place.

We would love to volunteer our facilities and be of help.

Do you or someone on your staff have time for a conversation?

Many thanks to you, and to Justin!

Amanda Covington
Chief Communications & Govt Relations Officer
[redacted]

On Jul 2, 2020, at 3:55 PM, Justin Lee <justinlee@utah.gov> wrote:

Hello Sherrie,

I'd like to introduce you to Amanda Covington with Larry H Miller Group of Companies, I have cc'd her on this email. Amanda reached out to me about the potential for using the arena as a polling location in November. I let her know that she would need to talk to your office and that I would put you in touch with one another. I know we don't know exactly what November looks like but if you have a minute to reach out to Amanda that would be great.

All the best,
Justin

Justin Lee
Director of Elections
Office of the Lieutenant Governor
State of Utah
801.538.1129
justinlee@utah.gov

ELECTION_DATE	NAME	POLL_NAME	ADDRESS1	ADDRESS2	CITY	ZIP	Vote Center	Early Voting
11/3/2020	Beaver	Beaver County Offices	105 East Center Street	2nd Floor	Beaver	84713	Yes	Yes
11/3/2020	Box Elder	Box Elder County Courthouse	01 South Main Street		Brigham City	84302	No	Yes
11/3/2020	Box Elder	Tremonton Senior Center	510 West 1000 North		Tremonton	84337	Yes	No
11/3/2020	Box Elder	USU Brigham City	989 S. Main		Brigham City	84302	Yes	No
11/3/2020	Cache	Cache County Event Center	490 South 500 West		Logan	84321	Yes	Yes
11/3/2020	Carbon	County Courthouse	751 E 100 N	Downstairs Con	Price		Yes	Yes
11/3/2020	Daggett	Daggett County Courthouse	95 North 1st West	Clerk/Treasurer	Manila	84046	Yes	Yes
11/3/2020	Davis	Legacy Events Center (Fair Grounds)	151 South 1100 West		Farmington	84025	Yes	No
11/3/2020	Duchesne	Vote Center At The Clerk's Office-DROP BOX	734 North Center Street		Duchesne	84021	Yes	Yes
11/3/2020	Emery	Emery County Courthouse	75 E Main		Castle Dale	84513	Yes	Yes
11/3/2020	Garfield	Escalante Community /Senior Center	80 North 100 West		Escalante	84726	No	Yes
11/3/2020	Grand	Grand County Clerk/Auditor Office	125 East Center		Moab	84532	Yes	Yes
11/3/2020	Juab	Juab County Administration Building	160 North Main		Nephi	84648	Yes	Yes
11/3/2020	Kane	Kanab Election Center	76 N Main St		Kanab	84741	Yes	Yes
11/3/2020	Millard	Millard County Clerk's Office	765 South Highway 99		Fillmore	84631	Yes	Yes
11/3/2020	Millard	Millard County Satellite Offices	71 S 200 W		Delta	84624	Yes	Yes
11/3/2020	Rich	Clerk's Office	20 South Main		Randolph	84064	Yes	Yes
11/3/2020	Salt Lake	Bluffdale City Hall	2222 W 14400 S		Bluffdale	84065	Yes	No
11/3/2020	Salt Lake	Copperton LDS Church	8633 W Hillcrest Street		Copperton	84006	Yes	No
11/3/2020	Salt Lake	Cottonwood Heights City Hall	2277 E Bengal Blvd (7600 S)		Cottonwood Heights	84121	Yes	No
11/3/2020	Salt Lake	Whitmore Library	2197 E Fort Union Blvd (7000 S)		Cottonwood Heights	84121	Yes	No
11/3/2020	Salt Lake	Draper City Hall	1020 E Pioneer Rd (12400 S)		Draper	84020	Yes	Yes
