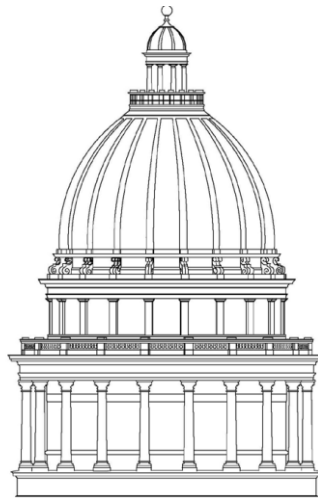


REPORT TO THE
UTAH LEGISLATURE

Number 2019-09



**A Performance Audit of
Same Day Voter Registration Controls**

September 2019

Office of the
LEGISLATIVE AUDITOR GENERAL
State of Utah



STATE OF UTAH

Office of the Legislative Auditor General

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KADE R. MINCHEY, CIA, CFE
AUDITOR GENERAL

September 18, 2019

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report, **A Performance Audit of Same Day Voter Registration Controls** (Report #2019-09). A digest is found on the blue pages located at the front of the report. The objectives and scope of the audit are explained in the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

A handwritten signature in black ink that reads "Kade minchey". The signature is written in a cursive, slightly slanted style.

Kade R. Minchey, CIA, CFE
Auditor General

Digest of Same Day Voter Registration Controls

Because individuals who register and vote on Election Day are required by state law to cast provisional ballots, there is very little risk for fraudulent voting. Provisional ballots are not counted until after they are examined after Election Day in the canvass phase. This process provides strong controls over the same day voting method. In a review of these controls in seven sample counties, it appears that a small number (0.012 percent) of multiple ballots for a same voter were identified. However, due to strong controls, only one ballot was counted per individual in an election. Furthermore, we found that these instances appeared to be the result of confusion and not intentional voter fraud.

Chapter II Same Day Registration and Voting Controls Are Strong

State Elections are Protected by Voting Controls. Both federal law and *Utah Code* include protections against voter fraud. *Utah Code* requires individuals to vote on a provisional ballot if their identity cannot be verified or they do not appear in the voter records. Provisional ballots are not counted on election day. Rather, they are counted in the days after the election—as long as the individual meets state and federal voting requirements. The recent inclusion of same day registration in Utah utilizes this provisional ballot protection to ensure that a person has not attempted to vote previously in the same election.

The Statewide VISTA Database Controls Double Voting. The VISTA voter database was created and maintained by the state to safeguard elections. The information updates statewide in real time based on information entered by election workers to ensure that an individual cannot vote multiple times in an election. Same day registering voters are not found in VISTA, but their information is entered when they cast provisional ballots. Additionally, the VISTA system structure allows only one entry per voter in an election, preventing double voting.

It Does Not Appear that Anyone Was Allowed to Vote Twice. Upon examination of seven sample counties, we found that the provisional ballot control identified only a small number of attempted double votes for the same individual. The counties reported that these rare double votes were all identified and rejected. Additionally, an in-depth review of Cache County's 2018 ballots confirmed that the provisional process appears to be operating effectively.

Utah Retroactively Responds to Out-of-State Voters. Although a low risk, out-of-state voters could potentially vote in Utah elections if they maintain the necessary forms of identification required by Utah’s election laws. To reduce the potential of cross-state voting, Utah participates in the Electronic Registration Information Center (ERIC) database with multiple states. By utilizing ERIC, county officials can respond to out-of-state voters, but it is often after elections have concluded. Yet, our review found that this risk is low. For example, our seven sample counties reported that they did not have one identified instance of cross-state voting in 2018.

REPORT TO THE UTAH LEGISLATURE

Report No. 2019-06

A Performance Audit of Same Day Voter Registration Controls

September 2019

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Chapter I

Introduction

We were asked to examine Utah’s recently adopted same day voter registration process. Specifically, the Legislature wanted to know whether a voter could use same day registration to circumvent the standard voting process in an attempt to cast more than one ballot. This audit also discusses other voting options available to individuals, such as the vote-by-mail system, and the procedures for voter verification. We found that controls are strong for same day registering voters, and election fraud is difficult to successfully accomplish with this method.

Furthermore, high-interest ballot items contributed to election difficulties for some counties in 2018. In recent years, the Legislature has responded to changing election methods by providing additional funds to improve elections statewide.

Utah Employs a Hybrid Vote-by-Mail System

Utah is considered a “*voter choice*” state. Voting methods employed throughout the state allow an individual to mail in an official ballot, vote at a polling location, or register and cast a ballot on Election Day.

In recent years, most of Utah’s counties have implemented a vote-by-mail system as the default option for their registered voters.¹ Vote-by-mail began in 2012 with only Duchesne County participating. The practice grew quickly; by 2018, only two of the state’s 29 counties did not utilize a vote-by-mail system. However, both non-participating counties are implementing the vote-by-mail system for the 2020 election cycle.

Figure 1.1 shows the current utilization of the vote-by-mail system as well as when each county initialized the program.

