discrepancies in down ballot races after a hand count. A simple audit of these machines is not sufficient to find many of these problems. Facing the fact that there may be a problem with our machines is not a popular topic among our elected officials as it requires them to question the validity of their own contests and the possibility that they are not duly elected. How would you suggest Utah begin an honest inquiry into our voting systems to ensure that we truly have an election we can feel confident is accurate and safe from potential outside tampering?

Thank you for your time. I look forward to receiving your answers to my questions.

[REDACTED]
[REDACTED]
[REDACTED]
Holladay, UT
84117

From: Brian Newby on behalf of [REDACTED]
To: apmiller@dchoe.org; arsosmm@gmail.com; astarling@tnafcio.org; Anthony.Stevens@sos.nh.gov; auditor@co.jasper.la.us; Aulii.c.tenn@hawaii.gov; bgoeckner@outlook.com; bking@iec.in.gov; bmatthews@elections.il.gov; bmosley@lafayettecoms.com; bpkemp@sos.ga.gov; bryan.caskey@sos.ks.gov; BuckhouseD@casscountynynd.gov; BWestfall@wvsos.com; bwood@putnamwv.org; carol.morris@elections.ok.gov; carol.thompson@alaska.gov; Carri.Crum@claycountysd.org; Chris.Piper@elections.virginia.gov; chris.peters@sos.mo.gov; DCorson@mt.gov; debby.erickson@crowwing.us; derrin.robinson@co.harney.or.us; dkunko@co.chaves.nm.us; dorsetderk@gmail.com; douglas.kellner@elections.ny.gov; dousan@oklahomacounty.org; dshively@lancaster.ne.gov; dwight.shellman@sos.state.co.us; elaine.manlove@state.de.us; elections@cobma.us; elections@traviscountytx.gov; espencer@azsos.gov; fiti.tavai@gmail.com; gary.poser@state.mn.us; Griddlemoser@staffordcountyva.gov; HARSMANS@mcchio.org; Hawley.robertson@sos.ms.gov; Heather.Doxon@nebraska.gov; howard.sholl@state.de.us; Howell@sos.mo.gov; jacksoncountyclerk@gmail.com; jared.dearing@ky.gov; jerry.pettit@co.kittitas.wa.us; jgonzales@co.albany.wy.us; jmarks@pa.gov; joe.iseke@gec.guam.gov; John.Merrill@sos.alabama.gov; jodie.bahnke@alaska.gov; jpg@clarkcountynv.gov; JRoncelli@bloomfieldtwp.org; jsilrum@nd.gov; julie.flynn@maine.gov; justinlee@utah.gov; jwendland@sos.nv.gov; kai.schon@wyo.gov; Kari.Fresquez@state.nm.us; katie.brown@maryland.gov; ken.kline@sos.iowa.gov; kenny.barger@ky.gov; kevernay.douglas@vi.gov; kingram@sos.texas.gov; KLJ@portlandmaine.gov; Kristin.Gabriel@state.sd.us; kyle.ardoin@sos.la.gov; lbailey@augustaga.gov; lealofi.uiagalelei@eo.as.gov; lgough@earthlink.net; lhmoor@hotmail.com; LPhaneuf@burrillville.org; lvonnessi@aol.com; lynnjones@calderkofcourt.com; marci@elections.sc.gov; Maria.Matthews@dos.myflorida.com; maria.pangelinan@gec.guam.gov; Mark.Goins@tn.gov; Meagan.Wolfe@wisconsin.gov; mgill@dchoe.org; Michael.Dickerson@mecklenburgcountync.gov; Michelle.Tassinari@sec.state.ma.us; Neal.kelley@rov.ocgov.com; nikki.charlson@maryland.gov; pattyweeks@co.nezperce.id.us; peggy.reeves@ct.gov; plux@co.okaloosa.fl.us; pwolfe@ohiosecretaryofstate.gov; rachel.bledi@albanycounty.com; rallende@cee.gobierno.pr; mooore@cascadecountymt.gov; Robert.Giles@sos.nj.gov; robertd@pointing.com; rock@sos.ri.gov; rsantos@co.weld.co.us; rvalenzuela@risc.maricopa.gov; sbrewer@co.butler.pa.us; Shirley.magarifuji@mauicounty.us; SLapsley@sos.ca.gov; Sherrie.Swensen; Steve.trout@state.or.us; stevenreed@mc-ala.org; stuart.holmes@sos.wa.gov; tdecario@waterburyct.org; tgray@jeffersoncountyclerk.org; thurst@sos.idaho.gov; TR_county_clerk@wan.kdor.state.ks.us; trethlake@co.st-joseph.in.us; veronica.degraffenreid@ncsbe.gov; wanda.hemphill@yorkcountygov.com; WaValez@cee.gobierno.pr; will.senning@sec.state.vt.us; WilliamsS1@michigan.gov
Cc: Christy McCormick; Thomas Hicks; Cliff Tatum
Subject: Situational Information on Suppressing Voter Turnout by the FBI
Date: Friday, November 2, 2018 8:16:18 AM
Attachments: [Voter Suppression NSIR final.pdf](#)