11/3/2020	Salt Lake	South Mountain Community Church - Draper	14216 S Bangerter Pkwy (200 E)		Draper	84020	Yes	No
11/3/2020	Salt Lake	The Rock Church	11630 S 700 E		Draper	84020	Yes	No
11/3/2020	Salt Lake	Herriman Butterfield LDS Church	13768 S 6400 W		Herriman	84096	Yes	No
11/3/2020	Salt Lake	Herriman City Hall	5355 W Herriman Main St (13100 S)		Herriman	84096	Yes	No
11/3/2020	Salt Lake	Holladay North Stake LDS Church	4409 S Albright Dr (1990 E)		Holladay	84124	Yes	No
11/3/2020	Salt Lake	Megaplex Theatre Cottonwood	1945 E Murray Holladay Road (4775 S)		Holladay	84117	Yes	No
11/3/2020	Salt Lake	St. Vincent De Paul Parish	1375 E Spring Lane (5000 S)		Holladay	84117	Yes	No
11/3/2020	Salt Lake	Kearns Senior Center	4851 W 4715 S		Kearns	84118	Yes	No
11/3/2020	Salt Lake	Magna Senior Center	9228 W 2700 S		Magna	84044	Yes	No
11/3/2020	Salt Lake	Midvale City Hall	7505 S Holden St (720 W)		Midvale	84047	Yes	Yes
11/3/2020	Salt Lake	Ruth Vine Tyler Library	8041 S Wood Street (55 W)		Midvale	84047	Yes	No
11/3/2020	Salt Lake	Millcreek Library	2266 E Evergreen Ave (3435 S)		Millcreek	84109	Yes	Yes
11/3/2020	Salt Lake	Winder West Stake LDS Church	951 E 3825 S		Millcreek	84106	Yes	No
11/3/2020	Salt Lake	Murray City Hall	5025 S State St (100 E)		Murray	84107	Yes	Yes
11/3/2020	Salt Lake	Murray City Senior Recreation Center	10 E 6150 S		Murray	84107	Yes	No
11/3/2020	Salt Lake	Wheeler Historic Farm	6351 S 900 E		Murray	84121	Yes	No
11/3/2020	Salt Lake	Riverton North LDS Church	12242 S 2700 W		Riverton	84065	Yes	No
11/3/2020	Salt Lake	Riverton Senior Center	12914 S Redwood Road (1700 W)		Riverton	84065	Yes	Yes
11/3/2020	Salt Lake	Riverton South LDS Church	2700 W 13400 S		Riverton	84065	Yes	No
11/3/2020	Salt Lake	South Mountain Community Church - South Jordan	11886 S 4000 W		Riverton	84065	Yes	No
11/3/2020	Salt Lake	First Congregational Church	2150 S Foothill Drive (2755 E)		Salt Lake City	84109	Yes	No
11/3/2020	Salt Lake	Huntsman Center - University Of Utah	1825 S Campus Drive		Salt Lake City	84112	Yes	No
11/3/2020	Salt Lake	River's Bend Northwest Senior Center	1300 W 300 N		Salt Lake City	84116	Yes	Yes
11/3/2020	Salt Lake	Salt Lake County Government Center	2001 S State Street (100 E)		Salt Lake City	84190	Yes	Yes
11/3/2020	Salt Lake	Sorenson Multi-Cultural Center	855 W California Ave (1305 S)		Salt Lake City	84104	Yes	No
11/3/2020	Salt Lake	Sunday Anderson Westside Senior Center	868 W 900 S		Salt Lake City	84104	Yes	No
11/3/2020	Salt Lake	Trolley Square	600 S 700 E		Salt Lake City	84102	Yes	Yes
11/3/2020	Salt Lake	Utah's Hogle Zoo	2600 E Sunnyside Ave (840 S)		Salt Lake City	84108	Yes	No
11/3/2020	Salt Lake	Vivint SmartHome Arena	301 W South Temple		Salt Lake City	84101	Yes	No
11/3/2020	Salt Lake	Federal Heights LDS Church	1300 E Fairfax Rd (335 N)		Salt Lake City	84103	Yes	No
11/3/2020	Salt Lake	Lone Peak Park Pavilion	10140 S 700 E		Sandy	84070	Yes	No
11/3/2020	Salt Lake	Megaplex Theatre Jordan Commons	9335 S State St (10 E)		Sandy	84070	Yes	No