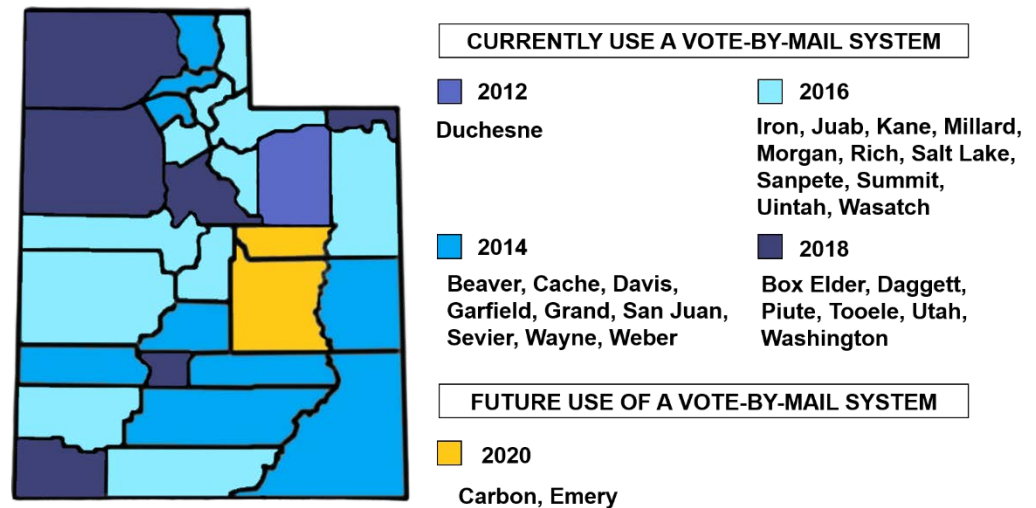
Utah’s hybrid voting system allows an individual to mail in an official ballot, vote at a polling location, or register and cast a ballot on Election Day.

¹ Because voting by mail is the preferred but not the only method of voting in Utah counties, the system is referred to as a hybrid vote-by-mail system.

All registered voters will receive an official ballot in the mail beginning in the 2020 election cycle. However, voters can still choose to vote at a polling location.

Regardless of the voting method used, election officials validate a voter's identity by verifying signatures and other personal identifiers.

Figure 1.1 Vote-by-Mail Participation by County. The counties with various shades of blue currently use a vote-by-mail system for all registered voters. The yellow counties will implement a vote-by-mail system for the 2020 election.



Source: Auditor generated

As shown in the figure, all registered voters in Utah will receive an official ballot in the mail in the 2020 election cycle. However, counties will continue to operate polling locations within their jurisdictions, and registered voters can choose to vote at these locations instead of mailing their ballots.²

Regardless of the method used, election officials validate a voter's identity by verifying signatures and other personal identifiers. This verification process helps ensure that voting is safeguarded against potential fraud, misuse, or voter error.

Statewide Same Day Voter Registration Is New in Utah

Same day voter registration began as a pilot program in 2014. Eight counties participated in the program. These counties allowed residents of their jurisdiction to register and vote on Election Day at

² Some counties operate traditional polling stations, where voters are required to visit the polling location within the precinct of their residency. Other counties operate vote centers, where residents can visit any center within the county and receive the correct ballot for their precinct.

any polling location within the county. In 2018, same day voter registration was implemented statewide, allowing all legally eligible individuals in Utah to register and vote on Election Day.

Select Utah Counties Allowed Same Day Voter Registration in 2014

Same day voter registration began as a pilot program, following the passage of H.B. 156 in the 2014 General Legislative Session. The bill allowed volunteering counties to register individuals on Election Day. These individuals could then vote and have their ballots counted, if the ballots met legal requirements. However, same day voters would be required to vote on a provisional ballot, which are not counted on election night.³ Rather, these ballots are examined in the canvass phase, which is the 14 day period of aggregating and counting the ballots after the election. The use of provisional ballots allows election officials to verify identification, ensure legal requirements were met, and deter double voting. The provisional ballot process is the basis for control over the same day registration method.

The pilot program ran from June 2014 to January 2017, with eight counties participating. H.B. 156 required these counties to track and report on the number of voters registering and voting on Election Day. The counties that tracked the numbers reported that same day ballots constituted only a small percentage of total ballots cast during the election cycles. In the 2016 general election, seven of the eight participating counties reported that same day registering voters made up about 1.4 percent of all ballots cast.⁴

Same Day Voter Registration Was Available Statewide in 2018

Statewide same day voter registration was established with H.B. 218 in the 2018 General Legislative Session, after the pilot program was considered a success. Like the pilot program, the statewide law required individuals registering and voting on Election Day to use provisional ballots. Again, the provisional ballots are examined during

Same day voter registration began as a pilot program in 2014 and allowed volunteering counties to register and permit individuals to vote on Election Day.

Statewide same day voter registration was established in 2018 after the success of the pilot program.

³ Provisional ballots are required by federal election law if a voter's identity needs to be verified after Election Day. Provisional ballots are discussed in more detail in Chapter II.

⁴ San Juan County participated in the pilot program but did not provide numbers of same day registering voters to the Lieutenant Governor's Election Office.

the canvass phase to verify legal requirements are met by the voter. The new legislation differed from the pilot program, however, as it did not require counties to tally how many provisional ballots were cast by same day voters.

Elections Processes Have Experienced Problems

The current elections process in Utah has not been without issues. Specifically, the move to the voter choice system has contributed to long lines and slow voting at some polling locations. In addition, the election code is outdated and lacks clarity, leading to confusion about how to apply some of the requirements. County clerks' offices from throughout the state have formed a committee to look at issues with the code.

Recent Implementation of Voter Choice May Have Contributed to Difficulties in Some Counties

The hybrid voter choice system in Utah has resulted in complications for some counties in recent years. As mentioned previously, all counties made polling locations available even after introducing their vote-by-mail systems. However, counties reported that when they first introduced the mail-in ballot, they still experienced large turnouts at the polling locations. This was often due to voters being unsure or unaware of the new vote-by-mail method. Some counties initially reduced polling stations and workers in anticipation of more voters using the mail-in ballots, which left many counties unprepared, as more voters arrived at the polls than expected.

