A Performance Audit of Utah's

Election System and Controls

Office of the Legislative
Auditor General

Report to the **UTAH LEGISLATURE**

LEGISLATIVE
AUDITOR GENERAL

LEGISLATIVE
AUDITOR GENERAL

Audit Subcommittee

President J. Stuart Adams, Co-Chair
President of the Senate

Senator Evan J. Vickers
Senate Majority Leader

Senator Karen Mayne
Senate Minority Leader

Speaker Brad R. Wilson, Co-Chair
Speaker of the House

Representative Mike Schultz
House Majority Leader

Representative Brian S. King
House Minority Leader

Audit Staff

Kade R. Minchey, Auditor General, CIA, CFE

Leah Blevins, Manager, CIA

Jake Dinsdale, Sr. Audit Supervisor, CIA

Ryan Thelin, Audit Supervisor

Jake Davis, Performance Auditor

Tanner Taguchi, Audit Intern

Tyson Cabulagan, Methodologist, CFE

Audit Subcommittee of the Legislative Management Committee
President J. Stuart Adams, Co-Chair | Speaker Brad R. Wilson, Co-Chair
Senator Karen Mayne | Senator Evan J. Vickers
Representative Brian S. King | Representative Mike Schultz

December 13, 2022

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report:

"A Performance Audit of Utah's Election System and Controls" Report #2022-17.

An audit summary is found at the front of the report. The scope and objectives of the audit are included in the audit summary. In addition, each chapter has a corresponding chapter summary found at its beginning.

This audit was requested by the Legislative Audit Subcommittee.

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,

Kade R. Minchey, CIA, CFE

Auditor General

kminchey@le.utah.gov

LEGISLATIVE AUDITOR GENERAL

PERFORMANCE AUDIT

▶ AUDIT REQUEST

The Legislative Audit Subcommittee requested an audit to provide assurance that Utah's election systems and processes continue to be secure, fair, and trustworthy.

Specifically, we were asked to examine the integrity of election processes, the accuracy of voter rolls, and the security around voters' ballots.

▶ BACKGROUND

For our purposes, we define *election integrity* as ensuring that eligible voters can vote, ineligible voters cannot, and election results reflect the will of the electorate.

The Lieutenant Governor is designated as Utah's chief elections officer but does not administer elections or directly maintain voter registration records.

Direct responsibility for voter registration and election administration falls instead on independently elected county clerks throughout the state.

Click or scan for interactive election security website

ELECTION SYSTEMS AND CONTROLS

🎯 KEY FINDINGS

✓ 1.1 Utah's election controls mitigate the risk of fraud as long as they are used properly.

✓ 2.1 Mistakes within the voter registration database highlight opportunities for increased oversight.

✓ 3.1 Canvass ballot totals from Utah's 2022 primary election did not match those recorded in the central voter database.

✓ 3.2 Some counties' chain-of-custody practices make it difficult to account for all ballots.

✓ 4.1 Utah lacks clear legal standards for election signature verification

✓ 5.2 Adopting additional post-election audit methods could increase confidence in election processing and outcomes.

✓ 6.1 Utah election code does not specify oversight and enforcement roles.

📋 KEY RECOMMENDATIONS

✓ 2.1 The Office of the Lieutenant Governor should finalize standards for the frequency and use of key VISTA maintenance tools, and then monitor their implementation.

✓ 3.1 The Office of the Lieutenant Governor should create rules requiring county clerks to publicly reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

✓ 3.4 The Office of the Lieutenant Governor should finalize its chain-of-custody manual, including best practices for election staff in Utah's counties.

✓ 4.1 The Legislature should consider either including clearer standards for signature review, acceptance, and rejection in **Utah Code**, or giving the Lieutenant Governor authority to establish these standards and instructions.

✓ 5.2 The Legislature should consider establishing a risk-limiting audit pilot program to enhance Utah's post-election audit methods, giving the Office of the Lieutenant Governor rulemaking authority to establish standards.

✓ 6.1 The Legislature should consider adding election standard oversight and enforcement responsibilities and mechanisms to **Utah Code**.

REPORT SUMMARY

1.1 Despite Opportunities to Improve, Utah's Election Systems and Processes Work Together to Guard Election Integrity

Our team observed and tested election systems in every county during the 2022 primary election and found no evidence of systematic problems, widespread errors, or significant fraud. This is primarily because multiple layers of process and defense must be defeated to undermine election integrity in Utah. Although we believe elections are functioning well overall, there are several risk areas—discussed throughout this report—that provide opportunities to strengthen Utah's election system in important ways.

2.1 Mistakes within Voter Registration Database Highlight Opportunities for Increased Oversight

Maintaining accurate voter rolls ensures that ballots are mailed to correct addresses, eligible voters can vote, and ineligible voters cannot. We found that county clerks are striving to maintain accurate records and most records we reviewed were accurate. However, we did identify important instances where county clerks can improve the accuracy of voter records. We believe the need to ensure accurate records is critical to a successful election and the problems we identified warrant

the Office of the Lieutenant Governor (LG's Office) playing a more active role.

