

THE SUPREME COURT OF THE STATE OF UTAH

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COLBY JENKINS,  
Petitioner

v.

BEAVER COUNTY, GINGER  
MCMULLIN, GARFIELD COUNTY,  
CAMILLE MOORE, IRON COUNTY,  
JON WHITTAKER, KANE  
COUNTY, CHAMEILL LAMB,  
MILLARD COUNTY, MARKI  
ROWLEY, PIUTE COUNTY, KALI  
GLEAVE, SEVIER COUNTY,  
STEVEN C. WALL, WASHINGTON  
COUNTY, FELICIA SNOW, WAYNE  
COUNTY, RYAN SULLIVAN, AND  
DEIDRE HENDERSON,  
Respondents.

**Response to Amended Petition for  
Extraordinary Writ**

Supreme Court Case No. 20240815-SC

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Respondent Wayne County and Felicia Snow, in her official capacity as Clerk for Wayne County, hereby responds to the Amended Petition for Extraordinary Relief pursuant to this Court's order on August 1, 2024.

**Statement of Relevant Facts**

1. Wayne County received eight (8) ballots that were postmarked after the day of election June 25, 2024.
2. Six (6) of those ballots were processed or postmarked in facilities other than a Las Vegas, Nevada postal facility.
3. Notice was given to the above individuals to cure their ballots and none were subsequently cured.

4. Wayne County has certified its recount as of August 2 and those results are available.

**Argument**

The rule is simple: to be valid, a ballot that is mailed must be: (I) clearly postmarked before election day, or otherwise clearly marked by the post office as received by the post office before election day; and (ii) received in the office of the election officer before noon on the day of the official canvass following the election. 4:30 pm that day. UTAH CODE SECTION 20A-3a-204.

Because the ballots were late, they were simply not counted.

**Conclusion**

Respectfully, Petitioners Amended Writ Challenging Certification of Primary Election should be denied.

DATED this 8th day of August 2024.

/s/ Michael Winn  
\_\_\_\_\_  
Attorney for Respondent

# **Exhibit A**

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**In the Utah Supreme Court**

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Colby Jenkins, an individual,

*Petitioner,*

v.

Beaver County, et al,

*Respondents.*

**Declaration of Felicia Snow  
Wayne County Clerk**

Case No. 20240815-SC

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I, Felicia Snow, being of lawful age, do hereby swear and state as follows:

1. I am the county clerk for Wayne County.
2. I am familiar with the facts and statements made in this declaration.
3. As part of my duties as county clerk, I am the county's election officer and am responsible for overseeing elections in Wayne County.
4. The Republican Primary Election for Utah's Second District representative to the U.S. House of Representatives (the Primary Election) was held on June 25, 2024, and was administered primarily by mail.
5. Attached hereto as Exhibit A is a true and correct copy of materials that I caused to be sent to voters in the Primary Election, including

the instruction insert, portions of the outside mailing envelope, and portions of the ballot return envelope.

6. I participated in the canvass of the Primary Election.

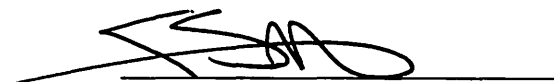
7. As required by law, ballots that were not postmarked or otherwise clearly marked by the post office as being received by the post office before election day were rejected and were not counted.

8. I have reviewed the outer envelopes of the ballots that were rejected because they were not postmarked or otherwise clearly marked by the post office as being received by the post office before election day.

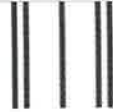
9. In total eight (8) ballots were rejected because they were not postmarked or otherwise clearly marked by the post office as being received by the post office before election day. Based on my review, six (6) of those ballots were processed or postmarked in facilities other than a Las Vegas postal facility.

I declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signed on this 6<sup>th</sup> day of August, 2024 in Loa, Wayne County, Utah.

A handwritten signature in black ink, appearing to be 'SJA', written over a horizontal line.

WAYNE COUNTY CLERK  
PO BOX 189  
LOA UT 84747-0189



Postage  
Required



**OFFICIAL VOTE BY-MAIL BALLOT - FIRST CLASS MAIL**

**8-15<sub>F</sub>**

WAYNE COUNTY CLERK  
PO BOX 189  
LOA UT 84747-0189



**WARNING:** The affidavit on the other side of this flap must be signed by the individual to whom the ballot was sent. The ballot will not be counted if the signature on the affidavit does not match the signature on file with the election officer of the individual to whom the ballot was sent.

