

Norman K Thurston proposes the following substitute bill:

Election Records Amendments

2025 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill amends provisions related to election records.

Highlighted Provisions:

This bill:

- defines terms;
- establishes retention and disposition requirements for certain election records;
- authorizes an election officer to share with certain individuals the record of voters contacted to cure a ballot;
- establishes and modifies provisions related to who, and the circumstances under which, an individual may view the video recordings of the processing of ballots and unattended ballot drop boxes;
- modifies the data reporting requirements and deadlines for ballot statistics published on an election officer's website during an election;
- eliminates certain ballot reconciliation reporting requirements;
- classifies certain election records as public records;
- for the board of canvassers' report that an election officer submits to the board of canvassers after an election:
 - specifies certain election-related data that the election officer must include in the report's statement of votes cast; and
 - requires the election officer to include in the report certain data from the election results database;
- establishes a process for an election officer who does not count ballots using automatic tabulating equipment to include certain data from the election results database in the board of canvassers' report;
- requires an election officer to:

- publish a notice of the board of canvasser's report as a class A notice;
- include with the notice a copy of the board of canvasser's report on the Utah Public Notice Website and the election officer's jurisdiction's website; and
- make the board of canvassers' report available to the public in certain electronic file formats;
 - requires the lieutenant governor to ensure that all voting equipment has the capability of generating an election results database;
 - specifies the data that must be contained in an election results database; and
 - makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides retrospective operation.

Utah Code Sections Affected:**AMENDS:**

10-2a-215 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 435

20A-1-102 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapters 381, 448

20A-3a-401 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapters 381, 448

20A-3a-401.1 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 524

20A-3a-405 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 297

20A-4-104 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 448

20A-4-106 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 524

20A-4-107 (Effective upon governor's approval), as last amended by Laws of Utah 2020, Chapter 31

20A-4-109 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 524

20A-4-202 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 524

20A-4-304 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapters 38, 448 and 524

20A-4-401 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 448

20A-5-403.5 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 448

20A-5-905 (Effective upon governor's approval), as enacted by Laws of Utah 2022, Chapter 156

67-1a-2 (Effective upon governor's approval), as last amended by Laws of Utah 2025, Chapter 400

ENACTS:

20A-5-802.5 (Effective upon governor's approval), Utah Code Annotated 1953

REPEALS:

20A-4-701 (Effective upon governor's approval) (Applies beginning 08/01/25), as enacted by Laws of Utah 2025, Chapter 524

20A-4-702 (Effective upon governor's approval) (Applies beginning 08/01/25), as enacted by Laws of Utah 2025, Chapter 524

20A-4-703 (Effective upon governor's approval) (Applies beginning 08/01/25), as enacted by Laws of Utah 2025, Chapter 524

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

Section 1. Section **10-2a-215** is amended to read:

10-2a-215 (Effective upon governor's approval). Election of officers of new municipality -- Primary and final election dates -- Notice of election -- County clerk duties -- Candidate duties -- Occupation of office.

(1) For the election of municipal officers, the county legislative body shall:

(a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a primary election; and

(b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a final election.

(2) Each election described in Subsection (1) shall be held:

(a) consistent with the petition sponsors' determination of the length of each council

- 97 member's initial term; and
- 98 (b) for the incorporation of a city:
- 99 (i) appropriate to the form of government chosen by the voters at the incorporation
- 100 election;
- 101 (ii) consistent with the voters' decision about whether to elect city council members
- 102 by district and, if applicable, consistent with the boundaries of those districts as
- 103 determined by the petition sponsors; and
- 104 (iii) consistent with the sponsors' determination of the number of city council
- 105 members to be elected.
- 106 (3)(a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2), the
- 107 primary election described in Subsection (1)(a) shall be held at the earliest of the next:
- 108 (i) regular primary election described in Subsection 20A-1-201.5(1); or
- 109 (ii) municipal primary election described in Section 20A-9-404.
- 110 (b) The county shall hold the primary election, if necessary, on the next election date
- 111 described in Subsection (3)(a) that is after the incorporation election conducted under
- 112 Section 10-2a-210.
- 113 (4)(a) Subject to Subsection (4)(b), the county shall hold the final election described in
- 114 Subsection (1)(b):
- 115 (i) on the following election date that next follows the date of the incorporation
- 116 election held under Subsection 10-2a-210(1)(a);
- 117 (ii) a regular general election described in Section 20A-1-201; or
- 118 (iii) a regular municipal general election under Section 20A-1-202.
- 119 (b) The county shall hold the final election on the earliest of the next election date that is
- 120 listed in Subsection (4)(a)(i), (ii), or (iii):
- 121 (i) that is after a primary election; or
- 122 (ii) if there is no primary election, that is at least:
- 123 (A) 75 days after the incorporation election under Section 10-2a-210; and
- 124 (B) 65 days after the candidate filing period.
- 125 (5) The county clerk shall provide notice of an election under this section for the future
- 126 municipality, as a class A notice under Section 63G-30-102, for at least two weeks
- 127 before the day of the election.
- 128 (6) Until the municipality is incorporated, the county clerk:
- 129 (a) is the election officer for all purposes related to the election of municipal officers;
- 130 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions

related to the election of municipal officers for a new municipality that are not otherwise contrary to law;

(c) shall require and determine deadlines for municipal office candidates to file campaign financial disclosures in accordance with Section 10-3-208; and

(d) shall ensure that the ballot for the election includes each office that is required to be included in the election for officers of the newly incorporated municipality, including the term of each office.

(7) An individual who has filed as a candidate for an office described in this section shall comply with:

(a) the campaign finance disclosure requirements described in Section 10-3-208; and

(b) the requirements and deadlines established by the county clerk under this section.

(8) Notwithstanding Section 10-3-201, the officers elected at a final election described in Subsection (4)(a) shall take office:

(a) after taking the oath of office; and

(b) at noon on the first Monday following the day on which the election official transmits a certificate of nomination or election under the officer's seal to each elected candidate in accordance with Subsection [~~20A-4-304(4)(b)~~] 20A-4-304(6)(b).

Section 2. Section **20A-1-102** is amended to read:

20A-1-102 (Effective upon governor's approval). Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.

(3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.

(b) "Ballot" does not include a record to tally multiple votes.

(4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.

(6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a holiday.

(9) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday, a business day, or any other type of day.

(11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(13) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(14) "Convention" means the political party convention at which party officers and delegates are selected.

(15) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(16) "Counting judge" means a poll worker designated to count the ballots during election day.

(17) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.

(18) "County officers" means those county officers that are required by law to be elected.

(19) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day on which the election occurs; and

(b) does not include:

(i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or

(ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.

(20) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a special district office in accordance with Subsection 20A-1-206(3)(b)(ii).

(21) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.

(22) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(23) "Election cycle" means the period beginning on the first day on which individuals are eligible to file declarations of candidacy and ending when the canvass is completed.

(24) "Election judge" means a poll worker that is assigned to:

(a) preside over other poll workers at a polling place;

(b) act as the presiding election judge; or

(c) serve as a canvassing judge, counting judge, or receiving judge.

(25) "Election material" includes:

(a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);

(b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);

(c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);

(d) any chain of custody documentation described in Section 20A-3a-401.1, including:

(i) the count of ballots described in Subsection 20A-3a-401.1(3); and

(ii) the batch log described in Subsection 20A-3a-401.1(5);

(e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);

(f) the affidavit of compliance described in Subsection 20A-3a-404(2);

(g) the physical and electronic log of replicated ballots described in Subsection 20A-4-104(3);

- (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;
- (i) the record of voter database access described in Subsection 20A-5-905(2);
- (j) the reports on military and overseas voters described in Section 20A-16-202;
- (k) scanned copies of return envelopes;
- (l) a copy of the final election results database described in Section 20A-5-802.5; and
- (m) the materials used in the programming of the automatic tabulating equipment.

[(25)] (26) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (c) the municipal clerk for:
 - (i) a municipal ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (d) the special district clerk or chief executive officer for:
 - (i) a special district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
- (e) the business administrator or superintendent of a school district for:
 - (i) a school district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

[(26)] (27) "Election official" means any election officer, election judge, or poll worker.

[(27)] (28) "Election results" means:

- (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
- (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

[(28)] "Election returns" includes:]

- [(a) the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and

the total votes cast form; and]

~~[(b) the record, described in Subsection 20A-3a-401(10)(c), of voters contacted to cure a ballot.]~~

(29) "Election results database" means the following information generated by voting equipment:

(a) one or more electronic files that contains a digital interpretation of each ballot that is counted in an election;

(b) a ballot image; and

(c) other information related to a ballot that is adjudicated under Section 20A-4-105.

(30) "Election returns" means:

(a) the pollbook;

(b) the military and overseas absentee voter registration and voting certificates;

(c) one of the tally sheets;

(d) any unprocessed ballots;

(e) all counted ballots;

(f) all excess ballots;

(g) all unused ballots;

(h) all spoiled ballots;

(i) all ballot disposition forms, including any provisional ballot disposition forms;

(j) the final election results database described in Section 20A-5-802.5;

(k) all return envelopes;

(l) any provisional ballot envelopes; and

(m) the total votes cast form.

~~[(29)]~~ (31) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

~~[(30)]~~ (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).

~~[(31)]~~ (33) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

~~[(32)]~~ (34) "Judicial office" means the office filled by any judicial officer.

~~[(33)]~~ (35) "Judicial officer" means any justice or judge of a court of record or any county court judge.

~~[(34)]~~ (36) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a special district election, and a

301 bond election.

302 [(35)] (37) "Local political subdivision" means a county, a municipality, a special district, or
303 a local school district.

304 [(36)] (38) "Local special election" means a special election called by the governing body of
305 a local political subdivision in which all registered voters of the local political
306 subdivision may vote.

