

Paul A. Cutler proposes the following substitute bill:

Voting Equipment Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul A. Cutler

Senate Sponsor: Ronald M. Winterton

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 5 absent

General Description:

This bill amends provisions related to voting equipment.

Highlighted Provisions:

This bill:

- except for an electronic pollbook or official register, requires an election officer to ensure that all voting equipment used in this state is not capable of wireless communication;
- repeals a provision governing the certification of voting equipment used in ranked-choice voting;
- prohibits an election officer from acquiring voting equipment that is not part of the new voting equipment system selected for purchase by the lieutenant governor;
- provides that the Voting Equipment Selection Committee shall assist the lieutenant governor in:
 - conducting a competitive procurement for a new voting equipment system; and
 - ensuring that the new voting equipment system complies with the requirements for casting a mechanical ballot; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

29 **20A-5-801**, as last amended by Laws of Utah 2020, Chapter 31

30 **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305

31 **20A-5-803**, as renumbered and amended by Laws of Utah 2017, Chapter 32

32 **67-1a-2**, as last amended by Laws of Utah 2025, First Special Session, Chapter 6

33 RENUMBERS AND AMENDS:

34 **20A-5-805**, (Renumbered from 20A-5-302, as last amended by Laws of Utah 2023,
35 Chapter 15)

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

38 Section 1. Section **20A-5-801** is amended to read:

39 **20A-5-801 . Definitions.**

40 As used in this part:

41 (1) "New voting equipment system" means voting equipment that is operated in a
42 materially different way or that functions in a materially different way than the
43 equipment being replaced.

44 (2) "Voting equipment" means the following equipment used for an election:

45 (a) automatic tabulating equipment;

46 (b) a voting device; [or]

47 (c) a voting machine[-] ; or

48 (d) any component of the equipment described in Subsections (2)(a) through (c).

49 Section 2. Section **20A-5-802** is amended to read:

50 **20A-5-802 . Certification of voting equipment.**

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

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

55 [(b)] (ii) develop and implement a procedure to protect the physical security of the
56 voting equipment; [and]

57 (iii) except as provided in Subsection (1)(b), ensure that the voting equipment is not
58 capable of wireless communication; and

59 [(e)] (iv) ensure that the voting equipment is certified by the lieutenant governor
60 under Subsection (2) as having met the requirements of this section.

61 (b) Subsection (1)(a)(iii) does not apply to an electronic pollbook or official register.

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

63 [(i)] (a) [the] The lieutenant governor shall ensure that all voting equipment used in the
 64 state is independently tested using security testing protocols and standards that:
 65 [(A)] (i) are generally accepted in the industry at the time the lieutenant governor
 66 reviews the voting equipment for certification; and
 67 [(B)] (ii) meet the requirements of Subsection [(2)(a)(i);] (2)(b).
 68 [(ii)] (b) [the] The testing protocols and standards described in Subsection [(2)(a)(i)] (2)(a)
 69 shall require that a voting system:
 70 [(A)] (i) is accurate and reliable;
 71 [(B)] (ii) possesses established and maintained access controls;
 72 [(C)] (iii) has not been fraudulently manipulated or tampered with;
 73 [(D)] (iv) is able to identify fraudulent or erroneous changes to the voting equipment;
 74 and
 75 [(E)] (v) protects the secrecy of a voter's ballot[; and] .
 76 [(iii)] (c) The lieutenant governor may comply with the requirements of [Subsection]
 77 Subsections (2)(a) and (b) by certifying voting equipment that has been certified by:
 78 [(A)] (i) the United States Election Assistance Commission; or
 79 [(B)] (ii) a laboratory that has been accredited by the United States Election
 80 Assistance Commission to test voting equipment.
 81 [(b)(i) ~~Voting equipment used in the state may include technology that allows for~~
 82 ~~ranked-choice voting.~~]
 83 [(ii) ~~The lieutenant governor may, for voting equipment used for ranked-choice~~
 84 ~~voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods~~
 85 ~~Pilot Project, certify voting equipment that has been successfully used within the~~
 86 ~~United States or a territory of the United States for ranked-choice voting for a race~~
 87 ~~for federal office.~~]