5.2 Adopting Additional Post-Election Audit Methods Can Enhance Audit Outcomes

Adopting risk-limiting audit (RLA) methods could add to Utah's election system by shifting the purpose of the post-election audit to validating that election outcomes are correct. Many states are moving to RLAs as the new standard for post-election audits because they allow election officials to adjust the number of examined ballots in an audit to provide statistical confidence in election results. Because there are various ways to conduct RLAs, policymakers should deliberate on whether RLA methods could be beneficial in Utah.

6.1 Utah Election Code Does Not Specify Oversight and Enforcement Roles

To ensure elections are more uniformly administered we believe **Utah Code** could clarify and define oversight and enforcement roles for elections as seen in other states. **Utah Code** designates the Lieutenant Governor (LG) as the state's chief election officer.

3.1 Canvass Ballot Totals from 2022 Primary Election Did Not Match Those Recorded in the Central Voter Database

Our team analyzed ballot processing statistics and found several counties that had discrepancies between reported ballot numbers and recorded voter totals. We

attempted to reconcile these discrepancies and had some success, but the processes in some counties do not allow for a reconciliation. Regardless of the exact cause, these discrepancies point to ballot processing and recordkeeping problems that should be understood and explained.

ERROR 1:
Some counties reported more votes in the statewide database than ballots processed

9 counties
854
more votes than ballots processed

ERROR 2:
Some counties had more ballots processed than votes in the statewide database

13 counties
1,031
more ballots processed than votes

Table of Contents

Chapter 6
Oversight and Enforcement Roles

CHAPTER 1 Summary

Utah's Election Controls Mitigate the Risk of
Fraud as Long as They are Used Properly

LEGISLATIVE
AUDITOR
GENERAL

BACKGROUND

The Legislature asked us to examine the integrity of Utah's elections. We define election integrity as ensuring that eligible voters can vote, ineligible voters cannot, and election results reflect the will of the electorate.

The Lieutenant Governor is designated as Utah's chief elections officer but does not administer elections or directly maintain voter registration records. Direct responsibility for voter registration and election administration falls instead on independently elected county clerks throughout the state.

FINDING 1.1
Despite opportunities to improve, Utah's election systems and processes work together to guard election integrity.

RECOMMENDATION
Recommendations can be found in Chapters 2-6.

FINDING 1.2
Differences in other states' election laws can make comparisons difficult.

NO RECOMMENDATION

FINDING 1.3
Prosecution is rare because reported intentional election crimes are rare.

NO RECOMMENDATION

CONCLUSION

Our audit team observed and tested election systems in every county during the 2022 primary election and found no evidence of systematic problems, widespread errors, or significant fraud. This is primarily because multiple layers of process and defense must be defeated to undermine election integrity in Utah. Although we believe elections are functioning well overall, there are several risk areas—discussed throughout this report—that provide opportunities to strengthen Utah's election system in important ways.

Chapter 1
Utah's Election Controls Mitigate the Risk of Fraud as Long as They Are Used Properly

1.1 Despite Opportunities to Improve, Utah's Election Systems and Processes Work Together to Guard Election Integrity

Our team observed and tested election systems in every county during the 2022 primary election and found no evidence of systematic problems, widespread errors, or significant fraud. This is primarily because multiple layers of process and defense must be defeated to undermine election integrity in Utah. Although we believe elections are functioning well overall, there are several risk areas—discussed throughout this report—that provide opportunities to strengthen Utah's election system in important ways. Of particular importance is the need to bolster central oversight and control through the Office of the Lieutenant Governor (LG's Office), as discussed in Chapter 6.

> **Our definition of *election integrity* is to ensure that eligible voters can vote, ineligible voters cannot, and election results reflect the will of the electorate.**

Election Systems Can Work Together to Mitigate Risk

For this audit, we did a risk-based assessment of Utah's elections to determine whether controls are in place to reasonably prevent process problems, human error, and voter fraud. Although election laws and processes work well to reduce risk and protect election integrity, there is no way to completely prevent problems, errors, and fraud. While we do not believe the problems and risks identified in this audit are at a level that would significantly compromise election integrity, they are nevertheless concerning. We believe the information in this report can help policymakers continue to assess election risks and potential policy responses.

Because elections are overseen by the LG's Office and run by twenty-nine different locally elected county clerks, our team traveled the state to perform firsthand interviews and observations. On primary election day in June 2022, we placed auditors from our office in every county in the state to carefully review the procedures and controls of key election activities. These in-person observations and discussions were invaluable in understanding the similarities and differences in election practices from county to county.

> Although we believe elections are functioning well overall, there are several risk areas—discussed throughout this report—that provide opportunities to strengthen Utah's election system in important ways.

In addition, we researched how elections are managed in other states and reviewed best practices. Throughout our audit, we built a list of the key election processes that support Utah's election integrity. In this chapter, we review parts of that list, touching on the process functions and strengths that led us to conclude that Utah's election processes are sound. This chapter also previews the rest of this audit report by discussing the risks our team identified. Each chapter then contains recommendations to mitigate those risks. Figure 1.1 shows a summary of the key election processes we believe are critical to reducing risk and protecting election integrity.

