

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 multi-county 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 non-partisan 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.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 17th day of October 2006.

A handwritten signature in black ink, reading "Gary R. Herbert".

Gary R. Herbert
Lieutenant Governor