Dear Standards Board Member:

On behalf of EAC Vice-Chair Christy McCormick, the Designated Federal Officer of the EAC's Standards Board, I am forwarding, at the request of the FBI, an alert the department shared with me this morning concerning voter suppression.

This information is intended for federal, state, and local government officials only. [REDACTED]

Have a great day,



**NATIONAL SITUATIONAL INFORMATION REPORT
FEDERAL BUREAU OF INVESTIGATION**

Tradecraft Alert

Criminal Investigative Division (CID)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

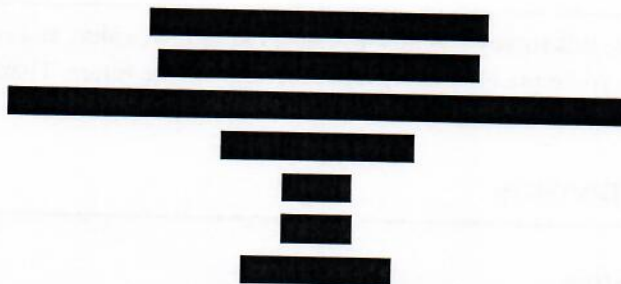
[REDACTED]

(U//FOUO) Warning: This is an information report, not finally evaluated intelligence. It is being shared for informational purposes but has not been fully evaluated, integrated with other information, interpreted, or analyzed. Receiving agencies are cautioned not to take actions based solely on this raw reporting unless the information is independently verified. A presumption of innocence still exists for any entity or person being reported on in this report.

(U//FOUO) Note: This product reflects the views of the CRIMINAL INVESTIGATIVE Division

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Comments (please use reverse or attach separate page if needed):

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Michelle Blue

From: Curtis Koch <ckoch@co.davis.ut.us>
Sent: Thursday, February 2, 2017 10:05 AM
To: alainal@juabcounty.com; arie@uacnet.org; bacrowther@sevier.utah.gov; bmckenzie@co.davis.ut.us; bpeart@richcountyut.org; brendat@emery.utah.gov; bryant@utahcounty.gov; btitcomb@co.wasatch.ut.us; clerkkj@kane.utah.gov; datapro@manti.com; david%ironcounty.net@gtempaccount.com; dcarroll@grandcountyutah.net; gcclerk@mountainwest.net; ginger McMullin@beaver.utah.gov; jdnielson@sanjuancounty.org; jevans@duchesne.utah.gov; jill.zollinger@cachecounty.org; jjhansen@utah.gov; justinlee@utah.gov; jwhittaker@ironcounty.net; kentjones@summitcounty.org; kgleave@piute.utah.gov; kim.gardner@cachecounty.org; kim.hafen@washco.utah.gov; kjclerk@kane.utah.gov; kpallesen@daggettcounty.org; krobison@summitcounty.org; Taylor, Lynn; markm@utah.gov; Melanie.Abplanalp@washco.utah.gov; mgillette@tooeleco.org; Jackson, Michelle; mjthomas@utah.gov; mrowley@co.millard.ut.us; mwilkins@uintah.utah.gov; myoung@boxeldercounty.org; Pam Tueller; Cowley, Ryan; Rashelle Hobbs; rjudd@summitcounty.org; Rozan Mitchell; ryan@wayne.utah.gov; sancoclerk@gmail.com; scottch@utahcounty.gov; scwall@sevier.utah.gov; seth.oveson@carbon.utah.gov; slafitte@morgan-county.net; Sherrie Swensen; tamra.stones@cachecounty.org; tbruckner@uintah.utah.gov; tlake@morgan-county.net; tmcMullin@beaver.utah.gov; Ricky Hatch
Subject: County Clerk Association Opposing SB114 - Election Amendment(Sample Text)
Attachments: SB114.docx; 2018 SB 114 proposed fix calendar.xlsx

Senator/Representative,

I am writing to encourage you to **oppose SB 114 1st Sub. - Election Law Administration**. As the individual responsible for administering elections in XXXXXXXXX County, I want you to know that the bill is **administratively impossible to implement**. Here are the key administrative challenges of the bill:

- From the moment we know that a run off is needed, we have 7 business days until the ballot must be mailed.
- The bill has no time consideration if a recount is needed. As written, it would make the impossible timeline even more impossible.
- The bill has no time consideration for a contested election.
- The County Clerk's who actually administer elections had no input on this bill prior to it being made public as the Lt. Gov. office was not authorized to share the bill.

