

Doug Fiefia proposes the following substitute bill:

Revisions to Election Law

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Fiefia

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- defines terms;
- changes the voter registration deadline to 21 days before the day of an election for all methods of voter registration;
- establishes a deadline for a voter:
 - who will not otherwise receive a ballot by mail in the upcoming election to request to receive a ballot by mail; or
 - who will receive a ballot by mail in the upcoming election to change the address to which the ballot will be mailed;
- provides that, except for a military or overseas ballot, a ballot must be received before the polls close on election day to be valid;
- provides that a voter who is required to cast a provisional ballot, because the voter was unable to provide valid voter identification, must provide the identification no later than 5 p.m. on the Monday following the day of the election;
- provides that a ballot that is rejected because a signature cannot be verified must be cured no later than 5 p.m. on the Monday following the election;
- removes mail as a method of notifying a voter that the voter's ballot was rejected;
- modifies provisions relating to information an election officer is required to report in relation to ballot processing;
- provides deadlines for tabulating ballots and publishing tabulation results;
- requires an election officer to post unofficial election results on the Monday after the day of the election;

- requires a ballot drop box to remain open until the polls close on election day;
- requires the lieutenant governor to award a contract, via a request for proposals, to designate a voting system, including equipment and software, that will be used throughout the state;
- requires that, as election officers replace voting equipment and software, the election officers replace the voting equipment and software with voting equipment and software that is part of the election system designated under the preceding paragraph; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

- 20A-1-603**, as last amended by Laws of Utah 2023, Chapter 175
- 20A-2-101.1**, as last amended by Laws of Utah 2018, Chapter 223
- 20A-2-102.5**, as last amended by Laws of Utah 2023, Chapter 45
- 20A-2-201**, as last amended by Laws of Utah 2020, Chapters 31, 95 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 95
- 20A-2-202**, as last amended by Laws of Utah 2020, Chapter 31
- 20A-2-204**, as last amended by Laws of Utah 2023, Chapter 237
- 20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 95
- 20A-2-206**, as last amended by Laws of Utah 2023, Chapter 297
- 20A-2-301**, as last amended by Laws of Utah 2020, Chapter 31
- 20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
- 20A-3a-203**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 20A-3a-204**, as last amended by Laws of Utah 2022, Chapter 156
- 20A-3a-205**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 20A-3a-401**, as last amended by Laws of Utah 2024, Chapter 477
- 20A-3a-405**, as last amended by Laws of Utah 2023, Chapter 297
- 20A-3a-807**, as enacted by Laws of Utah 2022, Chapter 380
- 20A-4-104**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
- 20A-4-107**, as last amended by Laws of Utah 2020, Chapter 31

63 **20A-4-109**, as last amended by Laws of Utah 2024, Chapter 465

64 **20A-5-403.5**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435

65 **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305

66 **20A-5-803**, as renumbered and amended by Laws of Utah 2017, Chapter 32

67 **67-1a-2**, as last amended by Laws of Utah 2024, Chapter 438

68 ENACTS:

69 **20A-4-104.5**, Utah Code Annotated 1953

70 REPEALS AND REENACTS:

71 **20A-5-801**, as last amended by Laws of Utah 2020, Chapter 31

72 RENUMBERS AND AMENDS:

73 **20A-5-804**, (Renumbered from 20A-5-302, as last amended by Laws of Utah 2023,
74 Chapter 15)

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

77 Section 1. Section **20A-1-603** is amended to read:

78 **20A-1-603 . Fraud, interference, disturbance -- Tampering with ballots or**
79 **records -- Penalties.**

80 (1)(a) An individual may not fraudulently vote on the individual's behalf or on behalf of
81 another, by:

- 82 (i) voting more than once at any one election, regardless of whether one of the
83 elections is in a state or territory of the United States outside of Utah;
84 (ii) knowingly handing in two or more ballots folded together;
85 (iii) changing any ballot after the ballot is cast or deposited in the ballot box, or ballot
86 drop box, or mailed;
87 (iv) adding or attempting to add any ballot or vote to those legally polled at any
88 election by fraudulently introducing the ballot or vote into the ballot box or vote
89 tally, either before or after the ballots have been counted;
90 (v) adding to or mixing or attempting to add or mix, other ballots with the ballots
91 lawfully polled while those ballots are being counted or canvassed, or at any other
92 time; or
93 (vi) voting in a voting district or precinct when the individual knew or should have
94 known that the individual was not eligible for voter registration in that district or
95 precinct, unless the individual is legally entitled to vote the ballot under Section
96 20A-4-107 or another provision of this title.

(b) A person may not fraudulently interfere with an election by:

- (i) willfully tampering with, detaining, mutilating, or destroying any election returns;
- (ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;
- (iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;
- (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;
- (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing;
- (vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or the contents of a ballot drop box; or
- (vii) aiding, counseling, providing, procuring, advising, or assisting any person to do any of the acts described in this section.

(2) In addition to the penalties established in Subsections 20A-1-609(2) and (3):

- (a) a person who commits an offense under Subsection (1)(b)(vi), or who aids, counsels, provides, procures, advises, or assists a person to commit an offense under Subsection (1)(b)(vi), is guilty of a third degree felony; and
- (b) a person who commits an offense under Subsection (1), other than an offense described in Subsection (2)(a), is guilty of a class A misdemeanor.

(3) The lieutenant governor shall take, and store for at least 22 months, a static copy of the official register made at the following times:

- (a) the voter registration deadline described in Subsection [20A-2-102.5(2)(a)]
20A-2-102.5(2);
- (b) the day of the election; and
- (c) the last day of the canvass.

Section 2. Section **20A-2-101.1** is amended to read:

20A-2-101.1 . Preregistering to vote.

(1) An individual may preregister to vote if the individual:

- (a) is 16 or 17 years [~~of age~~] old;
- (b) is not eligible to register to vote because the individual does not comply with the age requirements described in Subsection 20A-2-101(1)(c);
- (c) is a citizen of the United States;
- (d) has been a resident of Utah for at least 30 days; and
- (e) currently resides within the voting district or precinct in which the individual preregisters to vote.

(2) An individual described in Subsection (1) may not vote in an election and is not registered to vote until:

- (a) the individual is otherwise eligible to register to vote because the individual complies with the age requirements described in Subsection 20A-2-101(1)(c); and
- (b) the county clerk registers the individual to vote under Subsection (4).

(3) An individual who preregisters to vote shall:

- (a) complete a voter registration form, including an indication that the individual is preregistering to vote; and
- (b) submit the voter registration form to a county clerk in person, by mail, or in any other manner authorized by this chapter for the submission of a voter registration form.

(4)(a) A county clerk shall:

- (i) retain the voter registration form of an individual who meets the qualifications for preregistration and who submits a completed voter registration form to the county clerk under Subsection (3)(b);
- (ii) register the individual to vote in the next election in which the individual will be eligible to vote, before the voter registration deadline established in Section 20A-2-102.5 for that election; and
- (iii) send a notice to the individual that:
 - (A) informs the individual that the individual's voter registration form has been accepted as an application for preregistration;
 - (B) informs the individual that the individual will be registered to vote in the next election in which the individual will be eligible to vote; and
 - (C) indicates in which election the individual will be registered to vote.

(b) An individual who the county clerk registers under Subsection (4)(a)(ii) is considered to have applied for voter registration on the earlier of:

- (i) the day of the voter registration deadline immediately preceding the election day

- 165 on which the individual will be at least 18 years ~~[of age]~~ old; or
- 166 (ii) the day on which the individual turns 18 years ~~[of age]~~ old.
- 167 (c) A county clerk shall refer a voter registration form to the county attorney for
- 168 investigation and possible prosecution if the clerk or the clerk's designee believes the
- 169 individual is attempting to preregister to vote in an election in which the individual
- 170 will not be legally entitled to vote.
- 171 (5)(a) The lieutenant governor or a county clerk shall classify the voter registration
- 172 record of an individual who preregisters to vote as a private record until the day on
- 173 which the individual turns 18 years ~~[of age]~~ old.
- 174 (b) ~~[On]~~ Except to the extent otherwise provided under Subsection 63G-2-301(2)(l), on
- 175 the day on which the individual described in Subsection (5)(a) turns 18 years ~~[of age]~~
- 176 old, the lieutenant governor or county clerk shall classify the individual's voter
- 177 registration record as a public record~~[- in accordance with Subsection 63G-2-301(2)(l)].~~
- 178 (6) If an individual who is at least 18 years of age erroneously indicates on the voter
- 179 registration form that the individual is preregistering to vote, the county clerk shall
- 180 consider the form as a voter registration form and shall process the form in accordance
- 181 with this chapter.
- 182 Section 3. Section **20A-2-102.5** is amended to read:
- 183 **20A-2-102.5 . Voter registration deadline.**
- 184 (1) Except as otherwise provided in Chapter 16, Uniform Military and Overseas Voters Act,
- 185 an individual who fails to timely submit a correctly completed voter registration form
- 186 may not vote in the election.
- 187 (2) The voter registration deadline is as follows:
- 188 (a) the voter registration must be received by the county clerk, the municipal clerk, or
- 189 the lieutenant governor no later than 5 p.m. ~~[H]~~ 21 calendar days before the date of
- 190 the election, if the individual registers to vote:
- 191 (i) at the office of the county clerk, in accordance with Section 20A-2-201;
- 192 (ii) by mail, in accordance with Section 20A-2-202;
- 193 (iii) via an application for a driver license, in accordance with Section 20A-2-204;
- 194 (iv) via a public assistance agency or a discretionary voter registration agency, in
- 195 accordance with Section 20A-2-205; or
- 196 (v) via electronic registration, in accordance with Section 20A-2-206;
- 197 (b) before the polls close on the last day of early voting, described in Section 20A-3a-601,
- 198 if the individual registers by casting a provisional ballot at an early voting location in

accordance with Section 20A-2-207; or

- (c) before polls close on the date of the election, if the individual registers to vote on the date of the election by casting a provisional ballot, in accordance with Section 20A-2-207.