11/3/2020	Salt Lake	Sandy City Hall	10000 S Centennial Parkway (170 W)		Sandy	84070	Yes	No
11/3/2020	Salt Lake	Sandy Library	10100 S Petunia Wy (1410 E)		Sandy	84092	Yes	No
11/3/2020	Salt Lake	Sandy Senior Center	9310 S 1300 E		Sandy	84094	Yes	Yes
11/3/2020	Salt Lake	Equestrian Park And Event Center	2100 W 11400 S		South Jordan	84095	Yes	No
11/3/2020	Salt Lake	Megaplex Theatre The District	3761 W Parkway Plaza Drive (11600)		South Jordan	84095	Yes	No
11/3/2020	Salt Lake	South Jordan Founders Park LDS Church	11685 S Kestrel Rise Rd (4510 W)		South Jordan	84009	Yes	No
11/3/2020	Salt Lake	South Jordan Library	10673 S Redwood Rd (1700 W)		South Jordan	84095	Yes	Yes
11/3/2020	Salt Lake	Columbus Community Center	2531 S 400 E		South Salt Lake	84115	Yes	No
11/3/2020	Salt Lake	Taylorsville City Hall	2600 W Taylorsville Blvd (5320 S)		Taylorsville	84129	Yes	Yes
11/3/2020	Salt Lake	Taylorsville Library	4870 S 2700 W		Taylorsville	84129	Yes	No
11/3/2020	Salt Lake	Taylorsville Senior Center	4743 S Plymouth View Dr (1625 W)		Taylorsville	84123	Yes	No
11/3/2020	Salt Lake	Westbrook LDS Church	6364 S 3200 W		Taylorsville	84129	Yes	No
11/3/2020	Salt Lake	Bingham Creek Library	4834 W 9000 S		West Jordan	84088	Yes	No
11/3/2020	Salt Lake	Copper Hills LDS Church	5349 W 9000 S		West Jordan	84088	Yes	No
11/3/2020	Salt Lake	Utah Islamic Center	984 W 9000 S		West Jordan	84088	Yes	No
11/3/2020	Salt Lake	Viridian Event Center	8030 S 1825 W		West Jordan	84088	Yes	No
11/3/2020	Salt Lake	West Jordan Senior Ctr	8025 S 2200 W		West Jordan	84088	No	Yes
11/3/2020	Salt Lake	Hunter LDS Church	3450 S 6400 W		West Valley City	84128	Yes	No
11/3/2020	Salt Lake	Hunter Library	4740 W 4100 S		West Valley City	84120	Yes	No
11/3/2020	Salt Lake	Khadeeja Islamic Center	1019 W Parkway Ave (2455 S)		West Valley City	84119	Yes	No
11/3/2020	Salt Lake	Sonrise Baptist Church	3550 S 4400 W		West Valley City	84120	Yes	No
11/3/2020	Salt Lake	Utah Cultural Celebration Center	1355 W 3100 S		West Valley City	84119	Yes	No
11/3/2020	Salt Lake	West Valley City Hall	3600 S Constitution Blvd (2700 W)		West Valley City	84119	Yes	Yes
11/3/2020	San Juan	San Juan County Clerk's Office	117 S. Main		Monticello	84535	Yes	No
11/3/2020	Sanpete	By Mail Election- Early Voting Oct 20-30, 2020	Sanpete County Clerk 160 North Main, Room 202		Manti	84642	Yes	Yes
11/3/2020	Sevier	Sevier County Fairgrounds	410 E 200 S		Richfield	84701	Yes	No
11/3/2020	Summit	Summit County Fairgrounds	202 E Park Rd		Coalville	84017	Yes	No
11/3/2020	Tooele	Deseret Peak Complex - Drive Up Voting	: 2930 Ut-112		Grantsville	84029	Yes	Yes
11/3/2020	Uintah	Early Vote 8 Am To 5 Pm Clerk's Office	Only One Polling Location Election Day 7 Am To 8 Pm	County Bldg 147	Vernal	84078	Yes	Yes
11/3/2020	Utah	Center Point Church - Vote Center	1550 S Sandhill Rd		Orem	84058	Yes	No
11/3/2020	Utah	Payson Utah Stake Center	650 W 800 S		Payson	84651	Yes	No
11/3/2020	Utah	Pioneer Drive Meeting House	481 E 300 N		Lehi	84043	Yes	No