The Clerks have proposed a solution that provides the necessary time to conduct a secure, efficient, and accurate election. This would require moving the primary election to the first week in June. Attached is a more complete explanation of our concerns and a timeline for our proposed solution.

Thank you for your consideration on this bill,

XXXXXXXXXX

Michelle Blue

From: Cowley,Ryan <rcowley@co.weber.ut.us>
Sent: Monday, February 8, 2021 10:02 AM
To: Marilyn Gillette; Mike Wilkins; Hatch,Ricky
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; cyingling@utah.gov; datapro@manti.com; dianna.schaeffer@cachecounty.org; djessen@ironcounty.net; Intern,Elections; ginger McMullin@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; Lannie Chapman; lori.perez@carbon.utah.gov; lshafer@utah.gov; Taylor,Lynn; markm@utah.gov; mcrook@wasatch.utah.gov; melanie.abplanalp@washco.utah.gov; 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@sanpetecountyutah.gov; Stephen Moore; sneill@sanpetecountyutah.gov; Sherrie Swensen; Scott Tingley; Stuart Tsai; swilkerson@morgan-county.net; tduncan@uintah.utah.gov; tlake@morgan-county.net; tmcullin@beaver.utah.gov; wmcknight@wasatch.utah.gov; lincoln@uacnet.org; zeke@uacnet.org; Lindsey Parkinson; qhall@grandcountyutah.net; Shaneal Bess; Brandy Grace; hunter@uacnet.org
Subject: RE: HB197-Voter affiliation - please take survey before Friday 10 AM

It would be the last day to switch or join parties. Same day affiliation would not be allowed.

Ryan Cowley
Elections Director - MPA, CERA
801-399-8036

Weber County
2380 Washington Blvd
Ogden, UT 84401
www.weberelections.com

From: Marilyn Gillette <mgillette@tooeleco.org>
Sent: Monday, February 8, 2021 9:43 AM
To: Mike Wilkins <mwilkins@uintah.utah.gov>; 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; cyingling@utah.gov; datapro@manti.com; dianna.schaeffer@cachecounty.org; djessen@ironcounty.net; Intern,Elections <electionintern@co.weber.ut.us>; ginger McMullin@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; mhoward@summitcounty.org;

<rcowley@co.weber.ut.us>; hunter@uacnet.org

Subject: Re: HB197-Voter affiliation - please take survey before Friday 10 AM

Be sure to ask for his personal phone number so when voters come in to complain that they are not allowed to affiliate or change party after that date we have a phone number to give to them to complain to. because you know that we are the ones on the front line that is going to get all the complaints.

Michael W. Wilkins
Uintah County Clerk-Auditor
147 East Main
Vernal, UT 84078
435-781-5362

"Take Care of your employees and they will take care of your business. It's as simple as that."
Richard Branson

On Thu, Feb 4, 2021 at 10:53 PM Hatch,Ricky <rhatch@co.weber.ut.us> wrote:

Rep. Teuscher has changed the affiliation deadline from Jan. 1st to March 31st (in even years), which is fairly close to the deadline that many of our group said would get them to neutral (we currently oppose). Curtis and I are meeting with the Representative Friday at 11 AM, and we would like to know the group's position on this specific change before the meeting.

Please complete this one-question survey (one response per county, please) before 10 AM so we have time to see what the group's feelings are with this new proposal.

https://es.sonicurlprotection-sjl.com/click?PV=1&MSGID=202102081645020120064&URLID=2&ESV=10.0.6.3447&IV=D4D1C4FF3797AD5E01EDCA740C76281A&TT=1612802703347&ESN=GQxe8%2BHqdgFPfPFZRsYUsBdJsGkPUc1ObmQ%2BysVs29U%3D&KV=1536961729279&ENCODED_URL=https%3A%2F%2Fwww.surveymonkey.com%2Fr%2FGWYGLRG&HK=8459E47D3094FB6F97ADD075AE711197A4F02189CC63CBBF6EFC9E5EF65C829D

The representative has proactively reached out to us multiple times, even though Leadership assured him that there are enough votes to pass the bill regardless of our input, so I'd like to show him that we're responsive to his efforts to work with us. He seems to be interested in elections, and could become a good advocate, or at least a listening legislator, and we definitely appreciate those kinds of legislators!

Thanks!
R.