Section 4. Section **20A-2-201** is amended to read:

20A-2-201 . Registering to vote at office of county clerk.

- (1) Except as provided in Subsection (3), the county clerk shall register to vote each individual who registers in person at the county clerk's office during designated office hours if the individual will, on the date of the election, be legally eligible to vote in a voting precinct in the county in accordance with Section 20A-2-101.
- (2) If an individual who is registering to vote submits a registration form in person at the office of the county clerk no later than 5 p.m. ~~[[~~ on the last business day that is no less than 21 calendar days before the date of the election, the county clerk shall:
- (a) accept and process the voter registration form;
- (b) unless the individual named in the form is preregistering to vote:
- (i) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and
- (ii) notify the individual that the individual is registered to vote in the upcoming election; and
- (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- (3) If an individual who is registering to vote and who will be legally qualified and entitled to vote in a voting precinct in the county on the date of an election appears in person, during designated office hours, and submits a registration form after the deadline described in Subsection (2), the county clerk shall~~[-]~~ accept the registration form and, except as provided in Subsection 20A-2-207(6), inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

Section 5. Section **20A-2-202** is amended to read:

20A-2-202 . Registration by mail.

- (1)(a) An individual who will be qualified to vote at the next election may register by mail.
- (b) To register by mail, an individual shall complete and sign the registration form and

mail or deliver the form to the county clerk of the county in which the citizen resides.

(c) In order to register to vote in a particular election, the citizen shall:

(i) address the voter registration form to the county clerk; and

(ii) ensure that the voter registration form is received by the county clerk no later than [~~5 p.m. 11~~] 21 calendar days before the date of the election.

(d) The citizen has effectively registered to vote under this section only when the county clerk's office has received a correctly completed voter registration form.

(2) Upon receipt of a timely, correctly completed voter registration form, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

(i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(ii) notify the individual that the individual is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

(3) If the county clerk receives a correctly completed voter registration form after the deadline described in Subsection (1)(c), the county clerk shall, unless the individual is preregistering to vote:

(a) accept the application for registration; and

(b) if possible, promptly mail a notice to, or otherwise notify, the individual before the election, informing the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(4) If the county clerk determines that a registration form received by mail or otherwise is incorrect because of an error or because the registration form is incomplete, the county clerk shall mail notice to the individual attempting to register or preregister, stating that the individual has not been registered or preregistered because of an error or because the registration form is incomplete.

Section 6. Section **20A-2-204** is amended to read:

20A-2-204 . Registering to vote when applying for or renewing a driver license.

(1) As used in this section, "voter registration form" means, when an individual named on a

qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described in Subsection 20A-2-108(2)(a), the information on the qualifying form that can be used for voter registration purposes.

- (2)(a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may register to vote, and a citizen who is qualified to preregister to vote may preregister to vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a) and completing the voter registration form.
- (b) A citizen who is a program participant in the Safe at Home Program created in Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a), but is eligible to register to vote by any other means described in this part.

(3) The Driver License Division shall:

- (a) assist an individual in completing the voter registration form unless the individual refuses assistance;
- (b) electronically transmit each address change to the lieutenant governor within five days after the day on which the division receives the address change; and
- (c) within five days after the day on which the division receives a voter registration form, electronically transmit the form to the Office of the Lieutenant Governor, including the following for the individual named on the form:
- (i) the name, date of birth, driver license or state identification card number, last four digits of the social security number, Utah residential address, place of birth, and signature;
 - (ii) a mailing address, if different from the individual's Utah residential address;
 - (iii) an email address and phone number, if available;
 - (iv) the desired political affiliation, if indicated;
 - (v) an indication of whether the individual requested that the individual's voter registration record be classified as a private record under Subsection 20A-2-108(2)(b); and
 - (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted with the form.

(4) Upon receipt of an individual's voter registration form from the Driver License Division under Subsection (3), the lieutenant governor shall:

- (a) enter the information into the statewide voter registration database; and
- (b) if the individual requests on the individual's voter registration form that the individual's voter registration record be classified as a private record or the individual

301 submits a withholding request form described in Subsections 20A-2-104(7) and (8)
302 and any required verification, classify the individual's voter registration record as a
303 private record.

304 (5) The county clerk of an individual whose information is entered into the statewide voter
305 registration database under Subsection (4) shall:

306 (a) ensure that the individual meets the qualifications to be registered or preregistered to
307 vote; and

308 (b)(i) if the individual meets the qualifications to be registered to vote:

309 (A) ensure that the individual is assigned to the proper voting precinct; and

310 (B) send the individual the notice described in Section 20A-2-304; or

311 (ii) if the individual meets the qualifications to be preregistered to vote, process the
312 form in accordance with the requirements of Section 20A-2-101.1.

313 (6)(a) When the county clerk receives a correctly completed voter registration form
314 under this section, the clerk shall:

315 (i) comply with the applicable provisions of this Subsection (6); or

316 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

317 (b) If the county clerk receives a correctly completed voter registration form under this
318 section no later than ~~[5 p.m. or, if submitting the form electronically, midnight, H]~~ 21
319 calendar days before the date of an election, the county clerk shall:

320 (i) accept the voter registration form; and

321 (ii) unless the individual is preregistering to vote:

322 (A) enter the individual's name on the list of registered voters for the voting
323 precinct in which the individual resides; and

324 (B) notify the individual that the individual is registered to vote in the upcoming
325 election; and

326 (iii) if the individual named in the form is preregistering to vote, comply with Section
327 20A-2-101.1.

328 (c) If the county clerk receives a correctly completed voter registration form under this
329 section after the deadline described in Subsection (6)(b), the county clerk shall,
330 unless the individual named in the form is preregistering to vote:

331 (i) accept the application for registration of the individual;

332 (ii) process the voter registration form; and

333 (iii) unless the individual is preregistering to vote, and except as provided in

334 Subsection 20A-2-207(6), inform the individual that the individual will not be

registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(7)(a) If the county clerk determines that an individual's voter registration form received from the Driver License Division is incorrect because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote, the county clerk shall mail notice to the individual stating that the individual has not been registered or preregistered because of an error, because the registration form is incomplete, or because the individual does not meet the qualifications to be registered to vote.

(b) If a county clerk believes, based upon a review of a voter registration form, that an individual, who knows that the individual is not legally entitled to register or preregister to vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer the form to the county attorney for investigation and possible prosecution.

Section 7. Section **20A-2-205** is amended to read:

20A-2-205 . Registration at voter registration agencies.

(1) As used in this section:

(a) "Discretionary voter registration agency" means the same as that term is defined in Section 20A-2-300.5.

(b) "Public assistance agency" means the same as that term is defined in Section 20A-2-300.5.

(2) An individual may obtain and complete a registration form at a public assistance agency or discretionary voter registration agency.

(3) Each public assistance agency and discretionary voter registration agency shall provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register or preregister to vote here today? (The decision of whether to register or preregister to vote will not affect the amount of assistance that you will be provided by this agency.) Yes____
No____ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO
HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If
you would like help in filling out the voter registration form, we will help you. The decision

about whether to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or preregister or to decline to register or preregister to vote, your right to privacy in deciding whether to register or preregister, or in applying to register or preregister to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number of the Office of the Lieutenant Governor)."

(4) Unless an individual applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register or preregister to vote, each public assistance agency and discretionary voter registration agency shall:

(a) distribute a voter registration form with each application for service or assistance provided by the agency or office;

(b) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(c) accept completed forms for transmittal to the appropriate election official; and

(d) transmit a copy of each voter registration form to the appropriate election official within five days after the day on which the division receives the voter registration form.

(5) An individual in a public assistance agency or a discretionary voter registration agency that helps an applicant complete the voter registration form may not:

(a) seek to influence an applicant's political preference or party registration;

(b) display any political preference or party allegiance;

(c) make any statement to an applicant or take any action that has the purpose or effect of discouraging the applicant from registering to vote; or

(d) make any statement to an applicant or take any action that has the purpose or effect of leading the applicant to believe that a decision of whether to register or preregister has any bearing upon the availability of services or benefits.

(6) If the county clerk receives a correctly completed voter registration form under this section no later than 5 p.m. [11] on the last business day that is no less than 21 calendar days before the date of an election, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

(i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(ii) notify the applicant that the applicant is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

(7) If the county clerk receives a correctly completed voter registration form after the deadline described in Subsection (6), the county clerk shall:

(a) accept the application for registration of the individual; and

(b) except as provided in Subsection 20A-2-207(6), if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(8) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because the voter registration form is incomplete, the county clerk shall mail notice to the individual attempting to register or preregister to vote, stating that the individual has not been registered or preregistered to vote because of an error or because the voter registration form is incomplete.

Section 8. Section **20A-2-206** is amended to read:

20A-2-206 . Electronic registration.

(1) The lieutenant governor shall create and maintain an electronic system that is publicly available on the Internet for an individual to apply for voter registration or preregistration.

(2) An electronic system for voter registration or preregistration shall require:

(a) that an applicant have a valid driver license or state identification card, issued under Title 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place of residence;

(b) that the applicant provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (5);

(c) that the applicant attest to the truth of the information provided; and

(d) that the applicant authorize the lieutenant governor's and county clerk's use of the applicant's:

(i) driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver License Act, for voter registration purposes; or

(ii) signature on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for voter registration or preregistration created under this section is not required to complete a printed registration form.

(4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

(5) The lieutenant governor shall:

(a) obtain a digital copy of the applicant's driver license or identification card signature from the Driver License Division; or

(b) ensure that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(6) The lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304 after:

(a) receiving all information from an applicant; and

(b)(i) receiving all information from the Driver License Division; or

(ii) ensuring that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.

(8) If an individual applies to register under this section no later than ~~[11]~~ 21 calendar days before the date of an election, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

(i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(ii) notify the individual that the individual is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

(9) If an individual applies to register under this section after the deadline described in Subsection (8), the county clerk shall, unless the individual is preregistering to vote:

- (a) accept the application for registration; and
- (b) except as provided in Subsection 20A-2-207(6), if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(10) The lieutenant governor shall provide a means by which a registered voter shall sign the application form.

