U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Utah Administration Code R623-2-3 (F)
"Overvote" means a race, question or issue which contains votes for more than the maximum number of candidates or responses for a ballot question or issue allowed.

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Utah Administration Code R623-2-3 (J)
"Undervote" means a race, question or issue which contains no votes or when more than one choice is available, less than the maximum number of votes allowed.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Utah Administration Code R623-2-3 (A)
"Blank Ballot" means a ballot on which the voter has made no marks in any voting position, or has been marked with an unreadable marker, or is one which has been consistently marked outside of the "read" area of the scanner.

2016 Response:

d) Void/Spoiled ballot

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Utah Code 20A-1-102 (76)
"Spoiled ballot" means each ballot that:
(a) is spoiled by the voter;
(b) is unable to be voted because it was spoiled by the printer or a poll worker; or
(c) lacks the official endorsement.

2016 Response:

Utah Code 20A-1-102 (77)
"Spoiled ballot" means each ballot that:
(a) is spoiled by the voter;
(b) is unable to be voted because it was spoiled by the printer or a poll worker; or
(c) lacks the official endorsement.

e) Provisional/Challenged ballot

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Utah Code 20A-1-102 (63)
"Provisional ballot" means a ballot voted provisionally by a person:
(a) whose name is not listed on the official register at the polling place;
(b) whose legal right to vote is challenged as provided in this title; or
(c) whose identity was not sufficiently established by a poll worker.

2016 Response:

Utah Code 20A-1-102 (64)
"Provisional ballot" means a ballot voted provisionally by a person:
(a) whose name is not listed on the official register at the polling place;
(b) whose legal right to vote is challenged as provided in this title; or
(c) whose identity was not sufficiently established by a poll worker.

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No specific statutory definition of "Absentee." The process for absentee voting is outlined in Title 20A Chapter 3 Part 3. Please see appendix.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No specific statutory definition of "Early Voting." The process for Early Voting is outlined in 20A-3-601. See appendix.

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Utah Code 20A-1-102 (1)
"Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Utah Code 20A-1-102 (35)
"Inactive voter" means a registered voter who has been sent the notice required by Section 20A-2-306 and who has failed to respond to that notice.
Section 20A-2-306 says: (1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:
(a) confirms in writing that the voter has changed residence to a place outside the county; or
(b) (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and
(ii) has failed to respond to the notice required by Subsection (3)……..

2016 Response:

j) Other terms (please specify) _____

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
	SB54 (2014) changed how candidates are nominated. Traditionally, party nominees were selected by delegates at the party's convention. However, SB54 (2014) provided an alternative path for candidates to get on the primary election ballot by collecting signatures. Essentially, candidates can go through the party's convention, collect signatures, or do both. Additionally, HB340 (2015) allowed 16 and 17 year olds to preregister to vote. Preregistration was already practiced throughout the state, but the state simply codified the practice. HB219 (2015) expanded the same-day voter registration pilot project to allow same-day registration during the in-person early voting period. SB78 (2016) changed the state board of education from a nonpartisan office to a partisan office. Offices will remain nonpartisan for 2016, but will be partisan in 2018. SB27 (2016) changed the deadline for election officials to send mail ballots to voters from 28 days to 21 days prior to the election. UOCAVA ballots are still transmitted 45 days prior to the election.

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Our office developed and maintains a statewide voter registration database called Voter System & Tracking Application (VISTA). The county clerks provide real time information and are the only ones who can add, delete, or make any changes to any particular registrant's information, not the state.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Real time, live data.

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A voter is placed on the inactive list when the county clerk has obtained evidence that the voter's residence has changed, or mailed a notice asking for an updated address but did not receive a response.

If a voter responds to the notice or votes within two general election following the date of the notice, the voter will be place on the active list.

The process is not different for UOCAVA voters.

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A.

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes our voter registration system (VISTA) shares information electronically with the drivers license agency. Our system also shares information with the Social Security Office.

Utah shares data with the Electronic Registration Information Center, Inc., (ERIC) a membership-based not-for-profit corporation that operates an interstate data matching exchange comparing information on eligible voters from multiple official data sources, including driver license and voter registration records, and reports back to the states on registrants who have moved or died, had other changes to their voting eligibility or voted more than once.

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

N/A

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Utah Code 20A-2-101.5
Convicted felons -- Restoration of right to vote and right to hold office
(1) As used in this section, "convicted felon" means a person convicted of a felony in any state or federal court of the United States.
(2) Each convicted felon's right to register to vote and to vote in an election is restored when:
(a) the felon is sentenced to probation;
(b) the felon is granted parole; or
(c) the felon has successfully completed the term of incarceration to which the felon was sentenced.
(3) Except as provided by Subsection (4), a convicted felon's right to hold elective office is restored when:
(a) all of the felon's felony convictions have been expunged;

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If a registrants' address is up-to-date with the drivers license division, a registrant can complete the full registration process.

If a registrant's address is NOT up-to-date with the drivers license division, they can fill out the registration form online, but they will need to print the form, sign the form, and deliver it to their county clerk's office.

2016 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Votes are counted at a central location

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Absentee, mail, etc., votes are reported separately for each precinct

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Ballots are counted the same as response to question c, and are reported through our voter database, VISTA.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No-excuse absentee voting.

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Utah provides for in-person early voting in 20A-3-601, but it does not specifically define "early voting." Ballots are counted at a central location. Please see appendix.

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Yes.
20A-3-302. Conducting entire election by absentee ballot.
(1) Notwithstanding Section 17B-1-306, an election officer may administer an election entirely by absentee ballot.
(2) If the election officer decides to administer an election entirely by absentee ballot, the election officer shall mail to each registered voter within that voting precinct:
(a) an absentee ballot;
(b) a statement that there will be no polling place in the voting precinct for the election;
(c) a business reply mail envelope;
(d) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
(e) if the election officer does not operate an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, the voter

2016 Response:

Yes. (Slight code changes below)
20A-3-302. Conducting entire election by absentee ballot.
(1) Notwithstanding Section 17B-1-306, an election officer may administer an election entirely by absentee ballot.
(2) If the election officer decides to administer an election entirely by absentee ballot, the election officer shall mail to each registered voter within that voting precinct:
(a) an absentee ballot;
(b) for an election administered by a county clerk, information regarding the location and hours of operation of any election day voting center at which the voter may vote;
(c) a courtesy reply mail envelope;
(d) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
(e) for an election administered by an election officer other than a county clerk, if the election officer does not operate a polling location or an election day voting center, a warning, on a separate

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Utah Code 20A-3-105.5. Manner of voting -- Provisional ballot.
(1) The poll workers shall follow the procedures and requirements of this section when:
(a) the person's right to vote is challenged as provided in Section 20A-3-202 or 20A-3-202.5;
(b) the person's name is not found on the official register; or
(c) the poll worker is not satisfied that the voter has provided valid voter identification.
(2) When faced with one of the circumstances outlined in Subsection (1)(a) or (b), the poll worker shall:
(a) request that the person provide valid voter identification; and
(b) review the identification provided by the person.
(3) If the poll worker is satisfied that the person has provided valid voter identification that establishes the person's identity and residence in the voting precinct or within the county:
(a) the poll worker in charge of the official register shall:
(i) record in the official register the type of identification that established the person's identity and place of residence;
(ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
(iii) direct the voter to sign his name in the election column in

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Our state will count provisional ballots of voters who are registered in a different precinct if that person provides valid voter identification that he is now a permanent resident in the precinct he is now voting in.
If a voter votes in the wrong precinct but their ballot would be the same had they voted in their registered precinct, their vote will be counted.
20A-4-107. Review and disposition of provisional ballot envelopes.
(1) As used in this section, a voter is "legally entitled to vote" if:
(a) the person:
(i) is registered to vote in the state;
(ii) votes the ballot for the voting precinct in which the person resides; and
(iii) provided valid voter identification to the poll worker; (b) the person:
(i) is registered to vote in the state;
(ii) (A) provided valid voter identification to the poll worker; or
(B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the voter's identity and residence through some other means; and
(iii) did not vote in the person's precinct of residence, but the ballot that the person voted is identical to the ballot voted in the voter's precinct of residence; or
(c) the person:
(i) is registered to vote in the state;
(ii) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register; and
(iii) (A) the county clerk verifies the person's identity and residence through some other means as reliable as photo identification; or
(B) the person provides valid voter identification to the county clerk or an election officer who is administering the election by the close of normal office hours on Monday after the date of the election.
(2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review the affirmation on the face of each provisional ballot envelope and determine if the person signing the affirmation is:
(i) registered to vote in this state; and
(ii) legally entitled to vote:
(A) the ballot that the person voted; or
(B) if the ballot is from the person's county of residence, for

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix.	See Appendix for official audit policy. We established new guidelines in a handbook (see appendix) for vote by mail counties; however, we did not amend the policy.

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No state required training.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

No

2016 Response:

Statute for voter ID requirements have not changed, but practices have changed due to the state's transition to voting by mail.

All voters must display valid ID when voting at the polls. If a voter is voting by mail, some counties require proof of ID at the time of registration and some require proof when the voter submits their ballot.