307 [(37)] (39) "Manual ballot" means a paper document produced by an election officer on
308 which an individual records an individual's vote by directly placing a mark on the paper
309 document using a pen or other marking instrument.

310 [(38)] (40) "Mechanical ballot" means a record, including a paper record, electronic record,
311 or mechanical record, that:

312 (a) is created via electronic or mechanical means; and

313 (b) records an individual voter's vote cast via a method other than an individual directly
314 placing a mark, using a pen or other marking instrument, to record an individual
315 voter's vote.

316 [(39)] (41) "Municipal executive" means:

317 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or

318 (b) the mayor in the council-manager form of government defined in Subsection
319 10-3b-103(6).

320 [(40)] (42) "Municipal general election" means the election held in municipalities and, as
321 applicable, special districts on the first Tuesday after the first Monday in November of
322 each odd-numbered year for the purposes established in Section 20A-1-202.

323 [(41)] (43) "Municipal legislative body" means the council of the city or town in any form
324 of municipal government.

325 [(42)] (44) "Municipal office" means an elective office in a municipality.

326 [(43)] (45) "Municipal officers" means those municipal officers that are required by law to
327 be elected.

328 [(44)] (46) "Municipal primary election" means an election held to nominate candidates for
329 municipal office.

330 [(45)] (47) "Municipality" means a city or town.

331 [(46)] (48) "Official ballot" means the ballots distributed by the election officer for voters to
332 record their votes.

333 [(47)] (49) "Official endorsement" means the information on the ballot that identifies:

334 (a) the ballot as an official ballot;

(b) the date of the election; and

(c)(i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

(ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

[(48)] (50) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

[(49)] (51) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

[(50)] (52)(a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

[(51)] (53) "Pollbook" means a record of the names of voters in the order that ~~they~~ the voters appear to cast votes.

[(52)] (54) "Polling place" means a building where voting is conducted.

[(53)] (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

[(54)] (56) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

[(55)] (57) "Primary convention" means the political party conventions held during the year of the regular general election.

[(56)] (58) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

[(57)] (59) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

[(58)] (60) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

369 [(59)] (61) "Provisional ballot envelope" means an envelope printed in the form required by
370 Section 20A-6-105 that is used to identify provisional ballots and to provide information
371 to verify a person's legal right to vote.

372 [(60)] (62)(a) "Public figure" means an individual who, due to the individual being
373 considered for, holding, or having held a position of prominence in a public or
374 private capacity, or due to the individual's celebrity status, has an increased risk to the
375 individual's safety.

376 (b) "Public figure" does not include an individual:

377 (i) elected to public office; or

378 (ii) appointed to fill a vacancy in an elected public office.

379 [(61)] (63) "Qualify" or "qualified" means to take the oath of office and begin performing
380 the duties of the position for which the individual was elected.

381 [(62)] (64) "Receiving judge" means the poll worker that checks the voter's name in the
382 official register at a polling place and provides the voter with a ballot.

383 [(63)] (65) "Registration form" means a form by which an individual may register to vote
384 under this title.

385 [(64)] (66) "Regular ballot" means a ballot that is not a provisional ballot.

386 [(65)] (67) "Regular general election" means the election held throughout the state on the
387 first Tuesday after the first Monday in November of each even-numbered year for the
388 purposes established in Section 20A-1-201.

389 [(66)] (68) "Regular primary election" means the election, held on the date specified in
390 Section 20A-1-201.5, to nominate candidates of political parties and candidates for
391 nonpartisan local school board positions to advance to the regular general election.

392 [(67)] (69) "Resident" means a person who resides within a specific voting precinct in Utah.

393 [(68)] (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
394 provided to a voter with a manual ballot:

395 (a) into which the voter places the manual ballot after the voter has voted the manual
396 ballot in order to preserve the secrecy of the voter's vote; and

397 (b) that includes the voter affidavit and a place for the voter's signature.

398 [(69)] (71) "Sample ballot" means a mock ballot similar in form to the official ballot,
399 published as provided in Section 20A-5-405.

400 [(70)] (72) "Special district" means a local government entity under Title 17B, Limited
401 Purpose Local Government Entities - Special Districts, and includes a special service
402 district under Title 17D, Chapter 1, Special Service District Act.

403 ~~[(71)]~~ (73) "Special district officers" means those special district board members who are
404 required by law to be elected.

405 ~~[(72)]~~ (74) "Special election" means an election held as authorized by Section 20A-1-203.

406 ~~[(73)]~~ (75) "Spoiled ballot" means each ballot that:

407 (a) is spoiled by the voter;

408 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

409 (c) lacks the official endorsement.

410 ~~[(74)]~~ (76) "Statewide special election" means a special election called by the governor or
411 the Legislature in which all registered voters in Utah may vote.

412 ~~[(75)]~~ (77) "Tabulation system" means a device or system designed for the sole purpose of
413 tabulating votes cast by voters at an election.

414 ~~[(76)]~~ (78) "Ticket" means a list of:

415 (a) political parties;

416 (b) candidates for an office; or

417 (c) ballot propositions.

418 ~~[(77)]~~ (79) "Transfer case" means the sealed box used to transport voted ballots to the
419 counting center.

420 ~~[(78)]~~ (80) "Vacancy" means:

421 (a) except as provided in Subsection ~~[(78)(b)]~~ (80)(b), the absence of an individual to
422 serve in a position created by state constitution or state statute, whether that absence
423 occurs because of death, disability, disqualification, resignation, or other cause; or

424 (b) in relation to a candidate for a position created by state constitution or state statute,
425 the removal of a candidate due to the candidate's death, resignation, or
426 disqualification.

427 ~~[(79)]~~ (81) "Valid voter identification" means:

428 (a) a form of identification that bears the name and photograph of the voter which may
429 include:

430 (i) a currently valid Utah driver license;

431 (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8,
432 Identification Card Act;

433 (iii) a currently valid identification card that is issued by:

434 (A) the state; or

435 (B) a branch, department, or agency of the United States;

436 (iv) a currently valid Utah permit to carry a concealed weapon;

- 437 (v) a currently valid United States passport; or
438 (vi) a currently valid United States military identification card;
439 (b) one of the following identification cards, regardless of whether the card includes a
440 photograph of the voter:
441 (i) a valid tribal identification card;
442 (ii) a Bureau of Indian Affairs card; or
443 (iii) a tribal treaty card; or
444 (c) two forms of identification not listed under Subsection [(79)(a)] (81)(a) or (b) but that
445 bear the name of the voter and provide evidence that the voter resides in the voting
446 precinct, which may include:
447 (i) before January 1, 2029, an original or copy of a current utility bill, dated no more
448 than 90 calendar days before the date of the election;
449 (ii) before January 1, 2029, an original or copy of a bank or other financial account
450 statement, dated no more than 90 calendar days before the date of the election;
451 (iii) a certified birth certificate;
452 (iv) a valid social security card;
453 (v) an original or copy of a check issued by the state or the federal government, dated
454 no more than 90 calendar days before the date of the election;
455 (vi) an original or copy of a paycheck from the voter's employer, dated no more than
456 90 calendar days before the date of the election;
457 (vii) a currently valid Utah hunting or fishing license;
458 (viii) certified naturalization documentation;
459 (ix) a currently valid license issued by an authorized agency of the United States;
460 (x) a certified copy of court records showing the voter's adoption or name change;
461 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
462 (xii) a currently valid identification card issued by:
463 (A) a local government within the state;
464 (B) an employer for an employee; or
465 (C) a college, university, technical school, or professional school located within
466 the state; or
467 (xiii) a current Utah vehicle registration.
468 [(80)] (82) "Valid write-in candidate" means a candidate who has qualified as a write-in
469 candidate by following the procedures and requirements of this title.
470 [(81)] (83) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter,

by:

(a) mailing the ballot to the location designated in the mailing; or

(b) depositing the ballot in a ballot drop box designated by the election officer.

[(82)] (84) "Voter" means an individual who:

(a) meets the requirements for voting in an election;

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register[~~book~~].

[(83)] (85) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

[(84)] (86) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

[(85)] (87) "Voting booth" means:

(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or

(b) a voting device that is free standing.

[(86)] (88) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.

[(87)] (89) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

[(88)] (90) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.

[(89)] (91) "Write-in ballot" means a ballot containing any write-in votes.

[(90)] (92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

Section 3. Section **20A-3a-401** is amended to read:

20A-3a-401 (Effective upon governor's approval). Custody of voted ballots mailed or deposited in a ballot drop box -- Disposition -- Notice -- Disclosures relating to unresolved ballots.

(1) This section governs ballots returned by mail, via a ballot drop box, or by other legal means.

(2) Poll workers shall process return envelopes containing manual ballots that are in the custody of the poll workers in accordance with this section.

(3) Poll workers shall examine a return envelope to make the determinations described in

505 Subsection (4).

506 (4) The poll workers shall take the action described in Subsection (5)(a) if the poll workers
507 determine:

508 (a) for an election held before January 1, 2029:

509 (i) that the return envelope contains the last four digits of the voter's Utah driver
510 license number, Utah state identification card number, or social security number;

511 or

512 (ii) if the return envelope does not contain the digits described in Subsection (4)(a)(i),
513 that:

514 (A) in accordance with the rules made under Subsection (13), the signature on the
515 affidavit of the return envelope is reasonably consistent with the individual's
516 signature in the voter registration records; or

517 (B) for an individual who checks the box described in Subsection (7)(d)(v), the
518 signature is verified by alternative means;

519 (b) for an election held on or after January 1, 2029:

520 (i) that the return envelope contains the last four digits of the voter's Utah driver
521 license number, Utah state identification card number, or social security number;

522 (ii) if the return envelope does not contain the digits described in Subsection (4)(b)(i),
523 that the voter included in the return envelope a copy of the identification described
524 in Subsection 20A-3a-204(2)(c)(ii); or

525 (iii) for a voter described in Subsection 20A-3a-301(7), that the voter complied with
526 Subsection 20A-3a-301(7);

527 (c) that the affidavit is sufficient;

528 (d) that the voter is registered to vote in the correct precinct;

529 (e) that the voter's right to vote the ballot has not been challenged;

530 (f) that the voter has not already voted in the election; and

531 (g) for a voter who has not yet provided valid voter identification with the voter's voter
532 registration, whether the voter has provided valid voter identification with the return
533 envelope.

