

1 **VOTING RECOUNT AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Craig Hall**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **20A-4-401**, as last amended by Laws of Utah 2007, Chapter 329

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

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

25 **20A-4-401. Recounts -- Procedure.**

26 (1) (a) [~~(i) For any regular primary, regular general, or municipal general election, or~~
27 ~~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 ~~H→ [the] a winning ←H~~ candidate ~~H→ [who receives the highest number~~~~
 29a ~~of votes] ←H~~ in the race and
 30 ~~H→ [another] a losing ←H~~ candidate in the race is equal to or less than .25% of the total number of
 30a ~~votes cast for~~
 31 ~~all candidates in the race, that ~~H→ [other] losing ←H~~ 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
as of 1-8-13 3:41 PM

Office of Legislative Research and General Counsel