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

(82) "Valid voter identification" means:
(a) a form of identification that bears the name and photograph of the voter which may include:
(i) a currently valid Utah driver license;
(ii) a currently valid identification card that is issued by:
(A) the state; or
(B) a branch, department, or agency of the United States;
(iii) a currently valid Utah permit to carry a concealed weapon;
(iv) a currently valid United States passport; or
(v) a currently valid United States military identification card;
(b) one of the following identification cards, whether or not the card includes a photograph of the voter:
(i) a valid tribal identification card;
(ii) a Bureau of Indian Affairs card; or
(iii) a tribal treaty card; or
(c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:
(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If the voter did not show valid voter identification when registering, they will be required to show it.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

(1) Each election officer, election official, and judge shall liberally interpret and apply this part to:
(a) make it possible for Utah voters living or serving abroad to vote in county, state, and national elections during their absence;
(b) enable these voters to register more conveniently;
(c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting Act; and
(d) in accordance with Public Law 107-252, the Help America Vote Act of 2002, exempt overseas and military voters from the identification requirements of Section 20A-3-308.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Same as a.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

20A-3-201. Watchers.
(1) (a) (i) For each regular general election or statewide special election, and for each regular primary and Western States Presidential Primary, each registered political party and any person interested in a ballot proposition appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.
(ii) Each party poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the county chair of each of the parties.
(iii) Each issue poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the individual appointing him.
(b) (i) For each municipal general election, municipal primary, local special election, or bond election that uses paper ballots, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.
(ii) For each municipal general election, municipal primary, local special election, or bond election that uses ballot sheets, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.
(iii) Each candidate poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the candidate appointing him.
(iv) Each issue poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the individual appointing him.
(2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise absent, that poll watcher may substitute some other watcher of similar political beliefs by informing the poll workers of the substitution by affidavit.
(3) Voting poll watchers may watch and observe the voting process, and may make a written memorandum, but they may not interfere in any way with the process of voting except to

2016 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

A1F

20A-3-301. Voting by absentee ballot.

(1) Any person who is registered to vote may vote by absentee ballot.

(2) Except as provided in Section 20A-3-702, a registered voter may not vote in person if the voter voted by absentee ballot.

20A-3-304. Application for absentee ballot -- Time for filing and voting.

(1) (a) Any registered voter who wishes to vote an absentee ballot may either:

(i) file an absentee ballot application:

(A) on the electronic system maintained by the lieutenant governor under Section 20A-2-206; or

(B) with the appropriate election officer for an official absentee ballot as provided in this section; or

(ii) vote in person at the office of the appropriate election officer as provided in Section 20A-3-306.

(b) A person that collects a completed absentee ballot application from a registered voter shall file the completed absentee ballot application with the appropriate election official before the earlier of:

(i) 14 days after the day on which the registered voter signed the absentee ballot form; or

(ii) the Thursday before the next election.

(2) As it relates to an absentee ballot application to be filled out entirely by the voter:

(a) except as provided in Subsection (2)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications:

(i) in substantially the following form:

"I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah apply for an official absentee ballot to be voted by me at the election.

Date _____ (month\day\year) Signed _____

Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

(A) until the voter requests otherwise at a future date; or

(B) until a date specified by the voter in the application form; and

(b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for the Western States Presidential Primary:

(i) in substantially the following form:

"I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah apply for an official absentee ballot for the _____ political party to be

voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request.

Dated _____ (month\day\year) ____ Signed _____

Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

(A) until the voter requests otherwise at a future date; or

(B) until a date specified by the voter in the application form.

(3) If requested by the applicant, the election officer shall:

(a) mail or fax the application form to the absentee voter; or

(b) deliver the application form to any voter who personally applies for it at the office of the election officer.

(4) As it relates to an absentee ballot application to be filled out for, and finished and signed by, a voter:

(a) except as provided in Subsection (4)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications:

(i) in substantially the following form:

"I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah apply for an official absentee ballot to be voted by me at the election.

I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Thursday before the next election.

This form is provided by (insert name of person or organization).

I have verified that the information on this application is correct.

I understand that I will receive a ballot at the following address: (insert address and an adjacent check box);

OR

I request that the ballot be mailed to the following address: (insert blank space for an address and an adjacent check box).

Date _____ (month\day\year) Signed _____

Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

(A) until the voter requests otherwise at a future date; or

(B) until a date specified by the voter in the application form; and

(b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for the Western States Presidential Primary:

(i) in substantially the following form:

"I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah apply for an official absentee ballot for the _____ political party to be

voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request. I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Thursday before the next primary election.

This form is provided by (insert name of person or organization).

I have verified that the information on this application is correct.

I understand that I will receive a ballot at the following address: (insert address and an adjacent check box);

OR

I request that the ballot be mailed to the following address: (insert blank space for an address and an adjacent check box).

Dated _____ (month\day\year) ____ Signed

_____

Voter"; and

(ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter status:

(A) until the voter requests otherwise at a future date; or

(B) until a date specified by the voter in the application form.

(5) The forms described in Subsections (2) and (4) shall contain instructions on how a voter may cancel an absentee ballot application.

(6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the lieutenant governor or appropriate election officer no later than the Thursday before election day.

(7) (a) A county clerk shall establish an absentee voter list containing the name of each voter who:

(i) requests absentee voter status; and

(ii) meets the requirements of this section.

(b) A county clerk may not remove a voter's name from the list described in Subsection (7)(a) unless:

(i) the voter is no longer listed in the official register;

(ii) the voter cancels the voter's absentee status; or

(iii) the voter's name is removed on the date specified by the voter on the absentee ballot application form.

(c) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is on the absentee voter list.

(ii) The questionnaire shall allow the voter to:

(A) verify the voter's residence; or

(B) cancel the voter's absentee status.

(d) The clerk shall provide a copy of the absentee voter list to election officers for use in elections.

A1G & C3

20A-3-601. Early voting.

(1) (a) An individual who is registered to vote may vote before the election date in accordance with this section.

(b) An individual who is not registered to vote may register to vote and vote before the election date in accordance with this section if the individual:

(i) is otherwise legally entitled to vote the ballot in a jurisdiction that is approved by the lieutenant governor to participate in the pilot project described in Section 20A-4-108; and

(ii) casts a provisional ballot in accordance with Section 20A-4-108.

(2) Except as provided in Section 20A-1-308, the early voting period shall:

(a) begin on the date that is 14 days before the date of the election; and

(b) continue through the Friday before the election if the election date is a Tuesday.

(3) Except as provided in Section 20A-1-308, during the early voting period, the election officer:

(a) for a local special election, a municipal primary election, and a municipal general election:

(i) shall conduct early voting on a minimum of four days during each week of the early voting period; and

(ii) shall conduct early voting on the last day of the early voting period; and

(b) for all other elections:

(i) shall conduct early voting on each weekday; and

(ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

(4) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early voting shall be administered according to the requirements of this title.

20A-3-602. Hours for early voting.

(1) Except as provided in Section 20A-1-308, the election officer shall determine the times for opening and closing the polls for each day of early voting provided that:

(a) voting is open for a minimum of four hours during each day that polls are open during the early voting period; and

(b) polls shall close at 5 p.m. on the last day of the early voting period.

(2) Except as provided in Section 20A-1-308, each registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

20A-3-603. Early voting polling places.

(1) Except as provided in Section 20A-1-308, the election officer shall designate one or more polling places for early voting, provided that:

(a) at least one polling place is open on each day that polls are open during the early voting period;

(b) each polling place meets the requirements for polling places under Chapter 5, Election Administration;

(c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place are accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and

(d) each polling place is located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:

(i) can be scheduled for use during early voting hours;

(ii) has the physical facilities necessary to accommodate early voting requirements;

(iii) has adequate space for voting equipment, poll workers, and voters; and

(iv) has adequate security, public accessibility, and parking.

(2) (a) Except as provided in Section 20A-1-308, in the event the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, the election officer may designate additional polling places during the early voting period.

(b) Except as provided in Section 20A-1-308, if an additional early voting polling place is designated, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the additional polling place by:

(i) publishing the notice:

(A) in one issue of a newspaper of general circulation in the county; and

(B) as required in Section 45-1-101; and

(ii) posting the notice at the additional polling place.

(3) Except as provided in Section 20A-1-308, for each regular general election and regular primary election, counties of the first class shall ensure that the early voting polling places are approximately proportionately distributed based on population within the county.

B3

20A-2-305. Removing names from the official register -- General requirements.

(1) The county clerk may not remove a voter's name from the official register because the voter has failed to vote in an election.

(2) The county clerk shall remove a voter's name from the official register if:

(a) the voter dies and the requirements of Subsection (3) are met;

(b) the county clerk, after complying with the requirements of Section 20A-2-306, receives written confirmation from the voter that the voter no longer resides within the county clerk's county;

(c) the county clerk has:

(i) obtained evidence that the voter's residence has changed;

(ii) mailed notice to the voter as required by Section 20A-2-306;

(iii) (A) received no response from the voter; or

(B) not received information that confirms the voter's residence; and

(iv) the voter has failed to vote or appear to vote in an election during the period beginning on the date of the notice described in Section 20A-2-306 and ending on the day after the date of the second regular general election occurring after the date of the notice;

(d) the voter requests, in writing, that the voter's name be removed from the official register;

(e) the county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter;

(f) the county clerk receives notice that a voter has been convicted of any felony or a misdemeanor for an offense under this title and the voter's right to vote has not been restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or

(g) the county clerk receives notice that a voter has registered to vote in another state after the day on which the voter registered to vote in this state.

(3) The county clerk shall remove a voter's name from the registration list within 21 days of receipt of confirmation from the Department of Health's Bureau of Vital Records that a voter is deceased.

20A-2-306. Removing names from the official register -- Determining and confirming change of residence.

