

TOWN OF ALTA

ORDINANCE # 2026-O-18

AN ORDINANCE ADOPTING THE TIE-BREAKING PROCEDURE AS DESCRIBED IN UTAH CODE ANN. § 20A-1-510(3)(e)(i) and (ii)

WHEREAS, Utah Code Ann. § 20A-1-510 governs the filling of a midterm vacancy in the office of municipal executive or a member of a municipal legislative body, and requires the municipal legislative body to appoint a qualified registered voter to fill the unexpired term; and

WHEREAS, Utah Code Ann. § 20A-1-510(3)(e) requires that, before the meeting at which the municipal legislative body interviews candidates and acts to fill such a vacancy, the body pass a resolution or ordinance identifying a fair and transparent method that the body will use to break ties by lot in the circumstances described in Subsections 20A-1-510(3)(e)(i) and (ii); and

WHEREAS, Utah Code Ann. § 20A-1-510(4)(d) provides that the breaking of a tie by lot is to be conducted by the municipal clerk or recorder, at a public meeting, in the presence of the municipal legislative body; and

WHEREAS, the Town of Alta Council (“Council”) finds that adopting a standing method by ordinance – rather than a separate resolution before each vacancy – best ensures a fair, transparent, orderly, and predictable process in which each tied candidate has an equal chance of elimination; and

WHEREAS, the Council finds that this ordinance is in the best interests of the residents of the Town of Alta (“Alta”);

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Alta Council as follows:

1-5-4: TIE-BREAKING PROCEDURE:

A. Purpose.

The purpose of this code is to establish, in advance and by code, the fair and transparent method the Municipal Legislative Body will use to break ties by lot when filling a midterm vacancy in a municipal office as required by Subsection 20A-1-510(3)(e). This code is intended to satisfy that statutory requirement and to be applied consistent with Section 20A-1-510 as it may be amended.

B. Definitions.

As used in this code:

- 1. “**Candidate**” means an individual whose name is submitted for consideration, and who meets the qualifications for office, to fill a midterm vacancy under Utah Code Ann. § 20A-1-510.
2. “**Clerk**” means the Alta Town clerk, or that officer’s designee acting under subsection F of this section.

3. **“Council” or “Municipal Legislative Body”** means the Alta Town Council, being the municipal legislative body that acts to fill a midterm vacancy under Utah Code Ann. § 20A-1-510.
4. **“Elimination by lot”** means selection by a random draw conducted under subsection F of this section in which the Candidate whose token is drawn is eliminated, and in which each remaining tied Candidate has an equal chance of elimination.
5. **“Fair and transparent method”** means the by-lot procedure set out in subsections D through F of this section, which gives each tied Candidate an equal chance of elimination, is conducted in public and in the presence of the Council, and affords each affected Candidate and the public notice of, and an opportunity to observe, the drawing.
6. **“Lot”** means a method of random chance, conducted under subsection F of this section, by which no Candidate has any advantage over another and the outcome cannot be predicted or influenced by any person.

C. When this code applies.

1. This code applies whenever, in the course of filling a midterm vacancy in a municipal office under Utah Code Ann. § 20A-1-510, a tie among Candidates must be resolved so that the Council can proceed under Subsection 20A-1-510(4).
2. Specifically, the method in this code applies:
 - a. in the event of a tie between three or more Candidates, to eliminate Candidates by lot until only two Candidates remain, as described in subsection E of this section; and
 - b. in the event that one Candidate receives the most votes, but not a majority of the votes, and two or more Candidates tie for receiving the second most votes, to eliminate the Candidates tied for the second most votes by lot until only one of the tied Candidates remains, as described in subsection E of this section.
3. This code governs the breaking of ties **by lot**. It does not govern the coin toss between two Candidates required by Utah Code Ann. § 20A-1-510(4)(c) when neither Candidate receives a majority on the second vote; the manner of conducting that coin toss is prescribed by subsection F7 of this section.

D. General principles governing the drawing.

1. **Equal chance.** In every drawing under this code, each tied Candidate shall have an equal chance of elimination. The tokens representing the tied Candidates shall be identical in size, shape, weight, feel, and appearance, and shall be concealed so that they cannot be distinguished by the person drawing.
2. **Transparency.** Each drawing shall be conducted openly, in the presence of the Council, at a public meeting, and in a manner that allows those present to observe that

the tokens are identical, that all tied Candidates are represented, and that the draw is random.

3. **No predictability or influence.** No person may arrange, mark, or handle the tokens or the receptacle in a manner that gives any Candidate an advantage or that allows the outcome to be predicted or influenced.

E. Method for breaking ties by lot.

1. **Scenario (i) — tie among three or more Candidates (narrowing to two).** When three or more Candidates are tied and the tie must be resolved so that only two Candidates remain, the Clerk shall conduct successive elimination-by-lot draws under subsection F of this section as follows:

- a. The Clerk shall prepare one identical token for each tied Candidate, place all such tokens in the receptacle, and draw one token at random.
- b. The Candidate whose token is drawn is eliminated.
- c. If more than two Candidates remain tied after a draw, the Clerk shall repeat the process using only the tokens of the Candidates who remain, until exactly two Candidates remain.
- d. The two Candidates who remain after the draws are the two Candidates between whom the Council proceeds under Utah Code Ann. § 20A-1-510(4)(b).

