

20A-4-202 Election officers -- Disposition of ballots -- Release of number of provisional ballots cast.

- (1)
 - (a) Upon receipt of the election returns from a poll worker, the election officer shall:
 - (i) ensure that the poll worker has provided all of the ballots and election returns;
 - (ii) inspect the ballots and election returns to ensure that they are sealed;
 - (iii)
 - (A) for paper ballots, deposit and lock the ballots and election returns in a safe and secure place; or
 - (B) for punch card ballots:
 - (I) count the ballots; and
 - (II) deposit and lock the ballots and election returns in a safe and secure place; and
 - (iv) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.
 - (b) Inspecting poll watchers appointed as provided in Section 20A-3-201 may be present and observe the election officer's receipt, inspection, and deposit of the ballots and election returns.
- (2) Each election officer shall:
 - (a) no later than 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;
 - (b) preserve ballots for 22 months after the election or until the time has expired during which the ballots could be used in an election contest;
 - (c) package and seal a true copy of the ballot label used in each voting precinct;
 - (d) preserve all other official election returns for at least 22 months after an election; and
 - (e) after that time, destroy them without opening or examining them.
- (3)
 - (a) The election officer shall package and retain all tabulating cards and other materials used in the programming of the automatic tabulating equipment.
 - (b) The election officer:
 - (i) may access these tabulating cards and other materials;
 - (ii) may make copies of these materials and make changes to the copies;
 - (iii) may not alter or make changes to the materials themselves; and
 - (iv) within 22 months after the election in which they were used, may dispose of those materials or retain them.
- (4)
 - (a) If an election contest is begun within 12 months, the election officer shall:
 - (i) keep the ballots and election returns unopened and unaltered until the contest is complete; or
 - (ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the contest when ordered or subpoenaed to do so by that court.
 - (b) When all election contests arising from an election are complete, the election officer shall either:
 - (i) retain the ballots and election returns until the time for preserving them under this section has run; or
 - (ii) destroy the ballots and election returns remaining in his custody without opening or examining them if the time for preserving them under this section has run.

Amended by Chapter 75, 2007 General Session
Amended by Chapter 97, 2007 General Session