For example, both Davis and Salt Lake counties experienced higher-than-expected voter turnout when voting by mail was introduced to their voters in 2014 and 2016, respectively. Utah County also experienced difficulties after introducing the mail-in ballot in 2018. In anticipation that voting by mail would reduce the number of in-person voters, the county reduced the number of machines, employees, and paper ballots at polling stations. Subsequent county estimates report that approximately 6,000 more voters arrived at the polls than originally anticipated. Additionally, each person at the polling station was required to fill out a provisional ballot whether they were previously registered or not. Finally, the ballots themselves were historically long, increasing individual vote times. These factors

Utah's hybrid voting system has resulted in complications for some counties in recent years.

Salt Lake, Utah, and Davis Counties experienced higher-than-expected turnout at the polls when introducing vote-by-mail to their voters.

resulted in long wait times in the county. However, the new administration for Utah County has implemented new procedures and is using new equipment for the upcoming election cycles to address these issues.

County Clerk Offices Have Begun Looking at Possible Elections Code Improvements

At the request of a member of legislative leadership, some county clerks' offices have formed a committee to look at areas of the election code that should be updated and adjusted. The committee's main area of focus is recommending changes to clean up and streamline the code governing the administration of elections.⁵ In particular the committee is looking at modernizing some of the language regarding absentee versus by-mail voting. Given that Utah now employs a voter choice system, the term "*absentee voting*" is irrelevant because everyone now receives a mail-in ballot. The committee is also looking at ways to ensure that the code looks at the whole elections system and streamlines definitions.

In the course of this audit, some issues arose that could be useful for the county clerks' committee to look at but were outside the scope of the audit. These issues include the following:

- **Unclear voter registration deadlines.** Personnel in some of the counties we examined told us that the election code's deadlines for the various methods of voter registration are difficult to follow. They are spread throughout code instead of being in one location. In fact, some staff told us they just wait for the registration applications to come in and register the voters regardless of specific deadlines. These deadlines could be clarified in code.
- **Inconsistent same day registrant voting reporting from county to county.** Salt Lake County expressed concerns that counties are not tracking and reporting voting statistics consistently. Our review also uncovered some inconsistencies. The number of provisional ballots reported as cast differed based on which report we examined and from whom the report came. This did not present much of a concern for the audit, as

At the request of a member of legislative leadership, a committee was formed to look at areas of election code that should be updated and adjusted.

⁵ This committee's focus and preliminary recommendations were presented to the June 19, 2019 Government Operations Interim Committee.

counties are not currently required to separate and track the number of provisional ballots cast by same day registering voters. While some counties provided estimates of provisional ballots cast by same day registering voters, it is not a requirement in state election code, and thus reported numbers were inconsistent across counties. The committee could look at recommendations for standardizing some of these reports. In addition, as the body tasked with governing elections, the Lieutenant Governor's Office could offer guidance on these issues.

- **Potential issues with residency in same day voter registration.** Our review found that counties are consistently applying identification and residency requirements for same day voter registrants. However, county officials expressed differences in what would be accepted during initial audit discussions. Specifically, counties initially questioned whether a driver's license that listed the potential voter's current address counted toward both the residency and identification requirements. Further review showed that all counties allow a license to satisfy both requirements, but there was initially some question as to whether a utility bill or other additional evidence was required. In addition, staff from the Lieutenant Governor's Office told us they believe two forms of identification are needed. Because the process is so new, this is an area to watch to ensure counties do not start requiring inconsistent evidence.

The Legislature Has Appropriated Additional Elections Funding

The Legislature has responded to the changing election model and aging election equipment in Utah by appropriating state and federal funds for election equipment and training.

In 2018, the federal government appropriated funds to states through the Help America Vote Act (HAVA). The Utah Legislature responded by requesting all the funds be made available to them (\$4.11 million), with a small state match (\$205,553). According to the Lieutenant Governor's Office, the state plans to utilize the 2018

The Legislature has responded to the changing election model and aging election equipment by appropriating state and federal funds for election equipment and training.

HAVA funds and matching state funds to address the following priorities:

- **Voting equipment upgrades (\$1.39 million).** While this money will be available to purchase a wide variety of election equipment, the Lieutenant Governor's Office has recently signed a contract with KnowINK, a company that provides electronic pollbooks and other polling products, that will allow counties to streamline voting at polling locations.
- **Replacement of VISTA registration database (\$2.31 million).** The Lieutenant Governor's Office created VISTA, the state's voter registration database, in 2004. State officials cite a need to rewrite or replace the system to work effectively in current security environments. State and local election officials have established a steering committee to determine needed upgrades and improvements. The Lieutenant Governor's Office intends that VISTA upgrades will be completed before December 31, 2022.
- **Implementation of security measures and training (\$600,000).** These HAVA funds are proposed for providing enhanced digital monitoring and scanning services to secure election systems and develop and implement of security training. An additional \$17,000 is proposed for developing more robust auditing procedures.

The Legislature has also appropriated funds (\$4.5 million in fiscal year 2018) to improve elections. These funds have been used to pay for new election equipment that will be used in federal, state, and local elections. From 2015 to 2018, the Legislature appropriated about \$572,000 total in federal funds to the State Elections Grant Fund.