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From: Sherrie Swensen
To: [Justin Lee](#)
Cc: [Lannie Chapman](#); [Jenn Fowler](#); [Ronald Buckley](#); [Hatch, Ricky](#)
Subject: RE: TRACK YOUR BALLOT
Date: Sunday, November 8, 2020 6:07:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Thank you Justin. When have we ever had to track ballots for people who voted in person?

I forwarded just a couple of the messages to you so you could see where the confusion is.

I don't want to ignore these messages from voters and leave them thinking their ballot didn't count. I had nearly 200 messages in the got-vote email, and many of them were pertaining to this issue. (It is down to 62 now.)

It is difficult enough to help people track their ballot when they did actually vote by mail. Some of them enter their information incorrectly and they think the error message means there was an error on their ballot. I am actually tracking their ballot for them and sending them a snipping from your website that shows their ballot was counted.



Sherrie Swensen
Salt Lake County Clerk
sswensen@slco.org
385-468-7370



[SLCO Clerk Website](#)

From: Justin Lee <justinlee@utah.gov>
Sent: Sunday, November 8, 2020 5:41 PM
To: Sherrie Swensen <sswensen@slco.org>
Cc: [Lannie Chapman](#) <LKChapman@slco.org>; [Jenn Fowler](#) <JLFowler@slco.org>; [Hatch, Ricky](#) <rhatch@co.weber.ut.us>
Subject: Re: TRACK YOUR BALLOT

We'll have to figure out how to distinguish a regular in-person vote from an in-person provisional vote. Some counties did all in-person voting by provisional ballot, so explaining that a provisional vote will show up but not a regular in-person vote, is going to take some wordsmithing. We'll work something out.

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

Michelle Blue

From: Hatch,Ricky <rhatch@co.weber.ut.us>
Sent: Tuesday, January 12, 2021 7:27 PM
To: 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; btitcomb@co.wasatch.ut.us; camille.moore@garfield.utah.gov; ckoch@co.davis.ut.us; clerkkj@kane.utah.gov; cyingling@utah.gov; datapro@manti.com; dianna.schaeffer@cachecounty.org; djessen@ironcounty.net; Intern,Elections; ginger McMullin@beaver.utah.gov; jdnilson@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; Lannie Chapman; lori.perez@carbon.utah.gov; lshafer@utah.gov; Taylor,Lynn; markm@utah.gov; mcrook@wasatch.utah.gov; melanie.abplanalp@washco.utah.gov; mgillette@tooeleco.org; mhoward@summitcounty.org; mjackson@co.davis.ut.us; mrowley@co.millard.ut.us; mwilkins@uintah.utah.gov; myoung@boxeldercounty.org; Cowley,Ryan; Hatch,Ricky; rjudd@summitcounty.org; rwheeler@utah.gov; ryan@wayne.utah.gov; scwall@sevier.utah.gov; seth.marsing@carbon.utah.gov; slafitte@morgan-county.net; slyon@sanpetecountyutah.gov; Stephen Moore; sneill@sanpetecountyutah.gov; Sherrie Swensen; Scott Tingley; Stuart Tsai; swilkerson@morgan-county.net; tduncan@uintah.utah.gov; tlake@morgan-county.net; tmcMullin@beaver.utah.gov; wmcknight@wasatch.utah.gov; Zeke Lee; Lindsey Parkinson
Subject: Ranked Choice Voting bill
Attachments: HB0127.pdf

Here is the bill that would require counties to run RCV elections in the primary elections for all county and state races.

<https://le.utah.gov/~2021/bills/static/HB0127.html>

We'll talk about this and many, many more bills on Thursday. ☺

R.

Ricky Hatch, CPA, CPO
Clerk/Auditor
Weber County
2380 Washington Blvd., Suite 320 | Ogden UT | 84401 USA
E: rhatch@WeberCountyUtah.gov | P: 801.399.8613 | M: 801.668.0909
#WinninginWeber

RANKED-CHOICE VOTING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires ranked-choice voting to be used in certain regular primary elections for state or county office.

Highlighted Provisions:

This bill:

- defines terms;
- requires ranked-choice voting to be used in regular primary elections for all races for state or county office where the number of candidates participating in the primary race exceeds the number of candidates to be nominated in the primary race by two or more;
- describes requirements for ranked-choice voting relating to the form of ballots, casting ballots, counting ballots, determining the nominees, and recording results;
- and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



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

20A-1-303. Determining results.

(1) (a) Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417, when one person is to be elected or nominated, the person receiving the highest number of votes at any:

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

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

(b) Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or Sections 20A-9-412 through 20A-9-417, when more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:

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

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

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

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

(b) fails if:

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

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

Section 2. Section **20A-1-304** is amended to read:

20A-1-304. Tie votes.

Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or ranked-choice voting under Sections 20A-9-412 through 20A-9-417, if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall, in a public meeting held within 30 days after the day on which the canvass is completed, determine the candidate selected, by lot, in the presence of each candidate subject to the tie.

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

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

(1) To vote by mail:

(a) except as provided in Subsection (6) or (7), the voter shall prepare the voter's manual ballot by marking the appropriate space with a mark opposite the name of each candidate of the voter's choice for each office to be filled;

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

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

123 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
124 envelope, complete the information printed on the provisional ballot envelope, and deposit the
125 provisional ballot envelope in the provisional ballot box.

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

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

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

130 (a) make the selections according to the instructions provided for the voting device;
131 and

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

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

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

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

138 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
139 first preference for the office; and

140 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
141 order of the voter's preference.

142 (7) To vote in a ranked-choice voting race under Section 20A-9-412 or 20A-9-413, a
143 voter:

144 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
145 first preference for the office; and

146 (b) may indicate, as directed on the ballot:

147 (i) if there are five or fewer candidates for the office, the names of the remaining
148 candidates in order of the voter's preference; or

149 (ii) if there are six or more candidates for the office, the names of up to four of the
150 remaining candidates in order of the voter's preference.

151 [(7)] (8) A voter who votes at a polling place:

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

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

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

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

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

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

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

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

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

199 (f) (i) The director of elections within the Office of the Lieutenant Governor shall make
200 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
201 describing the procedures that a counting judge is required to follow for counting ballots in an
202 instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
203 Methods Pilot Project, or a ranked-choice voting race under Sections 20A-9-412 through
204 20A-9-417.

205 (ii) When counting ballots in an instant runoff voting race described in Title 20A,
206 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall
207 comply with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4,
208 Part 6, Municipal Alternate Voting Methods Pilot Project.

209 (iii) When counting ballots in a ranked-choice voting race for a regular primary
210 election, a counting judge shall comply with the applicable procedures established under
211 Subsection (2)(f)(i) and Sections 20A-9-412 through 20A-9-417.

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

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

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

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

(3) The judges shall:

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

(b) seal that envelope or container.

(4) The judges shall:

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

(b) seal that envelope or container.

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

(b) In regular primary elections the judges shall:

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

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

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

(6) (a) In all elections, the counting judges shall, except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, Sections 20A-9-412 through 20A-9-417, or a rule made under Subsection 20A-4-101(2)(f)(i):

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

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

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

(iv) evaluate each ballot and each vote based on the standards and requirements of

307 other than as indicated by the incomplete or defective mark.

308 (4) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot
309 Project, or Sections 20A-9-412 through 20A-9-417, the counting judges may not reject a ballot
310 marked by the voter because of marks on the ballot other than those marks allowed by this
311 section unless the extraneous marks on a ballot show an intent by an individual to mark the
312 individual's ballot so that the individual's ballot can be identified.

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

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

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

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

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

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

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

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

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

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

335 Section 7. Section 20A-4-106 is amended to read:

336 **20A-4-106. Manual ballots -- Sealing.**

337 (1) After the official canvas of an election, the election officer shall store all election

- (d) each office that appeared on the ballot;
- (e) from each voting precinct:
- (i) the number of votes for each candidate;
- (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, or ranked-choice voting under Sections 20A-9-412 through 20A-9-417, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each canvassing phase; and
- (iii) the number of votes for and against each ballot proposition;
- (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;
- (g) the number of ballots that were rejected; and
- (h) a statement certifying that the information contained in the report is accurate.
- (3) The election officer and the board of canvassers shall:
- (a) review the report to ensure that it is correct; and
- (b) sign the report.
- (4) The election officer shall:
- (a) record or file the certified report in a book kept for that purpose;
- (b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
- (c) publish a copy of the certified report in accordance with Subsection (5); and
- (d) file a copy of the certified report with the lieutenant governor.
- (5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publish the certified report described in Subsection (2):
- (a) (i) at least once in a newspaper of general circulation within the jurisdiction;
- (ii) if there is no newspaper of general circulation within the jurisdiction, by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or
- (iii) by mailing notice to each residence within the jurisdiction;
- (b) on the Utah Public Notice Website created in Section 63F-1-701, for one week;
- (c) in accordance with Section 45-1-101, for one week; and

431 under Sections 20A-9-412 through 20A-9-417.