Section 9. Section **20A-2-301** is amended to read:

20A-2-301 . County clerk responsibilities -- Voter registration forms.

(1) Each county clerk shall provide voter registration forms for use in the voter registration process.

(2)(a) Each county clerk shall provide a copy of the voter registration form to each public assistance agency and discretionary voter registration agency.

(b) Each county clerk may provide a copy of the voter registration form to public school districts and nonpublic schools as provided in Section 20A-2-302.

(3)(a) The clerk shall make a copy of the voter registration form available to any person upon request.

(b) A person may make multiple copies of the voter registration form at the person's own expense.

(c) A person shall provide all completed voter registration forms in the person's possession to the county clerk at or before 5 p.m. on the ~~[day of the voter registration deadline]~~ last business day that is at least 21 days before the date of the election.

(4) The county clerk may not refuse to register an individual to vote for failing to provide a telephone number on the voter registration form.

(5)(a) It is unlawful for any person in possession of a completed voter registration form, other than the person's own completed voter registration form, to willfully fail or refuse to timely deliver the completed voter registration form to the county clerk.

(b) A person who violates this Subsection (5) is guilty of a class B misdemeanor.

Section 10. Section **20A-3a-202** is amended to read:

20A-3a-202 . Conducting election by mail.

(1)(a) Except as otherwise provided for an election conducted entirely by mail under Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in accordance with this section.

(b) An individual who did not provide valid voter identification at the time the voter

505 registered to vote shall provide valid voter identification before voting.

506 (2) An election officer who administers an election:

507 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
508 and no later than seven days before election day, mail to each active voter within a
509 voting precinct:

510 (i) a manual ballot;

511 (ii) a return envelope;

512 (iii) instructions for returning the ballot that include an express notice about any
513 relevant deadlines that the voter must meet in order for the voter's vote to be
514 counted;

515 (iv) for an election administered by a county clerk, information regarding the location
516 and hours of operation of any election day voting center at which the voter may
517 vote or a website address where the voter may view this information;

518 (v) for an election administered by an election officer other than a county clerk, if the
519 election officer does not operate a polling place or an election day voting center, a
520 warning, on a separate page of colored paper in bold face print, indicating that if
521 the voter fails to follow the instructions included with the ballot, the voter will be
522 unable to vote in that election because there will be no polling place for the voting
523 precinct on the day of the election; and

524 (vi) instructions on how a voter may sign up to receive electronic ballot status
525 notifications via the ballot tracking system described in Section 20A-3a-401.5;

526 (b) may not mail a ballot under this section to:

527 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

528 (ii) a voter whom the election officer is prohibited from sending a ballot under
529 Subsection (9)(c)(ii);

530 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
531 include instructions for returning the ballot if the individual to whom the election
532 officer mails the ballot does not live at the address to which the ballot is sent;

533 (d) shall provide a method of accessible voting to a voter with a disability who is not
534 able to vote by mail; and

535 (e) shall include, on the election officer's website and with each ballot mailed,
536 instructions regarding how a voter described in Subsection (2)(d) may vote.

537 (3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the
538 manual ballot to the address:

(i) provided at the time of registration; or

(ii) if, at or after the time of registration, the voter files an alternate address request form described in Subsection (3)(b), the alternate address indicated on the form.

(b) The lieutenant governor shall make available to voters an alternate address request form that permits a voter to request that the election officer mail the voter's ballot to a location other than the voter's residence.

(c) A voter shall provide the completed alternate address request form to the election officer no later than 11 days before the day of the election.

(d) The last day on which a voter, who will not otherwise receive a ballot by mail under Subsection (2) for an upcoming election, may request to receive a ballot by mail is 14 days before the date of the election.

(e) The last day on which a voter may change the address to which an election officer will mail a ballot under Subsection (2) for an upcoming election is 14 days before the date of the election.

(4) The return envelope shall include:

(a) the name, official title, and post office address of the election officer on the front of the envelope;

(b) a space where a voter may write an email address and phone number by which the election officer may contact the voter if the voter's ballot is rejected;

(c) a printed affidavit in substantially the following form:

"County of ____ State of ____

I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon currently incarcerated for commission of a felony.

Signature of Voter"; and

(d) a warning that the affidavit must be signed by the individual to whom the ballot was sent and that 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.

(5) If the election officer determines that the voter is required to show valid voter identification, the election officer may:

(a) mail a ballot to the voter;

(b) instruct the voter to include a copy of the voter's valid voter identification with the

- 573 return ballot; and
- 574 (c) provide instructions to the voter on how the voter may sign up to receive electronic
575 ballot status notifications via the ballot tracking system described in Section
576 20A-3a-401.5.
- 577 (6) An election officer who administers an election shall:
- 578 (a)(i) before the election, obtain the signatures of each voter qualified to vote in the
579 election; or
- 580 (ii) obtain the signature of each voter within the voting precinct from the county
581 clerk; and
- 582 (b) maintain the signatures on file in the election officer's office.
- 583 (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot
584 under Section 20A-3a-401.
- 585 (8) A county that administers an election:
- 586 (a) shall provide at least one election day voting center in accordance with Part 7,
587 Election Day Voting Center, and at least one additional election day voting center for
588 every 5,000 active voters in the county who have requested to not receive a ballot by
589 mail;
- 590 (b) shall ensure that each election day voting center operated by the county has at least
591 one voting device that is accessible, in accordance with the Help America Vote Act
592 of 2002, Pub. L. No. 107-252, for individuals with disabilities;
- 593 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 594 (i) the county clerk conducts early voting on at least four days;
- 595 (ii) the early voting days are within the period beginning on the date that is 14 days
596 before the date of the election and ending on the day before the election; and
- 597 (iii) the county clerk provides notice of the reduced early voting period in accordance
598 with Section 20A-3a-604; and
- 599 (d) is not required to pay return postage for a ballot.
- 600 (9)(a) An individual may request that the election officer not send the individual a ballot
601 by mail in the next and subsequent elections by submitting a written request to the
602 election officer.
- 603 (b) An individual shall submit the request described in Subsection (9)(a) to the election
604 officer before 5 p.m. no later than 60 days before an election if the individual does
605 not wish to receive a ballot by mail in that election.
- 606 (c) An election officer who receives a request from an individual under Subsection (9)(a):

(i) shall remove the individual's name from the list of voters who will receive a ballot by mail; and

(ii) may not send the individual a ballot by mail for:

(A) the next election, if the individual submits the request described in Subsection (9)(a) before the deadline described in Subsection (9)(b); or

(B) an election after the election described in Subsection (9)(c)(ii)(A).

(d) An individual who submits a request under Subsection (9)(a) may resume the individual's receipt of a ballot by mail by submitting a written request to the election officer.

Section 11. Section **20A-3a-203** is amended to read:

20A-3a-203 . Voting at a polling place.

(1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling place in an election in accordance with this section.

(2)(a) The voter shall give the voter's name, and, if requested, the voter's residence, to one of the poll workers.

(b) The voter shall present valid voter identification to one of the poll workers.

(c) If the poll worker is not satisfied that the voter has presented valid voter identification, the poll worker shall:

(i) indicate on the official register that the voter was not properly identified;

(ii) issue the voter a provisional ballot;

(iii) notify the voter that the voter will have until [~~the close of normal office hours~~] 5 p.m. on Monday after the day of the election to present valid voter identification:

(A) to the county clerk at the county clerk's office; or

(B) to an election officer who is administering the election; and

(iv) follow the procedures and requirements of Section 20A-3a-205.

(d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the poll worker shall follow the procedures and requirements of Section 20A-3a-205.

(3) A poll worker shall check the official register to determine whether:

(a) a voter is registered to vote; and

(b) if the election is a regular primary election or a presidential primary election, whether a voter's party affiliation designation in the official register allows the voter to vote the ballot that the voter requests.

(4)(a) Except as provided in Subsection (5), if the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of

641 Section 20A-3a-205.

642 (b) If, in a regular primary election or a presidential primary election, the official register
643 does not affirmatively identify the voter as being affiliated with a registered political
644 party or if the official register identifies the voter as being "unaffiliated," the voter
645 shall be considered to be "unaffiliated."

646 (5) In a regular primary election or a presidential primary election:

647 (a) if a voter's name is not found on the official register, and if it is not unduly disruptive
648 to the election process, the poll worker may attempt to contact the county clerk's
649 office to request oral verification of the voter's registration;

650 (b) if oral verification is received from the county clerk's office, the poll worker shall:

651 (i) record the verification on the official register;

652 (ii) determine the voter's party affiliation and the ballot that the voter is qualified to
653 vote; and

654 (iii) except as provided in Subsection (6), comply with Subsection (3).

655 (6)(a) Except as provided in Subsection (6)(b), if, in a regular primary election or a
656 presidential primary election, the voter's political party affiliation listed in the official
657 register does not allow the voter to vote the ballot that the voter requested, the poll
658 worker shall inform the voter of that fact and inform the voter of the ballot or ballots
659 that the voter's party affiliation does allow the voter to vote.

660 (b) If, in a regular primary election or a presidential primary election, the voter is listed
661 in the official register as unaffiliated, or if the official register does not affirmatively
662 identify the voter as either unaffiliated or affiliated with a registered political party,
663 and the voter, as an unaffiliated voter, is not authorized to vote the ballot that the
664 voter requests, the poll worker shall:

665 (i) ask the voter if the voter wishes to vote another registered political party ballot
666 that the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and

667 (ii)(A) if the voter wishes to vote another registered political party ballot that the
668 unaffiliated voter is authorized to vote, the poll worker shall proceed as
669 required by Subsection (3); or

670 (B) if the voter wishes to remain unaffiliated and does not wish to vote another
671 ballot that unaffiliated voters are authorized to vote, the poll worker shall
672 instruct the voter that the voter may not vote.