Tueller <PTueller@slco.org>; Lannie Chapman <LKChapman@slco.org>; Charlotte Kuhn <CKuhn@slco.org>
Subject: Re: FW: KUER Question: Polling Locations

Sherrie,

Before I share this list with anyone, can you let me know if the polling locations for Salt Lake County look correct?

Thanks,

Justin Lee
Director of Elections
Office of the Lieutenant Governor
State of Utah
justinlee@utah.gov

On Mon, Sep 14, 2020 at 12:15 PM Sherrie Swensen <SSwensen@slco.org> wrote:

Hi Justin,

[redacted] of KUER sent me this and we did not use **575** polling places in 2016. I am not sure where this information came from, but it it's not correct. We used 37 vote centers for the 2016 General Election. We had originally scheduled 41 vote centers, but 4 of them dropped out and we could not add additional locations with the laws that were in place at that time. We did not use schools as polling locations after 2014.

Thank you,

Sherrie Swensen
Salt Lake County Clerk
sswensen@slco.org
385-468-7370
SLCO Clerk Website

From: [redacted]
Sent: Monday, September 14, 2020 11:55 AM
To: Sherrie Swensen <SSwensen@slco.org>
Subject: KUER Question: Polling Locations

Hi Sherrie,

It's [redacted] at KUER. Hope you had a good weekend!

Hi Justin,
Has TRACK YOUR BALLOT been inactivated?

I think some voters are still trying to access their information. Here is an email I received on December 20th. His vote was received and counted, but when I enter is information in TRACK YOUR BALLOT, it says there is an error, etc. I also received one other question about it.

I can send him a snipping of his by-mail history from VISTA, but I would like to let him know if there is a reason he can't access the information on vote.utah.gov. I assume that is where he checked.

"why does it say you never received my vote, did my vote count, am I a victim of the corrupt left-wing Nazzis?

my name is [redacted]

[redacted]

I want to know my vote counted- this is a travesty the amount of fraud going on.

I demand an answer and that my election wa fair- just because I voted for Trump doesn't mean postal workers get to destroy discard, etc and that you received my vote and didn't discard or chang my vote"

Thank you,

Sherrie Swensen
Salt Lake County Clerk
sswensen@slco.org
385-468-7370
SLCO Clerk Website

---------- Forwarded message ---------
From: [redacted]
Date: Tue, Feb 16, 2021 at 3:16 PM
Subject: Utah voting systems
To: <markm@utah.gov>

Dear Mr. Mitchell,

As the Director of Voting Systems, I'm hoping you can answer my questions. I phoned the Lt. Governor's office but was unable to get through to you. If you have a direct number, I'd be happy to call to discuss my questions.

In Utah code 20a-5-802, section 1a mentions a logic and accuracy test. Who does that testing? Is that a State official or a contracted company? If a contracted company, how is that company chosen? Is there a report made after these tests? If so, where could the public view these reports?

In section 2a(iii), it indicates that the Lt. governor can comply with requirements of 2a (to certify the systems) by certifying equipment certified by the EAC or one of their accredited contractors. Did the Lt. Governor opt for one of these latter options? If so, which one? Was this method used in all UT counties? If not, could you please elaborate on which method was used in which counties? If an accredited contractor (or contractors) was used, which one? How was that contractor chosen? Is a report or certificate issued of the certification of voting systems? If so, how can the public view this document?