2. **Scenario (ii) — one Candidate leads without a majority and two or more tie for second (narrowing the second-place tie to one).** When one Candidate has received the most votes but not a majority, and two or more Candidates are tied for the second most votes, the Clerk shall conduct successive elimination-by-lot draws under subsection F of this section as follows:

- a. Only the Candidates tied for the second most votes shall participate in the drawing. The Candidate who received the most votes does not participate and advances automatically.
- b. The Clerk shall prepare one identical token for each Candidate tied for second, place all such tokens in the receptacle, and draw one token at random.
- c. The Candidate whose token is drawn is eliminated.
- d. If more than one Candidate remains among those tied for second after a draw, the Clerk shall repeat the process using only the tokens of the Candidates who remain, until only one of the tied Candidates remains.
- e. The single Candidate who remains from the second-place tie, together with the Candidate who received the most votes, are the two Candidates between whom the Council proceeds under Utah Code Ann. § 20A-1-510(4)(b).

F. Conduct of the drawing.

1. **Who conducts.** Each drawing shall be conducted by the Clerk, at a public meeting, in the presence of the Council, as required by Utah Code Ann. § 20A-1-510(4)(d). If the Clerk is unavailable, the Clerk's designee, who shall be a disinterested municipal officer or employee, shall conduct the drawing.
2. **Notice and opportunity to observe.** Each Candidate involved in the tie shall be given notice of, and an opportunity to attend and observe, the drawing, or to send a representative to observe, and the drawing shall occur at a meeting open to the public. The drawing shall be conducted so that those present can observe each step.
3. **Tokens.** For each drawing, the Clerk shall prepare one token for each participating Candidate. Each token shall bear the name of one Candidate, shall be folded, enclosed, or otherwise concealed in an identical manner, and shall be identical to every other token in the drawing in all respects other than the concealed name.
4. **Verification.** Before each draw, the Clerk shall display the tokens, confirm on the record that one token has been prepared for each participating Candidate and that the tokens are identical and indistinguishable by touch or sight, and invite the Candidates present, or their representatives, to inspect the tokens and the receptacle.
5. **Receptacle and draw.** The Clerk shall place the tokens in an opaque receptacle, mix them so that their order cannot be known, and, without looking into the receptacle, draw a single token at random. The Clerk shall then announce and display the name on the drawn token.
6. **Successive draws.** Where this code requires successive draws, each subsequent draw shall be conducted in the same manner using new or re-verified identical tokens for only the Candidates who remain, and each draw shall begin only after the result of the prior draw has been announced and recorded.
7. **Coin toss under Subsection 20A-1-510(4)(c).** If, after the second vote, neither of the two Candidates receives a majority vote of the Council, the vacancy shall be determined by a coin toss between the two Candidates, conducted by the Clerk, at a public meeting, in the presence of the Council. The Clerk shall assign one side of a single, fair coin to each Candidate on the record, announce the assignment before the toss, toss the coin so that it rotates freely and lands without interference, and announce the result. The Candidate whose assigned side faces up is selected to fill the vacancy.

G. Record and public disclosure.

1. The Clerk shall record in the minutes of the meeting, for each drawing or coin toss conducted under this code: the names of the Candidates who participated; the

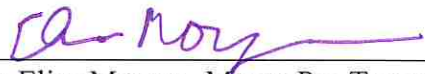
- verification performed under subsection F4 of this section; the result of each draw or toss in the order conducted; and the Candidate or Candidates eliminated or selected.
2. The result of each drawing and coin toss, and the outcome of any vote of the Council taken under Utah Code Ann. § 20A-1-510, shall be immediately disclosed to the public, and any vote of the Council shall disclose how each member voted, consistent with Utah Code Ann. § 20A-1-510(4)(e).

H. Construction and conflict with state law.

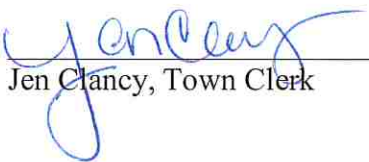
This code shall be construed to comply with Utah Code Ann. § 20A-1-510. If any provision of this code conflicts with Section 20A-1-510 or other applicable state law, the state law controls, and the remaining provisions of this code shall be applied to give effect to the statute's requirement of a fair and transparent method in which each tied Candidate has an equal chance of elimination.

ADOPTED AND APPROVED at a duly called meeting of the Alta Council on this 14th day of October, 2026.

TOWN OF ALTA


By: Elise Morgan, Mayor Pro Tempore

ATTEST


Jen Clancy, Town Clerk

Voting:

Mayor Bourke voting	<u>Not present</u>	Council Member Anctil voting	<u>yes</u>
Council Member Heimark voting	<u>yes</u>	Council Member Morgan voting	<u>yes</u>
Council Member Schilling voting	<u>yes</u>		

(Complete as Applicable)

Date ordinance summary was posted to the Utah Public Notice website, and in a public place within Alta per Utah Code §10-3-711: 10/15/26

Effective date of ordinance: 10/15/26