

# HB0263

~~{Omitted text}~~ shows text that was in HB0263 but was omitted in HB0263S02

inserted text shows text that was not in HB0263 but was inserted into HB0263S02

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## Election Record Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

Senate Sponsor:Brady Brammer

# LONG TITLE

### General Description:

This bill amends provisions related to records created or used during an election.

### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ makes the recorded video of ballot processing a public record for purposes of the Government Records Access and Management Act (GRAMA);
- ▶ specifies that an election officer shall retain and preserve ballot chain of custody documentation created during an election;
- ▶ clarifies that an election officer shall package and retain the election database, cast vote record, and other materials used in the programming of automatic tabulating equipment;
- ▶ for an election administered by a county clerk:
  - directs the county clerk to make, preserve, and retain for at least 12 years an electronic copy of certain election material;
  -

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authorizes, in certain circumstances, the county clerk or county legislative body to examine the electronic copy of election material to conduct research related to an election;

• requires the county clerk to grant certain governmental entities access to the electronic copy of election material to conduct research related to an election; and

• creates a process for a governmental entity to conduct a multi-county review of the electronic copy of election material;

▸ specifies that an electronic copy of election material is not a record for purposes of GRAMA;

▸ clarifies that an election officer's obligation to seal official ballots and election returns does not prohibit a county clerk, an auditor, or the lieutenant governor from accessing the electronic copy of election material;

▸ clarifies that an election officer shall retain and preserve the election database, cast vote record, and other materials for 22 months after an election;

▸ ~~{specifies certain types of election-related data that }~~ modifies provisions relating to information an election officer ~~{must include }~~ is required to report in a ballot reconciliation report and board of canvassers report;

▸ reduces the amount of time that an election officer has to publicize the certified board of canvassers report from seven to three days;

▸ requires an election officer to make a copy of the certified board of canvassers report available to members of the public in portable document format; {and }

▸ includes a coordination clause to reflect the changes made to certain voter registration provisions in H.B. 270, Voter Registration Records Amendments, if this bill and H.B. 270 both pass and become law; and

▸ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a coordination clause.

### AMENDS:

**20A-3a-401.1** , as enacted by Laws of Utah 2023, Chapter 297 , as enacted by Laws of Utah 2023, Chapter 297

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**20A-4-106** , as last amended by Laws of Utah 2023, Chapters 156, 297 , as last amended by Laws of Utah 2023, Chapters 156, 297

**20A-4-109** , as last amended by Laws of Utah 2024, Chapter 465 , as last amended by Laws of Utah 2024, Chapter 465

**20A-4-202** , as last amended by Laws of Utah 2023, Chapters 156, 297 , as last amended by Laws of Utah 2023, Chapters 156, 297

**20A-4-304** , as last amended by Laws of Utah 2024, Chapter 503 , as last amended by Laws of Utah 2024, Chapter 503

ENACTS:

**20A-4-701** , Utah Code Annotated 1953 , Utah Code Annotated 1953

**20A-4-702** , Utah Code Annotated 1953 , Utah Code Annotated 1953

**20A-4-703** , Utah Code Annotated 1953 , Utah Code Annotated 1953

**Utah Code Sections affected by Coordination Clause:**

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **20A-3a-401.1** is amended to read:

**20A-3a-401.1. Ballot chain of custody.**

(1) As used in this section:

(a) "Batch" means a grouping of a specified number of ballots:

(i) that is assembled by poll workers, and given a number to distinguish the grouping from other groupings, when the ballots are first received for processing;

(ii) that is kept together in the same grouping, and kept separate from other groupings, throughout ballot processing; and

(iii) for which a log is kept to document the chain of custody of the grouping.

(b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a return envelope that a poll worker has not separated from a ballot, as follows:

(i) starting with receiving the ballot;

(ii) each step taken in relation to a ballot as part of conducting an election; and

(iii) ending after the ballots are counted and stored.

(2) An election officer shall preserve the chain of custody of all ballots in accordance with this section.

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(3) An election officer shall maintain an accurate, updated count of the number of ballots that the election officer:

(a) mails or otherwise provides to a voter;

(b) receives from a voter;

(c) counts;

(d) rejects;

(e) resolves after rejecting; or

(f) does not resolve after rejecting.

(4) Upon receiving ballots cast by voters, the election officer shall ensure that poll workers immediately count the number of ballots received and divide the ballots into batches.