673 (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions of
674 Subsection (6), if the poll worker determines that the voter is registered, a poll worker

shall:

- (a) direct the voter to sign the voter's name in the official register;
- (b) provide to the voter the ballot that the voter is qualified to vote; and
- (c) allow the voter to enter the voting booth.

Section 12. Section **20A-3a-204** is amended to read:

20A-3a-204 . Marking and depositing ballots.

(1) To vote by mail:

- (a) except as provided in Subsection (6), the voter shall prepare the voter's manual ballot by marking the appropriate space with a mark opposite the name of each candidate of the voter's choice for each office to be filled;
- (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the appropriate space with a mark opposite the answer the voter intends to make;
- (c) except as provided in Subsection (6), the voter shall record a write-in vote in accordance with Subsection 20A-3a-206(1);
- (d) except as provided in Subsection (6), a mark is not required opposite the name of a write-in candidate; and
- (e) the voter shall:
 - (i) complete and sign the affidavit on the return envelope;
 - (ii) place the voted ballot in the return envelope;
 - (iii) if required, place a copy of the voter's valid voter identification in the return envelope;
 - (iv) securely seal the return envelope; and
 - (v)(A) attach postage, if necessary, and deposit the return envelope in the mail; or
(B) place the return envelope in a ballot drop box, designated by the election officer, for the precinct where the voter resides.

(2)(a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is mailed must be~~[:]~~ received by the election officer before the polls close on election day.

~~[(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.]~~

- (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls close on election day, be deposited in:

- 709 (i) a ballot box at a polling place; or
- 710 (ii) a ballot drop box designated by an election officer for the jurisdiction to which
- 711 the ballot relates.
- 712 (c) An election officer may, but is not required to, forward a ballot deposited in a ballot
- 713 drop box in the wrong jurisdiction to the correct jurisdiction.
- 714 (d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a
- 715 ballot drop box, with a sealed return envelope containing a ballot in the voter's
- 716 possession, to deposit the ballot in the ballot drop box.
- 717 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after
- 718 complying with Subsections (1)(a) through (d):
- 719 (a) sign the official register or pollbook; and
- 720 (b)(i) place the ballot in the ballot box; or
- 721 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
- 722 envelope, complete the information printed on the provisional ballot envelope, and
- 723 deposit the provisional ballot envelope in the provisional ballot box.
- 724 (4)(a) An individual with a disability may vote a mechanical ballot at a polling place.
- 725 (b) An individual other than an individual with a disability may vote a mechanical ballot
- 726 at a polling place if permitted by the election officer.
- 727 (5) To vote a mechanical ballot, the voter shall:
- 728 (a) make the selections according to the instructions provided for the voting device; and
- 729 (b) subject to Subsection (6), record a write-in vote by:
- 730 (i) selecting the appropriate position for entering a write-in candidate; and
- 731 (ii) using the voting device to enter the name of the valid write-in candidate for
- 732 whom the voter wishes to vote.
- 733 (6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal
- 734 Alternate Voting Methods Pilot Project, a voter:
- 735 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
- 736 first preference for the office; and
- 737 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
- 738 order of the voter's preference.
- 739 (7) A voter who votes at a polling place:
- 740 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting area
- 741 after voting; and
- 742 (b) may not:

- (i) occupy a voting booth occupied by another, except as provided in Section 20A-3a-208;
- (ii) remain within the voting area more than 10 minutes; or
- (iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy a voting booth.

(8) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.

- (9) A poll worker may not, at a polling place, allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:
- (a) election officials;
 - (b) watchers; or
 - (c) assisting voters with a disability.

Section 13. Section **20A-3a-205** is amended to read:

20A-3a-205 . Manner of voting -- Provisional ballot.

(1) The poll workers shall follow the procedures and requirements of this section when:

- (a) the individual's right to vote is challenged as provided in Section 20A-3a-803 or 20A-3a-805;
- (b) the individual's name is not found on the official register; or
- (c) the poll worker is not satisfied that the voter has provided valid voter identification.

(2) When faced with one of the circumstances described in Subsection (1)(a) or (b), the poll worker shall:

- (a) request that the individual provide valid voter identification; and
- (b) review the identification provided by the individual.

(3) If the poll worker is satisfied that the individual has provided valid voter identification that establishes the individual's identity and residence in the voting precinct:

- (a) the poll worker in charge of the official register shall:
 - (i) record in the official register the type of identification that established the individual's identity and place of residence;
 - (ii) record the provisional ballot envelope number in association with the name of the individual; and
 - (iii) direct the individual to sign the individual's name in the official register or pollbook; and
- (b) the poll worker having charge of the ballots shall:
 - (i) give the individual a provisional ballot; and

- 777 (ii) allow the individual to enter the voting booth.
- 778 (4) If the poll worker is not satisfied that the individual has provided valid voter
779 identification that establishes the individual's identity and residence in the voting
780 precinct:
- 781 (a) the poll worker in charge of the official register shall:
- 782 (i) record in the official register that the voter did not provide valid voter
783 identification;
- 784 (ii) record in the official register the type of identification that was provided by the
785 individual, if any;
- 786 (iii) record the provisional ballot envelope number in association with the name of
787 the individual; and
- 788 (iv) direct the individual to sign the individual's name in the official register or
789 pollbook; and
- 790 (b) the poll worker having charge of the ballots shall:
- 791 (i) give the individual a provisional ballot; and
- 792 (ii) allow the individual to enter the voting booth.
- 793 (5)(a) A voter who casts a provisional ballot because the voter was unable to provide
794 valid voter identification shall provide valid voter identification no later than 5 p.m.
795 on the Monday following the day of the election.
- 796 (b) If a voter described in Subsection (5)(a) fails to timely provide valid voter
797 identification, the election officer shall retain the provisional ballot form, uncounted,
798 for the period specified in Section 20A-4-202.
- 799 ~~[(5)]~~ (6) When, at a polling place, the election officer is required to furnish more than one
800 version of a ballot, the poll workers at that polling place shall give the registered voter
801 the version of the ballot that the voter is qualified to vote.
- 802 (7) Except as provided in Subsection (8), the election officer shall retain a provisional ballot
803 form, uncounted, for the period specified in Section 20A-4-202, if the election officer
804 determines that the individual who voted the ballot is not legally entitled to vote the
805 ballot that the individual voted.
- 806 (8) Subsection (7) does not apply to the extent that a court with jurisdiction orders the
807 election officer to produce or count the provisional ballot.
- 808 Section 14. Section **20A-3a-401** is amended to read:
- 809 **20A-3a-401 . Custody of voted ballots mailed or deposited in a ballot drop box --**
810 **Disposition -- Notice -- Disclosures relating to unresolved ballots.**

- 811 (1) This section governs ballots returned by mail or via a ballot drop box.
- 812 (2)(a) Poll workers shall open return envelopes containing manual ballots that are in the
813 custody of the poll workers in accordance with this section.
- 814 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of the
815 return envelope to the signature of the voter in the voter registration records.
- 816 (3) After complying with Subsection (2), the poll workers shall determine whether:
- 817 (a) the signatures correspond;
- 818 (b) the affidavit is sufficient;
- 819 (c) the voter is registered to vote in the correct precinct;
- 820 (d) the voter's right to vote the ballot has been challenged;
- 821 (e) the voter has already voted in the election;
- 822 (f) the voter is required to provide valid voter identification; and
- 823 (g) if the voter is required to provide valid voter identification, whether the voter has
824 provided valid voter identification.
- 825 (4)(a) The poll workers shall take the action described in Subsection (4)(b) if the poll
826 workers determine:
- 827 (i) in accordance with the rules made under Subsection (11):
- 828 (A) that the signature on the affidavit of the return envelope is reasonably
829 consistent with the individual's signature in the voter registration records; or
- 830 (B) for an individual who checks the box described in Subsection (5)(c)(v), that
831 the signature is verified by alternative means;
- 832 (ii) that the affidavit is sufficient;
- 833 (iii) that the voter is registered to vote in the correct precinct;
- 834 (iv) that the voter's right to vote the ballot has not been challenged;
- 835 (v) that the voter has not already voted in the election; and
- 836 (vi) for a voter required to provide valid voter identification, that the voter has
837 provided valid voter identification.
- 838 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
839 workers shall:
- 840 (i) remove the manual ballot from the return envelope in a manner that does not
841 destroy the affidavit on the return envelope;
- 842 (ii) ensure that the ballot does not unfold and is not otherwise examined in
843 connection with the return envelope; and
- 844 (iii) place the ballot with the other ballots to be counted.

(c) If the poll workers do not make all of the findings described in Subsection (4)(a), the poll workers shall:

(i) disallow the vote;

(ii) without opening the return envelope, record the ballot as "rejected" and state the reason for the rejection; and

(iii) place the return envelope, unopened, with the other rejected return envelopes.

(5)(a) If the poll workers reject an individual's ballot because the poll workers determine, in accordance with rules made under Subsection (11), that the signature on the return envelope is not reasonably consistent with the individual's signature in the voter registration records, the election officer shall:

(i) contact the individual in accordance with Subsection (6); and

(ii) inform the individual:

(A) that the individual's signature is in question;

(B) how the individual may resolve the issue; and

(C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer, no later than 5 p.m. on the Monday after the day of the election, a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (5)(c).

(b) The election officer shall ensure that the notice described in Subsection (5)(a) includes:

~~[(i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (5)(c) and a courtesy reply envelope;]~~

~~[(ii)]~~ (i) when communicating the notice electronically, a link to a copy of the affidavit described in Subsection (5)(c) or information on how to obtain a copy of the affidavit; or

~~[(iii)]~~ (ii) when communicating the notice by phone, either during a direct conversation with the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit described in Subsection (5)(c), either in person from the clerk's office~~[, by mail,]~~ or electronically.

