

20A-4-401 Recounts -- Procedure.

- (1)
 - (a) Except as provided in Subsection (1)(b), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and 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 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 voted on entirely within a single county; or
 - (D) the lieutenant governor, for statewide races and multicounty races.
 - (d) The election officer shall:
 - (i) supervise the recount;
 - (ii) recount all ballots cast for that race;
 - (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3, Absentee Voting;
 - (iv) for a race where only one candidate may win, declare elected the 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) 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 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).
 - (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 10 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.
 - (d) The election officer shall:
 - (i) supervise the recount;

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

Amended by Chapter 92, 2013 General Session