(5) The election officer shall ensure that:

(a) ballots in each batch are kept separate from the ballots in other batches;

(b) a ballot is not separated from a batch, except as necessary to the election process;

(c) if a ballot is separated from a batch, the batch log indicates:

(i) the ballot number;

(ii) the date and time of removal;

(iii) the identity of the individual who removes the ballot; and

(iv) the reason the ballot is removed;

(d) poll workers shall keep for each batch a log that includes:

(i) a unique identifying code or number for the batch;

(ii) the number of ballots in the batch;

(iii) the date that the ballots were received; and

(iv) for each occasion that the batches, or any of the ballots in the batches, are handled:

(A) the date and time that the ballots are handled;

(B) a description of what is done with the ballots;

(C) the identity of the poll workers who handle the ballots; and

(D) any other information required by rule under Subsection [~~(7)~~] (9);

(e) an election official who performs a ballot processing function performs the function in the presence of at least one other election official;

(f) to the extent reasonably possible, the poll workers who perform a ballot processing function for a batch complete performing that function for the entire batch; and

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- (g) each part of the processing of all ballots is monitored by recorded video, without audio.
- (6) An election officer shall keep the recordings described in Subsection (5)(g) until the later of:
- (a) the last day of the calendar year in which the election was held; or
- (b) if the election is contested, when the contest is resolved.
- (7) A recorded video described in Subsection (5)(g) is a public record.
- ~~[(6) An election officer shall:]~~
- ~~[(a) keep the recordings described in Subsection (5)(g) until the later of:]~~
- ~~[(i) the end of the calendar year in which the election was held; or]~~
- ~~[(ii) if the election is contested, when the contest is resolved; and]~~
- ~~[(b) ensure that a camera, a video, or a recording of a video described in Subsection (5)(g) may only be accessed:]~~
- ~~[(i) by the election officer;]~~
- ~~[(ii) by a custodian of the camera, video, or recording;]~~
- ~~[(iii) by the lieutenant governor;]~~
- ~~[(iv) by the legislative auditor general, when performing an audit; or]~~
- ~~[(v) by, or pursuant to an order of, a court of competent jurisdiction.]~~
- ~~[(7) An individual may not view a video, or a recording of a video, described in Subsection (5)(g):]~~
- ~~[(a) unless the individual is an individual described in Subsection (6)(b); and]~~
- ~~[(b) the individual views the video to the extent necessary to:]~~
- ~~[(i) ensure compliance with Subsection (5)(g) or (6); or]~~
- ~~[(ii) investigate a concern relating to the processing of ballots.]~~
- (8) An election officer shall retain and preserve all chain of custody documentation in the manner provided under Section 20A-4-202 for the retention and preservation of a ballot voted in an election.
- ~~[(8)]~~ (9) The director of elections within the Office of the Lieutenant Governor may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing specific requirements and procedures for an election officer or poll worker to:
- (a) fulfill the chain of custody requirements described in this section;
- (b) perform the signature verification audits described in Section 20A-3a-402.5; and
- (c) comply with the reconciliation requirements described in Subsection 20A-4-304(2)(h).
- Section 2. Section **20A-4-106** is amended to read:
- 20A-4-106. Manual ballots -- Sealing.**

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- 140 (1) After the official canvas of an election, the election officer shall store all election returns in  
containers that identify the containers' contents.
- 142 (2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except  
as follows:
- 144 (a) 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~~] Part 6, Municipal Alternate  
Voting Methods Pilot Project;
- 147 (b) an auditor conducting an audit described in Section 36-12-15.2 may examine the ballots:
- 149 (i) if the audit uncovers evidence that raises a substantial doubt regarding the accuracy of the results of  
an election, the auditor may examine the ballots until the later of:
- 152 (A) the end of the calendar year in which the election was held; or
- 153 (B) if the election is contested, when the contest is resolved; or
- 154 (ii) at any time via a subpoena or other legal process; or
- 155 (c) the lieutenant governor may examine the ballots:
- 156 (i) until the later of:
- 157 (A) the [~~end~~] last day of the calendar year in which the election was held; or
- 158 (B) if the election is contested, when the contest is resolved; or
- 159 (ii) at any time via a subpoena or other legal process.
- 160 (3) Nothing in this section prohibits a county clerk, an auditor, or the lieutenant governor from  
accessing and examining the electronic copy of ballots or election returns in accordance with Part 7,  
Electronic Copy of Election Material - Access and Examination.
- 167 Section 3. Section **20A-4-109** is amended to read:
- 168 **20A-4-109. Ballot reconciliation -- Rulemaking authority.**
- 165 (1) In accordance with this section and rules made under Subsection (2), an election officer whose  
office processes ballots shall:
- 167 (a) conduct ballot reconciliations [~~every time~~] :
- 172 (i) at the end of each day on which ballots are tabulated;
- 168 {~~(b)~~} or
- 173 (ii) if ballot tabulation of a grouping of ballots continues past midnight, as soon as the office finishes  
tabulating those ballots;
- 175 (b) conduct a final ballot reconciliation when an election officer concludes processing all ballots;