(1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:

(a) confirms in writing that the voter has changed residence to a place outside the county; or

(b) (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and

(ii) has failed to respond to the notice required by Subsection (3).

(2) (a) When a county clerk obtains information that a voter's address has changed and it appears that the voter still resides within the same county, the county clerk shall:

(i) change the official register to show the voter's new address; and

(ii) send to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(3) Each county clerk shall use substantially the following form to notify voters whose addresses have changed: "VOTER REGISTRATION NOTICE

We have been notified that your residence has changed. Please read, complete, and return this form so that we can update our voter registration records. What is your current street address?

_____

Street City County State Zip

If you have not changed your residence or have moved but stayed within the same county, you must complete and return this form to the county clerk so that it is received by the county clerk no later than 30 days before the date of the election. If you fail to return this form within that time:

- you may be required to show evidence of your address to the poll worker before being allowed to vote in either of the next two regular general elections; or

- if you fail to vote at least once from the date this notice was mailed until the passing of two regular general elections, you will no longer be registered to vote. If you have changed your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

_____

Signature of Voter"

"The portion of a voter registration form that lists a person's driver license or identification card number, social security number, and email address is a private record. The portion of a voter registration form that lists a person's date of birth is a private record, the use of which is restricted to government officials, government employees, political parties, or certain other persons.

If you believe that disclosure of any information contained in this voter registration form to a person other than a government official or government employee is likely to put you or a member of your household's life or safety at risk, or to put you or a member of your household at risk of being stalked or harassed, you may apply to the lieutenant governor or your county clerk to have your entire voter registration record classified as private."

(4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the names of any voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election.

(b) The county clerk may remove the names of voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election if:

(i) the voter requests, in writing, that the voter's name be removed; or

(ii) the voter has died.

(c) (i) After a county clerk mails a notice as required in this section, the clerk may list that voter as inactive.

(ii) An inactive voter shall be allowed to vote, sign petitions, and have all other privileges of a registered voter.

(iii) A county is not required to send routine mailings to inactive voters and is not required to count inactive voters when dividing precincts and preparing supplies.

C7. STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR

Election Policy

Adopted October 17, 2006

Pursuant to the general supervisory authority over all elections and direct authority over the conduct of elections for federal, state, and multi-county officers and statewide or multicounty ballot propositions and any recounts involving those races granted to the lieutenant governor by statute, all election officials shall maintain the following minimum standards and implement the following basic procedures when conducting an election using Diebold AccuVote TSx or AccuVote OS voting machines in the State of Utah:

1. Authority: Utah Code section 67-1a-2 and Utah Constitution Article VII, sections 1 and 14 authorize the lieutenant governor to issue this policy.

2. Purpose: This policy establishes minimum standards and basic procedures for conducting elections using Diebold AccuVote TSx or AccuVote OS voting machines in the State of Utah.

3. Definitions: Unless otherwise defined in this policy, terms shall have the same meanings established in Utah Code Title 20A.

3.1. Audit means a comparison of machine counted totals of votes recorded on a voting machine with the hand counted totals of votes recorded on the corresponding permanent paper record.

3.2. Ballot proposition does not include judicial retention questions for purposes of this policy.

3.3. Random number generator means a verified statistical algorithm to produce pseudo random numbers available in commercial statistical software packages.

4. System Security: Prior to any election, the election officer shall assign both a new and unique "Security Key" and a new and unique "Authorization PIN" for that election in the Global Election Management Software (GEMS) system.

5. Permanent Paper Record:

5.1. Utah Code section 20A-5-302 requires that automated voting systems produce a permanent paper record that is available for the voter to inspect before leaving the polling place.

5.2. For Diebold AccuVote OS voting equipment, the optical scan ballot sheet is the permanent paper record.

5.3. For Diebold AccuVote TSx voting machines:

5.3.1. The journal tape is the permanent paper record.

5.3.2. Upon inserting a journal take-up canister into the Diebold AccuFeed printer module, at least two election officials shall:

5.3.2.1. Affix at least one tamper evident tape seal to the canister.

5.3.2.2.Record the jurisdiction, date, polling place, AccuVote TSx serial number, and canister number within the series of canisters assigned to the voting machine for that election.

5.3.2.3.Sign the beginning of the journal tape. These signatures may follow the zero totals report.

5.3.3. Upon removing a journal take-up canister from the Diebold AccuFeed printer module, at least two election officials shall:

5.3.3.1.Sign the end of the journal tape. These signatures may follow the summary totals report.

5.3.3.2.Compare the AccuVote TSx serial number recorded for that canister with the serial number on the voting machine.

5.3.3.3.Record any difference between the two numbers on the log provided by the election officer for that purpose.

5.3.3.4.Ascertain the reasons for any difference between the two numbers and record the reasons on the log provided by the election officer for the purpose.

5.3.3.5.Examine the tamper evident tape seal.

5.3.3.6.Record any evidence of tampering on the log provided by the election officer for that purpose.

5.3.3.7.Ascertain the reasons for any evidence of tampering and record the reasons on a log provided by the election officer for that purpose.

5.3.4. Except as directed in sections six and seven of this policy, election officers shall:

5.3.4.1.If an election contest is pending, follow the directions in Utah Code subsection 20A-4-202(4).

5.3.4.2.Until the period for initiating an election contest defined in Utah Code section 20A-4-403 expires, store all journal take-up canisters used in an election with the tamper evident tape seals intact.

5.3.4.3.After the period for initiating an election contest defined in Utah Code section 20A-4-403 has expired:

5.3.4.3.1. Remove the tamper evident tape seals from the canisters.

5.3.4.3.2. Remove the journal tapes from their spindles and place the journal tapes in long-term storage containers.

5.3.4.3.3. Store and then destroy the journal tapes with all other election returns as directed in Utah Code section 20A-4-202.

5.4. Each election officer shall make the tamper evident tape seal logs available for inspection by the board of canvassers.

5.5. Each election officer shall store the tamper evident tape seal logs with all other election returns as directed in Utah Code section 20A-4-202.

5.6. Each election officer shall transmit a summary of all tamper evident tape seal logs to the lieutenant governor with the canvassers' report required by Utah Code section 20A-4-304.

6. Audits:

6.1. No later than noon on Election Day, each election officer shall submit to the lieutenant governor a list of AccuVote TSx and precinct-count AccuVote OS voting machine serial numbers and the Utah House of Representative districts in which each voting machine is deployed to record votes.

6.2. Using the following procedure, the lieutenant governor shall select at least one percent of the total number of AccuVote TSx and precinct-count AccuVote OS voting machines used statewide in the election to be audited:

6.2.1. For each Utah House of Representatives district:

6.2.1.1.Beginning with one and increasing by one until all machines deployed in the district are numbered; assign a sequential number to each voting machine.

6.2.1.2.If a voting machine will record votes for more than one district, assign a number for each of the districts.

6.2.2. Using a random number generator, identify for audit one voting machine in each Utah House of Representative district.

6.2.3. If a machine previously identified for audit in one district is identified for audit in a subsequent district, repeat the procedure in subsection 6.2.2 until a machine not previously identified for audit is selected.

6.2.4. If one percent of the total number of voting machines used statewide in the election is greater than the total number of Utah House of Representative districts:

6.2.4.1.Using a random number generator, identify one of the districts for an additional audit.

6.2.4.2.If a district previously identified in subsection 6.2.4.1 is subsequently identified before all districts have been identified for additional audit, repeat the procedure in 6.2.4.1 until a district not previously identified for additional audit is selected.

6.2.4.3.Using a random number generator, identify one voting machine in the district identified for an additional audit.

6.2.4.4.If a previously identified machine is subsequently identified for an additional audit, repeat the procedure in subsection 6.2.4.3 until a machine not previously identified is selected.

6.2.4.5.Repeat the procedures in subsections 6.2.4.1 through 6.2.4.4 until one percent of the total voting machines used statewide in the election are identified for audit.

6.3. After the polls close on Election Day but no later than noon the next day, the lieutenant governor shall inform the appropriate election officers of the machines identified for audit.

6.4. Each election officer who will conduct an audit shall:

6.4.1. Provide notice of the time and place of the audit by publishing the notice at least two days before the audit in a newspaper of general circulation common to the area in which the election was held. This notice may be included in the notice required by Utah Code subsection 20A-5-101(3).

6.4.2. Permit counting poll watchers, as defined and regulated in Utah Code section 20A-3-201, to observe the audit.

6.4.3. Include in the audit log copies of the pre-election and post-election logic and accuracy test reports produced for all central-count AccuVote OS voting machines used in the election.

6.4.4. Preserve precinct-count optical scan ballots in segregated groups according to the polling place where the ballots were cast.

6.5. Between the closing of the polls on Election Day and the meeting of the jurisdiction's board of canvassers, each election officer shall, for each machine identified for audit, direct that at least two election officials:

6.5.1. Print a total report for the memory card.

6.5.2. For precinct-count optical scan ballots:

6.5.2.1.Hand count the votes recorded on each ballot for each ballot proposition and partisan office.

6.5.2.2.Record the total number of votes hand-counted for each ballot proposition and partisan office on a log provided by the election officer for that purpose.

6.5.3. For each journal tape take-up canister:

6.5.3.1.Examine the tamper evident tape seal.

6.5.3.2.Note any evidence of tampering on a log provided by the election officer for that purpose.

6.5.3.3.Ascertain the reasons for any evidence of tampering and record the reasons on a log provided by the election officer for that purpose.

