

VOTING RECOUNT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Election Code by changing the formula for determining when a voting recount may be requested.

Highlighted Provisions:

This bill:

- ▶ changes the formula for determining when a voting recount may be requested; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-4-401, as last amended by Laws of Utah 2007, Chapter 329

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

Section 1. Section **20A-4-401** is amended to read:

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

(1) (a) [~~(i)~~ For any regular primary, regular general, or municipal general election, or the Western States Presidential primary, when any candidate loses by not more than a total of



28 ~~one vote per voting precinct, the] For a race between candidates, if the difference between the
29 number of votes cast for the candidate who receives the highest number of votes in the race and
30 another candidate in the race is equal to or less than .25% of the total number of votes cast for
31 all candidates in the race, that other candidate may file a request for a recount;~~

32 (i) for a municipal primary election, with the municipal clerk, within three days after
33 the canvass; or

34 (ii) for all other elections, within seven days after the canvass with:

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

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

37 (C) the county clerk, for races [~~or ballot propositions~~] voted on entirely within a single
38 county; or

39 (D) the lieutenant governor, for statewide races and [~~ballot propositions and for~~]
40 multicounty races [~~and ballot propositions~~].

41 [~~(ii) For any municipal primary election, when any candidate loses by not more than a~~
42 ~~total of one vote per voting precinct, the candidate may file a request for a recount with the~~
43 ~~appropriate election officer within three days after the canvass.]~~

44 (b) The election officer shall:

45 (i) supervise the recount;

46 (ii) recount all ballots cast for that [~~office~~] race;

47 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
48 3, Absentee Voting; and

49 (iv) declare elected the person receiving the highest number of votes on the recount.

50 (2) (a) [~~Any~~] For a ballot proposition or a bond proposition, if the proposition passes or
51 fails by a margin that is equal to or less than .25% of the total votes cast for or against the
52 proposition, any 10 voters who voted in [~~an election when any ballot proposition or bond~~] the
53 election where the proposition was on the ballot may file a request for a recount [~~with the~~
54 appropriate election officer] within seven days of the canvass[~~:-~~] with:

55 (i) the municipal clerk, if the election is a municipal election;

56 (ii) the local district clerk, if the election is a local district election;

57 (iii) the county clerk, for propositions voted on entirely within a single county; or

58 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

- 59 (b) The election officer shall:
- 60 (i) supervise the recount;
- 61 (ii) recount all ballots cast for that ballot proposition or bond proposition;
- 62 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
- 63 3, Absentee Voting; and
- 64 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
- 65 based upon the results of the recount.
- 66 (c) Proponents and opponents of the ballot proposition or bond proposition may
- 67 designate representatives to witness the recount.
- 68 (d) The voters requesting the recount shall pay the costs of the recount.
- 69 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
- 70 person requesting the recount.
- 71 (4) (a) Upon completion of the recount, the election officer shall immediately convene
- 72 the board of canvassers.
- 73 (b) The board of canvassers shall:
- 74 (i) canvass the election returns for the race or proposition that was the subject of the
- 75 recount; and
- 76 (ii) with the assistance of the election officer, prepare and sign the report required by
- 77 Section 20A-4-304 or Section 20A-4-306.
- 78 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
- 79 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
- 80 governor as required by Subsection 20A-4-304(3).
- 81 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
- 82 result of the race or proposition that is the subject of the recount.

Legislative Review Note
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Office of Legislative Research and General Counsel