534 (5)(a) If the poll workers make all of the findings described in Subsection (4), the poll
535 workers shall:

536 (i) remove the manual ballot from the return envelope in a manner that does not
537 destroy the affidavit on the return envelope;

538 (ii) ensure that the ballot is not examined in connection with the return envelope; and

(iii) place the ballot with the other ballots to be counted.

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

(i) disallow the vote;

(ii) except as provided in Subsection (6), without opening the return envelope, record the ballot as "rejected" and state the reason for the rejection; and

(iii) except as provided in Subsection (6), place the return envelope, unopened, with the other rejected return envelopes.

(6) A poll worker may open a return envelope, if necessary, to determine compliance with Subsection (4)(b)(ii), (4)(b)(iii), or (4)(g).

(7)(a) If the poll workers reject an individual's ballot because the poll workers determine that the return envelope does not comply with Subsection (4), the election officer shall:

(i) contact the individual in accordance with Subsection (8); and

(ii) inform the individual:

(A) that the identification information provided on the return envelope 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 a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (7)(d).

(b) If, under Subsection (4)(a)(ii)(A), the poll workers reject an individual's ballot because the poll workers determine, in accordance with rules made under Subsection (13), 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 (8); 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 a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (7)(d).

(c) The election officer shall ensure that the notice described in Subsection (7)(a) or (b) includes:

- 573 (i) when communicating the notice by mail, a printed copy of the affidavit described
574 in Subsection (7)(d) and a courtesy reply envelope;
- 575 (ii) when communicating the notice electronically, a link to a copy of the affidavit
576 described in Subsection (7)(d) or information on how to obtain a copy of the
577 affidavit; or
- 578 (iii) when communicating the notice by phone, either during a direct conversation
579 with the voter or in a voicemail, arrangements for the voter to receive a copy of
580 the affidavit described in Subsection (7)(d), either in person from the clerk's
581 office, by mail, or electronically.
- 582 (d) An affidavit described in Subsection (7)(a)(ii)(C) or (7)(b)(ii)(C) shall include:
- 583 (i) an attestation that the individual voted the ballot;
- 584 (ii) a space for the individual to enter the individual's name, date of birth, and driver
585 license number or the last four digits of the individual's social security number;
- 586 (iii) a space for the individual to sign the affidavit;
- 587 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
588 governor's and county clerk's use of the information in the affidavit and the
589 individual's signature on the affidavit for voter identification purposes; and
- 590 (v) a check box accompanied by language in substantially the following form: "I am
591 a voter with a qualifying disability under the Americans with Disabilities Act that
592 impacts my ability to sign my name consistently. I can provide appropriate
593 documentation upon request. To discuss accommodations, I can be contacted at
594 _____".
- 595 (e) In order for an individual described in Subsection (7)(a) or (b) to have the
596 individual's ballot counted, the individual shall deliver the affidavit described in
597 Subsection (7)(d) to the election officer.
- 598 (f) An election officer who receives a signed affidavit under Subsection (7)(e) shall
599 immediately:
- 600 (i) scan the signature on the affidavit electronically and keep the signature on file in
601 the statewide voter registration database developed under Section 20A-2-502;
- 602 (ii) if the election officer receives the affidavit no later than noon on the last business
603 day before the day on which the canvass begins, count the individual's ballot; and
- 604 (iii) if the check box described in Subsection (7)(d)(v) is checked, comply with the
605 rules described in Subsection (13)(c).
- 606 (8)(a) The election officer shall, within two business days after the day on which an

individual's ballot is rejected, notify the individual of the rejection and the reason for the rejection, by phone, mail, email, or, if consent is obtained, text message, unless:

- (i) the ballot is cured within one business day after the day on which the ballot is rejected; or
- (ii) the ballot is rejected because the ballot is received late or for another reason that cannot be cured.

(b) If an individual's ballot is rejected for a reason described in Subsection (8)(a)(ii), the election officer shall notify the individual of the rejection and the reason for the rejection by phone, mail, email, or, if consent is obtained, text message, within the later of:

- (i) 30 calendar days after the day of the rejection; or
- (ii) 30 calendar days after the day of the election.

(c) The election officer may, when notifying an individual by phone under this Subsection (8), use auto-dial technology.

(9) An election officer may not count the ballot of an individual whom the election officer contacts under Subsection (7) or (8) unless, no later than noon on the last business day before the day on which the canvass begins, the election officer:

(a) receives a signed affidavit from the individual under Subsection (7); or

(b)(i) contacts the individual;

- (ii) if the election officer has reason to believe that an individual, other than the voter to whom the ballot was sent, signed the ballot affidavit, informs the individual that it is unlawful to sign a ballot affidavit for another person, even if the person gives permission;

(iii) verifies the identity of the individual by:

(A) requiring the individual to provide at least two types of personal identifying information for the individual; and

(B) comparing the information provided under Subsection (9)(b)(iii)(A) to records relating to the individual that are in the possession or control of an election officer; and

(iv) ~~[documenting]~~ documents the verification described in Subsection (9)(b)(iii), by recording:

(A) the name and voter identification number of the individual contacted;

(B) the name of the individual who conducts the verification;

(C) the date and manner of the communication;

(D) the type of personal identifying information provided by the individual;

(E) a description of the records against which the personal identifying information provided by the individual is compared and verified; and

(F) other information required by the lieutenant governor.

(10)(a) The election officer shall retain and preserve:

~~[(a)] (i) [retain and preserve] the return envelopes in [the manner provided by law for the retention and preservation of ballots voted at that election;]~~ accordance with Subsection 20A-4-202(2); and

~~[(b)] (ii) [retain and preserve] the [documentation] documents~~ described in Subsection (9)(b)(iv)~~[- and]~~ in accordance with Subsection 20A-4-202(3).

~~[(c)] (b) [if]~~ If the election officer complies with Subsection [(10)(b)] (10)(a)(ii) by including the documentation in the voter's voter registration record, the election officer shall make, retain, and preserve a record of the name and voter identification number of each voter contacted under Subsection (9)(b).

(11)(a) The election officer shall record the following in the database used ~~[to verify signatures]~~ in the verification process:

(i) any initial rejection of a ballot under Subsection (5)(b), within one business day after the day on which the election officer rejects the ballot; and

(ii) any resolution of a rejection of a ballot under Subsection (9), within one business day after the day on which the ballot rejection is resolved.

(b) An election officer shall include, in the canvass report, a final report of the disposition of all rejected and resolved ballots, including, for ballots rejected, the following:

(i) the number of ballots rejected because the voter did not sign the voter's ballot; and

(ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do not correspond.

(12) Willful failure to comply with this section constitutes willful neglect of duty under Section 20A-5-701.

(13) The director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

(a) criteria and processes for use by poll workers in determining if a signature corresponds with the signature on file for the voter under Subsection (4)(a)(ii)(A);

(b) training and certification requirements for election officers and employees of election

officers regarding the criteria and processes described in Subsection (13)(a); and
 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.
 Secs. 12131 through 12165, an alternative means of verifying the identity of an
 individual who checks the box described in Subsection (7)(d)(v).

(14)(a) Upon request, and subject to Subsections (14)(b) and (c), an election officer may
 disclose the name and address of a voter whose ballot has been rejected and not yet
 resolved with:

(i) a candidate in the election;

(ii) an individual who represents the candidate's campaign;

(iii) the sponsors of an initiative or referendum appearing on the ballot; or

(iv) for a ballot proposition appearing on the ballot, an individual who represents a
 political issues committee, as defined in Section 20A-11-101, if the political
 issues committee supports or opposes the ballot proposition.

~~[(14)] (b) [Subject to Subsection (15), if, in response to a request, and in accordance with
 the requirements of law, an election officer discloses the name or address of voters
 whose ballots have been rejected and not yet resolved,] If an election officer
 discloses the information described in Subsection (14)(a), the election officer shall:~~

~~[(a)] (i) make the disclosure within two business days after the day on which the
 request is made;~~

~~[(b)] (ii) respond to each request in the order the requests were made; and~~

~~[(c)] (iii) make each disclosure in a manner, and within a period of time, that does not
 reflect favoritism to one requestor over another.~~

~~[(15)] (c) A disclosure described in this Subsection (14) may not include the name or
 address of a protected individual, as defined in Subsection 20A-2-104(1).~~

Section 4. Section **20A-3a-401.1** is amended to read:

20A-3a-401.1 (Effective upon governor's approval). Ballot chain of custody.

(1) As used in this section:

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

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

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

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

(b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a

return envelope that a poll worker has not separated from a ballot, as follows:

- (i) starting with receiving the ballot;
- (ii) each step taken in relation to a ballot as part of conducting an election; and
- (iii) ending after the ballots are counted and stored.

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

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

- (a) mails or otherwise provides to a voter;
- (b) receives from a voter;
- (c) counts;
- (d) rejects;
- (e) resolves after rejecting; or
- (f) does not resolve after rejecting.