6.5.3.4.Remove the tamper evident tape seal.

6.5.3.5.Hand count the votes recorded on the journal tape for each ballot proposition and partisan office.

6.5.3.6.Record the total number of votes hand-counted for each ballot proposition and partisan office on a log provided by the election officer for that purpose.

6.5.4. For each ballot proposition and partisan office, compare the hand-counted results with the results on the machine total report printed under subsection

6.5.1.

6.5.5. Note any differences between the hand-counted results and the machine total report results on a log provided by the election officer for that purpose.

6.5.6. Ascertain the reasons for any differences between the hand-counted and the machine total report results and record the reasons on a log provided by the election officer for that purpose.

6.5.7. If applicable, note on a log provided by the election officer for that purpose that an audited machine was used both in early voting and on Election Day.

6.6. If a machine identified for audit failed on Election Day and was replaced by another machine, the election officer shall audit both the replacement machine and, to the extent possible, the failed machine.

6.7. Each election officer shall make the audit logs available for inspection by the board of canvassers.

6.8. Each election officer shall store the audit logs with all other election returns as directed in Utah Code section 20A-4-202.

6.9. Each election officer shall transmit a summary the audit logs to the lieutenant governor with the canvassers' reports required by Utah Code section 20A-4-304.

7. Recounts:

7.1. Utah Code section 20A-4-401 permits recounts under certain circumstances.

7.2. Election officers who receive recount requests under Utah Code section 20A-4-401 shall:

7.2.1. Provide not less than 24 hours notice of the time and place of the recount by posting a written notice at the election officer's principal office and providing notice to at least one newspaper of general circulation within the election officer's geographic jurisdiction or a local media correspondent.

7.2.2. Permit counting poll watchers, as defined and regulated in Utah Code section 20A-3-201, to observe the recount.

7.2.3. Conduct an audit of voting machines used to record votes in the recount race as directed in subsection 7.3.

7.2.4. Follow the procedures outlined in Utah Code section 20A-4-401 for recounting absentee ballots.

7.2.5. Upload the recounted absentee ballot information into a new Global Election Management Software (GEMS) database.

7.2.6. Upload into the database created in subsection 7.2.5 all memory cards on which votes cast in the recount race are recorded.

7.2.7. Declare the winner as directed in Utah Code section 20A-4-401

7.3. Audits of recount races:

7.3.1. If the recount race is a statewide ballot proposition or partisan office race, the audit performed under section 6 satisfies the recount audit requirement.

7.3.2. If the recount race is a U.S. House of Representatives race, the lieutenant governor shall use the procedure in subsection 7.3.7 to identify for audit at least three percent of the machines used to record votes in that race.

7.3.3. If a the recount race is a multi-county ballot proposition, partisan office race or non-partisan office race, the lieutenant governor shall use the procedure in subsection 7.3.7 to identify for audit:

7.3.3.1.In a district with a population grater than 125,000, at least three percent of the machines used to record votes in that race.

7.3.3.2.In a district with a population equal to or less than 125,000, at least five percent of the machines used to record votes in that race.

7.3.4. If the recount race is a county-wide ballot proposition, partisan office race or non-partisan office race, the county clerk shall use the procedure in 7.3.7 to identify for audit:

7.3.4.1.In counties of the first class, at least one percent of the machines used to record votes in that race.

7.3.4.2.In counties of the second or third class at least three percent of the machines used to record votes in that race.

7.3.4.3.In counties of the fourth, fifth, or sixth class, at least five percent of the machines used to record vote in that race.

7.3.5. If the recount race is a ballot proposition, partisan office race or non-partisan office race for which the district population is greater than 125,000, the county clerk shall use the procedure in 7.3.7 to identify for audit three percent of the machines used to record votes in that race.

7.3.6. If the recount race is any other ballot proposition, partisan office race or nonpartisan office race, the county clerk shall use the procedure in subsection 7.3.7 to identify at least five percent of the machines used to record votes in that race to be audited.

7.3.7. Identifying machines to be audited:

7.3.7.1.In multi-county races

7.3.7.1.1. For each county, beginning with one and increasing by one until all machines deployed in the county have been numbered; assign a sequential number to each voting machine.

7.3.7.1.2. Using a random number generator, identify for audit one voting machine in each county.

7.3.7.1.3. If the required percentage of the total number of voting machines used in the recount race is greater than the total number of counties:

7.3.7.1.3.1.Using a random number generator, identify one of the counties for an additional audit.

7.3.7.1.3.2.If a county previously identified in subsection 7.3.7.1.3.1 is subsequently identified before all counties have been identified for additional audit, repeat the procedure in 7.3.7.1.3.1 until a county not previously identified for additional audit is selected.

7.3.7.1.3.3.Using a random number generator, identify one voting machine in the county identified for an additional audit.

7.3.7.1.3.4.If a previously identified machine is subsequently identified for an additional audit, repeat the procedure in subsection

7.3.7.1.3.3 until a machine not previously identified is selected.

7.3.7.1.3.5.Repeat the procedures in subsections 7.3.7.1.3.1 through

7.3.7.1.3.4 until the required percentage of the total voting machines used in the recount race have been identified for audit.

7.3.7.2.In all other races:

7.3.7.2.1. Beginning with one and increasing by one until all machines used to record recount race votes are numbered; assign a sequential number to each voting machine.

7.3.7.2.2. Using a random number generator, identify for audit the required number of voting machines.

7.3.7.3.Provided that the recount race was included in the audit prior to the canvass, if a machine identified for a recount audit was audited prior to the canvass, the results of the audit prior to the canvass may be used instead of conducting a recount audit on that machine.

7.3.8. For each voting machine identified for audit, direct that at least two election officials:

7.3.8.1.Print a total report for the memory card.

7.3.8.2.For precinct-count optical scan ballots:

7.3.8.2.1. Hand count the votes recorded on each ballot for the race to be recounted.

7.3.8.2.2. Record the total number of votes hand-counted for the race to be recounted on a log provided by the election officer for that purpose.

7.3.8.3.For each journal tape take-up canister used in the machine:

7.3.8.3.1. Examine the tamper evident tape seal.

7.3.8.3.2. Note any evidence of tampering on a log provided by the election officer for that purpose.

7.3.8.3.3. Ascertain the reasons for any evidence of tampering and record the reasons on a log provided by the election officer for that purpose.

7.3.8.3.4. Remove the tamper evident tape seal.

7.3.8.3.5. Hand count the votes recorded on the journal tape for the recount race.

7.3.8.3.6. Record the total number of votes hand-counted for the recount race on a log provided by the election officer for that purpose.

7.3.8.4.For the recount race, compare the hand-counted results with the results on the machine total report printed under subsection 7.3.8.1.

7.3.8.5.Note any differences between the hand-counted results and the machine total report results on a log provided by the election officer for that purpose.

7.3.8.6.Ascertain the reasons for any differences between the hand-counted and the machine total report results and record the reasons on a log provided by the election officer for that purpose.

7.4. Each election officer shall make the recount logs available for inspection by the board of canvassers.

7.5. Each election officer shall store the recount logs with all other election returns as directed in Utah Code section 20A-4-202.

7.6. Each election officer shall transmit a summary of all recount logs to the lieutenant governor with the canvassers' reports required by Utah Code section 20A-4-304.

2016 Election Audit Handbook & Materials

For Vote By Mail Counties

Prepared by the Utah Lieutenant Governor's Office

Published June 2, 2016

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Introduction

When the audit policy was first created in 2006, it focused primarily on auditing the state's new touchscreen (TSx) voting machines. However, with the increasing popularity of early voting, mail voting, and vote centers, the way Utah elections are administered have dramatically changed within the past decade. The audit policy has been revised to reflect these changes.

Previously, vote by mail counties needed to audit mail ballots only if an optical scan (OS) machine was randomly selected for audit. Under the new policy, vote by mail counties must audit a certain amount of mail ballots in addition to auditing TSx machines. This new requirement, which is outlined below, is designed to balance the necessity of auditing mail ballots and preventing a burdensome workload for election officials.

This guide was written to assist county election officials navigate new changes to the audit policy and address any questions about the auditing process.

New Requirements

Auditing TSx Machines

Because vote by mail (VBM) counties must provide at least one ADA-accessible polling location on Election Day and many offer limited polling locations, the process to audit TSx machines will remain the same as in previous years. The Lt. Governor's office will randomly select 1 TSx machine per 100 deployed in every Utah House district.

VBM counties are no longer required to provide OS machine serial numbers to the Lt. Governor's office or sort TSx machine serial numbers by Utah House district (because TSx machines used by VBM counties serve every Utah House district within the county).

Auditing Mail Ballots

VBM counties will be required to audit 1% or 1,000 mail ballots, whichever is less.

Counties must provide the Lt. Governor's office with a list of batches, the number of ballots per batch, and the total number of mail ballots received. This information may be submitted any time between the day after election day and the Friday after election day. The Lt. Governor's office will then randomly select batches to be audited.

If a county would prefer to use another method to randomly select ballots or selecting the ballots by batch would be too burdensome (e.g., a county only has 1 or 2 batches), they may propose another randomization method and submit it to the Lt. Governor's office for approval.