(c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:

(i) an attestation that the individual voted the ballot;

(ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;

(iii) a space for the individual to sign the affidavit;

- 879 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
880 governor's and county clerk's use of the individual's signature on the affidavit for
881 voter identification purposes; and
- 882 (v) a check box accompanied by language in substantially the following form: "I am
883 a voter with a qualifying disability under the Americans with Disabilities Act that
884 impacts my ability to sign my name consistently. I can provide appropriate
885 documentation upon request. To discuss accommodations, I can be contacted at
886 _____".
- 887 (d) In order for an individual described in Subsection (5)(a) to have the individual's
888 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c)
889 to the election officer no later than 5 p.m. on the Monday after the day of the election.
- 890 (e) An election officer who receives a signed affidavit under Subsection (5)(d) shall
891 immediately:
- 892 (i) scan the signature on the affidavit electronically and keep the signature on file in
893 the statewide voter registration database developed under Section 20A-2-502;
- 894 (ii) if the election officer receives the affidavit no later than 5 p.m. [~~three days before~~
895 ~~the day on which the canvass begins~~] on the Monday after the day of the election,
896 count the individual's ballot; and
- 897 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the
898 rules described in Subsection (11)(c).
- 899 (6)(a) The election officer shall, within two business days after the day on which an
900 individual's ballot is rejected, notify the individual of the rejection and the reason for
901 the rejection, by phone, [~~mail,~~]email, or [~~SMS,~~]text message, unless:
- 902 (i) the ballot is cured within one business day after the day on which the ballot is
903 rejected; or
- 904 (ii) the ballot is rejected because the ballot is received late or for another reason that
905 cannot be cured.
- 906 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii), the
907 election officer shall notify the individual of the rejection and the reason for the
908 rejection by phone, mail, email, or [~~SMS,~~]text message, within the later of:
- 909 (i) 30 days after the day of the rejection; or
- 910 (ii) 30 days after the day of the election.
- 911 (c) The election officer may, when notifying an individual by phone under this
912 Subsection (6), use auto-dial technology.

- 913 (7) An election officer may not count the ballot of an individual whom the election officer
914 contacts under Subsection (5) or (6) unless, no later than 5 p.m. [~~three days before the~~
915 ~~day on which the canvass begins~~] on the Monday after the day of the election, the
916 election officer:
- 917 (a) receives a signed affidavit from the individual under Subsection (5); or
 - 918 (b)(i) contacts the individual;
 - 919 (ii) if the election officer has reason to believe that an individual, other than the voter
920 to whom the ballot was sent, signed the ballot affidavit, informs the individual that
921 it is unlawful to sign a ballot affidavit for another person, even if the person gives
922 permission;
 - 923 (iii) verifies the identity of the individual by:
 - 924 (A) requiring the individual to provide at least two types of personal identifying
925 information for the individual; and
 - 926 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records
927 relating to the individual that are in the possession or control of an election
928 officer; and
 - 929 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
 - 930 (A) the name and voter identification number of the individual contacted;
 - 931 (B) the name of the individual who conducts the verification;
 - 932 (C) the date and manner of the communication;
 - 933 (D) the type of personal identifying information provided by the individual;
 - 934 (E) a description of the records against which the personal identifying information
935 provided by the individual is compared and verified; and
 - 936 (F) other information required by the lieutenant governor.
- 937 (8) The election officer shall:
- 938 (a) retain and preserve the return envelopes in the manner provided by law for the
939 retention and preservation of ballots voted at that election;
 - 940 (b) retain and preserve the documentation described in Subsection (7)(b)(iv); and
 - 941 (c) if the election officer complies with Subsection (8)(b) by including the
942 documentation in the voter's voter registration record, make, retain, and preserve a
943 record of the name and voter identification number of each voter contacted under
944 Subsection (7)(b).
- 945 (9)(a) The election officer shall record the following in the database used to verify
946 signatures:

- 947 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day
948 after the day on which the election officer rejects the ballot; and
- 949 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business
950 day after the day on which the ballot rejection is resolved.
- 951 (b) An election officer shall include, in the canvass report, a final report of the
952 disposition of all rejected and resolved ballots, including, for ballots rejected, the
953 following:
- 954 (i) the number of ballots rejected because the voter did not sign the [~~voter's ballot~~]
955 return envelope; and
- 956 (ii) the number of ballots rejected because the voter's signatures on the [~~ballot~~] return
957 envelope, and in records on file, do not correspond.
- 958 (10) Willful failure to comply with this section constitutes willful neglect of duty under
959 Section 20A-5-701.
- 960 (11) The director of elections within the Office of the Lieutenant Governor shall make
961 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
962 establish:
- 963 (a) criteria and processes for use by poll workers in determining if a signature
964 corresponds with the signature on file for the voter under Subsections (3)(a) and
965 (4)(a)(i)(A);
- 966 (b) training and certification requirements for election officers and employees of election
967 officers regarding the criteria and processes described in Subsection (11)(a); and
- 968 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.
969 Secs. 12131 through 12165, an alternative means of verifying the identity of an
970 individual who checks the box described in Subsection (5)(c)(v).
- 971 (12) Subject to Subsection (13), if, in response to a request, and in accordance with the
972 requirements of law, an election officer discloses the name or address of voters whose
973 ballots have been rejected and not yet resolved, the election officer shall:
- 974 (a) make the disclosure within two business days after the day on which the request is
975 made;
- 976 (b) respond to each request in the order the requests were made; and
- 977 (c) make each disclosure in a manner, and within a period of time, that does not reflect
978 favoritism to one requestor over another.
- 979 (13) A disclosure described in Subsection (12) may not include the name or address of a
980 protected individual, as defined in Subsection 20A-2-104(1).

Section 15. Section **20A-3a-405** is amended to read:

20A-3a-405 . Public notice regarding ballot processing.

- (1) Except as provided in Subsection ~~[(5)(a)]~~ (4), an election officer shall post and update the data described in Subsection (2) on the election officer's website, on the following days, after the election officer finishes processing ballots on that day:
 - (a) the day on which the election officer begins mailing ballots;
 - (b) each Monday, Wednesday, and Friday after the day described in Subsection (1)(a), until the final posting described in Subsection (1)(c); and
 - (c) the Wednesday after the day of the election.
- (2) The data that an election officer is required to post under Subsection (1) includes:
 - (a) the number of ballots in the county clerk's possession; and
 - (b) of the number of ballots described in Subsection (2)(a):
 - (i) the number of ballots that have not yet begun processing;
 - (ii) the number of ballots in process; and
 - (iii) the number of ballots processed.
- ~~[(3) Except as provided in Subsection (5)(b), an election officer shall post and update the data described in Subsection (4) on the election officer's website on the following days:]~~
 - ~~[(a) the Friday after the day of the election;]~~
 - ~~[(b) each Monday, Wednesday, and Friday after the day described in Subsection (3)(a), until the final posting described in Subsection (3)(c); and]~~
 - ~~[(c) on the last day of the canvass.]~~
- ~~[(4)]~~ (3) ~~[The data that an-]~~ An election officer [is required to post under Subsection (3) includes] shall, on the day of the election canvass, publicly post the following information on the election officer's website:
 - (a) ~~[a best estimate of the number of ballots received, to date,]~~ the number of ballots received by the election officer;
 - (b) the number of ballots ~~[in possession of]~~ rejected by the election officer that ~~[have been rejected and are not yet]~~ were timely cured;
 - (c) the number of ballots rejected by the election officer that were not timely cured, or could not be cured;
 - ~~[(e)]~~ (d) the number of provisional ballots [in the possession of the election officer that have not been-]processed by the election officer that were counted;
 - (e) the number of provisional ballots in the possession of the election officer that were not counted; and

- 1015 ~~[(d) the number of ballots that need to be adjudicated, but have not yet been adjudicated;]~~
 1016 ~~[(e) the number of ballots awaiting replication; and]~~
 1017 (f) the number of ballots ~~[that have been]~~replicated.

1018 ~~[(5)] (4)[(a)]~~ An election officer is not required to update the data described in
 1019 Subsection (2) on a Monday if the election officer does not process any ballots the
 1020 preceding Saturday or Sunday.

1021 ~~[(b) An election officer is not required to update the data described in Subsection (4) on~~
 1022 ~~a Monday if the election officer does not process any ballots the preceding Saturday~~
 1023 ~~or Sunday.]~~

1024 Section 16. Section **20A-3a-807** is amended to read:

1025 **20A-3a-807 . Notification of ballot processes.**

1026 (1) As used in this section, "ballot process" includes:

- 1027 (a) signature verification;
 1028 (b) opening ballots;
 1029 (c) scanning ballots;
 1030 (d) adjudicating ballots;
 1031 (e) replicating damaged or defective ballots; or
 1032 (f) tabulating votes.

1033 (2) A county clerk shall:

- 1034 (a) beginning at least three days before the day on which the county clerk begins mailing
 1035 ballots for an election, and ending on the first day of the canvass, post on the county
 1036 clerk's website a schedule of the hours, over the next three days, during which the
 1037 county clerk plans to conduct one or more ballot processes; and
 1038 (b) update any changes to the schedule at least 24 hours before the clerk modifies the
 1039 hours.

1040 (3) Subsection (2) does not prohibit a county clerk from continuing a ballot process after
 1041 the hours posted, if:

- 1042 (a) the county clerk begins the ballot process during the scheduled time; and
 1043 (b) at the end of the scheduled time, the county clerk continues the ballot process,
 1044 without a disruption of longer than 15 minutes.

1045 Section 17. Section **20A-4-104** is amended to read:

1046 **20A-4-104 . Counting ballots electronically -- Notice of testing tabulating**
 1047 **equipment.**

1048 (1)(a) Before beginning to count ballots using automatic tabulating equipment, the

election officer shall test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures.

(b) The election officer shall provide public notice of the time and place of the test by publishing the notice, as a class A notice under Section 63G-30-102, for the county, municipality, or jurisdiction where the equipment is used, for at least 10 days before the day of the test.

(c) The election officer shall conduct the test by processing a preaudited group of ballots.

(d) The election officer shall ensure that:

(i) a predetermined number of valid votes for each candidate and measure are recorded on the ballots;

(ii) for each office, one or more ballots have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and

(iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.

(e) If any error is detected, the election officer shall determine the cause of the error and correct it.