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

(5) The election officer shall ensure that:

- (a) ballots in each batch are kept separate from the ballots in other batches;
- (b) a ballot is not separated from a batch, except as necessary to the election process;
- (c) if a ballot is separated from a batch, the batch log indicates:

- (i) the ballot number;
- (ii) the date and time of removal;
- (iii) the identity of the individual who removes the ballot; and
- (iv) the reason the ballot is removed;

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

- (i) a unique identifying code or number for the batch;
- (ii) the number of ballots in the batch;
- (iii) the date that the ballots were received; and
- (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:

- (A) the date and time that the ballots are handled;
- (B) a description of what is done with the ballots;
- (C) the identity of the poll workers who handle the ballots; and
- (D) any other information required by rule under Subsection (9);

- (e) an election official who performs a ballot processing function performs the function in the presence of at least one other election official;
- (f) to the extent reasonably possible, the poll workers who perform a ballot processing function for a batch complete performing that function for the entire batch; and
- (g) each part of the processing of all ballots is monitored by recorded video, without audio.

(6) An election officer:

- (a) shall keep the video recordings described in Subsection (5)(g) until at least the later of:

- ~~[(a)]~~ (i) the last day of the calendar year in which the election was held; or

- ~~[(b)]~~ (ii) if the election is contested, when the contest is resolved[-] ;

- (b) may keep the video recordings described in Subsection (5)(g) indefinitely; and

- (c) shall ensure that a camera, a video, or a recording of a video described in Subsection (5)(g) may only be accessed by:

- (i) the election officer;

- (ii) a custodian of the camera, video, or recording;

- (iii) the lieutenant governor;

- (iv) the legislative auditor general, when performing an audit;

- (v) a court of competent jurisdiction, by or pursuant to an order of the court; or

- (vi) subject to Subsection (7)(b), and except as provided in Subsection (7)(c):

- (A) a candidate for an office that appears on a ballot, or an individual representing the candidate's campaign;

- (B) for a federal, statewide, or multicounty race, the chair of the state political party whose member is a candidate described in Subsection (6)(c)(vi)(A);

- (C) for a race where the officeholder is selected by voters entirely within one county, the chair of the county political party whose member is a candidate described in Subsection (6)(c)(vi)(A); or

- (D) the designee of a political party chair described in Subsection (6)(c)(vi)(B) or (C).

- (7)(a) ~~[A recorded video described in Subsection (5)(g) is a public record.]~~ An individual may not view a video recording described in Subsection (5)(g):

- (i) unless the individual is an individual described in Subsection (6)(c); and

- (ii) the individual views the video to the extent necessary to:

- (A) ensure compliance with Subsection (5)(g) or (6)(a); or

- 777 (B) investigate a concern relating to the processing of ballots.
- 778 (b) If an individual described in Subsection (6)(c)(vi) seeks to view a video recording
 779 described in Subsection (5)(g), the election officer may require the individual to view
 780 the video recording at the election officer's office during regular business hours.
- 781 (c) An individual described in Subsection (6)(c)(vi) may not view a video recording
 782 described in Subsection (5)(g) after the time period for contesting the election to
 783 which the video recording relates ends.
- 784 (8) An election officer shall retain and preserve all chain of custody documentation in the
 785 manner provided under ~~[Section 20A-4-202]~~ Subsection 20A-4-202(3) for the retention
 786 and preservation of ~~[a ballot voted in an election]~~ election material.
- 787 (9) The director of elections within the Office of the Lieutenant Governor may make rules,
 788 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 789 establishing specific requirements and procedures for an election officer or poll worker
 790 to:
- 791 (a) fulfill the chain of custody requirements described in this section; and
 792 (b) perform the signature verification audits described in Section 20A-3a-402.5~~;~~ and .
 793 ~~[(c) comply with the reconciliation requirements described in Subsection~~
 794 20A-4-304(2)(h).]
- 795 Section 5. Section **20A-3a-405** is amended to read:
- 796 **20A-3a-405 (Effective upon governor's approval). Ballot statistics.**
- 797 (1) Except as provided in Subsection ~~[(5)(a)]~~ (3), an election officer shall post and update
 798 the data described in Subsection (2) on the election officer's website, on the following
 799 days, after the election officer finishes processing ballots on that day:
- 800 (a) ~~[the day on which the election officer begins mailing ballots]~~ the day after the day of
 801 the election;
- 802 (b) each Monday, Wednesday, and Friday after the day described in Subsection (1)(a),
 803 until the final posting described in Subsection (1)(c); and
- 804 (c) the ~~[Wednesday after the day of the election]~~ last day of the election canvass.
- 805 (2) The data that an election officer is required to post under Subsection (1) includes:
- 806 (a) the total number of active registered voters as of the Friday before the election;
 807 (b) an estimate of the total number of ballots received by the election officer; and
 808 (c) of the number described in Subsection (2)(b), a subtotal for each of the following:
- 809 (i) the number of ballots counted;
- 810 (ii) the number of ballots that have not been counted;

(iii) the number of ballots the election officer rejected that are curable but have not yet been cured; and

(iv) the number of ballots the election officer rejected because the ballots could not legally be cured.

(3) An election officer is not required to post the data described in Subsection (2) on a day described in Subsection (1)(b) if the most recent data posted by the election officer on a day described in Subsection (1)(b) has not changed.

[(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) The data that an election officer is required to post under Subsection (3) includes:]

[(a) a best estimate of the number of ballots received, to date, by the election officer;]

[(b) the number of ballots in possession of the election officer that have been rejected and are not yet cured;]

[(c) the number of provisional ballots in the possession of the election officer that have not been processed;]

[(d) the number of ballots that need to be adjudicated, but have not yet been adjudicated;]

[(e) the number of ballots awaiting replication; and]

[(f) the number of ballots that have been replicated.]

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

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

845 Section 6. Section **20A-4-104** is amended to read:

846 **20A-4-104 (Effective upon governor's approval). Counting ballots electronically**

847 -- **Notice of testing tabulating equipment.**

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

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

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

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

856 (d) The election officer shall ensure that:

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

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

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

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

866 (f) The election officer shall ensure that:

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

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

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

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

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

878 (c) The election officer shall deputize and administer an oath or affirmation to all

- 879 persons who are engaged in processing and counting the ballots that they will
880 faithfully perform their assigned duties.
- 881 (3)(a) If any ballot is damaged or defective so that it cannot properly be counted by the
882 automatic tabulating equipment, the election officer shall[-] ensure that two counting
883 judges jointly:
- 884 (i) make a true replication of the ballot with an identifying serial number;
 - 885 (ii) substitute the replicated ballot for the damaged or defective ballot;
 - 886 (iii) label the replicated ballot "replicated"; and
 - 887 (iv) record the replicated ballot's serial number on the damaged or defective ballot.
- 888 (b) The lieutenant governor shall provide to each election officer a standard form on
889 which the election officer shall maintain a log of all replicated ballots, that includes,
890 for each ballot:
- 891 (i) the serial number described in Subsection (3)(a);
 - 892 (ii) the identification of the individuals who replicated the ballot;
 - 893 (iii) the reason for the replication; and
 - 894 (iv) any other information required by the lieutenant governor.
- 895 (c) An election officer shall:
- 896 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner,
897 as ballots are replicated;
 - 898 (ii) at the end of each day during which one or more ballots are replicated, make an
899 electronic copy of the log; and
 - 900 (iii) [keep] retain and preserve each electronic copy made under Subsection (3)(c)(ii) [
901 ~~for at least 22 months]~~ in accordance with Subsection 20A-2-202(3).
- 902 (4) The election officer may:
- 903 (a) conduct an unofficial count before conducting the official count in order to provide
904 early unofficial returns to the public;
 - 905 (b) release unofficial returns from time to time after the polls close; and
 - 906 (c) report the progress of the count for each candidate during the actual counting of
907 ballots.
- 908 (5) Beginning on the day after the date of the election, if an election officer releases early
909 unofficial returns or reports the progress of the count for each candidate under
910 Subsection (4), the election officer shall, with each release or report, disclose an estimate
911 of the total number of voted ballots in the election officer's custody that have not yet
912 been counted.

- (6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.
- (7)(a) The election officer or the election officer's designee shall:
- (i) separate, count, and tabulate any ballots containing valid write-in votes; and
 - (ii) complete the standard form provided by the clerk for recording valid write-in votes.
- (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.
- (8)(a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.
- (b) Upon completion of the count, the election officer shall make official returns open to the public.
- (9) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.
- (10) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in [Section 20A-4-202] Subsection 20A-4-202(2).
- Section 7. Section **20A-4-106** is amended to read:
- 20A-4-106 (Effective upon governor's approval). Manual ballots -- Sealing.**
- (1) After the official canvas of an election, the election officer shall store all election returns in containers that identify the containers' contents.
- (2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except as follows:
- (a) when examined during a recount conducted under the authority of Section 20A-4-401 or Part 6, Municipal Alternate Voting Methods Pilot Project;
 - (b) an auditor conducting an audit described in Section 36-12-15.2 may examine the ballots:
 - (i) if the audit uncovers evidence that raises a substantial doubt regarding the accuracy of the results of an election, the auditor may examine the ballots until the later of:
 - (A) the end of the calendar year in which the election was held; or
 - (B) if the election is contested, when the contest is resolved; or

- (ii) at any time via a subpoena or other legal process; or
- (c) the lieutenant governor may examine the ballots:
 - (i) until the later of:
 - (A) the last day of the calendar year in which the election was held; or
 - (B) if the election is contested, when the contest is resolved; or
 - (ii) at any time via a subpoena or other legal process.