Figure 1.1 Our Audit Work Identified Ten Elements or Processes We Believe Work Together to Provide Critical Support for Utah's Election Integrity. We also created a detailed interactive website that explains the basics of each element and includes risks and recommendations for improvement. Readers can access the website by scanning or clicking the QR code on the next page. Appendix A shows the same detail as the interactive version but in static format.

1. COUNTY-LEVEL ELECTION ADMINISTRATION

2. STATE-LEVEL VOTER REGISTRATION SYSTEM

3. ROUTINE VOTER LIST MAINTENANCE

4. PRE-ELECTION LOGIC AND ACCURACY TESTING

5. MAIL BALLOT PREPARATION

6. BALLOT INTAKE AND CHAIN OF CUSTODY

7. SIGNATURE VERIFICATION AND CURING

8. PAPER BALLOT TABULATION AND STORAGE

9. POST-ELECTION AUDIT

10. VOTER FEEDBACK AND PUBLIC OBSERVATION
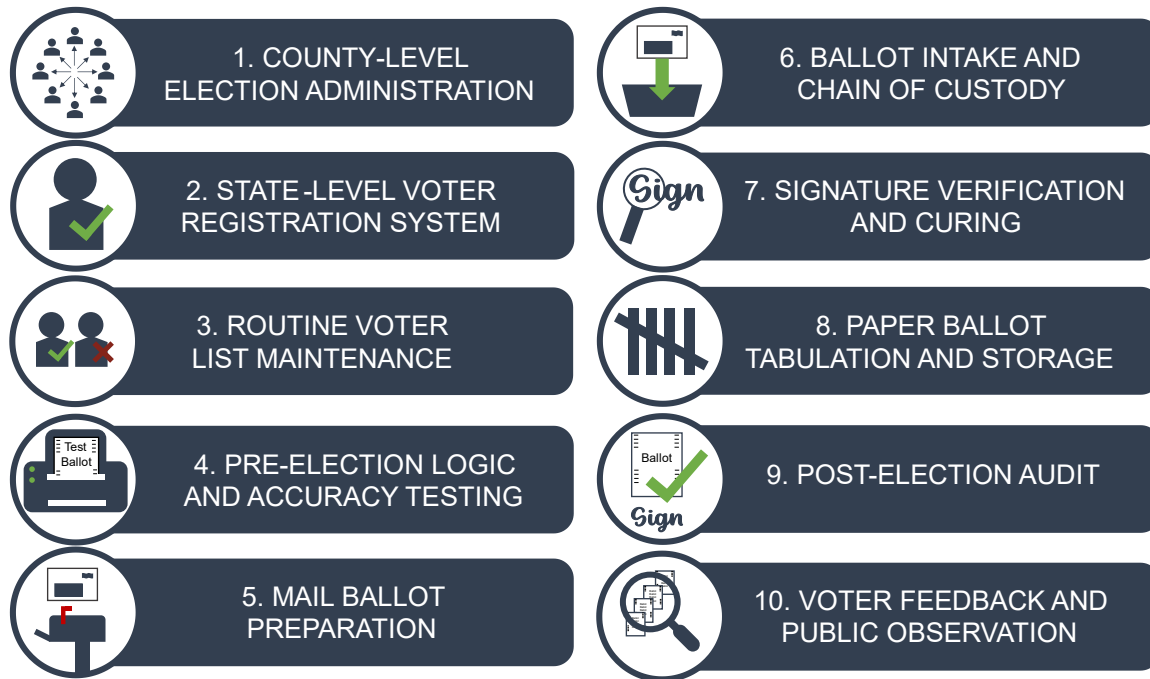
Source: Auditor generated; more detail is found in an online, interactive version of this figure, and in Appendix A of this report

The controls listed in Figure 1.1 can combine in many ways to reduce the risk of various types of election threats. For example, election administration in Utah is structured at the county level (see element #1 in Figure 1.1). Experts say that this localized structure subdivides process and power in a way that makes it extremely difficult to compromise statewide and/or national races. This is because of the complexity of coordinating and executing such widescale fraud against so many independent offices. On the other hand, Utah's county clerks use a centralized, state-level voter registration system that enables voter management across county lines and provides central controls over ballot security (see element #2 in Figure 1.1). While this report identifies ways to further strengthen these controls, this blend of state and local administration leverages the strengths of both, resulting in local control with unified state-level data and technology resources.

Figure 1.1 provides a high-level view of election processes in Utah. We created an interactive version of this figure to provide more details on the basics of each control, remaining risks, and recommendations for improvement. This figure can be accessed by scanning or clicking the QR code. Appendix A of this report shows the same information in a static format.

An Example Highlights Election Controls in Action When Used Properly

If the controls in Figure 1.1 are used according to best practices, they can go a long way to mitigate risk in Utah's election system. A hypothetical example of an attempt to commit fraud highlights how these controls might work. It also helps to show that if controls are not well used, the risk of fraud will increase.