(f) The election officer shall ensure that:

(i) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and

(ii) before the election returns are approved as official, the automatic [~~tabulating~~] tabulating equipment passes a post election audit conducted in accordance with the rules described in Subsection 20A-1-108(1).

(2)(a) The election officer or the election officer's designee shall supervise and direct all proceedings at the counting center.

(b)(i) Proceedings at the counting center are public and may be observed by interested persons.

(ii) Only those persons authorized to participate in the count may touch any ballot or return.

(c) The election officer shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.

(3)(a) If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officer shall ensure that two counting

1083 judges jointly:

- 1084 (i) make a true replication of the ballot with an identifying serial number;
- 1085 (ii) substitute the replicated ballot for the damaged or defective ballot;
- 1086 (iii) label the replicated ballot "replicated"; and
- 1087 (iv) record the replicated ballot's serial number on the damaged or defective ballot.

1088 (b) The lieutenant governor shall provide to each election officer a standard form on
1089 which the election officer shall maintain a log of all replicated ballots, that includes,
1090 for each ballot:

- 1091 (i) the serial number described in Subsection (3)(a);
- 1092 (ii) the identification of the individuals who replicated the ballot;
- 1093 (iii) the reason for the replication; and
- 1094 (iv) any other information required by the lieutenant governor.

1095 (c) An election officer shall:

- 1096 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner,
1097 as ballots are replicated;
- 1098 (ii) at the end of each day during which one or more ballots are replicated, make an
1099 electronic copy of the log; and
- 1100 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.

1101 ~~[(4) The election officer may:]~~

1102 ~~[(a) conduct an unofficial count before conducting the official count in order to provide~~
1103 ~~early unofficial returns to the public;]~~

1104 ~~[(b) release unofficial returns from time to time after the polls close; and]~~

1105 ~~[(c) report the progress of the count for each candidate during the actual counting of~~
1106 ~~ballots.]~~

1107 ~~[(5) Beginning on the day after the date of the election, if an election officer releases early~~
1108 ~~unofficial returns or reports the progress of the count for each candidate under~~
1109 ~~Subsection (4), the election officer shall, with each release or report, disclose an estimate~~
1110 ~~of the total number of voted ballots in the election officer's custody that have not yet~~
1111 ~~been counted.]~~

1112 ~~[(6)]~~ (4) The election officer shall review and evaluate the provisional ballot envelopes and
1113 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

1114 ~~[(7)]~~ (5)(a) The election officer or the election officer's designee shall:

- 1115 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 1116 (ii) complete the standard form provided by the clerk for recording valid write-in

1117 votes.

1118 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
1119 more votes for an office than that voter is entitled to vote for that office, the poll
1120 workers shall count the valid write-in vote as being the obvious intent of the voter.

1121 ~~[(8)]~~ (6)(a) The election officer shall certify the return printed by the automatic tabulating
1122 equipment, to which have been added write-in and absentee votes, as the official
1123 return of each voting precinct.

1124 (b) Upon completion of the count, the election officer shall make official returns open to
1125 the public.

1126 ~~[(9)]~~ (7) If for any reason it becomes impracticable to count all or a part of the ballots with
1127 tabulating equipment, the election officer may direct that they be counted manually
1128 according to the procedures and requirements of this part.

1129 ~~[(10)]~~ (8) After the count is completed, the election officer shall seal and retain the
1130 programs, test materials, and ballots as provided in Section 20A-4-202.

1131 Section 18. Section **20A-4-104.5** is enacted to read:

1132 **20A-4-104.5 . Deadlines for tabulating ballots and disclosing tabulations --**

1133 **Reporting unofficial results.**

1134 (1) Except as provided in Subsection (4), an election officer shall, before 11:30 p.m. on
1135 election day, complete the tabulation of the following ballots:

1136 (a) all ballots cast in person during early voting;

1137 (b) all ballots cast in person on election day;

1138 (c) all ballots received by mail before election day;

1139 (d) all ballots deposited in a ballot drop box before election day; and

1140 (e) all provisional ballots that the election officer determines, before the polls close on
1141 election day, can legally be counted.

1142 (2) Except as provided in Subsection (4), an election officer shall, before 11:30 p.m. on the
1143 day after election day, complete the tabulation of the following ballots:

1144 (a) all ballots received by mail on election day;

1145 (b) all ballots deposited in a ballot drop box on election day;

1146 (c) all provisional ballots that the election officer determines, before 8 p.m. on the day
1147 after election day, can legally be counted; and

1148 (d) all other ballots counted that were not included in the tabulation described in
1149 Subsection (1).

1150 (3) The election officer:

(a) shall publicly release the tabulation results described in Subsection (1) between 11:30 p.m. and midnight on election day;

(b) shall publicly release the sum of the tabulation results described in Subsection (2), and all other ballots tabulated before the tabulation described in Subsection (2), between 11:30 p.m. and midnight on the day after election day;

(c) shall release updated tabulation results on each day after the day described in Subsection (3)(b) that the election officer counts additional ballots; and

(d) may release updated tabulation results more often than the times required under Subsections (3)(a) through (c).

(4) An election officer is not required to include in a tabulation described in Subsection (1) or (2):

(a) a ballot received by mail, or placed in a ballot drop box, that is rejected and has not yet been resolved; or

(b) a provisional ballot that the election officer has not yet determined can legally be counted.

(5) Beginning on the day after election day, the election officer shall, with each release described in Subsections (3)(b) through (d), disclose an estimate of the total number of voted ballots in the election officer's custody that have not yet been counted.

(6) No later than noon on the Monday after the day of the election, an election officer shall release unofficial election results for each race or other matter voted on at the election, except for a race or other matter that is too close to call.

Section 19. Section **20A-4-107** is amended to read:

20A-4-107 . Review and disposition of provisional ballot envelopes.

(1) As used in this section, an individual is "legally entitled to vote" if:

(a) the individual:

(i) is registered to vote in the state;

(ii) votes the ballot for the voting precinct in which the individual resides; and

(iii) provides valid voter identification to the poll worker;

(b) the individual:

(i) is registered to vote in the state;

(ii)(A) provided valid voter identification to the poll worker; or

(B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the individual's identity

1185 and residence through some other means; and

1186 (iii) did not vote in the individual's precinct of residence, but the ballot that the

1187 individual voted was from the individual's county of residence and includes one or

1188 more candidates or ballot propositions on the ballot voted in the individual's

1189 precinct of residence; or

1190 (c) the individual:

1191 (i) is registered to vote in the state;

1192 (ii) either failed to provide valid voter identification or the documents provided as

1193 valid voter identification were inadequate and the poll worker recorded that fact in

1194 the official register; and

1195 (iii)(A) the county clerk verifies the individual's identity and residence through

1196 some other means as reliable as photo identification; or

1197 (B) the individual provides valid voter identification to the county clerk or an

1198 election officer who is administering the election by the close of normal office

1199 hours on Monday after the date of the election.

1200 (2)(a) Upon receipt of a provisional ballot form, the election officer shall review the

1201 affirmation on the provisional ballot form and determine if the individual signing the

1202 affirmation is:

1203 (i) registered to vote in this state; and

1204 (ii) legally entitled to vote:

1205 (A) the ballot that the individual voted; or

1206 (B) if the ballot is from the individual's county of residence, for at least one ballot

1207 proposition or candidate on the ballot that the individual voted.

1208 (b) Except as provided in Section 20A-2-207, if the election officer determines that the

1209 individual is not registered to vote in this state or is not legally entitled to vote in the

1210 county or for any of the ballot propositions or candidates on the ballot that the

1211 individual voted, the election officer shall retain the ballot form, uncounted, for the

1212 period specified in Section 20A-4-202 unless ordered by a court to produce or count

1213 it.

1214 (c) If the election officer determines that the individual is registered to vote in this state

1215 and is legally entitled to vote in the county and for at least one of the ballot

1216 propositions or candidates on the ballot that the individual voted, the election officer

1217 shall place the provisional ballot with the regular ballots to be counted with those

1218 ballots at the canvass.

1219 (d) The election officer may not count, or allow to be counted a provisional ballot unless
1220 the individual's identity and residence is established by a preponderance of the
1221 evidence.

1222 (3) If the election officer determines that the individual is registered to vote in this state, or
1223 if the voter registers to vote in accordance with Section 20A-2-207, the election officer
1224 shall ensure that the voter registration records are updated to reflect the information
1225 provided on the provisional ballot form.

1226 (4) Except as provided in Section 20A-2-207, if the election officer determines that the
1227 individual is not registered to vote in this state and the information on the provisional
1228 ballot form is complete, the election officer shall:

1229 (a) consider the provisional ballot form a voter registration form for the individual's
1230 county of residence; and

1231 (b)(i) register the individual if the individual's county of residence is within the
1232 county; or

1233 (ii) forward the voter registration form to the election officer of the individual's
1234 county of residence, which election officer shall register the individual.

1235 (5) Notwithstanding any provision of this section, the election officer shall place a
1236 provisional ballot with the regular ballots to be counted with those ballots at the canvass,
1237 if:

1238 (a)(i) the election officer determines, in accordance with the provisions of this
1239 section, that the sole reason a provisional ballot may not otherwise be counted is
1240 because the voter registration was filed less than ~~[11]~~ 21 days before the election;

1241 (ii) ~~[11]~~ 21 or more days before the election, the individual who cast the provisional
1242 ballot:

1243 (A) completed and signed the voter registration; and

1244 (B) provided the voter registration to another person to file;

1245 (iii) the late filing was made due to the individual described in Subsection

1246 (5)(a)(ii)(B) filing the voter registration late; and

1247 (iv) the election officer receives the voter registration before 5 p.m. no later than one
1248 day before the day of the election; or

1249 (b) the provisional ballot is cast on or before election day and is not otherwise prohibited
1250 from being counted under the provisions of this chapter.