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

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

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

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

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

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

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

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

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

450 (e) The election officer shall:

451 (i) supervise the recount;

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

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

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

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

459 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
460 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
461 the total votes cast for or against the proposition, any 10 voters who voted in the election where

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

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

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

Section 10. Section **20A-5-802** is amended to read:

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

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

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

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

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

(2) (a) Except as provided in Subsection (2)(b)(ii):

(i) the lieutenant governor shall ensure that all voting equipment used in the state is independently tested using security testing protocols and standards that:

(A) are generally accepted in the industry at the time the lieutenant governor reviews the voting equipment for certification; and

(B) meet the requirements of Subsection (2)(a)(ii);

(ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require that a voting system:

(A) is accurate and reliable;

(B) possesses established and maintained access controls;

(C) has not been fraudulently manipulated or tampered with;

(D) is able to identify fraudulent or erroneous changes to the voting equipment; and

(E) protects the secrecy of a voter's ballot; and

(iii) The lieutenant governor may comply with the requirements of Subsection (2)(a) by

the voter's ordered preference for the write-in candidate.

Section 12. Section **20A-9-101** is amended to read:

20A-9-101. Definitions.

As used in this chapter:

(1) (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;

(ii) presidential elector;

(iii) any political party offices; and

(iv) municipal or local district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

(4) (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.

(b) "County office" does not mean:

(i) the office of justice or judge of any court of record or not of record;

(ii) the office of presidential elector;

(iii) any political party offices;

(iv) any municipal or local district offices; and

(v) the office of United States Senator and United States Representative.

(5) "Federal office" means an elective office for United States Senator and United States Representative.

(6) "Filing officer" means:

(a) the lieutenant governor, for:

(i) the office of United States Senator and United States Representative; and

(ii) all constitutional offices;

(b) for the office of a state senator or state representative, the lieutenant governor or the

party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d) (i) if the registered political party is a continuing political party, no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

(13) "Unopposed" means:

(a) in relation to a race other than a multi-candidate race described in Sections 20A-9-212 through 20A-9-417, that:

(i) no individual other than the candidate receives a certification from the applicable filing officer for the regular primary election ballot of the candidate's registered political party for a particular office; or

(ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive from the applicable filing officer for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office; or

(b) in relation to a multi-candidate race described in Sections 20A-9-212 through 20A-9-417:

(i) for a partisan race, that no individual, other than the candidate, qualifies for the regular primary election ballot of the candidate's registered political party for a particular office; or

(ii) for a nonpartisan race, no more than two candidates will qualify for the regular general election ballot.

679 registered political party.

680 Section 15. Section **20A-9-402** is amended to read:

681 **20A-9-402. General requirements for all regular primary elections.**

682 (1) Except as provided in Subsection (2), the lieutenant governor, county clerks, and
683 election judges shall follow the procedures and requirements of this title in administering
684 primary elections.

685 (2) An election official shall conduct a multi-candidate race held during a regular
686 primary election by ranked choice voting, in accordance with the requirements of this part, for
687 the following offices:

688 (a) governor, lieutenant governor, attorney general, state auditor, and state treasurer;

689 (b) state senate and state representative;

690 (c) state school board member;

691 (d) local school board member; and

692 (e) a county elected office.

693 ~~[(2)]~~ (3) If there is any conflict between any provision of this part and any other
694 sections in ~~[Title 20A, Election Code]~~ this title, this part takes precedence.

695 Section 16. Section **20A-9-403** is amended to read:

696 **20A-9-403. Regular primary elections.**

697 (1) (a) Candidates for elective office that are to be filled at the next regular general
698 election shall be nominated in a regular primary election by direct vote of the people in the
699 manner prescribed in this section. The regular primary election is held on the date specified in
700 Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a
701 regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to
702 participate in a regular general election as a write-in candidate under Section 20A-9-601.

703 (b) Each registered political party that chooses to have the names of the registered
704 political party's candidates for elective office featured with party affiliation on the ballot at a
705 regular general election shall comply with the requirements of this section and shall nominate
706 the registered political party's candidates for elective office in the manner described in this
707 section.

708 (c) A filing officer may not permit an official ballot at a regular general election to be
709 produced or used if the ballot denotes affiliation between a registered political party or any

(ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.

(c) (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.

(ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.

(d) The filing officer shall:

(i) verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;

(ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);

(iii) consider active and inactive voters eligible to sign nomination petitions;

(iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and

(v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).