Layers of controls, when used appropriately, work together to mitigate the risk of election problems, errors, and fraud.

Imagine a fraudster who wants to steal mail ballots, forge the rightful voters' signatures, and cast those votes in an attempt to sway an election.

- The fraudster must first obtain mail ballots. If clerks are maintaining voter records, only eligible, active voters will receive mail ballots. That can reduce the number of ballots mailed to voters who should have been made inactive or to wrong addresses where the ballots may not be missed if stolen. If ballots are stolen from active voters, there is a higher chance those voters would call the county clerk to locate their ballot and the fraudster's plan could be detected.

- If the fraudster is unable to steal authorized ballots, creating envelopes and ballots from scratch is very difficult because each authorized envelope

is printed with a unique control number that is in turn associated with a specific voter and election.

- If the fraudster were to find some mailed ballots, the next step would be to forge signatures. Utah's signature verification process compares voters' signatures to validated signature examples held in the state voter database. Although signature verification is somewhat subjective and not foolproof, this process presents another hurdle the fraudster must overcome.[1]

- It is also important to note that each instance of election forgery is a felony offense, increasing the risk of criminal prosecution.

Our view, based on extensive observation and analysis, is that the election controls described in this hypothetical scenario mitigate risk to a level where it is reasonable to expect that the fraud attempt will be prevented. That is not to say that every attempt will be prevented. The controls described in Figure 1.1 must be well executed according to best practices to achieve the full effect of their risk mitigation.

The controls in Figure 1.1 combine in similar ways to prevent or deter various other election fraud methods like identity theft or double voting (i.e., voting by mail and in person). The processes can also work together to detect human errors and process problems, allowing election officials to catch mistakes and make needed corrections in a timely manner. For further detail about these controls, please visit our interactive website or Appendix A of this report.

The Remainder of this Report Highlights Areas to Strengthen Election Controls

Although Utah's election controls work well, we do not mean to suggest that Utah's election system is flawless. We found situations where some of the controls described in Figure 1.1 were not used as well or as consistently as they could have been, creating a higher risk for election errors, problems, and fraud. Although the actual risk exposure in the instances we found was still small, each small deficiency highlights areas where we believe systemic improvements are possible.

The remaining chapters of this report highlight some of these deficiencies and our recommendations to address them, such as:

- Chapter 2: Process gaps in voter registration and maintenance

The remainder of this report highlights areas to strengthen and add to election controls.

---

[1] The quality and strength of signature verification is, itself, an example of how multiple election processes in Figure 1.1 overlap to mitigate overall risk. Chapter 4 discusses signature verification in more detail, as well as opportunities to strengthen pertinent controls.

- Chapter 3: Significant concerning differences in vote total reports between different information sources

- Chapter 4: A lack of clarity in standards and training for signature verification

- Chapter 5: Opportunities to refine the purpose and results of post-election audits

- Chapter 6: A need for clear oversight and enforcement powers in the LG's Office

1.2 Differences in Other States' Election Laws Can Make Comparisons Difficult

Within certain federal constraints, each state has a lot of latitude to craft its own election laws. As we developed the audit findings in this report, we found great value in examining other states' election laws and practices. Many of the findings and recommendations in this report stem from policy ideas from other states. However, we also found areas of controversy and litigation in other states that, because the laws and practices are so different, were all but impossible to compare to Utah's election practices.

For example, in 2020, as the COVID pandemic caused nursing home lockdowns, the Wisconsin Elections Commission (WEC) voted to send absentee/mail ballots to certain nursing home facilities. In the wake of that decision, allegations were made that voter turnout in certain nursing homes was suspiciously high and that mentally incapacitated elderly voters were improperly influenced, leading to fraudulent votes.

Although these issues raise interesting questions, they flow from such drastically different laws and practices that comparison with Utah laws becomes very difficult. For example:

- Unlike Wisconsin, Utah does not have an elections commission that is empowered to make election decisions.

- Instead of Wisconsin's rigid legal procedure to send absentee/mail ballots to nursing home residents, Utah simply sends mail ballots to all active voters.[2]

---

[2] The WEC is required to send "special voting deputies" (SVDs) to assist certain nursing home residents. If, after two attempts, the SVDs are unable to do so, election officials can then send absentee/mail ballots to those voters. During the COVID pandemic in 2020, nursing homes refused entry to SVDs for public health reasons. This and other factors led the WEC to vote twice to bypass the statutory SVD requirement and send absentee ballots. Faced with poor options, the WEC later cited a fear of disenfranchising nursing home voters as the unacceptable alternative.

- Wisconsin does not verify signatures on absentee ballots like Utah does, which means that its absentee ballot-related decisions are made in a different context.

While there are useful lessons we can learn by examining election practices in other states, certain areas of comparison are not useful because the fundamental practices are so different.