**STOP! Do Not Detach**

**STOP! Do Not Detach**

**PLEASE RETURN VOTED BALLOT IMMEDIATELY**

*Did you remember to sign the Voter Affidavit on the back of envelope flap?*

**BALLOT MUST BE POSTMARKED PRIOR TO ELECTION DAY OR  
BE RETURNED TO AN ELECTION OFFICIAL BY CLOSE OF POLLS ON ELECTION DAY**

FOR OFFICE USE ONLY

**POSTMASTER: SEE REVERSE SIDE FOR DELIVERY ADDRESS**

## VOTER AFFIDAVIT

By signing this affidavit you are stating that:

- You are a qualified resident eligible to vote in a voting precinct in this County
- You are not voting in any other jurisdiction or way in this Election
- This ballot belongs to you and that you voted this ballot and
- You are NOT a convicted felon currently incarcerated for the commission of a felony.

Signature of voter \_\_\_\_\_

Printed name of voter \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_  
(Protected record) (Protected record)

**STOP! Do Not Detach**

**STOP! Do Not Detach**

### HOW TO VOTE A BY MAIL BALLOT:

1. Vote your choices in each race.
2. Sign the Voter Affidavit in the inside flap of the envelope.
3. Refold the ballot on the crease marks as received.
4. Insert the folded ballot into the envelope.
5. Moisten BOTH glue strips and seal the flap.
6. Place sufficient First Class Postage on the front and place in mail.

Must be postmarked PRIOR to Election Day

or

Be returned to an Election Official or drop location before 8:00 p.m. Election Day.



# 2024

## Primary Vote-by-mail Instructions

The 2024 Primary Election will be conducted mainly by mail. Early voting & Election Day vote centers are also available for in-person voting.

### Reasons Your Ballot May Not Be Counted

1. Your ballot is postmarked too late (Deadline is June 24, 2024).
2. Your return envelope is not signed
3. Your return envelope doesn't match the signature on file.
4. Your ballot was placed in another voter's envelope.



### Voters with Disabilities

We have several options available to help voters with disabilities to cast their ballot, based on needs & preferences. Those options include:

- Voting & returning a by-mail-ballot
- Visiting an in-person vote center & voting using assistive technology.

If you are unable to vote on a paper ballot, sign your own envelope independently, or if you require additional accommodations please call our office at (435) 836-1300.



### Important Election Dates

- Early Voting begins June 18, 2024.
- Ballot postmark deadline: June 24, 2024.
- Election Day: June 25, 2024.



Your "I VOTED" Sticker is inside!



WAYNE COUNTY CLERK

FELICIA SNOW  
18 S Main  
Loa, UT 84747  
435-836-1300

# Vote Your Ballot



Please read the following instructions carefully to ensure your ballot will be counted.

1. Fill in the ovals with a blue or black pen.
  - You do not need to vote in every contest. Your ballot will still be counted if some contests are left blank.
  - If you make a mistake, cross out the oval & entire name, fill in the new oval of your correct choice.
  - Voting for more than the number of eligible seats in a contest will result in your vote in that contest not being counted.
2. Fold your ballot along existing fold lines.
3. Insert your ballot into the security sleeve & place it in the return envelope with **YOUR NAME** printed on the outside.
4. Sign your name in the signature box on the back side of the envelope.
5. Close & secure the envelope.
6. If your ballot is damaged, contact our office to receive a replacement ballot.

# Return Your Ballot



You may return your signed & completed ballot in one of three ways:

- 1 **By U.S. Postal Mail**  
Must be postmarked no later than June 24, 2024.
  - 2 **Through a Ballot Drop Box**  
Visit our website at [www.waynecountyutah.org](http://www.waynecountyutah.org) for locations throughout the county, open until 8 p.m. on Election Day.
  - 3 **At an In-person Vote Center**  
Open from 7 a.m. to 8 p.m. on Election Day.  
Find a vote center: [www.waynecountyutah.org](http://www.waynecountyutah.org).
- Check our website to see if any candidates have withdrawn or been disqualified.
  - If you decide to vote in-person:
    - Identification is required to cast your ballot
    - You may vote at any vote center, regardless of where you reside in the county
  - Each envelope is unique - make sure YOUR NAME is on the outside of the return envelope before you sign it.
  - Even with permission you may not sign another person's envelope.
  - For more information please contact 435-836-1300.