Audit Scope and Objectives

This audit examines the recent adoption of the same day voter program in Utah. We selected a sample group of seven counties to represent various population sizes. These sample counties constituted 72 percent of all ballots, and over 80 percent of all provisional ballots cast statewide in the 2018 midterm election. Due to the timing of this audit, we examined previous election data in these sample counties. However, we were unable to examine an in-process election.

\$1.39 million will be available to purchase a wide variety of election equipment.

The Legislature also appropriated \$4.5 million in fiscal year 2018 to improve elections statewide.

This report examines and reports on the controls of the same day voter program in Utah.

This report is intended to inform the reader on the controls currently in place for same day voter registration; specifically, it is meant to examine whether same day voter registration allows voters to vote twice, or illegally. National election concerns were outside the scope of this audit but did not appear to be related to same day voter registration.

Chapter II

Same Day Registration and Voting Controls Are Strong

Because individuals who register and vote on Election Day are required by state law to cast provisional ballots, there is very little risk for fraudulent voting. Provisional ballots are not counted until after they are examined in the canvass phase after Election Day. This process provides strong controls over the same day voting method. As an additional control, the Lieutenant Governor's Office maintains VISTA, a statewide voter database that includes all registered voters in Utah. The VISTA voter database updates in real time and is available to all counties, which can prevent an individual from casting more than one ballot in an election cycle.⁶

In a review of these controls in seven sample counties, it appears that a small number (0.012 percent) of multiple ballots for a same voter were identified. However, due to strong controls, only one ballot was counted per individual in an election. Furthermore, we found that these instances appeared to be the result of confusion and not intentional voter fraud. Although out-of-state voters could potentially vote in Utah elections, we found that the risk of this occurring is also low.⁷

State Elections Are Protected By Voting Controls

Both federal law and *Utah Code* include protections against voter fraud. Specifically, Utah election code requires individuals to vote on a provisional ballot if their identity cannot be verified or they do not appear in the voter records. Provisional ballots are not counted on

Both federal law and Utah Code include protections against voter fraud

⁶ As mentioned in Chapter I, the scope of this audit does not include data security of the VISTA database or any of the voting equipment. As such, while we conclude that the controls over voting are strong, we are making no comment on data security controls.

⁷ These conclusions are based on after-the-fact reviews due to the timing of the audit. Had we found concerns with the controls or other high-risk areas, we would have put the audit on hold until we could review an actual election process.

Election Day. Rather, they are checked against the statewide database and counted during the canvass phase in the days after the election—as long as the individual meets state and federal voting requirements.

The recent inclusion of same day registration in Utah utilizes this provisional ballot protection to ensure that a person has not attempted to vote previously in the same election. Although we found that attempted double voting is extremely rare, this control has prevented the counting of multiple ballots cast by the same individual.

Provisional Ballots in Utah Control Double Voting by the Same Individual

Rather than receiving an official ballot, voters registering on Election Day are required to complete a provisional ballot that will be verified after the election. H.B. 156, passed during the 2014 General Legislative Session, created a pilot program for volunteering counties that allowed individuals to both register and vote on Election Day. These would be individuals who had not previously registered to vote, were not found in the statewide database, and had not received official mail-in ballots. Eight counties volunteered for the pilot program and generally reported positive results.⁸ After the success of the pilot program, statewide same day voter registration was established by H.B. 218 in the 2018 General Legislative Session.

Utah Code requires same day registering voters to cast a provisional ballot.⁹ The provisional ballot was established by the federal Help America Vote Act (HAVA) of 2002. The law mandated that states use provisional ballots as a fail-safe protection over elections. Provisional ballots differ from official ballots because they are used when a voter's eligibility needs to be verified after Election Day. For example, a person who is not registered to vote or is not found in voter records will need to be verified with the provisional ballot following an election.

The use of the provisional ballot was implemented in the beginning of the same day registration pilot program as a safeguard against potential voter fraud. Although participating counties reported some initial hesitation over registering and allowing individuals to

Rather than receiving an official ballot, voters registering on Election Day are required to complete a provisional ballot.

Provisional ballots differ from official ballots because they are used when a voter's eligibility needs to be verified after Election Day.

⁸ The participating counties were Cache, Davis, Kane, Millard, Salt Lake, San Juan, Sanpete, and Weber.

⁹ *Utah Code* 20A-2-207.

vote on Election Day, most reported that the provisional ballot was a strong control over the process.

It should be noted that provisional ballots are not used exclusively for same day voters. Some counties require every person who visits a polling station to cast a provisional ballot regardless of whether they are previously registered and found in the voter database. For example, Cache County requires every polling station to issue provisional ballots to both same day voters and previously registered voters as an extra protection. Thus, the number of provisional ballots cast in each county does not necessarily represent the number of same day ballots cast.

Same Day Provisional Ballots Are Not Counted Until After the Election

The provisional ballots cast in each county are set aside on Election Day to be examined later in the canvass period. The canvass period occurs in the 14 days following the election to ensure that each voter is eligible to cast a ballot and has not previously voted in the election. Same day registering voters will register and cast a provisional ballot on Election Day. These provisional ballots are verified with the statewide voter database containing all registered voter information.