1.3 Prosecution Is Rare Because Reported Intentional Election Crimes Are Rare

In addition to examining the election controls highlighted in this chapter, we worked to understand prosecution as both a response and a deterrent to illegal voting activity. Our audit work in this area was comprised primarily of conversations with county attorneys and county clerks because other sources of information were limited. We surveyed Utah's clerks who, generally speaking, said that election crimes should be referred to local law enforcement or the county attorney for investigation and prosecution. Multiple election leaders explained that there are scenarios in each election where family members sign each other's ballots, whether intentionally or inadvertently, and that doing so is illegal. However, they report that the lack of criminal intent leads officials to treat those as educational opportunities unless an individual has shown a pattern of such behavior.

One of the county attorneys we contacted could not recall any election-related criminal referrals in the eight years since he took office. He did recall one case where two individuals were convicted of misdemeanor crimes related to gathering petition signatures.

Another county attorney could recall only two election-related cases in his fifteen years of experience, one of which involved an individual suspected of signing a family member's ballot.[3] Upon further investigation, the county attorney explained, it was determined that the individual was attempting to assist a family member who could not sign the ballot on their own, and there was no clear criminal intent. For those reasons, the case was not prosecuted.

Though election-related crimes do occur, statements made by clerks and county attorneys show that they identify few scenarios they believe merit prosecution. That said, county clerks and county attorneys should remain aware and vigilant to prosecute any attempts to thwart elections in the future.

---

[3] The other case was related to gathering petition signatures.

BACKGROUND

VISTA is Utah's statewide voter registration system used by all counties to maintain accurate and up-to-date voter data. The Office of the Lieutenant Governor (LG's Office) manages VISTA and provides information and processes to update records. The county clerks are responsible to maintain the accuracy of voter records in their counties.

FINDING 2.1
Mistakes within voter registration database highlight opportunities for increased oversight.

RECOMMENDATION 2.1
The Office of the Lieutenant Governor should finalize standards for the frequency and use of key VISTA maintenance tools, and then monitor their implementation.

RECOMMENDATION 2.2
The Legislature should consider clarifying the oversight role of the Office of the Lieutenant Governor with regards to voter registration. This could include authority for regular analysis of voter records and rulemaking authority for minimum maintenance standards.

FINDING 2.2
The LG's Office did not ensure deceased-voter records were removed as required by statute.

RECOMMENDATION 2.3
The Office of the Lieutenant Governor should monitor and ensure that the names of deceased voters are removed from voter rolls, as required in statute.

FINDING 2.3
The LG's Office should analyze staffing and backup for critical positions.

RECOMMENDATION 2.4
The Office of the Lieutenant Governor should review its staffing plan to determine whether critical functions have sufficient staff. If, in this review, the Office of the Lieutenant Governor determines that they need more resources for monitoring and maintenance, we recommend that they report these needs to the Legislature.

CONCLUSION

While we found that most county election records are accurate, we also identified important instances where the process of maintaining voter records can be improved. We believe the need to ensure accurate records is critical to a successful election, and the problems we identified warrant the LG's Office playing a more active role to provide oversight and guidance for voter registration activities.

Chapter 2
Utah's Voter Registration Process Is Strong but Can Be Improved with Additional Oversight

2.1 Mistakes Within the Voter Registration Database Highlight Opportunities for Increased Oversight

Accurate and up-to-date voter registration records are the backbone of many of the election controls outlined in Chapter 1. Maintaining accurate voter rolls ensures that ballots are mailed to correct addresses, eligible voters can vote, and ineligible voters cannot. Evaluating the integrity and accuracy of Utah's voter rolls was one of the key objectives of this audit request. We found that county clerks are striving to maintain accurate records and most records we reviewed were accurate. However, we did identify important instances where county clerks can improve the accuracy of voter records. We believe the need to ensure accurate records is critical to a successful election and the problems we identified warrant the Office of the Lieutenant Governor (LG's Office) playing a more active role.

While we did not find that these concerns led to widespread fraud, they have resulted in a relatively small number of inaccurate voter records. The problems we found include inconsistency in clerks' use of built-in maintenance tools, mismatching information within voter files, and other isolated human errors. Therefore, greater oversight is needed to ensure Utah has accurate voter registration. We recognize that human error is, to some extent, unavoidable, given the complexity of the work required to maintain voter records. However, more formal standards and procedures for voter maintenance, coupled with effective oversight efforts from the LG's Office, could reduce both the likelihood and impact of human error in future elections. We recommend that the LG's Office establish and implement a procedure to maintain the accuracy of the statewide voter database and use of key VISTA controls, then monitor the implementation of that procedure to ensure it is working as intended.

The Lieutenant Governor Has the Responsibility to Oversee Voter Registration and Implement a Maintenance Procedure

The Lieutenant Governor (LG) is named in statute as the chief elections officer in the state, with "direct authority over the conduct... for federal, state, and multicounty" elections.[4] This authority includes the duty to "oversee all of Utah's voter registration activities."[5] In addition, the LG is given responsibility to "establish and implement a procedure to maintain the accuracy of the statewide voter registration database..."[6]

---

[4] ***Utah Code*** 67-1a-2(2)
[5] ***Utah Code*** 20A-2-300.6
[6] ***Utah Code*** 20A-2-109(2)

This code gives the LG's Office general oversight for registration activities. The Standards for Internal Control in the Federal Government (the Green Book), defines an oversight body as follows:

> An oversight body oversees the entity's operations; provides constructive criticism…; and where appropriate, makes oversight decisions so that the entity achieves its objectives in alignment with the entity's integrity and ethical values.

