

STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR



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For Immediate Release

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Recount for House District 53 Conducted

Lt. Gov. Cox wants postmarking concerns addressed for future elections

SALT LAKE CITY (August 3, 2016) – At the request of Melvin Brown, the Utah Elections Office conducted an official recount of ballots for the primary election in Utah House District 53. After a careful review of ballots, candidate Logan Wilde received a total of 2492 votes and candidate Melvin Brown received a total of 2483 votes. The recount resulted in a total of one additional vote for Melvin Brown and two additional votes for Logan Wilde.

During the official recount, each disqualified ballot was reviewed to ensure it was appropriately disqualified. Of particular concern were 64 Republican ballots in House District 53 from Morgan, Summit, Rich and Duchesne counties that were postmarked on election day and were, therefore, disqualified. According to Utah Code 20A-3-306(2)(b)(i) a ballot is not valid unless the ballot is “clearly postmarked before the election day, or otherwise clearly marked by the post office as received by the post office before election day.”

This provision is of particular concern in rural Utah where mail frequently has a postmark deadline earlier in the day. Ballots submitted in the mail after the postmark deadline received a postmark of the following day. Although ballot instructions in this race clearly stated that the ballot “must be postmarked prior to election day,” it is possible that some voters thought they had met the deadline by submitting their ballot to the mail the day before the election, but after the rural postmarking deadline for that day.

The Lt. Governor believes it is his obligation to do everything possible within the framework of the law to count all votes cast. However, after reviewing the statute, meeting with county clerks and discussions with the Postmaster General, it has become clear that there is no way to determine if these ballots were mailed on the day before the election, as required by law, or on the day of the election. As such, and with no other markings but the election day postmark, election officials were not able to count these ballots. It should be noted that these ballots remain unopened and, therefore, it is unknown whether they would change the outcome of the election.

“As election officials we work tirelessly year-round to ensure Utahns can vote in a convenient and easy to understand process” said Lt. Gov. Cox. “Over the past several years, we have informed the legislature and the U.S. Postal Service of the potential impact this issue could have on elections. As we move forward to future elections, I encourage the legislature, the U.S. Postal Service and election officials to work together to find a solution to this matter.”

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