

HB0085S01 compared with HB0085

~~deleted text~~ shows text that was in HB0085 but was deleted in HB0085S01.

inserted text shows text that was not in HB0085 but was inserted into HB0085S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Craig Hall proposes the following substitute bill:

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:

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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 one vote per voting precinct, the candidate may file a request for a recount within seven days after the canvass with:] ~~{ For }~~~~

(1)(a) Except as provided in Subsection (1)(b), for a race between candidates, if the difference between the number of votes cast for ~~{the}~~ a winning candidate ~~{ who receives the highest number of votes }~~ in the race and ~~{another}~~ a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all candidates in the race, that ~~{other}~~ losing candidate may file a request for a recount in accordance with Subsection (1)(c).

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

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

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

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

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

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

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

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

~~[(ii) For any municipal primary election, when any candidate loses by not more than a~~

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total of one vote per voting precinct, the candidate may file a request for a recount with the appropriate election officer within three days after the canvass.]

~~[(b)]~~ (d) The election officer shall:

(i) supervise the recount;

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

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

(iv) for a race where only one candidate may win, declare elected the [person receiving] candidate who receives the highest number of votes on the recount[-]; and

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

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

† with the person described in Subsection (2)(c).

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

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

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

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

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

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

~~[(b)]~~ (d) The election officer shall:

(i) supervise the recount;

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(ii) recount all ballots cast for that ballot proposition or bond proposition;

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

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

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

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

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

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

(b) The board of canvassers shall:

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

(ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or Section 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(3).

(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.

†

Legislative Review Note

~~as of 1-8-13 3:41 PM~~

~~Office of Legislative Research and General Counsel~~