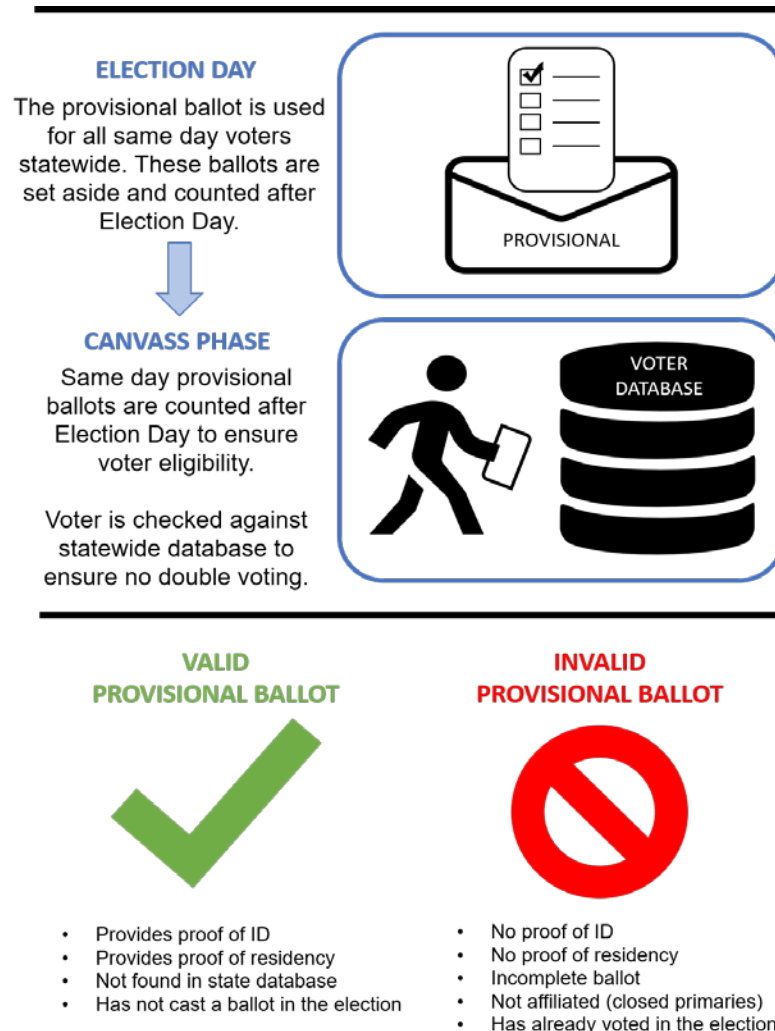
The federal HAVA law requires states to maintain a database of registered voters and their personal identifiers. Utah's voter database is called the VISTA system. This database allows election workers to ensure that same day registering voters are eligible to register and vote in their jurisdictions on Election Day. The election workers will access VISTA to ensure that an individual is registering and voting for the first time in Utah. If an individual is not found in the database as a registered voter, and all legal requirements are satisfied, the provisional ballot will be counted in the canvass period. If a voter does not meet legal requirements or has been found to have already voted in the election, the provisional ballot will be rejected.

Figure 2.1 shows how the same day voter registration process utilizes the provisional ballot, the statewide VISTA voter database, and the canvass period after the election.

Provisional ballots are set aside on Election Day to be examined in the canvass phase following the election.

Same day provisional ballots are checked against the statewide voter database known as VISTA to ensure the voter is registering for the first time in Utah.

Figure 2.1 Same Day Registration and Voting Process. A voter who registers and votes on Election Day must cast a provisional ballot. The ballot is examined after Election Day to ensure eligibility and that a ballot was not previously cast in the same election.



Same day provisional ballots will be rejected if the voter does not show proof of identity and residency.

Source: Auditor generated

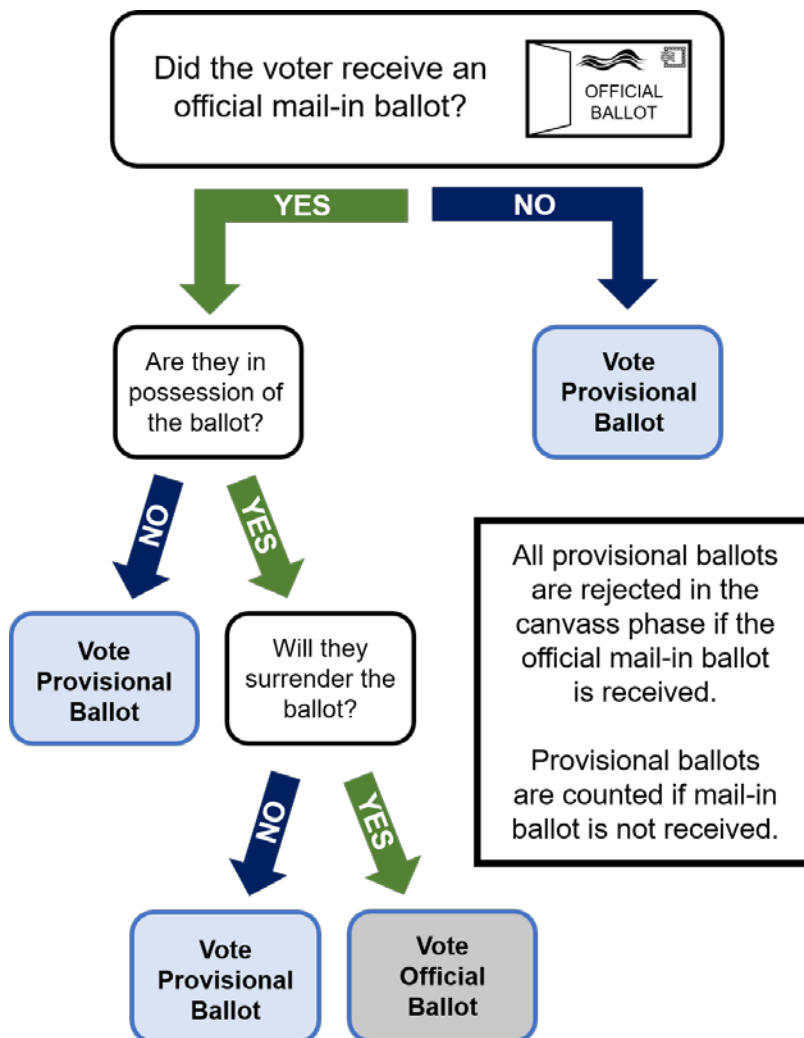
As Figure 2.1 shows, a provisional ballot will be rejected if the individual does not show proof of identity and residency, the ballot is incomplete, the voter is not affiliated for closed primary elections, or the voter has already voted in an election.