~~[(3) Nothing in this section prohibits a county clerk, an auditor, or the lieutenant governor from accessing and examining the electronic copy of ballots or election returns in accordance with Part 7, Electronic Copy of Election Material – Access and Examination.]~~

Section 8. Section **20A-4-107** is amended to read:

20A-4-107 (Effective upon governor's approval). 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 and residence through some other means; and
 - (iii) did not vote in the individual's precinct of residence, but the ballot that the individual voted was from the individual's county of residence and includes one or more candidates or ballot propositions on the ballot voted in the individual's precinct of residence; or
- (c) the individual:
 - (i) is registered to vote in the state;
 - (ii) 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; and
 - (iii)(A) the county clerk verifies the individual's identity and residence through

981 some other means as reliable as photo identification; or

982 (B) the individual provides valid voter identification to the county clerk or an
983 election officer who is administering the election by the close of normal office
984 hours on Monday after the date of the election.

985 (2)(a) Upon receipt of a provisional ballot form, the election officer shall review the
986 affirmation on the provisional ballot form and determine if the individual signing the
987 affirmation is:

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

989 (ii) legally entitled to vote:

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

991 (B) if the ballot is from the individual's county of residence, for at least one ballot
992 proposition or candidate on the ballot that the individual voted.

993 (b) Except as provided in Section 20A-2-207, if the election officer determines that the
994 individual is not registered to vote in this state or is not legally entitled to vote in the
995 county or for any of the ballot propositions or candidates on the ballot that the
996 individual voted, the election officer shall retain the ballot form, uncounted, for the
997 period specified in [~~Section 20A-4-202~~] Subsection 20A-4-202(2) unless ordered by a
998 court to produce or count it.

999 (c) If the election officer determines that the individual is registered to vote in this state
1000 and is legally entitled to vote in the county and for at least one of the ballot
1001 propositions or candidates on the ballot that the individual voted, the election officer
1002 shall place the provisional ballot with the regular ballots to be counted with those
1003 ballots at the canvass.

1004 (d) The election officer may not count, or allow to be counted a provisional ballot unless
1005 the individual's identity and residence is established by a preponderance of the
1006 evidence.

1007 (3) If the election officer determines that the individual is registered to vote in this state, or
1008 if the voter registers to vote in accordance with Section 20A-2-207, the election officer
1009 shall ensure that the voter registration records are updated to reflect the information
1010 provided on the provisional ballot form.

1011 (4) Except as provided in Section 20A-2-207, if the election officer determines that the
1012 individual is not registered to vote in this state and the information on the provisional
1013 ballot form is complete, the election officer shall:

1014 (a) consider the provisional ballot form a voter registration form for the individual's

- 1015 county of residence; and
- 1016 (b)(i) register the individual if the individual's county of residence is within the
- 1017 county; or
- 1018 (ii) forward the voter registration form to the election officer of the individual's
- 1019 county of residence, which election officer shall register the individual.
- 1020 (5) Notwithstanding any provision of this section, the election officer shall place a
- 1021 provisional ballot with the regular ballots to be counted with those ballots at the canvass,
- 1022 if:
- 1023 (a)(i) the election officer determines, in accordance with the provisions of this
- 1024 section, that the sole reason a provisional ballot may not otherwise be counted is
- 1025 because the voter registration was filed less than 11 days before the election;
- 1026 (ii) 11 or more days before the election, the individual who cast the provisional ballot:
- 1027 (A) completed and signed the voter registration; and
- 1028 (B) provided the voter registration to another person to file;
- 1029 (iii) the late filing was made due to the individual described in Subsection
- 1030 (5)(a)(ii)(B) filing the voter registration late; and
- 1031 (iv) the election officer receives the voter registration before 5 p.m. no later than one
- 1032 day before the day of the election; or
- 1033 (b) the provisional ballot is cast on or before election day and is not otherwise prohibited
- 1034 from being counted under the provisions of this chapter.

1035 Section 9. Section **20A-4-109** is amended to read:

1036 **20A-4-109 (Effective upon governor's approval). Ballot reconciliation --**

1037 **Rulemaking authority.**

- 1038 (1) In accordance with this section and rules made under Subsection (2), an election officer
- 1039 whose office processes ballots shall:
- 1040 (a) conduct ballot reconciliations:
- 1041 (i) at the end of each day on which ballots are tabulated; or
- 1042 (ii) if ballot tabulation of a grouping of ballots continues past midnight, as soon as the
- 1043 office finishes tabulating those ballots;
- 1044 (b) conduct a final ballot reconciliation when an election officer concludes processing all
- 1045 ballots;
- 1046 (c) document each ballot reconciliation;
- 1047 (d) publicly release the results of each ballot reconciliation; and
- 1048 (e) in conducting ballot reconciliations:

- 1049 (i) ensure that the sum of the number of uncounted verified ballots and the number of
1050 ballots tabulated is equal to the number of voters given credit for voting; or
1051 (ii) if the sum described in Subsection (1)(e)(i) is not equal to the number of voters
1052 given credit for voting, account for and explain the differences in the numbers.
- 1053 (2) ~~[Subject to Subsection (3), the]~~ The director of elections within the Office of the
1054 Lieutenant Governor may make rules, in accordance with Title 63G, Chapter 3, Utah
1055 Administrative Rulemaking Act, establishing procedures and requirements for
1056 conducting, documenting, and publishing a ballot reconciliation.
- 1057 ~~[(3) An election officer shall ensure that a published ballot reconciliation includes data~~
1058 ~~describing:]~~
- 1059 ~~[(a) the total number of ballots:]~~
- 1060 ~~[(i) that the election officer issued to voters; and]~~
1061 ~~[(ii) that the voters returned to the election officer;]~~
- 1062 ~~[(b) of the number described in Subsection (3)(a)(i), a subtotal of the number of ballots~~
1063 ~~that the election officer issued to voters:]~~
- 1064 ~~[(i) by mail;]~~
1065 ~~[(ii) electronically;]~~
1066 ~~[(iii) at a polling place; and]~~
1067 ~~[(iv) in person at the office of the election officer; and]~~
- 1068 ~~[(c) of the number described in Subsection (3)(a)(ii), a subtotal of the number of ballots~~
1069 ~~that the voters returned to the election officer:]~~
- 1070 ~~[(i) by mail;]~~
1071 ~~[(ii) electronically;]~~
1072 ~~[(iii) at a polling place;]~~
1073 ~~[(iv) at a ballot drop box; and]~~
1074 ~~[(v) in person at the office of the election officer.]~~
- 1075 Section 10. Section **20A-4-202** is amended to read:
- 1076 **20A-4-202 (Effective upon governor's approval). Election returns and election**
1077 **material -- Retention and disposition requirements -- Public records.**
- 1078 (1) Upon receipt of the ballots and election returns from the poll workers, the election
1079 officer shall:
- 1080 (a) ensure that the poll workers have provided all of the ballots and election returns;
1081 (b) inspect the ballots and election returns to ensure that they are sealed;
1082 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and

secure place;

(d) for mechanical ballots:

(i) count the ballots; and

(ii) deposit and lock the ballots and election returns in a safe and secure place; and

(e) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.

(2) Each election officer shall:

(a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;

(b) preserve ballots for 22 months after the date of the election or until the time has expired during which the ballots could be used in an election contest;

(c) preserve all other official election returns for at least 22 months after the date of the election; and

(d) after ~~[that time]~~ the time period described in Subsection (2)(c), destroy the ballots and election returns without ~~[opening or examining them]~~ examining the ballots and election returns.

(3)(a) The election officer shall~~[- package and retain]:~~

~~[(i) the election database;]~~

~~[(ii) the cast vote record; and]~~

~~[(iii) the materials used in the programming of the automatic tabulating equipment.]~~

(i) package and retain all election material; and

(ii) store the election material in a secure location that is physically separate from the location where the election officer stores ballots and election returns.

(b) The election officer:

(i) may not alter or make changes to the election material;

(ii) may make a working copy of the election material;

(iii) may alter or make changes to the working copy of election material;

(iv) shall preserve the election material, and any working copy of the election material, for at least 22 months after the date of the election; and

(v) after the time period described in Subsection (3)(b)(iv), may dispose of or retain the election material and any working copy of the election material.

(c) An election officer:

(i) may not release to a member of the public:

- 1117 (A) the copy of the final election results database; or
 1118 (B) a working copy of the copy of the final election results database;
 1119 (ii) may issue a public report based on information derived from the election material
 1120 if the report does not contain any information that directly identifies a voter who
 1121 cast a ballot;
 1122 (iii) may only access the election material, or a working copy of the election material,
 1123 at the election officer's office; and
 1124 (iv) may not remove the election material, or a working copy of the election material,
 1125 from the the election officer's office.
- 1126 ~~[(b) The election officer:]~~
- 1127 ~~[(i) may access the materials described in Subsection (3)(a)(iii);]~~
 1128 ~~[(ii) may make a copy of the materials described in Subsection (3)(a)(iii);]~~
 1129 ~~[(iii) may not alter or make changes to the materials described in Subsection (3)(a)(iii);]~~
 1130 ~~[(iv) may make changes to the copied materials described in Subsection (3)(b)(ii);]~~
 1131 ~~[(v) shall retain and preserve the materials described in Subsection (3)(a)(iii), and the~~
 1132 ~~copied materials described in Subsection (3)(b)(ii), for at least 22 months after the~~
 1133 ~~date of the election; and]~~
 1134 ~~[(vi) after the date described in Subsection (3)(b)(v), may dispose of or retain the~~
 1135 ~~materials described in Subsection (3)(a)(iii), or the copied materials described in~~
 1136 ~~Subsection (3)(b)(ii).]~~
- 1137 (4)(a) If an ~~[election contest is begun]~~ election is contested within 12 months after the
 1138 date of ~~[an]~~ the election, the election officer shall, except as provided in Subsection
 1139 (4)(c):
- 1140 (i) keep the ballots and election returns unopened and unaltered until the contest is
 1141 complete; or
 1142 (ii) surrender the ballots and election returns to the custody of the court having
 1143 jurisdiction of the contest when ordered or subpoenaed to do so by that court.
- 1144 (b) Except as provided in Subsection (4)(c), when all election contests arising from an
 1145 election are complete, the election officer shall either:
- 1146 (i) retain the ballots and election returns until the time for preserving them under this
 1147 section has run; or
 1148 (ii) destroy the ballots and election returns remaining in the election officer's custody
 1149 without ~~[opening or examining them]~~ examining the ballots and election returns if
 1150 the time for preserving them under this section has run.