The EAC website indicates that Salt Lake County does not use EAC accredited systems. Why is that? What are they using? If their systems are not accredited by the EAC, how is the Lt. Governor ensuring they meet the requirements in section 2a(ii)? Is the same method of certification used for Salt Lake County machines as is used in other counties? If not, how are Salt Lake County machines certified? Is a report available for their certification? If so, how can the public view this document?

I contacted the Lt. Governor's office a couple of weeks ago to ask where to find previous election audits. However, no one has responded to my inquiry. Perhaps you could help direct me? According to Verifiedvoting.org, they should be posted on the Lt. Governor's website, but I cannot locate them there. Could you tell me where they are posted for public viewing?

Finally, I have grave concerns about the voting systems we use in Utah for our elections. The attention these machines are finally getting nationally, has given me hope that we might finally address their vulnerability to outside influence. While the highly contested states have clearly shown there is reason to be concerned, other states are now finding reason to question their own vote counts. Just this past week New Hampshire found significant discrepancies in down ballot races after a hand count. A simple audit of these machines is not sufficient to find many of these problems. Facing the fact that there may be a problem with our machines is not a popular topic among our elected officials as it requires them to question the validity of their own contests and the possibility that they are not duly elected. How would you suggest Utah begin an honest inquiry into our voting

I demand an answer and that my election wa fair- just because I voted for Trump doesn't mean postal workers get to destroy discard, etc and that you received my vote and didn't discard or chang my vote"

Thank you,

<image001.png> **Sherrie Swensen**

Salt Lake County Clerk

sswensen@slco.org

385-468-7370

<image002.png>

<image003.jpg>

SLCO Clerk Website

Thank you,

<image001.png> **Sherrie Swensen**

Salt Lake County Clerk

sswensen@slco.org

385-468-7370

<image002.png>

<image003.jpg>

SLCO Clerk Website

From: Justin Lee <justinlee@utah.gov>
Sent: Tuesday, December 22, 2020 1:05 PM
To: Sherrie Swensen <SSwensen@slco.org>
Cc: Lannie Chapman <LKChapman@slco.org>
Subject: Re: TRACK YOUR VOTE?

Hi Sherrie,

Yes, the system does stop displaying the information at a certain point after Election Day. Given the interest from voters I will have the team turn that feature back on.

Thanks,

Justin

Justin Lee

SLCO Clerk Website

--

You received this message because you are subscribed to the Google Groups "vsug@utah.gov" group.
To unsubscribe from this group and stop receiving emails from it, send an email to vsug+unsubscribe@utah.gov.

No, we have not reached out to DHS on doing security assessments. I have discussed it in our Management Meetings and I sent the email to Mark Pemberton. He in turn will share it with Mark Evans, who oversees IT security for the County.

Of course, we will not be able to participate before we finalize the Presidential Primary Election.

Thanks,

Sherrie Swensen
Salt Lake County Clerk
sswensen@slco.org
385-468-7370
SLCO Clerk Website

From: Justin Lee <justinlee@utah.gov>
Sent: Monday, February 24, 2020 11:18 AM
To: Sherrie Swensen <SSwensen@slco.org>
Cc: Pam Tueller <PTueller@slco.org>; Lannie Chapman <LKChapman@slco.org>
Subject: Re: Election Security Memo

Hi Sherrie,

I hope all is well during this busy time. I'm following up on this email and memo from last month. Have you been able to reach out to DHS on doing security assessments for Salt Lake County?

Please let me know if we can help with this in any way.