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- (c) document each ballot reconciliation;
- (d) publicly release the results of each ballot reconciliation; and
- (e) in conducting ballot reconciliations:
- (i) ensure that the sum of the number of uncounted verified ballots and the number of ballots tabulated is equal to the number of voters given credit for voting; or
- (ii) if the sum described in Subsection (1)(e)(i) is not equal to the number of voters given credit for voting, account for and explain the differences in the numbers.
- (2) [The] Subject to Subsection (3), the director of elections within the Office of the Lieutenant Governor may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing procedures and requirements for conducting, documenting, and publishing a ballot reconciliation.
- (3) An election officer shall ensure that a published ballot reconciliation includes data describing:
- (a) the total number of ballots:
- (i) that the election officer issued to voters; and
- (ii) that the voters returned to the election officer;
- (b) of the number described in Subsection (3)(a)(i), a subtotal of the number of ballots that the election officer issued to voters:
- (i) by mail;
- (ii) electronically;
- (iii) at a polling place; and
- (iv) in person at the office of the election officer; and
- (c) of the number described in Subsection (3)(a)(ii), a subtotal of the number of ballots that the voters returned to the election officer:
- (i) by mail;
- (ii) electronically;
- (iii) at a polling place;
- (iv) at a ballot drop box; and
- (v) in person at the office of the election officer.

Section 4. Section **20A-4-202** is amended to read:

**20A-4-202. Election officers -- Disposition of ballots -- Release of number of provisional ballots cast.**

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- (1) Upon receipt of the ballots and election returns from the poll workers, the election officer shall:
- (a) ensure that the poll workers have provided all of the ballots and election returns;
  - (b) inspect the ballots and election returns to ensure that they are sealed;
  - (c) for manual ballots, deposit and lock the ballots and election returns in a safe and secure place;
  - (d) for mechanical ballots:
    - (i) count the ballots; and
    - (ii) deposit and lock the ballots and election returns in a safe and secure place; and
  - (e) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.
- (2) Each election officer shall:
- (a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;
  - (b) preserve ballots for 22 months after the date of the election or until the time has expired during which the ballots could be used in an election contest;
  - (c) preserve all other official election returns for at least 22 months after ~~[an]~~ the date of the election; and
  - (d) after that time, destroy ~~[them]~~ the ballots and election returns without opening or examining them.
- (3)
- (a) The election officer shall package and retain~~[- all tabulating cards and other]~~ :
    - (i) the election database;
    - (ii) the cast vote record; and
    - (iii) the materials used in the programming of the automatic tabulating equipment.
  - (b) The election officer:
    - (i) ~~[may access these tabulating cards and other materials]~~ may access the materials described in Subsection (3)(a)(iii);
    - (ii) ~~[may make copies of these materials and make changes to the copies]~~ may make a copy of the materials described in Subsection (3)(a)(iii);
    - (iii) ~~[may not alter or make changes to the materials themselves; and]~~ may not alter or make changes to the materials described in Subsection (3)(a)(iii);
    - (iv) may make changes to the copied materials described in Subsection (3)(b)(ii);



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(v) shall retain and preserve the materials described in Subsection (3)(a)(iii), and the copied materials described in Subsection (3)(b)(ii), for at least 22 months after the date of the election; and

238 ~~[(iv)] (vi) [within 22 months after the election in which they were used, may dispose of those materials or retain them]~~ after the date described in Subsection (3)(b)(v), may dispose of or retain the materials described in Subsection (3)(a)(iii), or the copied materials described in Subsection (3)(b)(ii).