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

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

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

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

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

[(b)] (6) ~~[A copy described in Subsection (5)(a)]~~ Each of the following is not a record, and is not subject to disclosure, under Title 63G, Chapter 2, Government Records Access and Management Act[-:] :

(a) all ballots and election returns;

(b) all election material;

(c) any working copy of election material that the election officer makes under Subsection (3)(b)(ii); and

(d) a copy described in Subsection (5)(a).

(7) Each of the following is a public record under Title 63G, Chapter 2, Government Records Access and Management Act:

(a) the final report of the disposition of all rejected and resolved ballots described in Subsection 20A-3a-401(11)(b);

(b) the results and tally of all ballots that have been counted described in Subsection 20A-3a-402(2);

(c) each posting of ballot statistics described in Section 20A-3a-405; and

(d) any early unofficial returns or reports described in Subsection 20A-4-104(4).

(8) The retention and disposition requirements described in this section for ballots, election returns, and election material:

(a) supersede the retention and disposition requirements for ballots, election returns, and election material that were in effect before the effective date of this bill; and

(b) apply to ballots, election returns, and election material created before, on, or after the effective date of this bill.

(9) The retention and disposition requirements described in this section do not require the creation of a record that an election officer is not otherwise required to create.

Section 11. Section **20A-4-304** is amended to read:

- 1185 **20A-4-304 (Effective upon governor's approval). Declaration of results --**
1186 **Canvassers' report.**
1187 (1)
1188 (a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
1189 board of canvassers shall declare "elected" or "nominated" those persons who:
1190 (i) had the highest number of votes; and
1191 (ii) sought election or nomination to an office completely within the board's
1192 jurisdiction.
1193 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
1194 board of canvassers shall declare a "tie vote" if:
1195 (i) two or more candidates for an office receive an equal and the highest number of
1196 votes for that office; or
1197 (ii) in a race for an at-large office:
1198 (A) two or more candidates receive an equal number of votes; and
1199 (B) a recount is necessary to determine which candidates are elected to the at-large
1200 office.
1201 (c) A board of canvassers shall declare:
1202 (i) "approved" those ballot propositions that:
1203 (A) had more "yes" votes than "no" votes; and
1204 (B) were submitted only to the voters within the board's jurisdiction; or
1205 (ii) "rejected" those ballot propositions that:
1206 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and
1207 "yes" votes; and
1208 (B) were submitted only to the voters within the board's jurisdiction.
1209 (d) A board of canvassers shall:
1210 (i) certify the vote totals for candidates and for and against ballot propositions that
1211 were submitted to voters within and beyond the board's jurisdiction and transmit
1212 those vote totals to the lieutenant governor; and
1213 (ii) if applicable, certify the results of each special district election to the special
1214 district clerk.
1215 (2) The election officer shall submit a report to the board of canvassers that includes the
1216 following information:
1217 (a) a statement of votes cast, disclosing:
1218 [~~(a)~~] (i) the total number of votes cast in the board's jurisdiction; and

1219 ~~[(b)]~~ (ii) for each office that appeared on the ballot[;] :

1220 (A) the name of each candidate whose name appeared on the ballot; and

1221 (B) whether the candidate is an unaffiliated candidate, a valid write-in candidate,

1222 or, if the candidate is affiliated with or the nominee of a registered political

1223 party, the name of the registered political party;

1224 ~~[(c)(i) the name of each candidate whose name appeared on the ballot; and]~~

1225 ~~[(ii) whether the candidate is an unaffiliated candidate, a write-in candidate, or, if the~~

1226 ~~candidate is the nominee of a registered political party, the name of the registered~~

1227 ~~political party;]~~

1228 ~~[(d)]~~ (b) the title of each ballot proposition that appeared on the ballot;

1229 ~~[(e)]~~ (c) the total number of votes given in the board's jurisdiction to each candidate, and

1230 for and against each ballot proposition;

1231 ~~[(f)]~~ (d) from each voting precinct:

1232 (i) the number of votes for each candidate;

1233 (ii) for each race conducted by instant runoff voting under Part 6, Municipal

1234 Alternate Voting Methods Pilot Project, the number of valid votes cast for each

1235 candidate for each potential ballot-counting phase and the name of the candidate

1236 excluded in each ballot-counting phase; and

1237 (iii) the number of votes for and against each ballot proposition;

1238 ~~[(g)]~~ (e) standardized statistics, on a form provided by the lieutenant governor,

1239 disclosing, at a minimum:

1240 (i) the number of active voters in the board's jurisdiction as of the Friday before

1241 election day;

1242 (ii) the number of ballots counted by the election officer that were cast by voters who

1243 registered to vote on election day under Section 20A-2-207;

1244 (iii) the total number of ballots counted by the election officer;

1245 (iv) the quotient of the number described in Subsection (2)(e)(iii) divided by the sum

1246 of the numbers described in Subsection (2)(e)(i) and (ii);

1247 (v) of the number described in Subsection (2)(e)(iii):

1248 (A) the number of provisional ballots cast at a polling place; and

1249 (B) the number of ballots cast using a voting method described in Section

1250 20A-3a-201;

1251 (vi) a reconciliation of the number of ballots the election officer counted and the

1252 number of voters given credit for voting in the election;

(vii) if there is a difference between the numbers described in Subsection (2)(e)(vi),
an explanation for the difference;

~~[(ii) of the number described in Subsection (2)(g)(i), the number of voters classified
as private or withheld under Section 20A-2-104;]~~

~~[(iii) the number of ballots the election officer counted;]~~

~~[(iv) of the number described in Subsection (2)(g)(iii), the number of provisional
ballots; and]~~

~~[(v)] (viii) [each of the following:]~~

~~[(A)] the number of provisional ballots that could not legally be counted; and~~
~~(ix) each of the following:~~

~~[(B)] (A) the number of ballots, other than provisional ballots, that [the election
officer] were rejected because the ballots could not legally be cured;[-and]~~

~~[(C)] (B) the number of ballots, other than provisional ballots, that were rejected,
could have been cured by the voter, but were not cured;~~

~~(C) the number of uncounted ballots received after the deadline described in
Subsection 20A-3a-204(3); and~~

~~(D) the percentage of ballots that were returned as undeliverable;~~

~~[(h) a final ballot reconciliation report;]~~

~~(f) subject to Subsection (3), a cast vote record report that contains only the following
information from the election results database:~~

~~(i) for the jurisdiction administering the election:~~

~~(A) the title of each ballot proposition appearing on the ballots;~~

~~(B) a description of each race for federal office, statewide office, state legislative
office, state school board office, county office, local school board office, or
municipal office appearing on the ballots; and~~

~~(C) the name of each candidate for an office described in Subsection (2)(f)(i)(B);~~

~~(ii) the numeric identifier described in Subsection 20A-5-802.5(2)(b);~~

~~(iii) the vote cast by a voter for:~~

~~(A) a candidate for an office described in Subsection (2)(f)(i)(B);~~

~~(B) a valid write-in candidate; and~~

~~(C) each ballot proposition;~~

~~(iv) if a voter's vote was not counted, an indication that the vote was not counted
because:~~

~~(A) the voter cast a vote for more than one candidate for a single office; or~~

- 1287 (B) the voter made more than one selection for a single ballot proposition;
1288 (v) if a voter was eligible to cast a vote, but did not cast a vote, an indication that the
1289 voter did not cast a vote; and
1290 (vi) if a ballot proposition or an office described in Subsection (2)(f)(i)(B) did not
1291 appear on the voter's ballot:
1292 (A) an indication that the voter was ineligible to cast a vote for the ballot
1293 proposition or office; or
1294 (B) a blank field or space in the portion of the report representing the ballot
1295 proposition or office;
1296 [(f)] (g) other information required by law to be provided to the board of canvassers; and
1297 [(f)] (h) a statement certifying that the information contained in the report is accurate.
1298 (3) The cast vote record report described in Subsection (2)(f) may not include:
1299 (a) any special district office or special district ballot proposition appearing on a ballot in
1300 the jurisdiction administering the election;
1301 (b) the vote cast by a voter for a special district office or special district ballot
1302 proposition;
1303 (c) the voter precinct number associated with a ballot; or
1304 (d) information that directly identifies the voter who cast the ballot.
1305 (4) For an election in which the election officer does not use automatic tabulating
1306 equipment, the election officer shall:
1307 (a) review the votes cast on each ballot that is counted;
1308 (b) manually compile the information described in Subsection (2)(f) in a file format
1309 described in Subsection (8)(c);
1310 (c) ensure that the file does not contain the information described in Subsection (3); and
1311 (d) include a copy of the file in the board of canvassers' report.
1312 [(3)] (5) The election officer and the board of canvassers shall:
1313 (a) review the report to ensure that the report is correct; and
1314 (b) sign the report.
1315 [(4)] (6) The election officer shall:
1316 (a) record or file the certified report in a book kept for that purpose;
1317 (b) prepare and transmit a certificate of nomination or election under the officer's seal to
1318 each nominated or elected candidate;
1319 (c) publish a copy of the certified report in accordance with Subsection [(5)] (7); and
1320 (d) file a copy of the certified report with the lieutenant governor.