Checklist & Timeline

	WHEN	WHAT
STEP 1 ☐	At least 2 days before the logic and accuracy demonstration (See STEP 2)	Create a notice of a logic and accuracy demonstration of the voting devices that will be used for the election. Include the date, time, and location in the notice. Publish the notice in at least one newspaper and on the public notice website, pmn.utah.gov, at least two days before the demonstration. You may also include the audit notice outlined in STEP 5.
STEP 2 ☐	1 day before voting begins	Conduct a logic and accuracy demonstration of the voting equipment. Watchers are allowed, and they can request a copy of the testing results.
STEP 3 ☐	**Primary** By Jun. 21st **General** By Nov. 1st	If your county would prefer to use a method to randomly select mail ballots for auditing other than randomly selecting batches, submit an alternative method to the Lt. Governor's office (elections@utah.gov) for approval.
STEP 4 ☐	**Primary** By Jun. 27th **General** By Nov. 7th	Compile a list of TSx machine serial numbers that will be used for the election and email them to the Lt. Governor's office (elections@utah.gov). If you had to replace a machine during the early voting period, include both machines. You do not need to include serial numbers for OS machines or sort the machines by Utah House district.
STEP 5 ☐	**Primary** Jun. 28th **General** Nov. 8th	The Lt. Governor's office will randomly select 1 TSx machine per 100 deployed in each Utah House district to audit. The Lt. Governor's office will notify the counties which machines were selected by noon on Election Day.
STEP 6 ☐	At least 2 days before the audit	Create a notice that includes the time and place of the TSx *and* mail ballot audit. Publish the notice at least 2 days prior to the audit in a newspaper, but publishing it earlier is recommended. Although it is not required, it is also recommended that you send the notice to candidates and interested constituents.

Checklist & Timeline

	WHEN	WHAT
STEP 7 ☐	After receiving random machine numbers from Lt. Governor's office	Audit TSx machines that are randomly selected. To learn how to audit a TSx machine, please refer to **page 5**. Watchers are allowed to observe the auditing process.
STEP 8 ☐	**Primary** Jun. 29– Jul. 1 **General** Nov. 9 - Nov. 11	Compile a report of batch numbers, number of ballots per batch, and total mail ballots received. You may send this report to the Lt. Governor's office (elections@utah.gov) any time between the dates specified to the left. If your county opted to use an alternative method to randomize the ballots, send the information needed for your randomization process. The Lt. Governor's office will randomly select batches equivalent to 1% of ballots received or 1,000 ballots, whichever is less.
STEP 9 ☐	After receiving random batch numbers from Lt. Governor's office	Audit mail ballots. Hand count the votes and compare them with the scanned results. To learn how to audit mail ballots, please refer to **page 10**. Watchers are allowed to observe the auditing process.
STEP 10 ☐	**Primary** By Jul. 12th **General** By Nov. 22nd	Complete the TSx and mail ballot audits prior to the canvass. Complete the **audit summary report**. Make the report and all other audit materials available for the canvass.
STEP 11 ☐	**Primary** Jul. 12th **General** Nov. 22nd	Email the **audit summary report** to the Lt. Governor's office (elections@utah.gov) along with your county's signed canvass and precinct-level election results (statement of votes cast or SOVC).
STEP 12 ☐	After the canvass	Store all election and audit materials in a safe, secure area.

How to Audit TSx Machines

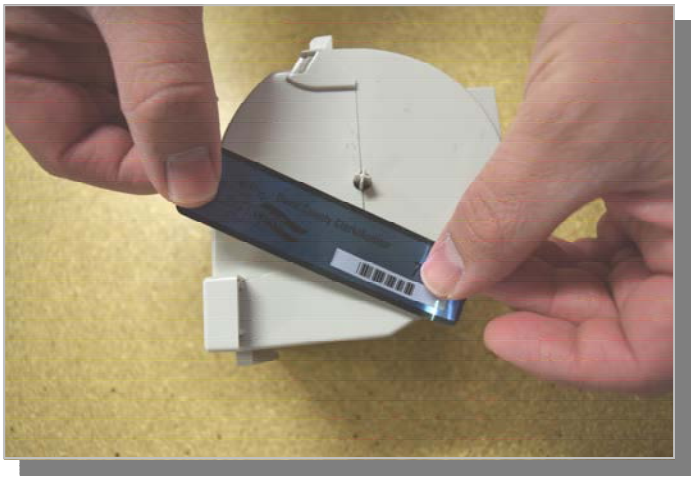
Follow the basic steps below to audit a Diebold AccuVote TSx (touchscreen) machine, but feel free to use a process that works best for your county. These steps are basic, so feel free to use a process that works best for your county. Many of the steps below refer to pages within the **audit packet**. Your county will use this packet to audit ballots and record the results. You will also submit this packet to the Lt. Governor's office. The **audit packet** includes:

- **Audit Summary Report** (Fillable PDF) (Word)
- **Journal Tape Log** (Fillable PDF) (Excel)
- **Hand Count Log** (Fillable PDF) (Excel)

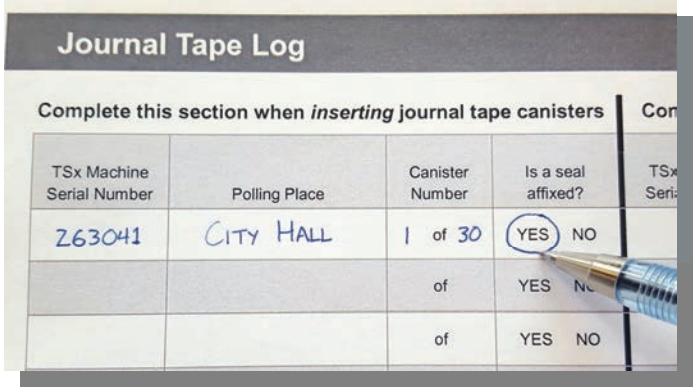
If you are unfamiliar with the audit process, please refer to the **audit packet** as you read the steps below.

STEP 1 Insert the Canister & Journal Tape Into the Machine

A journal tape (the paper roll) is the permanent paper record for votes cast on a TSx machine.



After inserting the journal tape into the take-up canister using the spool and spindle, ensure at least two election officials affix a tamper evident tape seal to the outside of the canister. The seal should identify a number or ID for the canister.

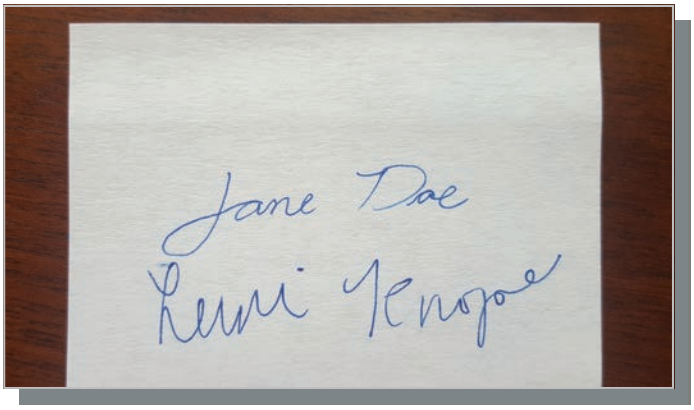


Journal Tape Log

Complete this section when *inserting* journal tape canisters

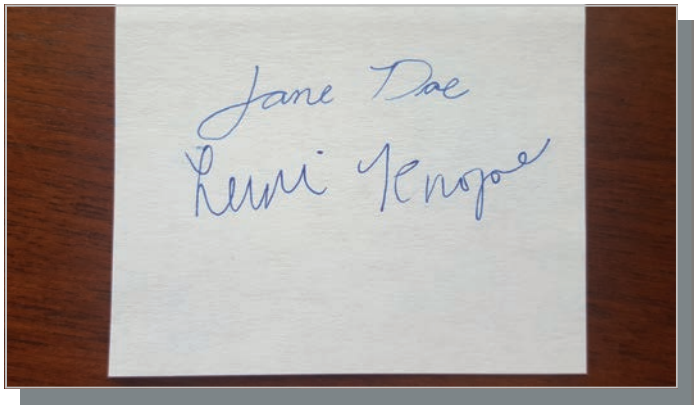
TSx Machine Serial Number	Polling Place	Canister Number	Is a seal affixed?
263041	City Hall	1 of 30	YES NO
		of	YES NO
		of	YES NO

The election officials should note the TSx machine serial number and the number or ID of the canister in the **journal tape log**.

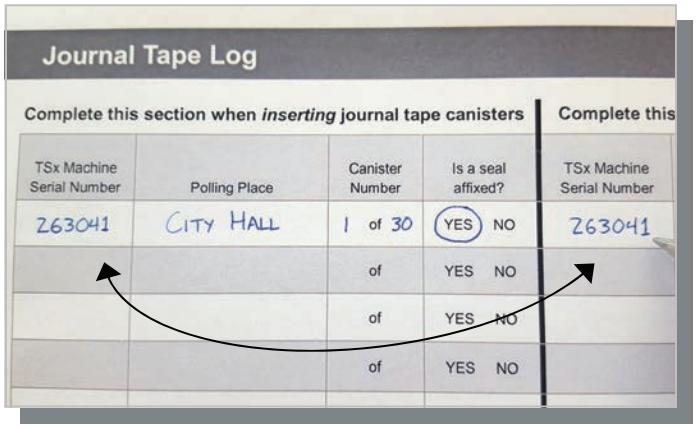


The election officials should sign the beginning of the journal tape.

STEP 2 Remove the Canister & Journal Tape from the Machine



When removing the journal tape from the machine, the election officials should sign the end of the journal tape.