88 Section 3. Section **20A-5-803** is amended to read:

89 **20A-5-803 . Voting Equipment Selection Committee.**

- 90 (1) Beginning on May 6, 2026, if, under this section, an election officer selects for purchase
 91 a new voting equipment system, an election officer may not acquire any voting
 92 equipment that is not part of the new voting equipment system.
 93 [(1)] (2) Before selecting or purchasing a new voting equipment system, the lieutenant
 94 governor shall appoint a Voting Equipment Selection Committee consisting of
 95 individuals who collectively have knowledge and experience in:
 96 [(a) appoint a Voting Equipment Selection Committee; and]

[~~(b)~~] (~~a~~) [~~ensure that the committee includes persons having experience in:~~] election procedures and administration;

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

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

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

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

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

[~~(2)~~] (~~3~~) A member of the committee may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

[~~(3)~~] (~~4~~) The lieutenant governor shall [~~select~~] appoint a chair from the committee membership.

[~~(4)~~] (~~5~~) The lieutenant governor may fill any vacancies that occur on the committee.

[~~(5)~~] (~~6~~) The Office of the Lieutenant Governor shall provide staffing for the committee.

[~~(6)~~] (~~7~~) The Voting Equipment Selection Committee shall:

(a) [~~evaluate new voting equipment systems proposed for purchase by the state~~] assist the lieutenant governor in conducting a competitive procurement under Title 63G,

Chapter 6a, Utah Procurement Code, for the new voting equipment system; and

(b) [~~provide information and recommendations to assist the lieutenant governor with the purchase of new voting equipment systems~~] ensure that the new voting equipment system proposed for purchase by an evaluation committee under Subsection 63G-6a-707(10) complies with the requirements for casting a mechanical ballot under Section 20A-5-805.

[~~(7)~~] (~~8~~) The lieutenant governor may designate individuals, including committee members, to inspect and review proprietary software as part of an evaluation of each new voting equipment [~~systems~~] system under consideration for purchase.

[~~(8)~~] (~~9~~) Before [~~making any selection or purchase~~] an evaluation committee evaluates the proposals for the new voting equipment system under Section 63G-6a-707, the lieutenant governor shall provide for a period of public review and comment on each new voting equipment [~~systems~~] system under consideration for purchase by the state.

Section 4. Section **20A-5-805**, which is renumbered from Section 20A-5-302 is renumbered

and amended to read:

[20A-5-302] 20A-5-805 . Voting equipment for casting a mechanical ballot.

~~[(1)(a) Any county or municipal legislative body or special district board may:]~~

~~[(i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and]~~

~~[(ii) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with manual ballots.]~~

~~[(b) Nothing in this title shall be construed to require the use of electronic voting devices in local special elections, municipal primary elections, or municipal general elections:]~~

~~[(2)] (1) [Each automated voting system shall]~~ The voting equipment for casting a mechanical ballot shall:

(a) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3a-208;

(b) permit each voter at any election to:

(i) vote for all ~~[persons]~~ individuals and offices for whom and for which that voter is lawfully entitled to vote;

(ii) vote for as many ~~[persons]~~ individuals for an office as that voter is entitled to vote; and

(iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

(c) permit each voter, at presidential elections, by one mark, to vote for the candidates of that party for president, vice president, and for their presidential electors;

(d) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

(e) at primary elections:

(i) permit each voter to vote for candidates of the political party of the voter's choice; and

(ii) reject any votes cast for candidates of another party;

(f) prevent the voter from voting for the same ~~[person]~~ individual more than once for the same office;

(g) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;

(h) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which

- the voter is entitled to vote for the office or on the measure;
- (i) be of durable construction, suitably designed so that ~~[it]~~ the voting equipment may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;
- (j) when properly operated, record correctly and count accurately each vote cast;
- (k) ~~[for voting equipment certified after January 1, 2005,]~~produce a permanent paper record that:
- (i) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;
- (ii)(A) shall be available for the voter's inspection ~~[prior to the voter leaving]~~ before the voter leaves the polling place; and
- (B) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;
- (iii) shall include, at a minimum, human readable printing that shows a record of the voter's selections;
- (iv) may also include machine readable printing which may be the same as the human readable printing; and
- (v) allows a watcher to observe the election process to ensure the integrity of the election process; and
- (l) meet the requirements of Section 20A-5-802.
- ~~[(3)]~~ (2) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.
- ~~[(4)]~~ (3) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.
- Section 5. Section **67-1a-2** is amended to read:
- 67-1a-2 . Duties enumerated.**
- (1) The lieutenant governor shall:
- (a) perform duties delegated by the governor, including assignments to serve in any of

the following capacities:

