

Utah Election Reform Legislation Changes Are Needed

PROBLEMS with current Utah Election Statutes

1. **PROBLEM: To tally the votes Utah election officials violate existing statute** which requires that election returns (loosely defined as officials see fit) shall be sealed at poll closing and never opened unless ordered by a judge and then destroyed after 22 months without opening. **The statute is being used by Utah election officials to prohibit any public oversight over elections processes**, while using secret vote counting and ballot chain-of-custody procedures that also violate Utah's constitutional requirement for strict ballot privacy.

SOLUTIONS: Amend the statutes to permit Utah's election officials to tally the votes without violating the law; Increase transparency and verifiability of vote counting; Require the timely public release of copies of election records, vote counts and security procedures (gross incompetence is hidden behind "security by obscurity"); Permit the public to receive vote counts free using the Internet; Permit public oversight over ballot chain of custody and the integrity and accuracy of vote counting; Require a reconciliation of all printed ballots.

2. **PROBLEM: The canvass period is too short to conduct manual audits** of the machine counts of absentee and provisional ballots despite known problems with the accuracy and security of Utah's optical-scan counters.

SOLUTION: Extend the canvass period to 28 days to allow time for manual audits of all machine vote counts

3. **PROBLEM: The Lt. Governor's vote count audit procedures never compare Utah's unofficial election results to the voter verifiable paper ballot records** and are easily manipulated because they do not require the public release of vote counts and tallies before (or even after) the audit. Utah election officials are required to follow these procedures, making it virtually impossible for them to conduct valid vote count audits (see <http://utahcountvotes.org/legislature/VoteCountAudits.pdf>) to check the accuracy of machine tallies used to obtain unofficial election results. The Lt. Governor's audit procedures do not comply with federal legislation likely to pass (see <http://electionarchive.org/ucvInfo/US/legislation/SummaryFlyer5036.pdf>) which would reimburse Utah jurisdictions for conducting valid vote count audits of at least 3% of precincts.

SOLUTION: Permit county election officials to conduct alternate vote count audit procedures, upon approval of the Utah Auditor rather than being forced to follow the audit procedures of the Lt. Governor's office which never check the accuracy of Utah's unofficial election results; or alternatively, require valid vote count audits.

4. **PROBLEM: Utah's election procedures violate federal NVRA requirements for public oversight over the integrity of the voter registration records.**

SOLUTION: Extend the time period for securing election materials to the 24 month period required by federal law and require election officials to surrender election returns to public libraries or to the state archives office rather than "destroying them without opening".

Election Law Changes are Needed in Utah to Allow Public Oversight Over The Integrity and Accuracy Of Elections And To Conform With Federal Statutes. Current procedures were put in place when ballots were hand-counted at the polls and need to be updated. Utah election officials keep election night polling place vote counts secret, keep ballot security and chain of custody procedures secret, and require citizens who want to know state-wide precinct vote totals to make a GRAMA request, wait for up to two weeks (after the election results are certified), and pay money! Utah state election officials currently prohibit any public oversight over the integrity and accuracy of Utah's elections, even keeping records necessary to check the accuracy of voter registration rolls and to know if there were more ballots cast than the number of total voters recorded in the poll books or vice versa – all secret. In contrast, most other states publicly post election night polling place totals, publicly post precinct vote totals on the Internet as soon as unofficial vote counts are available, and require election officials to allow public oversight over the integrity and accuracy of the electoral process. A variety of ballot tampering methods are currently possible without detection in Utah.

See <http://utahcountvotes.org/legislature/> and sign up for our email list elections-subscribe@utahcountvotes.org