As part of this oversight, the Green Book further emphasizes the need for regular monitoring to ensure that controls are functioning as intended. As risks and laws evolve, controls must be continually evaluated to ensure they address the evolving risks. The Green Book lists two principles for monitoring:

> **Standards for Internal Control in the Federal Government**
>
> *Management should establish and operate monitoring activities to monitor the internal control system and evaluate the results.*
>
> *Management should remediate identified internal control deficiencies on a timely basis.*

The LG's Office has begun implementing the voter registration audit as passed by the Legislature.

The LG's Office has recently taken steps toward a more active oversight role. In 2022, the Legislature created a requirement for the LG's Office to conduct an annual voter registration audit. The LG's Office reports that they have developed procedures and are currently in the process of completing the first audit. The state director of elections said that their findings echo some of those discussed in this chapter and will inform future training. Though these voter registration audits have only just begun, we believe they can continue to yield valuable insight into voter registration maintenance and training opportunities for clerks.

The LG's Office also reports that the following processes have been implemented or are in process:

- Increased onsite visits with clerks
- Provided bi-weekly trainings on many topics, including voter registration
- Funded Olene Walker VOTE Certification training
- Working to finalize elections manual for all election officials

We believe the steps taken so far will improve voter registration across the state. That said, this chapter highlights additional areas where the LG's Office can further formalize voter registration oversight and monitoring procedures.

Utah Has Many Processes to Update Voter Records

Although the statewide voter registration system—known as VISTA[7]—is managed by the LG's Office, the direct input and maintenance of voter records are the duties of county clerks' offices. Figures 2.1 and 2.2 show how the LG's Office and clerks interact with VISTA, voter records, and some of the key information sources used to keep records accurate and up to date.

Figure 2.1 VISTA Is Maintained by the LG's Office, but Voter Records Are Maintained by County Clerks. Day-to-day activities are done by county clerks. The LG's Office maintains VISTA's functionality and uploads data from other agencies.
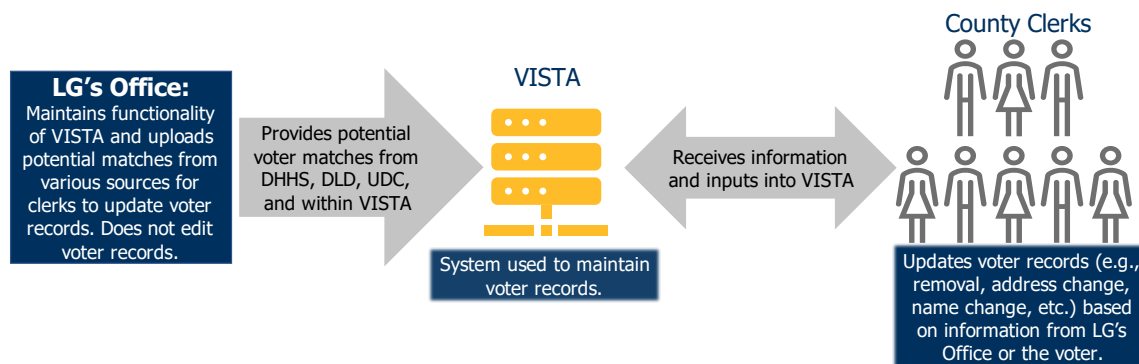
*Source: Auditor generated, based on **Utah Code**, VISTA, and discussions with county clerks and the LG's Office.*
Note: DHHS (Department of Health and Human Services) provides data regarding deceased individuals; data from DLD (Driver License Division) allows for identity verification; and UDC (Utah Department of Corrections) provides a list of incarcerated individuals.

Maintenance of voter data is an ongoing task that requires constant vigilance as voters move, die, get married, temporarily move away to school, etc. Our audit found that these ongoing tasks are done inconsistently from county to county. Improved oversight from the LG's Office would help counties maintain voter records more consistently. Additional oversight would involve developing clearer maintenance procedures as required in statute and working to ensure that counties are adhering to those procedures.

> **Maintenance of voter data is an ongoing task that clerks conduct. We found that these tasks should be done more consistently and with more oversight.**

The state's voter registration system is more than a warehouse of voter data. Election officials we interviewed emphasized the functionality of VISTA as a key safeguard of election integrity. In a structure that balances state and local control, the LG's Office is required by law to upload multiple state data sources that clerks use to review and maintain voter records. In addition to state-level data, VISTA has been programmed with numerous tools to help county clerks maintain accurate voter

---

[7] VISTA stands for *Voter Information and State Tracking Application*. It is a centralized system, managed and maintained by the LG's Office. The LG's Office grants access rights to clerks and their election staff who access VISTA remotely to input and maintain voter data from their respective counties.

records. Figure 2.2 illustrates the main data sources that are fed into VISTA and the system's primary maintenance tools.