Thanks,
Justin

Justin Lee
Director of Elections
Office of the Lieutenant Governor
State of Utah
801.538.1129
justinlee@utah.gov

On Thu, Jan 30, 2020 at 9:38 AM Justin Lee <justinlee@utah.gov> wrote:

case the courts may go, and the determination of the state board may be corrected by those of the district boards, and the latter by the ballots themselves, when the ballots are still in existence, and have been kept as required by law. If, however, the ballots have not been kept as required by law, and surrounded by such securities as the law has prescribed with a view of their safe preservation as the best evidence of the election, it would seem that they should not be received in evidence at all, or, if received, that it should be left to the jury to determine, upon all the circumstances of the case, whether they constitute more reliable evidence than the inspector's certificate, which is usually prepared immediately on the close of the election, and upon actual count of the ballots as then made by the officers whose duty it is to do so."

The Court of Appeals of New York, in People v. Livingston, 79 N. Y. 279, held that the ***229** trial court erred in charging the jury that, to justify the rejection of the ballots as proof, it must appear affirmatively by direct evidence or from circumstances that the ballot boxes had been interfered with and a fraud committed. Mr. Chief Justice Church, speaking for the court, in part said: "The error is in putting upon the party against whom the ballot boxes are introduced the onus of proving that they had in fact been tampered with. The statute requires the ballot boxes to be preserved undisturbed and inviolate, and it is incumbent upon the party offering the evidence to show that they had been so kept; not beyond a mere possibility of interference, but that they were intact to the satisfaction of the jury. The burden was upon the relator to satisfy the jury that the boxes had remained inviolate. The returns are the primary evidence of the result of an election. They are made immediately upon canvassing the votes, and the votes are canvassed at the close of the polls in public, and presumably in the presence of the friends of both parties. *** They may be impeached for fraud or mistake, but in attempting to remedy one evil we should be cautious not to open the door to another and far greater evil. After the election it is known just how many votes are required to change the result. The ballots themselves cannot be identified; they have no earmark. Everything depends upon keeping the ballot boxes secure, and the difficulty of doing this for several months in the face of temptation and opportunity requires that the utmost scrutiny and care should be exercised in receiving the evidence. *** Every consideration of public policy, as well as the ordinary rules of evidence, require that the party offering this evidence should establish the fact that the ballots are genuine. It is not sufficient that a mere probability of security is proved, but the fact must be shown with a reasonable degree of certainty. If the boxes have been rigorously preserved, the ballots are the best and highest evidence, but, if not, they are not only the weakest, but the most dangerous, evidence."

Mr. Justice Brewer, in Hudson v. Solomon, 19 Kan. 177, said: "In order to continue the ballots controlling as evidence, it must appear that they have been preserved in the manner and by the officers prescribed in the statute, and that while in such custody they have not been so exposed to the reach of unauthorized persons as to afford a reasonable probability of their having been changed or tampered with."

In Jeter v. Headley, 186 Ill. 34, 57 N. E. 784, Mr. Justice Wilkins, delivering the opinion of the court, said: "While the right to have the ballots so kept, and recounted upon a contest, is a most important right, frequently guarding a candidate against willful or negligent false returns, yet it can readily be seen that to allow a recanvass of the votes cast at an election to destroy the effect of the returns by the judges and clerks when regularly made, and without proof of omission of duty, negligence, fraud, or other misconduct on their part, in the absence of the most clear and convincing proof that they have been so kept as to preclude all idea of their having been changed, would be most unjust, not only to those officers, but to candidates shown to have been elected by their returns." McCrary on Elections, §§ 472–481; Caldwell v. McElvain, 184 Ill. 552, 56 N. E. 1012; Coglan v. Beard, 65 Cal. 58, 2 Pac. 737; Davenport v. Olerich, 104 Iowa, 194, 73 N. W. 603; Beall v. Albert, 159 Ill. 127, 42 N. E. 166; Powell v. Holman, 50 Ark. 85, 6 S. W. 505; Hartman v. Young, 17 Or. 150, 20 Pac. 17, 2 L. R. A. 596, 11 Am. St. Rep. 787; Bonney v. Finch (Ill.) 54 N. E. 318; Kingery v. Berry, 94 Ill. 515; Rhode v. Steinmetz, 25 Colo. 308, 55 Pac. 814; Newton v. Newell, 26 Minn. 529, 6 N. W. 346; Albert v. Twohig, 35 Neb. 563, 53 N. W. 582; Martin v. Miles (Neb.) 58 N. W. 732; Fishback v. Bramel (Wyo.) 44 Pac. 840; People v. Burden, 45 Cal. 241; Fenton v. Scott, 17 Or. 189, 20 Pac. 95, 11 Am. St. Rep. 801.