- (i) as the head of any one department, if so qualified, with the advice and consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation;
 - (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

- 233 (B) make the information described in Subsection (2)(a)(iv)(A) available to the
234 public and to news media, on the Internet, and in other forms as required by
235 law and as determined appropriate by the lieutenant governor;
- 236 (v) receive and answer election questions and maintain an election file on opinions
237 received from the attorney general;
- 238 (vi) maintain a current list of registered political parties as defined in Section
239 20A-8-101;
- 240 (vii) maintain election returns and statistics;
- 241 (viii) certify to the governor the names of individuals nominated to run for, or elected
242 to, office;
- 243 (ix) ensure that all voting equipment purchased by the state complies with the
244 requirements of Sections [20A-5-302, 20A-5-802, 20A-5-802.5, and 20A-5-803]
245 20A-5-802, 20A-5-802.5, 20A-5-803, and 20A-5-805;
- 246 (x) during a declared emergency, to the extent that the lieutenant governor determines
247 it warranted, designate, as provided in Section 20A-1-308, a different method,
248 time, or location relating to:
- 249 (A) voting on election day;
- 250 (B) early voting;
- 251 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 252 (D) the counting of an absentee ballot or military-overseas ballot; or
- 253 (E) the canvassing of election returns; and
- 254 (xi) exercise all other election authority, and perform other election duties, as
255 provided in Title 20A, Election Code.
- 256 (b) As chief election officer, the lieutenant governor:
- 257 (i) shall oversee all elections, and functions relating to elections, in the state;
- 258 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance
259 by an election officer with legal requirements relating to elections; and
- 260 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,
261 town clerks, or other local election officials by Title 20A, Election Code.
- 262 (3)(a) The lieutenant governor shall:
- 263 (i) determine a new municipality's classification under Section 10-2-301 upon the
264 city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a
265 Municipality, based on the municipality's population using the population estimate
266 from the Utah Population Committee; and

- 267 (ii)(A) prepare a certificate indicating the class in which the new municipality
268 belongs based on the municipality's population; and
269 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
270 to the municipality's legislative body.
- 271 (b) The lieutenant governor shall:
- 272 (i) determine the classification under Section 10-2-301 of a consolidated municipality
273 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
274 6, Consolidation of Municipalities, using population information for each
275 municipality from:
- 276 (A) the estimate of the Utah Population Committee created in Section 63C-20-103;
277 or
278 (B) if the Utah Population Committee estimate is not available, the census or
279 census estimate of the United States Bureau of the Census; and
- 280 (ii)(A) prepare a certificate indicating the class in which the consolidated
281 municipality belongs based on the municipality's population; and
282 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
283 to the consolidated municipality's legislative body.
- 284 (c) The lieutenant governor shall monitor the population of each municipality using
285 population information from:
- 286 (i) the estimate of the Utah Population Committee created in Section 63C-20-103; or
287 (ii) if the Utah Population Committee estimate is not available, the census or census
288 estimate of the United States Bureau of the Census.
- 289 (d) If the applicable population figure under Subsection (3)(b) or (c) indicates that a
290 municipality's population has increased beyond the population for its current class,
291 the lieutenant governor shall:
- 292 (i) prepare a certificate indicating the class in which the municipality belongs based
293 on the increased population figure; and
294 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to
295 the legislative body of the municipality whose class has changed.
- 296 (e)(i) If the applicable population figure under Subsection (3)(b) or (c) indicates that
297 a municipality's population has decreased below the population for its current
298 class, the lieutenant governor shall send written notification of that fact to the
299 municipality's legislative body.
- 300 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality

301 whose population has decreased below the population for its current class, the
302 lieutenant governor shall:
303 (A) prepare a certificate indicating the class in which the municipality belongs
304 based on the decreased population figure; and
305 (B) within 10 days after preparing the certificate, deliver a copy of the certificate
306 to the legislative body of the municipality whose class has changed.

307 Section 6. **Effective Date.**

308 This bill takes effect on May 6, 2026.