(e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

(5) For a regular primary race other than a race described in Subsection 20A-9-402(2):

(a) ~~[A]~~ a candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

(i) nominated for that office by the candidate's registered political party; or

(ii) for a nonpartisan local school board position, nominated for that office[-];

(b) ~~[H]~~ if two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions[-];

~~[(c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:]~~

~~[(A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or]~~

~~[(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.]~~

~~[(ii) A]~~ (c) for a partisan race, a candidate who is unopposed for [an elective] office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot[-];

(d) for a nonpartisan race, a candidate who is unopposed for office in the regular primary election is nominated to appear on the regular general election ballot;

~~[(6) (a) When]~~ (e) except as provided in Subsection (6), when a tie vote occurs [in any primary election for any] for a national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines[-]; and

~~[(b) When]~~ (f) except as provided in Subsection (6), when a tie vote occurs [in any primary election for any] for a county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

865 qualified political party in the certification described in Subsection (1), or, if none is
866 designated, then under some suitable title;

867 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
868 ballots in regular general elections, that each candidate who is nominated by the qualified
869 political party is listed by party;

870 (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
871 the party designation of each candidate who is nominated by the qualified political party is
872 displayed adjacent to the candidate's name on a mechanical ballot;

873 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
874 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
875 20A-9-408 to run in a regular general election for a federal office, constitutional office,
876 multicounty office, or county office;

877 (9) an individual who is nominated by, or seeking the nomination of, the qualified
878 political party is not required to comply with Subsection 20A-9-201(1)(c);

879 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
880 to have each of the qualified political party's candidates for elective office appear on the
881 primary ballot of the qualified political party with an indication that each candidate is a
882 candidate for the qualified political party;

883 (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
884 on the list provided by the lieutenant governor to the county clerks:

885 (a) the names of all candidates of the qualified political party for federal, constitutional,
886 multicounty, and county offices; and

887 (b) the names of unopposed candidates for elective office who have been nominated by
888 the qualified political party and instruct the county clerks to exclude such candidates from the
889 primary-election ballot;

890 (12) ~~notwithstanding Subsection 20A-9-403(5)(c),~~ a candidate who is unopposed for
891 an elective office in the regular primary election of the qualified political party is nominated by
892 the party for that office without appearing on the primary ballot; and

893 (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
894 20A-9-405, the qualified political party is entitled to have the names of its candidates for
895 elective office featured with party affiliation on the ballot at a regular general election.

~~[(ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.]~~

~~[(b)]~~ (4) (a) Before the deadline described in Subsection (4)~~[(c)]~~(b), the lieutenant governor shall:

(i) provide to the county clerks:

(A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; ~~[and]~~

(B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and

(C) a list of unopposed candidates for nonpartisan office; and

(ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.

~~[(c)]~~ (b) The deadline described in Subsection (4)~~[(b)]~~(a) is 5 p.m. on the first Wednesday after the third Saturday in April.

Section 19. Section ~~20A-9-412~~ is enacted to read:

20A-9-412. Ranked-choice voting -- Partisan, multi-candidate, regular primary race.

(1) This section applies to a partisan, multi-candidate race held during a regular primary election to nominate a candidate to compete in the regular general election.

(2) For a race described in Subsection (1), the election officer shall:

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

(ii) if, after complying with Section 20A-9-414, one of the candidates receives more than 50% of the valid first preference votes counted, declare that candidate nominated;

(b) if, after counting the valid first preference votes for each candidate, and complying with Section 20A-9-414, no candidate receives more than 50% of the valid first preference votes counted, conduct the second ballot-counting phase by:

989 (1) This section applies to a nonpartisan, multi-candidate race held during a regular
990 primary election to nominate two candidates to compete in the regular general election.

991 (2) For a race described in Subsection (1), the election officer shall:

992 (a) conduct the first ballot-counting phase by:

993 (i) counting the valid first preference votes for each candidate;

994 (ii) after complying with Section 20A-9-414, excluding from the race:

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

996 (B) in the event of a tie for the fewest valid first preference votes counted, one of the
997 tied candidates, determined by the election officer, by lot, in accordance with Section
998 20A-9-415; and

999 (iii) if, after complying with Subsection (2)(a)(ii), only two candidates remain,
1000 declaring the remaining candidates nominated;

1001 (b) if, after complying with Subsection (2)(a)(ii), more than two candidates remain,
1002 conduct the second-ballot counting phase by:

1003 (i) adding, to the valid first preference votes received by the remaining candidates, the
1004 valid second preference votes cast for the remaining candidates by the voters who cast a valid
1005 first preference vote for the excluded candidate;

1006 (ii) after complying with Section 20A-9-414, excluding from the race:

1007 (A) the candidate who receives the fewest valid votes under Subsection (2)(b)(i); or

1008 (B) in the event of a tie for the fewest valid votes received, one of the tied candidates,
1009 determined by the election officer, by lot, in accordance with Section 20A-9-415; and

1010 (iii) if, after complying with Subsection (2)(b)(ii), only two candidates remain,
1011 declaring the remaining candidates nominated; and