242 (4)

(a) If an election contest is begun within 12 months after the date of an election, the election officer shall, except as provided in Subsection (4)(c):

244 (i) keep the ballots and election returns unopened and unaltered until the contest is complete; or

246 (ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the contest when ordered or subpoenaed to do so by that court.

248 (b) Except as provided in Subsection (4)(c), when all election contests arising from an election are complete, the election officer shall either:

250 (i) retain the ballots and election returns until the time for preserving them under this section has run; or

252 (ii) 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.

255 (c)

(i) An auditor conducting an audit described in Section 36-12-15.2 may examine the ballots and election returns described in this Subsection (4).

257 (ii) The lieutenant governor may examine the ballots and election returns described in this Subsection (4).

259 (5)

(a) Notwithstanding the provisions of this section, the legislative auditor general:

260 (i) may make and keep ~~[copies]~~ a copy of ballots or election returns as part of a legislative audit; and

262 (ii) may not examine, make ~~[copies]~~ a copy, or keep ~~[copies,]~~ a copy of a ballot in a manner that identifies ~~[a]~~ the ballot with the voter who casts the ballot.

264 (b) A copy described in Subsection (5)(a) is not a record, and is not subject to disclosure, under Title 63G, Chapter 2, Government Records Access and Management Act.

273 Section 5. Section **20A-4-304** is amended to read:

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### 20A-4-304. Declaration of results -- Canvassers' report.

(1)

(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's jurisdiction.

(b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a board of canvassers shall declare a "tie vote" if:

(i) two or more candidates for an office receive an equal and the highest number of votes for that office; or

(ii) in a race for an at-large office:

(A) two or more candidates receive an equal number of votes; and

(B) a recount is necessary to determine which candidates are elected to the at-large office.

(c) A board of canvassers shall declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

(B) were submitted only to the voters within the board's jurisdiction; or

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

(B) were submitted only to the voters within the board's jurisdiction.

(d) A board of canvassers shall:

(i) certify the vote totals for ~~[persons]~~ candidates and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and

(ii) if applicable, certify the results of each special district election to the special district clerk.

(2) The election officer shall submit a report to the board of canvassers that includes the following information:

(a) the total number of votes cast in the board's jurisdiction;

(b) each office that appeared on the ballot;

~~[(b)]~~ (c)

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- (i) ~~[the names of each candidate whose name appeared on the ballot;]~~ the name of each candidate whose name appeared on the ballot; and
- 301 (ii) whether the candidate is an unaffiliated candidate, a write-in candidate, or, if the candidate is the  
nominee of a registered political party, the name of the registered political party;
- 304 ~~[(e)]~~ (d) the title of each ballot proposition that appeared on the ballot;
- 305 ~~[(d)]~~ (e) ~~[each office that appeared on the ballot]~~ the total number of votes given in the board's  
jurisdiction to each candidate, and for and against each ballot proposition;
- 307 ~~[(e)]~~ (f) from each voting precinct:
- 308 (i) the number of votes for each candidate;
- 309 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods  
Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting  
phase and the name of the candidate excluded in each ballot-counting phase; and
- 313 (iii) the number of votes for and against each ballot proposition;
- 314 ~~[(f) the total number of votes given in the board's jurisdiction to each candidate, and for and against~~  
~~each ballot proposition;]~~
- 316 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing, at a minimum:
- 318 (i) the number of active voters in the board's jurisdiction;
- 319 (ii) of the number described in Subsection (2)(g)(i), the number of voters classified as private or  
withheld under Section 20A-2-104;
- 321 ~~[(iii)]~~ ~~[the number of ballots counted]~~ the number of ballots the election officer counted;
- 322 ~~[(ii)]~~ (iv) ~~[provisional ballots]~~ of the number described in Subsection (2)(g)(iii), the number of  
provisional ballots; and
- 324 ~~[(iii)]~~ (v) ~~[the number of ballots rejected;]~~ each of the following:
- 325 (A) the number of provisional ballots that could not legally be counted;
- 326 (B) the number of ballots, other than provisional ballots, that the election officer rejected because the  
ballots could not legally be cured; and
- 328 (C) the number of ballots, other than provisional ballots, that were rejected, could have been cured by  
the voter, but were not cured;
- 330 (h) a final ballot reconciliation report;
- 331 (i) other information required by law to be provided to the board of canvassers; and
- 332 (j) a statement certifying that the information contained in the report is accurate.