Provisional Ballots Are Also Used if an Individual Has Previously Been Issued a Mail-In Ballot. In addition to being used for same day registrations, a provisional ballot may be issued if a registered voter has received an official ballot that has not been completed. For example, in Utah, a registered voter may have received a mail-in ballot from his or her county clerk's office prior to election

day, yet still go into a polling station on Election Day and wish to vote. In this case, election workers would access the VISTA database and see that the voter is registered and has likely received an official mail-in ballot. The voter would be issued a provisional ballot at the polling station with the possibility that he or she already mailed in a completed ballot. Voters who surrender their mail-in ballots at the poll will be provided with official ballots. This is meant to safeguard against double voting. Figure 2.2 shows the process for issuing provisional ballots to registered voters who visit polling locations.

Provisional ballots may be issued if a voter has received an official mail-in ballot but desires to vote at a polling location.

Figure 2.2 Flowchart Showing a Registered Voter Visiting a Polling Location. Registered voters will be asked to surrender their mail-in ballots at a polling location if they wish to vote on an official ballot.



Source: Auditor generated

As shown in Figure 2.2, registered voters can have a provisional ballot counted if they do not receive or complete a mail-in ballot. Additionally, the utilization of the provisional ballot and the statewide VISTA database allows county election officials to identify if a registered voter has attempted to vote previously by mail and then at a polling location. These examples will be discussed later in this chapter.

The Statewide VISTA Database Controls Double Voting

The VISTA voter database was created and maintained by the state to safeguard elections. The information is updated statewide in real time based on information entered by election workers to ensure that an individual cannot vote multiple times in an election. Same day registering voters are not found in VISTA, but their information is entered when they cast provisional ballots. Additionally, the VISTA system structure allows only one entry per voter in an election, preventing double voting.

Statewide Voter Database Updates Vote History in Real Time

The statewide VISTA database was created and maintained by the Lieutenant Governor's Election Office to monitor elections and ensure their integrity. The database contains common personal identifiers such as names, addresses, signatures, and the last four digits of Social Security numbers. This information is used for voter identification purposes and to record if an individual has voted in an election. VISTA records voter activity in elections but does not record vote choices, thus assuring the secret ballot.

During elections, voter and registration information is updated in real time by the VISTA database. Individuals who cast ballots are entered and given credit in the VISTA system by election workers. As a result, election workers at all polling stations within the state have access to this information. This makes it difficult for a registered voter to cast a ballot (by mail or at a polling location) and then submit a duplicate ballot at a second polling station. In this case, the election workers at the second location would identify that the individual had already voted, and the second attempt would not be counted. If a

The statewide VISTA voter database contains common personal identifiers such as names, addresses, signatures, and the last four digits of Social Security numbers.

The VISTA database is accessible to election officials and updates in real time, making it difficult of a voter to cast duplicate ballots in an election.

county considers the additional voting attempts fraudulent, it has discretion to refer the voting activity to the county attorney's office.

The VISTA Database Assists in the Same Day Registration Process to Control Double Voting

Same day registering voters are not found in the VISTA database, because they are registering for the first time on Election Day. Election workers use the personal information found on provisional ballots to enter individuals into VISTA and give them credit for voting; however, these voters' ballot choices will not be counted until after the election. Entering a same day registering voter's information into VISTA prevents the individual from successfully casting a second ballot.

Statewide access to VISTA information also assists election officials by providing a control in the unlikely event that an individual attempts to vote at multiple polling locations. This is true even if a county delays entering a same-day registrant's information into VISTA. In this case, the first location to enter the voter's information would become the default location, and all other counties could still access this information. This would prevent counting more than one ballot if an individual successfully casts multiple same day provisional ballots at different polling locations. The first location would verify the provisional ballot and count or reject it; if it is counted, duplicate ballots at other locations would be automatically rejected. This is an unlikely scenario, as a voter would have to show valid identification and proof of residency for each polling location visited.

In addition, the VISTA database infrastructure does not allow a second vote from one voter to be entered for the same election. Because of this built-in precaution, it is not possible for a duplicate ballot—including a provisional ballot—to be entered into the system during the canvassing period. Again, the first vote history entered into the database is counted, and any subsequent duplicates would be rejected. VISTA is designed in this way to control for possible human error.

Same day registering voters are not found in the VISTA database, but information from the provisional ballot is entered into the system when they cast a vote.

The first location to enter the same day voter's information in the VISTA becomes the default location. Any further attempts to cast a same day provisional ballot would be rejected.

The VISTA database does not allow a second vote from one voter to be entered for the same election.

It Does Not Appear that Anyone Was Allowed to Vote Twice

Upon examination of seven sample counties, we found that the provisional ballot control identified only a small number of attempted double votes for the same individual.¹⁰ The counties reported that these rare double votes were all identified and rejected. However, counties also reported that most of the double voting was due to voter error and not intentional voter fraud.