1012 (c) if, after complying with Subsection (2)(b)(ii), more than two candidates remain,
1013 conduct subsequent counting phases by continuing the process described in Subsection (2)(b)
1014 until only two candidates remain, as follows:

1015 (i) after complying with Section 20A-9-414, excluding from consideration the
1016 candidate who receives the fewest valid votes counted or, in the event of a tie for the fewest
1017 valid votes counted, excluding one of the tied candidates, by lot, in accordance with Section
1018 20A-9-415;

1019 (ii) adding the next valid preference vote cast by each voter whose vote was counted

1051 (iv) the method used for casting or drawing the lot;
1052 (v) the result of the lot; and
1053 (vi) the name of the election officer, election officials, and counting poll watchers who
1054 witness the casting or drawing of the lot.

1055 Section 23. Section **20A-9-416** is enacted to read:

1056 **20A-9-416. Batch elimination.**

1057 (1) In any ballot count conducted under Section 20A-9-412 or 20A-9-413, the election
1058 officer may exclude candidates through batch elimination by, instead of excluding only one
1059 candidate in a ballot-counting phase, excluding each candidate:

1060 (a) for which the number of remaining candidates with more valid votes than that
1061 candidate is greater than or equal to the number of candidates to be nominated; and

1062 (b) (i) for which the number of valid votes counted for the candidate in the phase plus
1063 the number of votes counted for all candidates with fewer valid votes in the phase is less than
1064 the number of valid votes for the candidate with the next highest amount of valid votes in the
1065 phase; or

1066 (ii) who has fewer valid votes in the phase than a candidate who is excluded under
1067 Subsection (1)(b)(i).

1068 (2) The requirement for a recount before excluding a candidate under Section
1069 20A-9-412 or 20A-9-413 does not apply to a candidate who is excluded through batch
1070 elimination.

1071 Section 24. Section **20A-9-417** is enacted to read:

1072 **20A-9-417. Validity of vote.**

1073 (1) A vote is valid for a particular phase of a multi-candidate race under Section
1074 20A-9-412 or 20A-9-413 only if the voter indicates the voter's preference for that phase and all
1075 previous phases.

1076 (2) A vote is not valid for a particular phase of a multi-candidate race under Section
1077 20A-9-412 or 20A-9-413, and for all subsequent phases, if the voter indicates the same rank for
1078 more than one candidate for that phase.

1079 (3) In a multi-candidate race under Section 20A-9-412 or 20A-9-413, a preference vote
1080 cast for a sixth or greater preference is not valid, but the previous preference votes are counted
1081 if the ballot is otherwise marked in accordance with the requirements of this part.

(f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:

"(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after the third Saturday in April."

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

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

~~[(4) On January 1, 2026:]~~

~~[(a) In Subsection 20A-1-102(18)(a), the language that states "or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]~~

~~[(b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(c) In Section 20A-1-304, the language that states "Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]~~

~~[(d) In Subsection 20A-3a-204(1)(a), (c), or (d), the language that states "except as provided in Subsection (6)," is repealed.]~~

~~[(e) Subsection 20A-3a-204 (5)(b), the language that states "subject to Subsection (6)," is repealed.]~~

~~[(f) Subsection 20A-3a-204(6) is repealed and the remaining subsections in Section 20A-3a-204 are renumbered accordingly.]~~

~~[(g) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in Subsection (2)(f)," is repealed.]~~

~~[(h) Subsection 20A-4-101(2)(f) is repealed.]~~

~~[(i) Subsection 20A-4-101(3) is repealed and replaced with the following:]~~

~~["(3) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of Section 20A-4-105."]~~

~~[(j) In Subsection 20A-4-102(1)(b), the language that states "or a rule made under Subsection 20A-4-101(2)(f)(i)" is repealed.]~~

~~[(k) Subsection 20A-4-102(1)(c) is repealed and replaced with the following:]~~

~~["(b) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of Section 20A-4-105."]~~

1175 required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,
1176 Municipal Alternate Voting Methods Pilot Project," is repealed.]

1177 [(y) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A, Chapter
1178 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]

1179 [(z) In Subsection 20A-9-203(3)(c)(i), the language that states "except as provided in
1180 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.]

1181 [(aa) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
1182 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.]

1183 [(bb) In Subsection 20A-9-404(2), the language that states "Except as otherwise
1184 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
1185 repealed.]

1186 (4) On January 1, 2026, Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
1187 Methods Pilot Project, is repealed.

1188 (5) Section 20A-7-407 is repealed January 1, 2021.

1189 (6) Section 20A-1-310 is repealed January 1, 2021.