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- 333 (3) The election officer and the board of canvassers shall:
- 334 (a) review the report to ensure that the report is correct; and
- 335 (b) sign the report.
- 336 (4) The election officer shall:
- 337 (a) record or file the certified report in a book kept for that purpose;
- 338 (b) prepare and transmit a certificate of nomination or election under the officer's seal to each  
nominated or elected candidate;
- 340 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 341 (d) file a copy of the certified report with the lieutenant governor.
- 342 ~~[(5) Except as provided in Subsection (6), the election officer shall, no later than {f} seven{ } three~~  
~~business } days after the day on which the board of canvassers declares the election results, publicize~~  
~~the certified report described in Subsection (2) for the {board's }jurisdiction, as a class A notice~~  
~~under Section 63G-30-102, for at least seven days.]~~
- 353 (5) Except as provided in Subsection (6), the election officer shall, no later than three business days  
after the day on which the board of canvassers declares the election results, publicize the certified  
report described in Subsection (2) for the board's jurisdiction, as a class A notice under Section  
63G-30-102, for at least seven calendar days.
- 346 (6)
- (a) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may  
contain a statement that:
- 348 [(a)] (i) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has  
prepared a report of the election results for the [indicate type and date of election]."; and
- 351 [(b)] (ii) specifies the following sources where an individual may view or obtain a copy of the entire  
certified report:
- 353 [(i)] (A) if the board's jurisdiction has a website, the jurisdiction's website;
- 354 [(ii)] (B) the physical address for the board's jurisdiction; and
- 355 [(iii)] (C) a mailing address and telephone number.
- 356 (b) An election officer:
- 357 (i) shall ensure that an individual may obtain a digital copy of the certified report as a PDF file; and
- 359 (ii) may make the certified report available in any machine readable format that the election officer  
determines is helpful to members of the public.

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- 361 (7) When there has been a regular general or a statewide special election for statewide officers, for  
officers that appear on the ballot in more than one county, or for a statewide or two or more county  
ballot proposition, each board of canvassers shall:
- 364 (a) prepare a separate report detailing the number of votes for each candidate and the number of votes  
for and against each ballot proposition; and
- 366 (b) transmit the separate report by registered mail to the lieutenant governor.
- 367 (8) In each county election, municipal election, school election, special district election, and local  
special election, the election officer shall transmit the reports to the lieutenant governor within 14  
days after the date of the election.
- 370 (9) In a regular primary election and in a presidential primary election, the board shall transmit to the  
lieutenant governor:
- 372 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not  
later than the second Tuesday after the election; and
- 374 (b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed  
to the lieutenant governor on or before the third Friday following the primary election.

389 Section 6. Section 6 is enacted to read:

391 **20A-4-701. Definitions.**

7. Electronic Copy of Election Material - Access and Examination

As used in this part:

- 381 (1) "Election material" means:
- 382 (a) the return envelopes described in Sections 20A-3a-401 and 20A-3a-402;
- 383 (b) the verification documentation described in Subsection 20A-3a-401(7)(b)(iv);
- 384 (c) the chain of custody documentation described in Section 20A-3a-401.1;
- 385 (d) the log of replicated ballots described in Subsection 20A-4-104(3)(b);
- 386 (e) the ballots and election returns described in Section 20A-4-202;
- 387 (f) the election database and cast vote record described in Subsection 20A-4-202(3); and
- 388 (g) the materials used in the programming of the automatic tabulating equipment described in  
Subsection 20A-4-202(3).
- 390 (2) "Governmental entity" means:
- 391 (a) the office of:
- 392 (i) the lieutenant governor;