Figure 2.2 VISTA Is a Hub of Information Sources and Analytical Maintenance Tools.
The LG's Office is required by law to upload multiple streams of data that enable clerks to maintain voter records. Clerks can also run multiple maintenance tools to identify and correct voter records.

VISTA Data Sources
Uploaded to VISTA by LG's Office, Processed by Clerks' Offices

Deceased Voter Data	Other State Voter Activity Data	Incarcerated Voter Data
Utah Department of Health and Human Services	*Electronic Registration Information Center (ERIC) Member States*	*Utah Department of Corrections*

VISTA Maintenance Tools
Programmed into VISTA, Used by Clerks' Offices

Duplicate Voter Utility	Annual Maintenance Utility	Voter ID Verification Tool
Includes 17 Different Queries that Identify Potential Duplicate Voter Records	*Inactivates Voters who Have Not Participated in Multiple Federal Elections*	*Verifies Voter Data against Utah Driver License Division and Social Security Admin. Databases*

Source: Auditor generated based on VISTA and discussions with county clerks. This is not an exhaustive list of maintenance resources in VISTA.
Note: ERIC is a non-profit governed and managed by member states, whose purpose is to improve the accuracy of voter rolls through shared data.

To evaluate the accuracy of Utah's voter database, including the use of the data and tools depicted in Figure 2.2, our audit team did the following tests:

- Analyzed records to identify potential duplicate registrations or vote credit.

- Evaluated compliance with laws that require timely removal of deceased voters from eligible voting status. Our analysis included death records received directly from the Department of Health and Human Services.

- Compared DLD and SSA data against a sample of voter records to check accuracy and to determine whether clerks are using the voter ID verification tools in VISTA.

- Compared voter history statistics against official canvass reports to determine whether official vote totals matched the vote totals recorded in VISTA.

These audit tests found issues that need to be addressed. We did not find any clear patterns that would suggest that certain errors were more common or that certain counties were consistently generating more errors than others were. Rather, the nature of the issues we discovered points to human error and can be remedied with improved guidance and oversight. Most records in Utah's voter database are accurate, and most of the controls in place are well used. Details about our analysis and findings are included later in this chapter.

> **Audit tests found issues in voter records that need to be addressed but most of the issues appear to be caused by human error.**

Built-in Voter Database Maintenance Tools Are Not Being Used Consistently

VISTA offers numerous tools to help maintain an accurate database. These include checks for duplicate voters, voters registered in another state, and deceased voters. The tools are designed to keep voter rolls accurate. However, we found that the usage of these tools varied from county to county.

Two Counties Have Not Performed Voter Status Updates for More Than Three Years. Clerks should run the annual maintenance utility in VISTA to update voter statuses. The utility accomplishes two tasks: (1) it changes voters who have not voted in two consecutive federal elections to *inactive* status, and (2) it changes voters who have not voted for four consecutive elections (while in inactive status) to *removable* status.[8] These are important distinctions, because neither inactive nor removable voters are mailed a ballot. The two counties that have not performed this task have likely been mailing ballots to individuals who should not be receiving them. In addition, individuals who should be categorized as removable—and therefore ineligible to vote—are still categorized as inactive, meaning they could go to a vote center and successfully vote. Figure 2.3 shows how long it has been since counties used the annual maintenance utility as of August 2022.

> **Two counties have not moved voters to inactive status, likely leading to ballots being mailed to individuals who may not be eligible.**

---

[8] This annual maintenance utility was shown in Figure 2.2. For additional information on voter statuses, see Appendix B.

Figure 2.3 Two Counties Have Not Used the Annual Maintenance Utility in More Than Three Years. One county last used the annual maintenance utility in 2014, and the other did so in 2018. More than half of the counties have performed the annual processing within the last year.

Year Since Maintenance was Last Performed
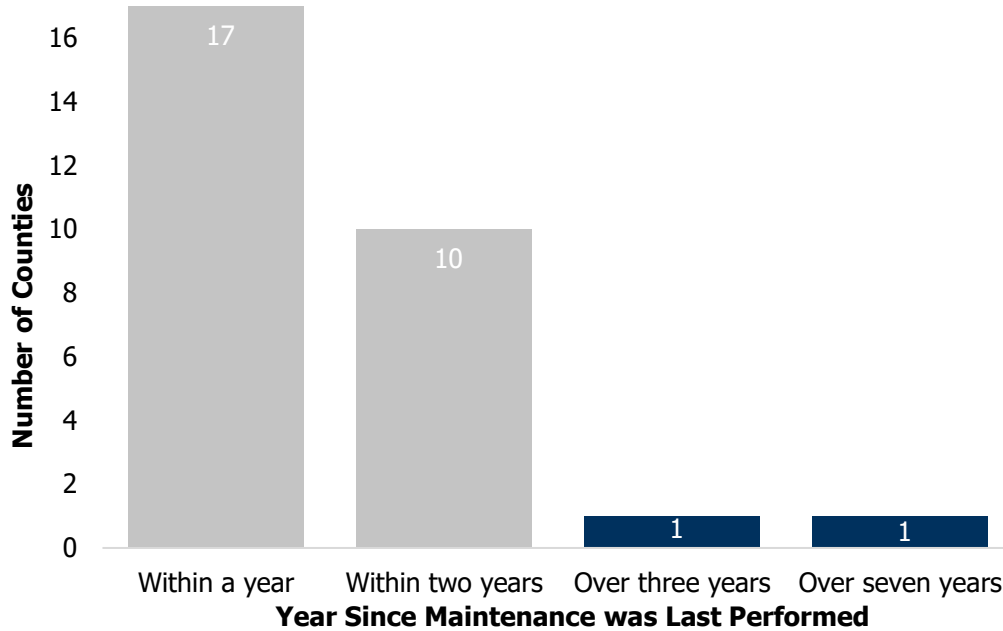
Source: Auditor analysis of reports within VISTA