~~[(5)] (7) [Except as provided in Subsection (6), the election officer shall, no later than three business days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2) for the board's jurisdiction, as a class A notice under Section 63G-30-102, for at least seven calendar days.] Subject to Subsection (8), an election officer shall, no later than three business days after the day on which the board of canvassers declares the election results, publish a notice of the certified report described in Subsection (2) as a class A notice under Section 63G-30-102.~~

~~[(6)] (8)[(a) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that] The class A notice described in Subsection (7) shall:~~

~~(a) include the following statement: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election].";~~

~~[(i) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and]~~

~~[(ii)] (b) [specifies] specify the following sources where an individual may view or obtain a copy of the entire certified report:~~

~~[(A) if the board's jurisdiction has a website, the jurisdiction's website;]~~

~~[(B) the physical address for the board's jurisdiction; and]~~

~~[(C) a mailing address and telephone number.]~~

~~(i) the Utah Public Notice Website;~~

~~(ii) if the election officer is required to publish the notice on the board's jurisdiction's website under Subsection 63G-30-102(1)(b), the jurisdiction's website;~~

~~(iii) the physical address for the board's jurisdiction; and~~

~~(iv) a mailing address and telephone number; and~~

~~(c) subject to Subsection (9), for the website posting described in Subsections 63G-30-102(1)(a) and (b), include a copy of the certified report in the following file formats:~~

~~(i) except for the cast vote record described in Subsection (2)(f), a PDF or similar file; and~~

~~(ii) for the cast vote record report described in Subsection (2)(f), one or more spreadsheets, Comma Separated Values files, or another common type of~~

delimited or fixed-width files.

(9) An election officer may post the information required to be included in the cast vote record report described in Subsection (2)(f) as a text-based file that represents structured information through key value pairs and ordered collections of data in lieu of including that information in a file described in Subsection (8)(c)(ii) if:

(a) the race for elective office was conducted using instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project; and

(b) the tabulating equipment does not produce a file described in Subsection (8)(c)(ii) that accurately records all the preferences cast by a voter on the voter's ballot.

(10) An election officer shall publish the class A notice described in Subsection (7) for the following time periods:

(a) in relation to posting the notice on the Utah Public Notice Website under Subsection 63G-30-102(1)(a), indefinitely;

(b) in relation to posting the notice on the election officer's jurisdiction's website under Subsection 63G-30-102(1)(b), for at least 180 calendar days after the day of the deadline described in Subsection (7); and

(c) in relation to posting the notice in a physical location under Subsection 63G-30-102(1)(c), for at least seven calendar days after the day of the deadline described in Subsection (7).

~~[(b)]~~ (11) An election officer:

~~[(i)]~~ (a) shall ensure that an individual may obtain ~~[a digital copy of the certified report as a PDF file]~~ a copy of the certified report in a file format described in:

(i) Subsection (8)(c); and

(ii) if applicable, Subsection (9); and

~~[(ii)]~~ (b) may make the certified report available in any ~~[machine-readable]~~

computer-readable format that the election officer determines is helpful to members of the public.

~~[(7)]~~ (12) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall, immediately upon adjournment of the board, transmit to the lieutenant governor a report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition.

~~[(8)]~~ (13) In each county election, municipal election, school election, special district

election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 calendar days after the date of the election.

[(9)] (14) In a regular primary election and in a presidential primary election, the board of canvassers shall, immediately upon adjournment of the board, transmit to the lieutenant governor:

(a) the county totals for multi-county races; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct.

Section 12. Section **20A-4-401** is amended to read:

20A-4-401 (Effective upon governor's approval). Recounts -- Procedure.

(1) This section does not apply to a race conducted by instant runoff voting under [Chapter 4,] Part 6, Municipal Alternate Voting Methods Pilot Project.

(2) The election officer shall conduct a recount of votes cast in a race if:

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

(b) in a race for an at-large office, two or more candidates receive an equal number of votes and at least one of the candidates must be eliminated to determine which candidates are elected.

(3)(a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all candidates in the race, the losing candidate may file a request for a recount in accordance with Subsection (4).

(b) Except as provided in Subsection (2), for a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, the losing candidate may file a request for a recount in accordance with Subsection (4).

(4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall file the request:

(a) for a municipal primary election, with the municipal clerk, no later than 5 p.m. on the first business day that is at least three calendar days after the day on which the canvass is completed; or

(b) for all other elections, no later than 5 p.m. on the first business day that is at least

three calendar days after the day on which the canvass is completed, with:

- (i) the municipal clerk, if the election is a municipal general election;
- (ii) the special district clerk, if the election is a special district election;
- (iii) the county clerk, for a race voted on entirely within a single county; or
- (iv) the lieutenant governor, for a statewide race or multi-county race.

(5)(a) The election officer shall conduct the recount:

- (i) for a race described in Subsection (2), no later than 10 calendar days after the day on which the board of canvassers certifies the vote totals; or
- (ii) for a race described in Subsection (3), no later than seven calendar days after the day on which the losing candidate requests the recount.

(b) In conducting the recount, the election officer shall:

- (i) supervise the recount;
- (ii) recount all ballots cast in the race;
- (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and
- (iv)(A) for a race between candidates for a single office, declare elected the candidate who receives the highest number of votes on the recount;
- (B) for a race for an at-large office, declare elected the candidate who receives the highest number of votes on the recount, until all offices are filled by the candidates who received the highest number of votes;
- (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more candidates receive an equal and the highest number of votes, declare a tie vote; or
- (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more candidates receive an equal number of votes, declare a tie vote if the selection of the winning candidate by lot under Section 20A-1-304 is necessary to determine which candidate is elected to the at-large office.

(6) The cost of a recount under Subsection (5) shall be paid by:

- (a) for a statewide race or multi-county race, the state; or
- (b) for all other races:
 - (i) the political subdivision that conducts the election; or
 - (ii) the political subdivision that enters into a contract or interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct the election.

- (7)(a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for or against the proposition, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount no later than 5 p.m. on the first business day that is at least seven calendar days after the day of the canvass with the person described in Subsection (8).
- (b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount no later than 5 p.m. on the first business day that is at least seven calendar days after the day of the canvass with the person described in Subsection (8).
- (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file the request with:
- (a) the municipal clerk, if the election is a municipal election;
 - (b) the special district clerk, if the election is a special district election;
 - (c) the county clerk, for a proposition voted on entirely within a single county; or
 - (d) the lieutenant governor, for a statewide proposition or multi-county proposition.
- (9)(a) In conducting the recount, the election officer shall:
- (i) supervise the recount;
 - (ii) recount all ballots cast for the ballot proposition or bond proposition;
 - (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and
 - (iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.
- (b) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.
- (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the recount.
- (11)(a) Upon completing a recount described in Subsection (5) or (9), the election officer shall immediately convene the board of canvassers.
- (b) The board of canvassers shall:
- (i) canvass the election returns for the race or proposition that was the subject of the

recount; and

(ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.

(c) If the recount is for a statewide race, multi-county race, or a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection ~~[20A-4-304(7)]~~ 20A-4-304(12).

(d) The canvassers' report prepared as provided in this Subsection (11) is the official result of the race or proposition that is the subject of the recount.

Section 13. Section **20A-5-403.5** is amended to read:

20A-5-403.5 (Effective upon governor's approval). Ballot drop boxes -- Notice.

(1)~~[(a)]~~ An election officer:

~~[(i)]~~ (a) shall designate at least one ballot drop box in each municipality and reservation located in the jurisdiction to which the election relates;

~~[(ii)]~~ (b) may designate additional ballot drop boxes for the election officer's jurisdiction;

~~[(iii)]~~ (c) shall clearly mark each ballot drop box as an official ballot drop box for the election officer's jurisdiction;

~~[(iv)]~~ (d) shall provide 24-hour recorded video surveillance, without audio, of each unattended ballot drop box;

~~[(v)]~~ (e) shall post a sign on or near each unattended ballot drop box indicating that the ballot drop box is under 24-hour video surveillance; and

~~[(vi)]~~ (f) shall ensure that a camera, a video, or a recording of a video described in Subsection ~~[(1)(a)(iv)]~~ (1)(d) may only be accessed by:

~~[(A)]~~ (i) ~~[by]~~ the election officer;

~~[(B)]~~ (ii) ~~[by]~~ a custodian of the camera, video, or recording;

~~[(C)]~~ (iii) ~~[by]~~ the lieutenant governor;

~~[(D)]~~ (iv) ~~[by]~~ the legislative auditor general, when performing an audit; ~~[-or]~~

~~[(E)]~~ (v) ~~[by, or pursuant to an order of,]~~ a court of competent jurisdiction~~[-]~~, by or pursuant to an order of the court;

(vi) a registered voter who claims to have cast a ballot at an unattended ballot drop box, if the election officer informs the voter that the election officer never received the voter's ballot; or

(vii) subject to Subsection (2)(b), and except as provided in Subsection (2)(c):

(A) a candidate for an office that appears on a ballot, or an individual representing the candidate's campaign;

(B) for a federal, statewide, or multicounty race, the chair of the state political party whose member is a candidate described in Subsection (1)(f)(vii)(A);

(C) for a race where the officeholder is selected by voters entirely within one county, the chair of the county political party whose member is a candidate described in Subsection (1)(f)(vii)(A); or

(D) the designee of a political party chair described in Subsection (1)(f)(vii)(B) or (C).

[(b)] (2)(a) An individual may not view a video, or a recording of a video, described in Subsection [(1)(a)(iv)] (1)(d), unless the individual:

(i) is an individual described in Subsection [(1)(a)(vi)] (1)(f); and

(ii) views the video to the extent necessary to:

(A) ensure compliance with Subsection [(1)(a)(iv), (1)(a)(vi), or (1)(e)] (1)(d), (1)(f), or (3); or

(B) investigate a concern relating to ballots or the ballot box.

(b) If an individual described in Subsection (1)(f)(vii) seeks to view a video recording described in Subsection (1)(d), the election officer may require the individual to view the video recording at the election officer's office during regular business hours.