Additionally, an in-depth review of Cache County's 2018 ballots confirmed that the provisional process appears to be operating effectively. The county reviewed its provisional ballots and identified 14 instances where a provisional ballot had been cast after a voter had already cast a mail-in ballot. Cache County was able to demonstrate in the VISTA database that these provisional ballots had been rejected.

Few Provisional Ballots Were Reported As Rejected for Double Voting

We found that the provisional process identifies and rejects multiple ballots cast by a single voter in an election. We also found that the number of duplicate ballots cast by the same individual was extremely low in our sample counties. For the seven counties we examined, only 97 ballots of the total 781,204 cast (0.012 percent) in the 2018 election were identified by the county as an attempted double vote. The provisional ballot process identified and rejected all 97 of these double votes.

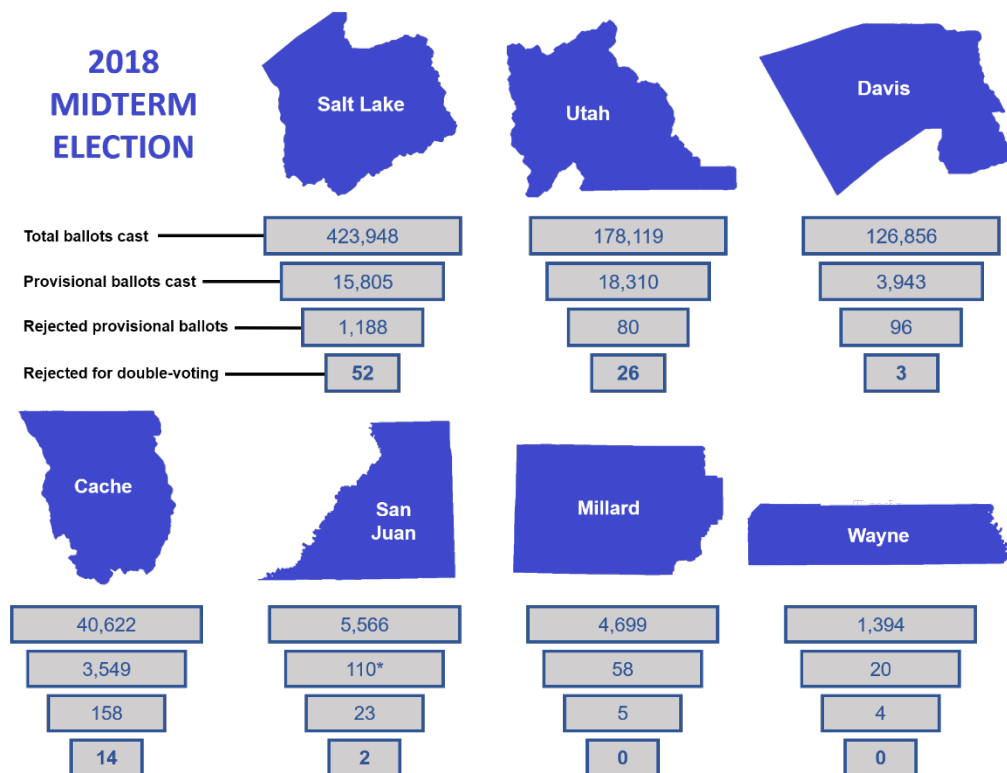
Figure 2.3 details the total number of ballots cast in the 2018 midterm election for our sample counties. It further details the number of provisional ballots cast and rejected.

We found that the provisional process identifies and rejects multiple ballots cast by a single voter in an election.

¹⁰ In-depth review of the seven counties in our sample consisted of discussions and reviews of their processes and procedures and, in some cases, a review of their provisional ballots. Despite this, all the numbers presented in this section, both by our sample counties and by the counties overall, are self-reported by the county and have not been extensively audited.

Figure 2.3 Provisional Ballots Cast in Our Sample Counties.

Only 97 ballots of the 781,204 cast in sample counties were rejected for double voting. Most rejected provisional ballots are the result of incomplete registration cards or lack of ID and residency.



Source: Auditor generated

* Estimated Total

**See Appendix A for information on all Utah counties.

As the figure shows, only a small percentage (0.012 percent) of provisional votes in our sample counties were rejected due to double voting. In fact, the counties reported that most of these rejected votes were due to voter error and not due to intentional voter fraud. For example, many counties reported that an individual will mail in an official ballot in the days prior to the election. When Election Day arrives, this same individual may not recall voting by mail and visit a polling location. Election workers will access VISTA and find that the individual received an official mail-in ballot and provide him or her with a provisional ballot. If the mail-in ballot is received, the provisional ballot will be rejected, as the person has already voted in the election.

It should also be noted that most provisional ballot rejections are not due to double voting. Most rejected provisional ballots are due to

An interactive figure showing provisional ballots cast in all Utah counties can be found at:

<https://public.tableau.com/profile/utah.legislative.auditor.general.s.office#!/>

Only a small percentage (0.012 percent) of provisional votes in our seven sample counties were rejected due to double voting.

An in-depth review of Cache County showed only 14 provisional ballots were identified as double votes and then rejected.

The county reported the 14 double votes were simply due to voter confusion, and none were considered intentional voter fraud.

incomplete or illegible registration cards, no proof of ID or residency, or cards that simply lack signatures.