Looking now at the facts disclosed by the record in the case before us in the light of the principles above referred to, the question is, were the ballots kept and preserved according to law up to the time they were admitted in evidence? It appears that the contestant himself was the custodian, and that the packages containing the ballots were received by him, as county clerk, on the next day after the election, and remained in his possession until the time of the trial. From his own testimony it appears that while in his possession one package was opened in the presence of the board and candidates, to get at the records, and then again sealed; that the sheriff took out two packages whereon the seals were so frail that they broke open; that otherwise the ballots were, so far as he knew, in the same condition as they were when he received them; that on the packages from several districts the seals were broken, while the ballots of one district were not sealed at all, but simply wrapped in an envelope, and not tied; and that in this condition the packages were placed

26 Utah 283
Supreme Court of Utah.
FARRELL
v.
LARSEN.
July 31, 1903.

Synopsis
Appeal from District Court, Cache County; Charles H. Hart, Judge.

Action by A. L. Farrell against Jacob N. Larsen. From a judgment in favor of plaintiff, defendant appeals. Reversed.

West Headnotes (2)

[1] Election Law
Admissibility of ballots

Rev. St. 1898, § 863, provides that judges of election, before adjournment, must deliver the package of ballots, counted and sealed as prescribed by section 858, to one of their number, who must, without having opened the package, deliver the same to the county clerk, etc. Section 865 requires that on receipt of the package the clerk must keep it unopened and unaltered for 12 months, after which, if there is no contest, he must burn the package without opening or examining the same. *Held,* that where, in an election contest for the office of county clerk, it appeared that the ballots were delivered to the contestant, who was the present incumbent of the office, and that a number of the packages were unsealed, and were deliberately placed and kept in an unlocked telephone room in the clerk's office, which was unlocked, and to which unauthorized persons had unrestricted access, such ballots were inadmissible.

6 Cases that cite this headnote

[2] Election Law
Admissibility of ballots

Where, in an election contest, contestant desires to introduce ballots voted in evidence, the burden is on him to establish, as a condition precedent to the introduction thereof, that they have been kept in the manner prescribed by Rev. St. 1898, §§ 863, 865.

2 Cases that cite this headnote

Attorneys and Law Firms

*227 J. C. Walters, for appellant.

P. E. Keeler, for respondent.

Opinion

BARTCH, J.

The plaintiff, who was a rival candidate, brought this action to contest the election of the defendant to the office of county clerk of Cache county, Utah. The contestant alleged that the board of canvassers, at the election held November 4, 1902, returned 3,060 votes for him and 3,066 votes for the contestee; that a certificate of election was issued to the contestee; that in all of the districts of the county legal votes for the contestant were rejected, and illegal votes counted for the contestee; that ballots improperly marked, and bearing marks of identification, were counted for the contestee; and that, if all the illegal votes cast for the contestee were deducted from the total vote, the number of votes received by the contestee would be less than the number received by the contestant. At the trial, over the objection of the contestee that they "had not been sufficiently shown to have been preserved from interference," the ballots were admitted in evidence, and upon a recanvass of them in certain districts the court found that the contestant had received, of the legal votes cast, 3,034, and the contestee 3,023, and ordered the contestant to be declared elected, and the certificate of election of the contestee to be canceled and annulled. Judgment was entered accordingly.

Opinion provided by Paula Smith, Deputy District Attorney regarding GRAMA request for copies of images of ballots - 2019.

