

ELECTION REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Howard A. Stephenson

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill amends provisions of the Election Code relating to reporting the results of counted absentee and provisional ballots.

Highlighted Provisions:

This bill:

- ▶ provides for the daily disclosure of the results of absentee ballots and provisional ballots counted during the period beginning on the day after the election date and ending on the day before the canvass date; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-3-309, as last amended by Laws of Utah 2007, Chapter 97

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



28 Section 1. Section 20A-3-309 is amended to read:

29 **20A-3-309. Absentee ballots and provisional ballots in the custody of the election**
30 **officer -- Disposition -- Counting -- Release of number of absentee ballots cast.**

31 (1) The election officer shall deliver all envelopes containing valid absentee ballots and
32 valid provisional ballots that are in the election officer's custody to the place of the official
33 canvass of the election by noon on the day of the official canvass following the election.

34 (2) (a) [~~Absentee~~] Valid absentee ballots and valid provisional ballots may be
35 processed and counted:

36 (i) by the election officer before the date of the canvass; and

37 (ii) at the canvass, by the election officer or poll workers, acting under the supervision
38 of the official canvassers of the election.

39 (b) When processing ballots, the election officer and poll workers shall comply with
40 the procedures and requirements of Section 20A-3-308 in opening envelopes, verifying
41 signatures, confirming eligibility of the ballots, and depositing them in a ballot box.

42 (3) (a) After all valid absentee ballots and valid provisional ballots have been
43 deposited, the [~~absentee~~] ballots shall be counted in the usual manner.

44 (b) After the polls close on the date of the election, the election officer shall publicly
45 release the results of those absentee ballots and provisional ballots that have been counted on
46 or before the date of the election.

47 [~~(c) The election officer may not release any results from those absentee ballots that are~~
48 ~~counted after the date of the election through the date of the canvass.~~]

49 (c) Except as provided in Subsection (3)(d), on each day, beginning on the day after the
50 date of the election and ending on the day before the date of the canvass, the election officer
51 shall publicly release the results of all absentee ballots and provisional ballots counted on that
52 day.

53 (d) (i) If complying with Subsection (3)(c) on a particular day will likely result in
54 disclosing a vote cast by an individual voter, the election officer shall request permission from
55 the lieutenant governor to delay compliance for the minimum number of days necessary to
56 protect against disclosure of the voter's vote.

57 (ii) The lieutenant governor shall grant a request made under Subsection (3)(d)(i) if the
58 lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's

59 vote.

60 [~~(c)~~] (e) On the date of the canvass, the election officer shall provide a tally of all
61 absentee ballots and provisional ballots counted, and the resulting tally shall be added to the
62 official canvass of the election.

63 (4) (a) On the day after the date of the election, the election officer shall determine the
64 number of absentee ballots received by the election officer at that time and shall make that
65 number available to the public.

66 (b) The election officer may elect to publicly release updated totals for the number of
67 absentee ballots received by the election officer up through the date of the canvass.

Legislative Review Note
Office of Legislative Research and General Counsel