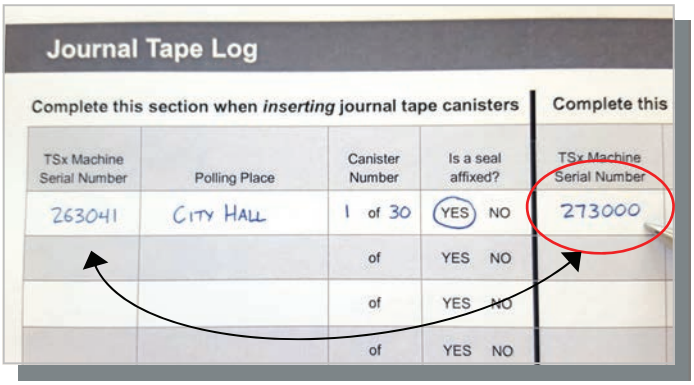


Journal Tape Log

Complete this section when *inserting* journal tape canisters | Complete this

TSx Machine Serial Number	Polling Place	Canister Number	Is a seal affixed?	TSx Machine Serial Number
263041	City Hall	1 of 30	YES NO	263041
		of	YES NO	
		of	YES NO	
		of	YES NO	

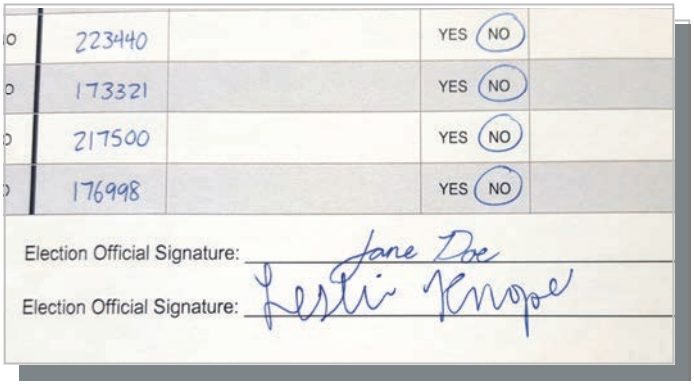
Using the **journal tape log** , both election officials must compare the machine serial number noted for that canister with the serial number on the voting machine.



Journal Tape Log

Complete this section when *inserting* journal tape canisters				Complete this
TSx Machine Serial Number	Polling Place	Canister Number	Is a seal affixed?	TSx Machine Serial Number
263041	City Hall	1 of 30	YES NO	273000
		of	YES NO	
		of	YES NO	
		of	YES NO	

If the serial numbers do not match, both election officials must note the discrepancy of serial numbers on the **journal tape log.** They should also check the tamper evident seal and record any evidence of tampering on the **journal tape log**.



223440		YES NO	
173321		YES NO	
217500		YES NO	
176998		YES NO	

Election Official Signature: Jane Doe

Election Official Signature: Leslie Knope

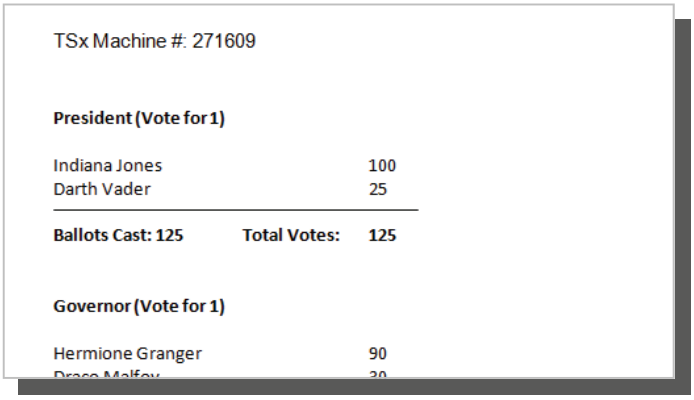
Once the **journal tape log** is complete, both election officials must sign the bottom of the log.

STEP 3 Set Aside Canisters Selected for Audit

The Lt. Governor's office will randomly select TSx machines to audit by noon on Election Day. After the election is complete, set aside all canisters that were used by the selected machines in a secure area.

Store any canisters that are not selected for audit in a secure location with all tamper evident seals intact.

STEP 4 Hand Count the Journal Tapes



TSx Machine #: 271609

President (Vote for 1)

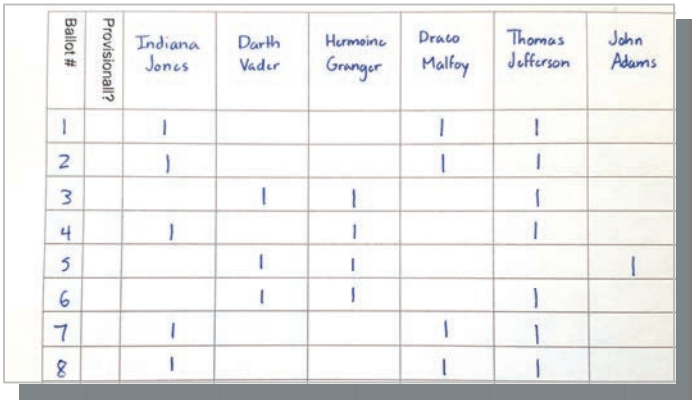
Indiana Jones	100
Darth Vader	25
Ballots Cast: 125 **Total Votes:**	**125**

Governor (Vote for 1)

Hermione Granger	90
Draco Malfoy	30

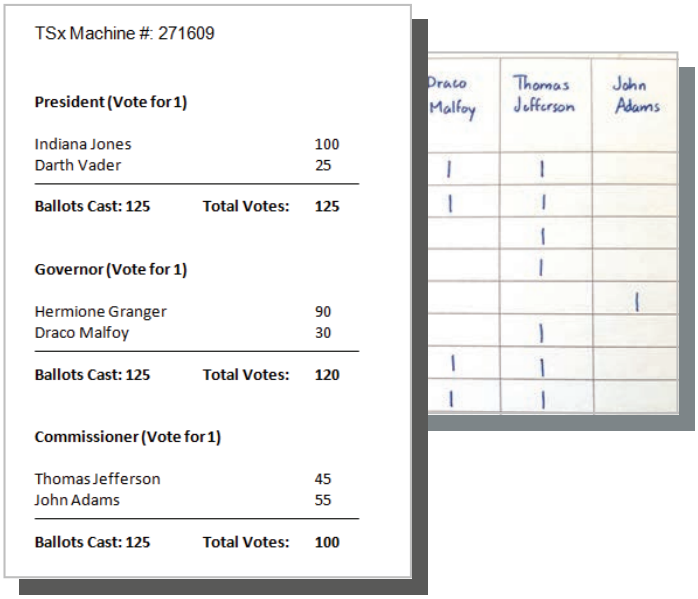
When you are ready to begin the audit (remember that you must provide a notice at least 2 days before conducting the audit), two election officials must print a report for each TSx machine that was selected for audit. The report must identify the total number of votes for partisan races and ballot propositions.

Next, both election officials must examine the tamper evident seals from the canisters that were set aside for the audit. If any seals are broken, they must note it on the **hand count log**. If the seal is unbroken, they can remove the seal.



Ballot #	Provisional?	Indiana Jones	Darth Vader	Hermoine Granger	Draco Malfoy	Thomas Jefferson	John Adams
1		1			1	1	
2		1			1	1	
3			1	1		1	
4		1		1		1	
5			1	1			1
6			1	1		1	
7		1			1	1	
8		1			1	1	

The election officials may proceed to hand count the votes on the journal tape. They should use one **hand count log** per TSx machine to keep track of the manual tallies.



TSx Machine #: 271609

President (Vote for 1)

Indiana Jones	100
Darth Vader	25
Ballots Cast: 125 **Total Votes:**	**125**

Governor (Vote for 1)

Hermione Granger	90
Draco Malfoy	30
Ballots Cast: 125 **Total Votes:**	**120**

Commissioner (Vote for 1)

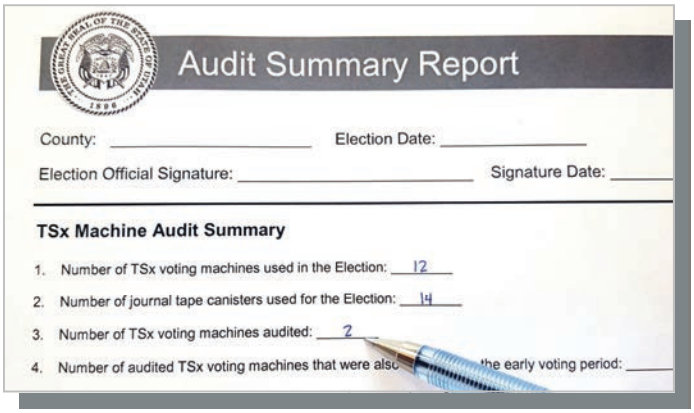
Thomas Jefferson	45
John Adams	55
Ballots Cast: 125 **Total Votes:**	**100**

Draco Malfoy	Thomas Jefferson	John Adams
1	1	
1	1	
	1	
	1	
		1
	1	
1	1	
1	1	

After election officials hand count every journal tape used by a single TSx machine, they must compare the results from the **hand count log** to the machine generated report.

If the **hand count log** does not match the report, the election officials must ascertain the reasons for the discrepancy. The discrepancy is typically due to human error on the hand count.