Specifically, Utah Code Ann. § 20A-4-106 provides that paper ballots are strung and sealed in a strong envelope. Once this occurs, the ballots "may not be examined by anyone, except when examined during a recount conducted under the authority of Section 20A-4-401 or Title 20A, Chapter 4, Part 6, Municipal alternate Voting Methods Pilot Project." Utah Code Ann. § 20A-4-106(1)(a)(ii).

In addition, Utah Code Ann. § 20A-4-202, provides for the disposition of ballots. It requires the election officer to preserve the ballots for 22 months after the election or until the time expires for an election contest. After that time, the election officer is to "destroy them without opening or examining them." § 20A-4-202(2)(e). If an election contest is begun within 12 months of the election and the election contest is complete, the election officer shall "destroy the ballots and election returns remaining in the election officer's custody without opening or examining them if the time for preserving them under this section has run." § 20A-4-202(4)(ii).

As provided in Utah Code Ann. § 20A-4-404(3)(a), in an election contest in which

> it is necessary for the court to inspect the ballots of any voting precinct in order to determine any election contest the judge may order the proper officer to produce them.
> (b) The Judge shall:
>
> (i) open and inspect the ballots in open court in the presence of the parties or their attorneys; and
> (ii) immediately after the inspection, seal them in an envelope and return them, by mail otherwise, to their legal custodian."

In addition, because the ballots for all Draper precincts except Drp 002 and Drp 007 included voting on a member of the House of Representatives, certain federal requirements also apply to the ballots cast in the other Draper Districts. 52 USC §20701 concerning Federal Election Records requires the retention and preservation of those ballots for 22 months. Only certain officers of election and other designated custodians may retain and preserve the records, which must be preserved for inspection, reproduction or copying by the Attorney General or his representative. 52 USC §20703. The Attorney General may not disclose any records or papers produced under the chapter except to Congress, governmental agencies, and in the presentation of a court case. Federal district courts have jurisdiction to compel the production of federal election records. 52 USC § 20705.

Thus, the records you have requested may only be inspected as part of a recount as provided by law, pursuant to court order as part of an election contest, pursuant to an inspection by the United States Attorney General, or pursuant to an order to compel issued by a federal district court. Copies of the ballots you have requested may not be made. In fact, neither the County Clerk nor other county employees may not open the ballot containers or examine them.

As a result of the restrictions of state and federal statutes, such ballots are exempt from GRAMA, 63G-2-201(3)(b): "The following records are not public: (b) a record to which access is

know the sender and are expecting the link or attachment. **Think Before You Click!**

I thought federal law required us to "seal" ballots for 22 months?

--
Carpe Diem
Ricky Hatch, CPA, CPO
Clerk/Auditor
Weber County
2380 Washington Blvd., Suite 320 | Ogden UT | 84401 USA
E: rhatch@WeberCountyUtah.gov | P:801.399.8613 | M[redacted]
#WinninginWeber

From: Justin Lee <justinlee@utah.gov>
Sent: Thursday, February 4, 2021 12:30 PM
To: VSUsersGroup Voting-Systems-Users-Group <vsug@utah.gov>
Subject: [EXTERNAL]GRAMA Request for Ballots

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Good afternoon,

Duchesne County received the following GRAMA request, and I'm curious if any other counties have received similar requests recently or in the past, and if so how you responded.

"On February 3rd we received a GRAMA request regarding 2020 Presidential Election ballots. We've been asked to provide: " All ballots submitted by voters for the 2020 election in the Duchesne County , Utah to include Federal, State County,Judicial and amendments, with signatures." At this time we are not sure how to fulfill this request. Should we make copies of the approximate 10,000ballots we received (are they public record?) Also is the envelope with the signature a private record? We could not find any reference under Utah GRAMA Law not the Utah Election Code."

Thanks,

Justin Lee
Director of Elections
Office of the Lieutenant Governor
State of Utah
justinlee@utah.gov

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