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- 393 (ii) the attorney general;  
394 (iii) the legislative auditor general; or  
395 (iv) the state auditor; or  
396 (b) a contractor of a governmental entity described in Subsection (2)(a).  
397 (3) "Interim committee" means the same as that term is defined in legislative rule.  
398 (4) "Standing committee" means a Senate or House committee established under Senate or House rule  
for the purpose of considering proposed legislation during an annual general session or a special  
session.  
401 (5) "Voting equipment" means:  
402 (a) the computer-based hardware or software used by a county clerk to access, display, or examine an  
electronic copy of election material; or  
404 (b) the equipment used by a county clerk to make an electronic copy of election material.  
417 Section 7. Section 7 is enacted to read:  
418 **20A-4-702. Electronic copy of election material -- Examination by county clerk or county**  
**legislative body.**  
420 (1)  
408 {(+) (a)} Following an election administered by a county clerk, and except as provided in Subsection  
(11), the county clerk shall, no later than 90 days after the day on which the board of canvassers  
declares the results of an election:  
411 {(a)} (i) make an electronic copy of all election material;  
424 (ii) ensure that the electronic copy of election material:  
412 {(b)} (A) {store the electronic copy of election material} is stored in a secure {place} location that is  
physically separate from the {place} location where the county clerk stores election material;  
414 {(c)} (B) {ensure that the electronic copy of election material} is not altered, changed, or  
destroyed;and  
416 {(d)} (C) {preserve the electronic copy of election material} is preserved for at least 12 years after the  
day on which the electronic copy is made; and  
418 {(e)} (iii) certify to the lieutenant governor a statement indicating that the county clerk has complied  
with Subsections {(+)(a)} (1)(a)(i) and {(b)} (ii).  
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(b) The county clerk may fulfill the storage and preservation requirements described in Subsection (1)(a)(ii) by contracting with the Division of Archives and Records Service created in Section 63A-12-101.

(2) A county clerk may access and examine the election material described in Subsection (1):

(a) to respond to an interim committee or a standing committee that makes an inquiry regarding an election; or

(b) to conduct research on an issue or a process related to an election, if:

(i) the county clerk submits a written request to the county legislative body in accordance with Subsection (3); and

(ii) the county legislative body approves the request.

(3) A county clerk who wishes to access the election material described in Subsection (1) for a reason described in Subsection (2)(b) shall submit a written request to the county clerk's county legislative body that:

(a) describes, in detail, the reason the county clerk seeks to examine the election material;

(b) describes the type or sampling of election material that is relevant to the county clerk's research of the election material; and

(c) estimates the duration of time that the county clerk requires access to the election material.

(4) A county legislative body that receives a request described in Subsection (3) shall, after reviewing the request:

(a) approve the request; or

(b) deny the request.

(5) If a county legislative body:

(a) approves a request described in Subsection (3), the county clerk:

(i) may access the type or sampling of election material that the county clerk described in the request; and

(ii) shall, after the county clerk's research is complete, submit written findings and conclusions, and recommendations, if any, to the county legislative body; or

(b) denies a request described in Subsection (3), the county legislative body shall explain the reason for the denial in writing to the county clerk.

(6) A county legislative body may access and examine the election material described in Subsection (1) to conduct research on an issue or process related to an election administered in the county if:

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- 450 (a) the county legislative body submits a written request to the county clerk in accordance with  
452 Subsection (7); and
- 453 (b) the county clerk approves the request.
- 453 (7) A county legislative body that wishes to access the election material described in Subsection (1)  
455 shall submit a written request to the county clerk that:
- 455 (a) describes, in detail, the reason the county legislative body seeks to examine the election material;  
457 and
- 457 (b) estimates the duration of time that the county legislative body requires access to the election  
459 material.
- 459 (8) A county clerk that receives a request described in Subsection (7) shall, after reviewing the request:
- 461 (a) approve the request; or
- 462 (b) deny the request.
- 463 (9)
- 465 (a) If the county clerk approves a request described in Subsection (7), the county clerk shall:
- 466 (i) in the county clerk's reasonable discretion, determine:
- 466 (A) the date and time that the county legislative body may access the election material;
- 468 (B) any safeguard or security measure that the county legislative body must take or observe while  
470 examining the election material; and
- 470 (C) the type or sampling of election material that is relevant to the county legislative body's research of  
472 the election material; and
- 472 (ii) after making the determinations described in Subsection (9)(a)(i):
- 473 (A) notify the county legislative body of the determinations in writing; and
- 474 (B) grant the county legislative body access to the election material that the county clerk determines is  
476 relevant under Subsection (9)(a)(i)(C).
- 476 (b) If the county clerk denies a request described in Subsection (7), the county clerk shall explain the  
478 reason for the denial in writing to the county legislative body.
- 478 (10) A county clerk or county legislative body that accesses the electronic copy of election material  
480 described this section:
- 480 (a) may only examine the election material at the county clerk's office; and
- 481 (b) may not make a copy of or remove the election material from the county clerk's office.
- 483



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(11) A county clerk need not make an electronic copy of the side of a ballot return envelope that does not contain a voter's signature if the county's voting equipment is not capable of:

(a) simultaneously making an electronic copy of the front and back sides of a ballot return envelope; and

(b) simultaneously associating the front and back sides of a ballot return envelope with one another.