STEP 5 Complete the Audit Summary Report


Audit Summary Report

County: _____ Election Date: _____

Election Official Signature: _____ Signature Date: _____

TSx Machine Audit Summary

1. Number of TSx voting machines used in the Election: 12
2. Number of journal tape canisters used for the Election: 14
3. Number of TSx voting machines audited: 2
4. Number of audited TSx voting machines that were also [illegible] the early voting period: _____

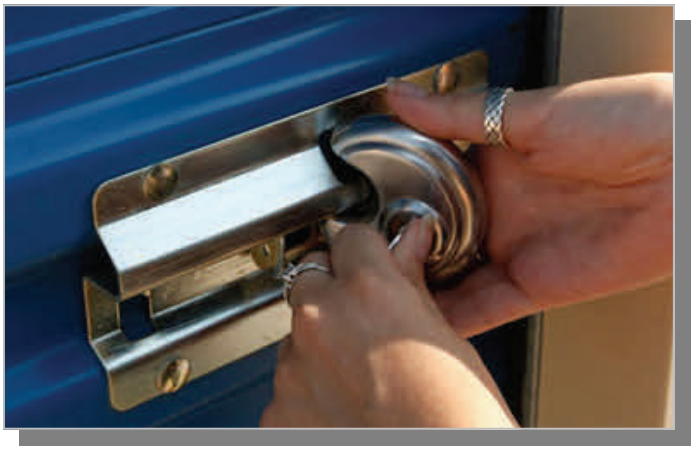
When you are finished auditing TSx machines and their canisters, fill out the TSx section of the **audit summary report.**

After you complete both the TSx section and the mail ballot section of the audit summary report, send the report to the Lt. Governor's office (elections@utah.gov).

If TSx machine serial numbers did not match when a canister was being removed or if any tape seals on the canisters displayed evidence of tampering, attach the appropriate **journal tape log** when you submit the report.

If there were any differences between the machine results and the hand counted results for a TSx machine, attach the appropriate **hand count log** for all the appropriate canisters when you submit the report.

STEP 6 Store the Canisters and Logs



Store the canisters in a secure place. You may remove the tamper seal from the canisters and remove journal tapes from their spindles 40 days after an election *if there is no election contest*.

Store and lock the canisters, journal tapes, and logs in a secure place. You may destroy the tapes and logs after storing them for 22 months.

How to Audit Mail Ballots

Follow the basic steps below to audit mail ballots, but feel free to use a process that works best for your county. Many of the steps below refer to pages within the **audit packet**. Your county will use this packet to audit ballots and record the results. You will also submit this packet to the Lt. Governor's office. The **audit packet** includes:

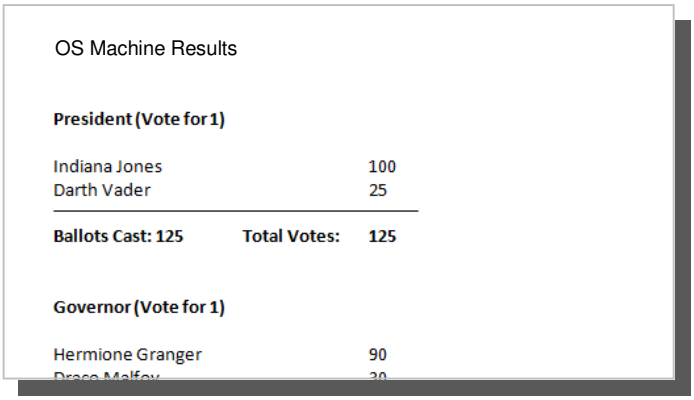
- **Audit Summary Report** (Fillable PDF) (Word)
- **Journal Tape Log** (Fillable PDF) (Excel)
- **Hand Count Log** (Fillable PDF) (Excel)

If you are unfamiliar with the audit process, please refer to the **audit packet** as you read the steps below.

STEP 1 Set Aside Ballots Selected for Audit

After the Lt. Governor's office randomly selects batches of mail ballots for auditing, set aside the batches that are selected. If your county submitted an alternative randomization process, follow that process to set aside the ballots that are selected for audit.

STEP 2 Hand Count the Ballots



OS Machine Results

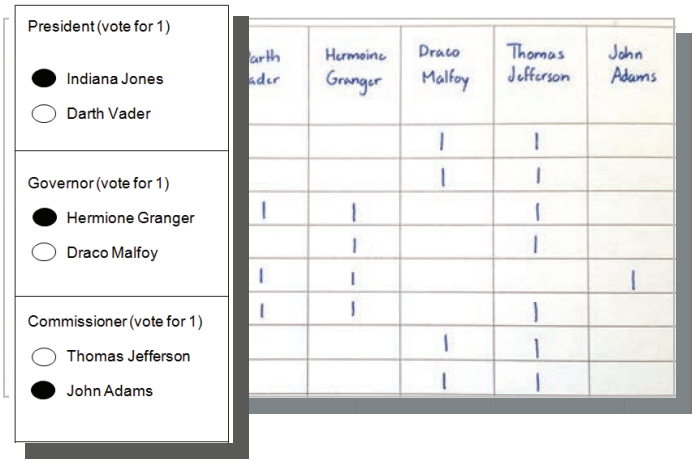
President (Vote for 1)

Indiana Jones		100
Darth Vader		25
Ballots Cast: 125	**Total Votes:**	**125**

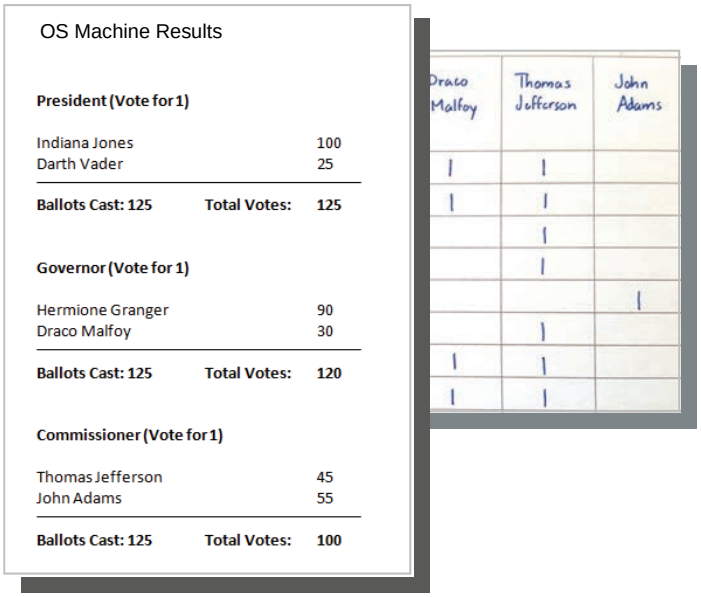
Governor (Vote for 1)

Hermione Granger	90
Draco Malfoy	30

When you are ready to begin the audit (remember that you must provide a notice at least 2 days before conducting the audit), two election officials must identify the total number of votes for partisan races and ballot propositions for each batch. You may do this by using the original batch scan or scanning the ballots again.



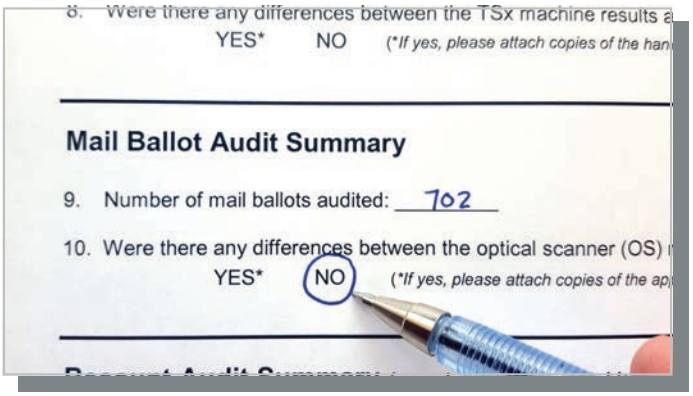
The election officials may proceed to hand count the votes on the ballots. They should use one **hand count log** per batch to keep track of the manual tallies.



After election officials hand count all ballots within a single batch, they must compare the results from the **hand count log** to the official vote report.

If the **hand count log** does not match the report, the election official must ascertain the reasons for the discrepancy. The discrepancy is typically due to human error on the hand count.

STEP 3 Complete the Audit Summary Report

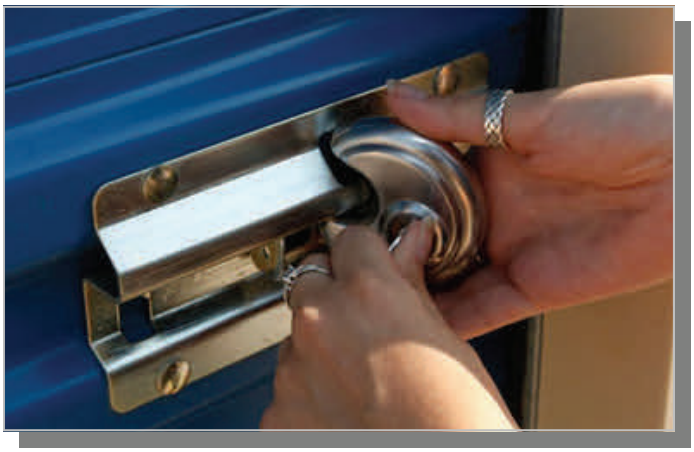


When you are finished auditing all mail ballots, fill out the mail ballot section of the **audit summary report**.

After you complete both the mail ballot section and TSx audit section of the audit summary report, send the report to the Lt. Governor's office (elections@utah.gov).

If there were any differences between the machine results and the hand counted results, attach the appropriate **hand count log** for the appropriate batches when you submit the audit summary report.