(c) An individual described in Subsection (1)(f)(vii) may not view a video recording described in Subsection (1)(d) after the time period for contesting the election to which the video recording relates ends.

[(e)] (3) The election officer, or the custodian of the recording[:], :

(a) shall keep a recording described in Subsection [(1)(a)(iv) until] (1)(d) until at least the later of:

(i) the [end of the] last day of the calendar year in which the election was held; or

(ii) if the election is contested, when the contest is resolved[:]; and

(b) may keep the video recording described in Subsection (1)(d) indefinitely.

[(2)] (4) Except as provided in Section 20A-1-308 or Subsection [(5)] (7), the election officer shall, at least 28 calendar days before the date of the election, provide notice of the location of each ballot drop box designated under Subsection (1), by publishing notice for the jurisdiction holding the election, as a class A notice under Section 63G-30-102, for at least 28 calendar days before the day of the election.

[(3)] (5) Instead of including the location of ballot drop boxes, a notice required under Subsection [(2)] (4) may specify the following sources where a voter may view or obtain a copy of all ballot drop box locations:

- (a) the jurisdiction's website;
- (b) the physical address of the jurisdiction's offices; and
- (c) a mailing address and telephone number.

~~[(4)]~~ (6) The election officer shall include in the notice described in Subsection ~~[(2)]~~ (4):

- (a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each ballot drop box, including any changes to the location of a ballot drop box and the location of additional ballot drop boxes; and
- (b) a phone number that a voter may call to obtain information regarding the location of a ballot drop box.

~~[(5)]~~ (7)(a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in Subsection ~~[(2)]~~ (4):

- (i) if necessary, change the location of a ballot drop box; or
- (ii) if the election officer determines that the number of ballot drop boxes is insufficient due to the number of registered voters who are voting, designate additional ballot drop boxes.

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

- (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;
- (ii) by posting the information on the website of the election officer, if available; and
- (iii) by posting notice:
 - (A) for a change in the location of a ballot drop box, at the new location and, if possible, the old location; and
 - (B) for an additional ballot drop box location, at the additional ballot drop box location.

~~[(6)]~~ (8) An election officer may, at any time, authorize two or more poll workers to remove a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

~~[(7)]~~ (9)(a) At least two poll workers must be present when a poll worker collects ballots from a ballot drop box and delivers the ballots to the location where the ballots will

be opened and counted.

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

Section 14. Section **20A-5-802.5** is enacted to read:

20A-5-802.5 (Effective upon governor's approval). Election results database requirements.

- (1) The lieutenant governor shall ensure that all voting equipment used in this state has the capability of generating an election results database.
- (2) For each ballot that is counted in an election, the election results database shall contain:
- (a) the vote cast by a voter for each ballot proposition or race for elective office appearing on the voter's ballot;
- (b) a numeric identifier that is associated with a ballot within the tabulation system; and
- (c)(i) a unique identifying code or number for the batch in which a ballot was tabulated, if the ballot was tabulated as part of a batch; or
- (ii) a sequence number, if the ballot was not tabulated as part of a batch.
- (3) For each ballot that is counted in an election, the election results database shall contain the following data if the data is generated by the voting equipment:
- (a) a description of the style of ballot;
- (b) a voting precinct number or other geographic indicator;
- (c) an identifier for the scanner or tabulating device that produced the digital interpretation of the ballot;
- (d) the registered political party associated with a primary election ballot;
- (e) an image of the entire ballot or the write-in portion of the ballot;
- (f) an indication of how the scanner or tabulating device interpreted the marks made by the voter who cast the ballot;
- (g) information about any changes made to the election results database for a ballot that was adjudicated under Section 20A-4-105, including:
- (i) the identity of the counting judges who adjudicated the ballot; and
- (ii) the time and date of the changes made to the election results database by the counting judges; and
- (h) other information produced by the tabulating device as part of the tabulating device's output.

(4) An election officer shall create a physical or electronic log of any information described in Subsection (3)(g) that the voting equipment is unable to generate.

(5) Following an election but before the official canvass, an election officer shall prepare a final election results database created during:

(a) the tabulation of ballots; and

(b) the adjudication of a ballot under Section 20A-4-105.

Section 15. Section **20A-5-905** is amended to read:

20A-5-905 (Effective upon governor's approval). Software validation -- Database security.

(1) Before November 2022, the director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing software validation procedures that an election officer is required to comply with to verify that voting system files have not been tampered with.

(2) The lieutenant governor and each county clerk shall ensure that a record is made, and stored ~~[for at least 22 months]~~ in accordance with Subsection 20A-4-202(3), of each time a voter database is accessed by a person, including:

(a) the name of the person accessing the voter database;

(b) the date and time of the access; and

(c) any changes made to the voter database.

Section 16. Section **67-1a-2** is amended to read:

67-1a-2 (Effective upon governor's approval). 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;

(ii) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs;

(iii) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests;

(iv) as liaison between the governor and other officials of local, state, federal, and

international governments or any other political entities to coordinate, facilitate, and protect the interests of the state;

(v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and

(vi) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;

(b) serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;

(c) serve as the chief election officer of the state as required by Subsection (2);

(d) keep custody of the Great Seal of the State of Utah;

(e) keep a register of, and attest, the official acts of the governor;

(f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

(g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.

(2)(a) As the chief election officer, the lieutenant governor shall:

(i) exercise oversight, and general supervisory authority, over all elections;

(ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those races;

(iii) establish uniformity in the election ballot;

(iv)(A) prepare election information for the public as required by law and as determined appropriate by the lieutenant governor; and

(B) make the information described in Subsection (2)(a)(iv)(A) available to the public and to news media, on the Internet, and in other forms as required by law and as determined appropriate by the lieutenant governor;

(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;

- 1695 (ix) ensure that all voting equipment purchased by the state complies with the
1696 requirements of Sections 20A-5-302, 20A-5-802, 20A-5-802.5, and 20A-5-803;
- 1697 (x) during a declared emergency, to the extent that the lieutenant governor determines
1698 it warranted, designate, as provided in Section 20A-1-308, a different method,
1699 time, or location relating to:
- 1700 (A) voting on election day;
- 1701 (B) early voting;
- 1702 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 1703 (D) the counting of an absentee ballot or military-overseas ballot; or
- 1704 (E) the canvassing of election returns; and
- 1705 (xi) exercise all other election authority, and perform other election duties, as
1706 provided in Title 20A, Election Code.
- 1707 (b) As chief election officer, the lieutenant governor:
- 1708 (i) shall oversee all elections, and functions relating to elections, in the state;
- 1709 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance
1710 by an election officer with legal requirements relating to elections; and
- 1711 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,
1712 town clerks, or other local election officials by Title 20A, Election Code.
- 1713 (3)(a) The lieutenant governor shall:
- 1714 (i) determine a new municipality's classification under Section 10-2-301 upon the
1715 city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a
1716 Municipality, based on the municipality's population using the population estimate
1717 from the Utah Population Committee; and
- 1718 (ii)(A) prepare a certificate indicating the class in which the new municipality
1719 belongs based on the municipality's population; and
- 1720 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
1721 to the municipality's legislative body.
- 1722 (b) The lieutenant governor shall:
- 1723 (i) determine the classification under Section 10-2-301 of a consolidated municipality
1724 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
1725 6, Consolidation of Municipalities, using population information for each
1726 municipality from:
- 1727 (A) the estimate of the Utah Population Committee created in Section 63C-20-103;
- 1728 or

- 1729 (B) if the Utah Population Committee estimate is not available, the census or
1730 census estimate of the United States Bureau of the Census; and
1731 (ii)(A) prepare a certificate indicating the class in which the consolidated
1732 municipality belongs based on the municipality's population; and
1733 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
1734 to the consolidated municipality's legislative body.
- 1735 (c) The lieutenant governor shall monitor the population of each municipality using
1736 population information from:
1737 (i) the estimate of the Utah Population Committee created in Section 63C-20-103; or
1738 (ii) if the Utah Population Committee estimate is not available, the census or census
1739 estimate of the United States Bureau of the Census.
- 1740 (d) If the applicable population figure under Subsection (3)(b) or (c) indicates that a
1741 municipality's population has increased beyond the population for its current class,
1742 the lieutenant governor shall:
1743 (i) prepare a certificate indicating the class in which the municipality belongs based
1744 on the increased population figure; and
1745 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to
1746 the legislative body of the municipality whose class has changed.
- 1747 (e)(i) If the applicable population figure under Subsection (3)(b) or (c) indicates that
1748 a municipality's population has decreased below the population for its current
1749 class, the lieutenant governor shall send written notification of that fact to the
1750 municipality's legislative body.
1751 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality
1752 whose population has decreased below the population for its current class, the
1753 lieutenant governor shall:
1754 (A) prepare a certificate indicating the class in which the municipality belongs
1755 based on the decreased population figure; and
1756 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
1757 to the legislative body of the municipality whose class has changed.

1758 Section 17. **Repealer.**

1759 This bill repeals:

1760 Section **20A-4-701, Definitions.**

1761 Section **20A-4-702, Electronic copy of election material -- Examination by county clerk**

1762 Section **20A-4-703, Electronic copy of election material -- Examination by governmental**

1763 Section 18. **Effective Date.**

1764 This bill takes effect:

1765 (1) except as provided in Subsection (2), December 6, 2025; or

1766 (2) if approved by two-thirds of all members elected to each house:

1767 (a) upon approval by the governor;

1768 (b) without the governor's signature, the day following the constitutional time limit of

1769 Utah Constitution, Article VII, Section 8; or

1770 (c) in the case of a veto, the date of veto override.

1771 Section 19. **Retrospective operation.**

1772 The repeal of Sections 20A-4-701, 20A-4-702, and 20A-4-703 have retrospective

1773 operation to August 1, 2025.