1251 Section 20. Section **20A-4-109** is amended to read:

1252 **20A-4-109 . Ballot reconciliation -- Rulemaking authority.**

- 1253 (1) In accordance with this section and rules made under Subsection (2), an election officer
1254 whose office processes ballots shall:
- 1255 (a) conduct ballot reconciliations[~~every time~~] :
- 1256 (i) at the end of each day on which ballots are tabulated; or
1257 (ii) if ballot tabulation of a grouping of ballots continues past midnight, as soon as the
1258 office finishes tabulating those ballots;
- 1259 (b) conduct a final ballot reconciliation when an election officer concludes processing all
1260 ballots;
- 1261 (c) document each ballot reconciliation;
- 1262 (d) publicly release the results of each ballot reconciliation; and
- 1263 (e) in conducting ballot reconciliations:
- 1264 (i) ensure that the sum of the number of uncounted verified ballots and the number of
1265 ballots tabulated is equal to the number of voters given credit for voting; or
- 1266 (ii) if the sum described in Subsection (1)(e)(i) is not equal to the number of voters
1267 given credit for voting, account for and explain the differences in the numbers.
- 1268 (2) The director of elections within the Office of the Lieutenant Governor may make rules,
1269 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1270 establishing procedures and requirements for conducting, documenting, and publishing a
1271 ballot reconciliation.
- 1272 Section 21. Section **20A-5-403.5** is amended to read:
- 1273 **20A-5-403.5 . Ballot drop boxes -- Notice.**
- 1274 (1)(a) An election officer:
- 1275 (i) shall designate at least one ballot drop box in each municipality and reservation
1276 located in the jurisdiction to which the election relates;
- 1277 (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;
- 1278 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the
1279 election officer's jurisdiction;
- 1280 (iv) shall provide 24-hour recorded video surveillance, without audio, of each
1281 unattended ballot drop box;
- 1282 (v) shall post a sign on or near each unattended ballot drop box indicating that the
1283 ballot drop box is under 24-hour video surveillance; and
- 1284 (vi) shall ensure that a camera, a video, or a recording of a video described in
1285 Subsection (1)(a)(iv) may only be accessed:
- 1286 (A) by the election officer;

- 1287 (B) by a custodian of the camera, video, or recording;
1288 (C) by the lieutenant governor;
1289 (D) by the legislative auditor general, when performing an audit; or
1290 (E) by, or pursuant to an order of, a court of competent jurisdiction.
- 1291 (b) An individual may not view a video, or a recording of a video, described in
1292 Subsection (1)(a)(iv), unless the individual:
1293 (i) is an individual described in Subsection (1)(a)(vi); and
1294 (ii) views the video to the extent necessary to:
1295 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or
1296 (B) investigate a concern relating to ballots or the ballot box.
- 1297 (c) The election officer, or the custodian of the recording, shall keep a recording
1298 described in Subsection (1)(a)(iv) until the later of:
1299 (i) the end of the calendar year in which the election was held; or
1300 (ii) if the election is contested, when the contest is resolved.
- 1301 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at
1302 least 28 days before the date of the election, provide notice of the location of each ballot
1303 drop box designated under Subsection (1), by publishing notice for the jurisdiction
1304 holding the election, as a class A notice under Section 63G-30-102, for at least 28 days
1305 before the day of the election.
- 1306 (3) Instead of including the location of ballot drop boxes, a notice required under
1307 Subsection (2) may specify the following sources where a voter may view or obtain a
1308 copy of all ballot drop box locations:
1309 (a) the jurisdiction's website;
1310 (b) the physical address of the jurisdiction's offices; and
1311 (c) a mailing address and telephone number.
- 1312 (4) The election officer shall include in the notice described in Subsection (2):
1313 (a) the address of the Statewide Electronic Voter Information Website and, if available,
1314 the address of the election officer's website, with a statement indicating that the
1315 election officer will post on the website the location of each ballot drop box,
1316 including any changes to the location of a ballot drop box and the location of
1317 additional ballot drop boxes; and
1318 (b) a phone number that a voter may call to obtain information regarding the location of
1319 a ballot drop box.
- 1320 (5)(a) Except as provided in Section 20A-1-308, the election officer may, after the

1321 deadline described in Subsection (2):

1322 (i) if necessary, change the location of a ballot drop box; or

1323 (ii) if the election officer determines that the number of ballot drop boxes is
1324 insufficient due to the number of registered voters who are voting, designate
1325 additional ballot drop boxes.

1326 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
1327 of a ballot box or designates an additional ballot drop box location, the election
1328 officer shall, as soon as is reasonably possible, give notice of the changed ballot drop
1329 box location or the additional ballot drop box location:

1330 (i) to the lieutenant governor, for posting on the Statewide Voter Information
1331 Website;

1332 (ii) by posting the information on the website of the election officer, if available; and

1333 (iii) by posting notice:

1334 (A) for a change in the location of a ballot drop box, at the new location and, if
1335 possible, the old location; and

1336 (B) for an additional ballot drop box location, at the additional ballot drop box
1337 location.

1338 (6) An election officer may, at any time, authorize two or more poll workers to remove a
1339 ballot drop box from a location, or to remove ballots from a ballot drop box for
1340 processing.

1341 (7)(a) At least two poll workers must be present when a poll worker collects ballots from
1342 a ballot drop box and delivers the ballots to the location where the ballots will be
1343 opened and counted.

1344 (b) An election officer shall ensure that the chain of custody of ballots placed in a ballot
1345 box are recorded and tracked from the time the ballots are removed from the ballot
1346 box until the ballots are delivered to the location where the ballots will be opened and
1347 counted.

1348 (8) A ballot drop box described in this section shall remain open to receive ballots on
1349 election day until the later of:

1350 (a) 8 p.m.; or

1351 (b) when each voter in line at the ballot drop box at 8 p.m., with a sealed return envelope
1352 in the voter's possession, has had an opportunity to place the return envelope in the
1353 ballot drop box.

1354 Section 22. Section **20A-5-801** is repealed and reenacted to read:

20A-5-801 . Definitions.

As used in this part:

(1) "Voting equipment" means equipment used to process ballots, including equipment used for:

(a) casting votes;

(b) sorting, handling, or scanning ballots or return envelopes;

(c) counting votes; or

(d) tabulating election results.

(2) "Voting system" means a system of compatible voting equipment and software that is designed to work as a complete, unified system.

Section 23. Section **20A-5-802** is amended to read:

20A-5-802 . Certification of voting equipment and software.

(1) For the voting equipment and software used in the jurisdiction over which an election officer has authority, the election officer shall:

(a) before each election, use logic and accuracy tests to ensure that the voting equipment [~~performs the voting equipment's~~] functions correctly and accurately;

(b) develop and implement a procedure to protect the physical security of the voting equipment and the security of the software; and

(c) ensure that the voting equipment and software is certified by the lieutenant governor under Subsection (2) as having met the requirements of this section.

(2)(a) Except as provided in Subsection (2)(b)(ii):

(i) the lieutenant governor shall ensure that all voting equipment and software used in the state is independently tested using security testing protocols and standards that:

(A) are generally accepted in the industry at the time the lieutenant governor reviews the voting equipment and software for certification; and

(B) meet the requirements of Subsection (2)(a)(ii);

(ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require that a voting system, and equipment and software in the voting system:

(A) is accurate and reliable;

(B) possesses established and maintained access controls;

(C) has not been fraudulently manipulated or tampered with;

(D) is able to identify fraudulent or erroneous changes to the voting equipment or software; and

(E) protects the secrecy of a voter's ballot; and

(iii) ~~[The]~~ the lieutenant governor may comply with the requirements of Subsection

(2)(a) by certifying voting equipment that has been certified by:

(A) the United States Election Assistance Commission; or

(B) a laboratory that has been accredited by the United States Election Assistance Commission to test voting equipment.

(b)(i) Voting equipment and software used in the state may include technology that allows for ranked-choice voting.

(ii) The lieutenant governor may, for voting equipment used for ranked-choice voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify voting equipment that has been successfully used within the United States or a territory of the United States for ranked-choice voting for a race for federal office.

Section 24. Section **20A-5-803** is amended to read:

20A-5-803 . Statewide voting system -- Voting System Selection Committee.

(1) Beginning on January 1, 2026, an election officer may not purchase voting equipment or software that is not part of the voting system selected by the lieutenant governor for use throughout the state via a request for proposals procedure conducted in accordance with this section and Title 63G, Chapter 6a, Utah Procurement Code.

(2) An election officer is not required to purchase all equipment and software that is available for use as part of the voting system selected by the lieutenant governor, but, beginning on January 1, 2026, is prohibited from purchasing equipment or software that is not part of the voting system selected by the lieutenant governor.

~~[(4)] (3) [Before selecting or purchasing a new voting equipment system, the]~~ The lieutenant governor shall[:]

~~[(a)]~~ _appoint a Voting [Equipment] System Selection Committee[; and]

~~[(b) ensure that the committee includes persons having]~~ consisting of individuals who have knowledge and experience in:

~~[(i)]~~ (a) election procedures and administration;

~~[(ii)]~~ (b) computer technology;

~~[(iii)]~~ (c) data security;

~~[(iv)]~~ (d) auditing; and

~~[(v)]~~ (e) access for ~~[persons]~~ individuals with disabilities.