STEP 4 Store the Ballots and Logs



Store and lock the ballots and hand count logs in a secure place. You may destroy the ballots and **hand count logs** after storing them for 22 months.

Audit Packet Materials

The audit packet includes documents that your county may use to conduct and record the audit. The packet includes:

- **Audit Summary Report** (Fillable PDF) (Word)
- **Journal Tape Log** (Fillable PDF) (Excel)
- **Hand Count Log** (Fillable PDF) (Excel)

The **audit summary report** records the results of the audit, and each county must submit this completed form to the Lt. Governor's office with the election canvass and precinct-level election results (statement of votes cast or SOVC).

The **journal tape log** is used to track TSx machine machines and the canisters used by them. The journal tape log is also used to note if a seal on a canister has been tampered with or removed.

The **hand count log** is used to hand count the votes from a TSx machine journal tape or from mail ballots. Any discrepancies between the hand count and the machine-generated count are noted here.

Your county is welcome to alter the journal tape log and hand count log to accommodate your county's particular audit or recount processes; however, please use the audit summary report as it has been written.

Audit Summary Report

County: _____ Election Date: _____

Election Official Signature: _____ Signature Date: _____

TSx Machine Audit Summary

1. Number of TSx voting machines used in the Election: _____
2. Number of journal tape canisters used for the Election: _____
3. Number of TSx voting machines audited: _____
4. Number of audited TSx voting machines that were also used during the early voting period: _____
5. Were tamper evident seals affixed to all journal tape canisters?
   YES NO* (*If *no, please attach copies of the journal tape logs for the applicable canisters)*
6. Did all TSx machine serial numbers match when the canisters were installed and removed?
   YES NO* (*If *no, please attach copies of the journal tape logs for the applicable canisters)*
7. Did any tape seals on the journal tape canisters show evidence of tampering?
   YES* NO (**If yes, please attach copies of the logs for the applicable canisters)*
8. Were there any differences between the TSx machine results and hand counted results for any audited machine?
   YES* NO (**If yes, please attach copies of the hand count logs for the applicable canisters)*

Mail/Absentee Ballot Audit Summary *(complete only if applicable)*

9. Number of mail/absentee ballots audited: _____
10. Were there any differences between the optical scanner (OS) results and the hand counted results for any ballots?
    YES* NO (**If yes, please attach copies of the applicable hand count logs)*

Recount Audit Summary *(complete only if applicable)*

11. Name of ballot proposition or office recounted: _____
12. Number of TSx machines that recorded votes in the recount race: _____
13. Number of TSx machines audited for recount race: _____
14. Number of TSx machines audited for recount race that were also used during the early voting period: _____
15. Did any tape seals on the journal tape canisters show evidence of tampering?
    YES* NO *(*If yes, please attach copies of the journal tape logs for the applicable canisters)*
16. Were there any differences between the TSx machine results and hand counted results for any audited machine?
    YES* NO *(*If yes, please attach copies of the hand count logs for the applicable canisters)*

Journal Tape Log

Complete this section when *inserting* journal tape canisters				Complete this section when *removing* journal tape canisters			
TSx Machine Serial Number	Polling Place	Canister Number	Is a seal affixed?	TSx Machine Serial Number	If serial number does not match the first number on this line, please explain why.	Was the seal tampered with?	If the seal was tampered with, please explain why.
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	
		of	YES NO			YES NO	

County: _____

Date: _____

Election Official Signature: _____

Election Official Signature: _____

Hand Count Log

Election: _____

Date: _____ Page _____ of _____

TSx Log Mail Ballot Log

Signature: _____

Signature: _____

Were there any differences between the machine (TSx or OS) results and the hand counted results?

YES NO

TSx Log

Polling Location:_____

Canister ID #: _____

Was the canister sealed? YES NO If no, please explain: _____

Was the canister tampered with? YES NO If yes, please explain: _____

Ballot #	Provisionall?														

Recounts

A candidate can request a recount when the difference of votes cast between the winning and losing candidate is equal to or less than 0.25% of the total number of votes cast for all candidates in the race. If the total number of votes in the race is 400 or less, a candidate can request a recount when the difference is 1 vote.

Recount Requirements

Once an audit is requested by candidate, the Lt. Governor's office will randomly select additional TSx machines and mail ballot batches for the recount audit.

When your county re-scans mail ballots for the recount, create a new report that lists the total number of batches, number of ballots per batch, and total number of ballots re-counted.

The Lt. Governor's office will randomly select batches that will equal 1% or 1,000 ballots cast, whichever is less, in the recount race. *After the ballot batches are selected, counties only need to audit ballots that contain the recounted race. If a batch does not contain any ballots with the recounted race, you do not need to audit any ballots from that particular batch.*

Refer to the table below to determine the audit requirements for a recount election:

Race	**% of TSx machines selected for audit**	**% of mail ballots selected for audit**
Statewide	1%	Lesser of 1% or 1,000
U.S. Congressional District	3%	Lesser of 1% or 1,000
Multi-County District Greater than 125,000 voters	3%	Lesser of 1% or 1,000
Multi-County District Less than 125,000 voters	5%	Lesser of 1% or 1,000
Single-County District (1st class counties)	1%	Lesser of 1% or 1,000
Single-County District (2nd & 3rd class counties)	3%	Lesser of 1% or 1,000
Single-County District (4th & 5th class counties)	5%	Lesser of 1% or 1,000

After you complete the recount audit, complete the recount section on the **audit summary report**.

Audit Watchers

Watchers are allowed to observe the logic and accuracy demonstration and the auditing process. Clerks are required to publish notices for both the demonstration and the audit, but it highly recommended to notify candidates and interested constituents directly as well.

Take a look below to see what watchers can and cannot do.

Watchers Can:

- Observe the auditing process
- Make written memos while watching
- Choose another watcher to replace them if they need to be absent (e.g., getting something to eat)

Watchers Cannot:

- Interfere with the auditing process
- Divulge the results of the audit or the count (doing so is a 3rd degree felony)

Counties may establish additional rules (e.g., requiring watchers to surrender their cell phones while observing), and they may designate a particular space within the counting area in which watchers must stay. Counties are encouraged to establish these rules prior to the auditing process and make these rules plainly clear for all watchers.

D1. Utah Administration Code R623-2-4

A. A correctly voted optical scan ballot occurs when a voter, using a readable marker, fills in or connects at least one of the ovals/arrows per race, question, or issue, not to exceed the maximum allowable votes per race, question or issue, in accordance with the ballot marking instructions.

B. Optical scan equipment shall be set to consistent and uniform sensitivity standards for each system type.

C. Pre-election testing shall be performed by the designated election official in accordance with Utah Code Section 20A-4-104(1).

D. Election day count machine settings shall be set to sort blank ballots, overvotes, and write-in votes.

E. When a precinct optical scan counter is used in the precinct the procedure is as follows:

1. A zero tape shall be run indicating no votes cast or counted before the machine is used.

2. Voters whose ballots are rejected or sorted by the precinct counter as a blank, overvoted or undervoted ballot shall be given the opportunity to correct their ballot.

3. Ballots sorted to a write-in bin shall be tallied at the conclusion of the voting and delivered to the central counting center in a secure container.

F. When using a central count optical scan counter, the procedure is as follows:

1. A zero tape shall be run indicating no votes cast or counted before the counting begins.

2. Official ballots shall be processed through the optical scanner, with write in votes tallied. If there are no legally qualified write-in candidates, the write-in sort option shall not be utilized.

3. The optical scanner shall be tested again by tabulating the test deck at the conclusion of the count.

G. Resolution of optical scan ballots shall be as follows:

1. Damaged or defective ballots shall be repaired, if possible, to be accepted by the optical scan equipment. If the ballot is damaged beyond repair, the ballot shall be duplicated utilizing the ballot duplication procedures established in Utah Code Section 20A-4-104(3).

2. Blank ballots shall be examined by the resolution board to determine if the ballot is a true blank ballot or one that has been marked with a non-detected device. The resolution board may clarify a non-detected mark in such a manner that the original voter mark is preserved, such as making a detectable line through the non-detected mark, placing a removable label over the non-detected mark and marking with the proper device, or placing cellophane tape over the mark and a marked removable label to properly reflect the voter's intent. The election officer must initial the clarification in a non-readable area on the ballot next to the clarification. The election official may also choose to make a true duplicate copy of the ballot utilizing the ballot duplication procedures. If a ballot is truly blank, it shall be sent back for the resolution pass through the scanner, and the ballot tabulated with no races, issues or questions voted.

3. Overvoted ballots shall be inspected by the resolution board. Any marks that are clearly identified as unintentional but register as an overvote on the scanner may be clarified by the election officer by the placement of a removable adhesive sticker over the unintentional mark to properly reflect the voter's intent. The election officer must initial next to the clarification in a non-readable portion of the ballot. The election officer may also choose to make a true duplicate copy of the ballot utilizing the procedures for duplication of ballots.

4. Write-in votes sorted by the optical scan equipment on election day shall be designated for hand counting. In order to be counted, the oval must be darkened or the arrow connected according to the appropriate voting instructions.

H. Recount Procedures for Optical Scan.

1. Optical scan equipment shall be set to consistent sensitivity standards for each system type, shall be tested prior to the recount, and shall be programmed to sort undervotes for the individuals race(s), issue(s) or question(s) being recounted.

2. Recounts will include a visual inspection of all ballots cast for write-in candidates in the contested race(s) to determine voter intent.