(12) The electronic copy of election material described in this section is not a record, and is not subject to disclosure, under Title 63G, Chapter 2, Government Records Access and Management Act.

Section 8. Section 8 is enacted to read:

### **20A-4-703. Electronic copy of election material -- Examination by governmental entity.**

(1) A county clerk shall grant a governmental entity access to the election material described in Subsection 20A-4-702(1) if:

(a) the governmental entity seeks to examine the election material to conduct research on an issue or a process related to an election; and

(b) the governmental entity submits a written notice to the county clerk in accordance with Subsection (2).

(2) Subject to Subsection (5), a governmental entity that seeks to access the election material described in Subsection 20A-4-702(1) shall provide the county clerk a written notice that:

(a) informs the county clerk of the governmental entity's intent to access the election material;

(b) describes, in detail, the reason the governmental entity seeks to examine the election material; and

(c) estimates the duration of time that the governmental entity requires access to the election material.

(3) Subject to Subsection (5), a county clerk that receives a notice described in Subsection (2) shall:

(a) in the county clerk's reasonable discretion, determine:

(i) the date and time that the governmental entity may access the election material;

(ii) any safeguard or security measure that the governmental entity must take or observe while examining the election material; and

(iii) the type or sampling of election material that is relevant to the governmental entity's research of the election material; and

(b) after making the determinations described in Subsection (3)(a):

(i) notify the governmental entity of the determinations in writing; and

(ii) grant the governmental entity access to the election material that the county clerk determines is relevant under Subsection (3)(a)(iii).

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- 523 (4) A governmental entity that seeks access to the election material described in Subsection  
20A-4-702(1) for an election administered in more than one county may, in the notice described in  
Subsection (2), select, among each county where the election was administered, a county in which to  
examine the election material.
- 527 (5) If a governmental entity makes the selection described in Subsection (4):
- 528 (a) the governmental entity shall submit the notice described in Subsection (2) to each county clerk who  
administered the election;
- 530 (b) the county clerk of the selected county shall:
- 531 (i) take the actions described in Subsections (3)(a) and (b);
- 532 (ii) notify each county clerk to whom the governmental entity submitted the notice of the type of  
sampling of election material that the county clerk determines is relevant under Subsection (3)(a)  
(iii);
- 535 (iii) after receiving, from each county clerk, the election material described in Subsection (5)(c), grant  
the governmental entity access to that election material; and
- 538 (iv) after the governmental entity's research is complete, destroy the election material described in  
Subsection (5)(c); and
- 540 (c) the county clerk of each non-selected county shall, except as provided in Subsection (6), transfer to  
the county clerk of the selected county, by secure electronic transmission, the type or sampling of  
election material that the county clerk determines is relevant under Subsection (3)(a)(iii).
- 544 (6) A county clerk is not required to make the transfer described in Subsection (5)(c) if the voting  
equipment used by the county clerk is incompatible with the voting equipment used by the county  
clerk of the selected county.
- 547 (7) A governmental entity that accesses the electronic copy of election material described this section:
- 549 (a) may only examine the election material at the county clerk's office; and
- 550 (b) may not make a copy of or remove the election material from the county clerk's office.
- 552 (8) The electronic copy of election material described in this section is not a record, and is not subject to  
disclosure, under Title 63G, Chapter 2, Government Records Access and Management Act.

570 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

572 Section 10. **Coordinating H.B. 263 with H.B. 270.**

## **HB0263 compared with HB0263S02**

If H.B. 263, Election Record Amendments, and H.B. 270, Voter Registration Records Amendments, both pass and become law, the Legislature intends that, on January 1, 2027, Subsection 20A-4-304(2)(g)(ii) enacted in H.B. 263 be amended to read:  
"(ii) of the number described in Subsection (2)(g)(i), the number of voters classified as an at-risk voter, as defined in Section 20A-2-601;".

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