~~[(2)]~~ (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- 1423 (a) Section 63A-3-106;
- 1424 (b) Section 63A-3-107; and
- 1425 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 1426 63A-3-107.
- 1427 ~~[(3)]~~ (5) The lieutenant governor shall select a chair from the committee membership.
- 1428 ~~[(4)]~~ (6) The lieutenant governor may fill any vacancies that occur on the committee.
- 1429 ~~[(5)]~~ (7) The Office of the Lieutenant Governor shall provide staffing for the committee.
- 1430 ~~[(6)]~~ (8) The Voting ~~[Equipment]~~ System Selection Committee shall assist the lieutenant
- 1431 governor in:
- 1432 ~~[(a) evaluate new voting equipment systems proposed for purchase by the state; and]~~
- 1433 ~~[(b) provide information and recommendations to assist the lieutenant governor with the~~
- 1434 ~~purchase of new voting equipment systems.]~~
- 1435 (a) preparing, issuing, and administering a request for proposals; and
- 1436 (b) selecting a single voting system to be used throughout the state.
- 1437 ~~[(7)]~~ (9) The lieutenant governor may designate individuals, including committee members,
- 1438 to inspect and review proprietary software ~~[as part of an evaluation of new-]~~ and voting
- 1439 equipment for voting systems under consideration~~[for purchase].~~
- 1440 ~~[(8)]~~ (10) Before making ~~[any selection or purchase]~~ the selection described in this section,
- 1441 the lieutenant governor shall provide for a period of public review and comment on ~~[new~~
- 1442 ~~voting equipment]~~ voting systems under consideration~~[for purchase by the state].~~
- 1443 (11) A voting system selected by the lieutenant governor under this section shall comply
- 1444 with the requirements of Section 20A-5-804 in relation to voting equipment used to cast
- 1445 a mechanical ballot.
- 1446 (12) The selection made under this section shall require the successful applicant to enter
- 1447 into a contract:
- 1448 (a) regarding pricing and support for the voting system, and the voting equipment and
- 1449 software that are part of the system; and
- 1450 (b) that is effective for a term of not less than five years, but not more than seven years,
- 1451 as determined by the lieutenant governor.
- 1452 Section 25. Section **20A-5-804**, which is renumbered from Section 20A-5-302 is renumbered
- 1453 and amended to read:
- 1454 **[20A-5-302] 20A-5-804 . Voting equipment for casting a mechanical ballot.**
- 1455 ~~[(1)(a) Any county or municipal legislative body or special district board may:]~~
- 1456 ~~[(i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any~~

1457 ~~automated voting system that meets the requirements of this section; and]~~
1458 ~~[(ii) use that system in any election, in all or a part of the voting precincts within its~~
1459 ~~boundaries, or in combination with manual ballots.]~~
1460 ~~[(b) Nothing in this title shall be construed to require the use of electronic voting devices~~
1461 ~~in local special elections, municipal primary elections, or municipal general elections.]~~
1462 ~~[(2)]~~ (1) ~~[Each automated voting system]~~ Voting equipment for casting a mechanical ballot
1463 shall:
1464 (a) provide for voting in secrecy, except in the case of voters who have received
1465 assistance as authorized by Section 20A-3a-208;
1466 (b) permit each voter at any election to:
1467 (i) vote for all ~~[persons]~~ individuals and offices for whom and for which that voter is
1468 lawfully entitled to vote;
1469 (ii) vote for as many ~~[persons]~~ individuals for an office as that voter is entitled to vote;
1470 and
1471 (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;
1472 (c) permit each voter, at presidential elections, by one mark, to vote for the candidates of
1473 that party for president, vice president, and for their presidential electors;
1474 (d) at elections other than primary elections, permit each voter to vote for the nominees
1475 of one or more parties and for independent candidates;
1476 (e) at primary elections:
1477 (i) permit each voter to vote for candidates of the political party of the voter's choice;
1478 and
1479 (ii) reject any votes cast for candidates of another party;
1480 (f) prevent the voter from voting for the same ~~[person]~~ individual more than once for the
1481 same office;
1482 (g) provide the opportunity for each voter to change the ballot and to correct any error
1483 before the voter casts the ballot in compliance with the Help America Vote Act of
1484 2002, Pub. L. No. 107-252;
1485 (h) include automatic tabulating equipment that rejects choices recorded on a voter's
1486 ballot if the number of the voter's recorded choices is greater than the number which
1487 the voter is entitled to vote for the office or on the measure;
1488 (i) be of durable construction, suitably designed so that ~~[it]~~ the voting equipment may be
1489 used safely, efficiently, and accurately in the conduct of elections and counting
1490 ballots;

- (j) when properly operated, record correctly and count accurately each vote cast;
- (k) ~~[for voting equipment certified after January 1, 2005,]~~produce a permanent paper record that:
- (i) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;
 - (ii)(A) shall be available for the voter's inspection ~~[prior to the voter leaving]~~ before the voter leaves the polling place; and
 - (B) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;
 - (iii) shall include, at a minimum, human readable printing that shows a record of the voter's selections;
 - (iv) may also include machine readable printing which may be the same as the human readable printing; and
 - (v) allows a watcher to observe the election process to ensure the integrity of the election process; and
- (l) meet the requirements of Section 20A-5-802.

~~[(3)]~~ (2) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.

~~[(4)]~~ (3) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Section 26. Section **67-1a-2** is amended to read:

67-1a-2 . Duties enumerated.

- (1) The lieutenant governor shall:
- (a) perform duties delegated by the governor, including assignments to serve in any of the following capacities:
 - (i) as the head of any one department, if so qualified, with the advice and consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation;

- 1525 (ii) as the chairperson of any cabinet group organized by the governor or authorized
1526 by law for the purpose of advising the governor or coordinating intergovernmental
1527 or interdepartmental policies or programs;
- 1528 (iii) as liaison between the governor and the state Legislature to coordinate and
1529 facilitate the governor's programs and budget requests;
- 1530 (iv) as liaison between the governor and other officials of local, state, federal, and
1531 international governments or any other political entities to coordinate, facilitate,
1532 and protect the interests of the state;
- 1533 (v) as personal advisor to the governor, including advice on policies, programs,
1534 administrative and personnel matters, and fiscal or budgetary matters; and
- 1535 (vi) as chairperson or member of any temporary or permanent boards, councils,
1536 commissions, committees, task forces, or other group appointed by the governor;
- 1537 (b) serve on all boards and commissions in lieu of the governor, whenever so designated
1538 by the governor;
- 1539 (c) serve as the chief election officer of the state as required by Subsection (2);
- 1540 (d) keep custody of the Great Seal of the State of Utah;
- 1541 (e) keep a register of, and attest, the official acts of the governor;
- 1542 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
1543 which the official signature of the governor is required; and
- 1544 (g) furnish a certified copy of all or any part of any law, record, or other instrument
1545 filed, deposited, or recorded in the office of the lieutenant governor to any person
1546 who requests it and pays the fee.
- 1547 (2)(a) As the chief election officer, the lieutenant governor shall:
- 1548 (i) exercise oversight, and general supervisory authority, over all elections;
- 1549 (ii) exercise direct authority over the conduct of elections for federal, state, and
1550 multicounty officers and statewide or multicounty ballot propositions and any
1551 recounts involving those races;
- 1552 (iii) establish uniformity in the election ballot;
- 1553 (iv)(A) prepare election information for the public as required by law and as
1554 determined appropriate by the lieutenant governor; and
- 1555 (B) make the information described in Subsection (2)(a)(iv)(A) available to the
1556 public and to news media, on the Internet, and in other forms as required by
1557 law and as determined appropriate by the lieutenant governor;
- 1558 (v) receive and answer election questions and maintain an election file on opinions

- received from the attorney general;
- (vi) maintain a current list of registered political parties as defined in Section 20A-8-101;
- (vii) maintain election returns and statistics;
- (viii) certify to the governor the names of individuals nominated to run for, or elected to, office;
- (ix) ensure that all voting equipment purchased by the state complies with the requirements of Sections ~~[20A-5-302,]~~20A-5-802, ~~[and]~~20A-5-803, and 20A-5-804;
- (x) during a declared emergency, to the extent that the lieutenant governor determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:
- (A) voting on election day;
- (B) early voting;
- (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- (D) the counting of an absentee ballot or military-overseas ballot; or
- (E) the canvassing of election returns; and
- (xi) exercise all other election authority, and perform other election duties, as provided in Title 20A, Election Code.
- (b) As chief election officer, the lieutenant governor:
- (i) shall oversee all elections, and functions relating to elections, in the state;
- (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by an election officer with legal requirements relating to elections; and
- (iii) may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.
- (3)(a) The lieutenant governor shall:
- (i) determine a new municipality's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the municipality's population using the population estimate from the Utah Population Committee; and
- (ii)(A) prepare a certificate indicating the class in which the new municipality belongs based on the municipality's population; and
- (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the municipality's legislative body.

- 1593 (b) The lieutenant governor shall:
- 1594 (i) determine the classification under Section 10-2-301 of a consolidated municipality
- 1595 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
- 1596 6, Consolidation of Municipalities, using population information from:
- 1597 (A) each official census or census estimate of the United States Bureau of the
- 1598 Census; or
- 1599 (B) the population estimate from the Utah Population Committee, if the
- 1600 population of a municipality is not available from the United States Bureau of
- 1601 the Census; and
- 1602 (ii)(A) prepare a certificate indicating the class in which the consolidated
- 1603 municipality belongs based on the municipality's population; and
- 1604 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
- 1605 to the consolidated municipality's legislative body.
- 1606 (c) The lieutenant governor shall monitor the population of each municipality using
- 1607 population information from:
- 1608 (i) each official census or census estimate of the United States Bureau of the Census;
- 1609 or
- 1610 (ii) the population estimate from the Utah Population Committee, if the population of
- 1611 a municipality is not available from the United States Bureau of the Census.
- 1612 (d) If the applicable population figure under Subsection (3)(b) or (c) indicates that a
- 1613 municipality's population has increased beyond the population for its current class,
- 1614 the lieutenant governor shall:
- 1615 (i) prepare a certificate indicating the class in which the municipality belongs based
- 1616 on the increased population figure; and
- 1617 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to
- 1618 the legislative body of the municipality whose class has changed.
- 1619 (e)(i) If the applicable population figure under Subsection (3)(b) or (c) indicates that
- 1620 a municipality's population has decreased below the population for its current
- 1621 class, the lieutenant governor shall send written notification of that fact to the
- 1622 municipality's legislative body.
- 1623 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality
- 1624 whose population has decreased below the population for its current class, the
- 1625 lieutenant governor shall:
- 1626 (A) prepare a certificate indicating the class in which the municipality belongs

1627 based on the decreased population figure; and
1628 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
1629 to the legislative body of the municipality whose class has changed.

1630 Section 27. **Effective Date.**

1631 This bill takes effect on May 7, 2025.