An In-Depth Review of Cache County Showed Double Voting Is Not a Risk

Because of the dual controls of the provisional ballot and the VISTA database, we were able to verify that when duplicate votes are identified by election workers, those votes are then rejected. Cache County reported, and we verified, that 14 provisional ballots in the 2018 election were identified as double votes and then rejected. The county had 40,622 ballots cast in the election, showing that double voting is a very small portion of all votes cast. In all 14 instances, the individual had sent in a mail-in ballot and later filled out a provisional ballot at a polling location. All 14 provisional ballots were rejected, and the mail-in ballots were counted.

The county reported that none of these double votes were considered intentional voter fraud. Some ballots were cast simply due to voter confusion. Additionally, the age of the individuals casting these double ballots varied considerably and was not concentrated on a specific group or generation.¹¹ As such, we found that demographics did not play a role in identifying groups of voters more likely to vote twice.

Utah Retroactively Responds To Out-of-State Voters

Although a low risk, out-of-state voters could potentially vote in Utah elections if they maintain the necessary forms of identification required by Utah's election laws. To reduce the potential of cross-state voting, Utah participates in the Electronic Registration Information Center (ERIC) database with multiple states. By utilizing ERIC, county officials can respond to out-of-state voters, but it is often after elections have concluded. Yet, our review found that this risk is low. For example, our seven sample counties reported that they did not

¹¹ In the 2018 election, the birth years of the 14 individuals who voted twice in Cache County ranged from 1925 to 1999. These individuals were not concentrated within any specific generation; rather, they were scattered throughout the date range.

have one identified instance of cross-state voting in 2018. These seven counties accounted for 72 percent of all ballots cast statewide.

Utah Participates in the Electronic Registration Information Center (ERIC)

ERIC is an independent nonprofit organization including 26 member states and Washington D.C. focused on assisting states in improving integrity of voter rolls. Utah and the other member states contribute to a database that compares their voter databases with other sources of information, such as state DMVs and the Social Security Administration. ERIC updates and notifies member states of changes that may affect voter registrations.

If, for example, someone moves from Utah to Oregon without notifying election officials, changes at the DMV will be recognized, and ERIC will push this information to the voter registration databases of both states involved. This allows county election officials in Utah to remove the voter from the registration database and election officials in Oregon to remind the voter to register in his or her new location. Some of our sample counties reported that ERIC updates are received about every month. Even with these identified gaps in the process, out-of-state voters constitute a very small risk.

A Low Risk Exists for Cross-State Voter Fraud

The risk of double voting across state lines does exist, but it remains a low-risk possibility. Voters have the burden of producing identity and proof of residency if they wish to vote in Utah, and there is not enough evidence to support the idea that this tactic could sway an election. None of the seven sample counties we reviewed detected an instance of cross-state voter fraud during the 2018 midterm elections, and no prosecutions occurred. Election officials report that they will forward cases to their attorneys if they reasonably believe that a voter intended to defraud elections.

In short, because of the lack of live coordination during elections between states, there is no way to verify in real time whether someone voting in Utah has also voted in a neighboring state. The ERIC system assists in preventing cross-state voter fraud, but most instances would more than likely be identified after an election. However, there is a low risk for cross-state voter fraud and there is no evidence from

Utah participates in a shared database with 26 other states and Washington D.C. to reduce the potential of out-of-state voting.

The risk of double voting across state lines exist, but it remains a low-risk possibility.

None of the seven counties we reviewed detected an instance of cross-state voter fraud in 2018.

our sample counties to show elections were compromised by out-of-state voters.

Appendix

Appendix A: Provisional Ballots Cast and Rejected for Utah Counties in the 2018 Midterm Election

County	Total Ballots Cast	Provisional Ballots Cast	Provisionals Rejected	Rejected for Double Voting
Beaver	2,177	83	1	1
Box Elder	19,254	727	1	1
Cache	40,622	3,549	158	14
Carbon	7,085	498	31	0
Daggett	444	7	0	0
Davis	126,856	3,943	96	3
Duchesne	5,868	96	0	0
Emery	3,972	132	8	0
Garfield	2,198	0	0	0
Grand	4,401	155	11	0
Iron	16,067	772	37	7
Juab	4,262	3	0	0
Kane	3,172	80	1	0
Millard	4,699	58	5	0
Morgan	5,179	Not provided	Not Provided	Not Provided
Piute	709	12	0	0
Rich	1,121	6	0	0
Salt Lake	423,948	15,805	1,188	52
San Juan	5,566	110	23	2
Sanpete	9,370	324	26	0
Sevier	7,450	283	2	0
Summit	20,471	1,603	41	1
Tooele	22,380	1,376	1	1
Uintah	10,519	263	26	0
Utah	178,119	18,310	80	26
Wasatch	12,375	32	1	1
Washington	61,468	2,602	197	5
Wayne	1,394	20	4	0
Weber	81,826	3,389	55	1
Total	1,082,972	54,238	1,993	115

Agency Response

STATE OF UTAH
OFFICE OF THE LIEUTENANT GOVERNOR



SPENCER J. COX
LIEUTENANT GOVERNOR

September 3, 2019

Mr. Kade Minchey
Legislative Auditor General
W315, Utah State Capitol
Salt Lake City, UT 84114

Dear Mr. Minchey,

Thank you for the opportunity to review the recently completed audit entitled *A Performance Audit of Same Day Voter Registration Controls*. Our office reviewed the report and did not find any issues with the findings or recommendations. We appreciate the professional manner in which your office staff conducted this audit.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin R. Lee".

Justin R. Lee
Director of Elections