Twenty-seven out of twenty-nine counties have used the annual maintenance utility within the last two years. Some counties run the process only after they complete federal elections. Of greatest concern are the two counties (blue bars in Figure 2.3) that have not run the process in more than three years. One county last ran the process in 2014, and the other did so in 2018. These are processes that have been built into VISTA to help ensure an up-to-date and accurate voter database. Thus, monitoring by the LG's Office would help ensure that counties perform key processes as intended. Without guidance, clear expectations, and monitoring, counties may not complete important processes to ensure an accurate voter registration database.

> **Without guidance, expectations, and monitoring, counties may not complete important processes to ensure accurate voter records.**

Use of Voter Identity Verification Tool Needs Additional Guidance.
The identity verification tool was created to verify the identity of voters and ensure the registrant is a real person. It is built into VISTA and can be used to quickly match information. Election staff must manually perform the check and verify that the information is accurate. For example, if a Utah driver license number is provided as part of the voter registration application, information can be matched to current information on file with the DLD. This matching tool can also match to SSA data by using social security numbers.

To test the use of this tool, we sampled 870 records to compare the voter registration information against data from the DLD and SSA.[9] We found that the identity of nearly 79 percent had been verified using the built-in tool. The remaining 21 percent of records reviewed may have been verified using other means. Among all the voter records we reviewed, we found that eight percent of all records contained mismatching information, as summarized in Figure 2.4.

Figure 2.4 Our Sample of 870 Records Found That Eight Percent of Records Had Information That Did Not Match. We found that 4 percent were not able to be matched with SSA or DLD information.
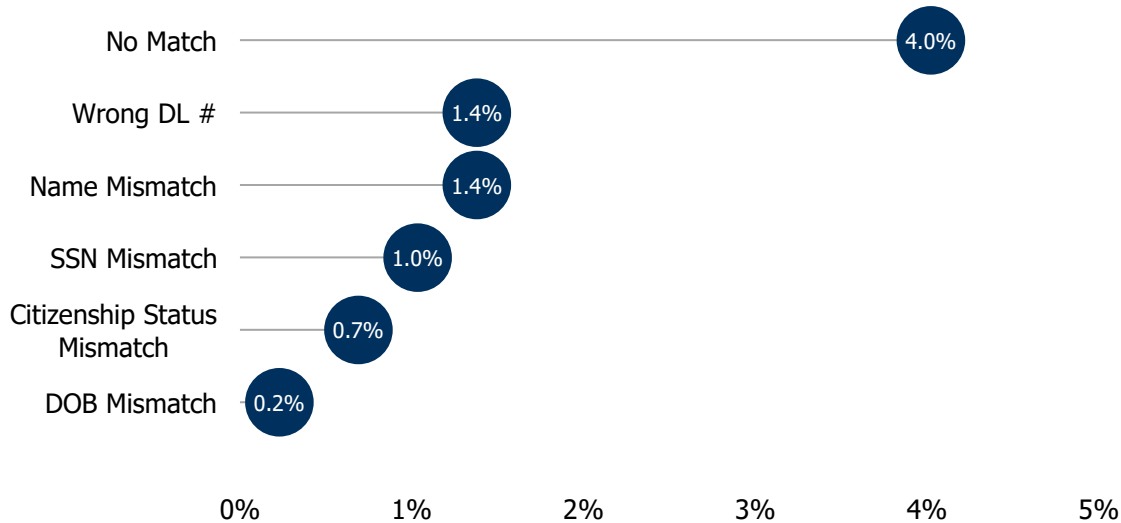
Source: Auditor analysis of reports within VISTA
Note: Numbers will add to more than 8 percent because some records had more than one mismatch. Citizenship status mismatches were records that returned a warning that the voter may not be a citizen. These errors do not necessarily mean the registered voter was not a citizen, but they do highlight the need for further investigation.

We found that thirty-five records (nearly 4 percent) within the sample could not be matched at all, and an additional six (0.7 percent) returned an error warning that the individual was not a citizen. Currently there is not a clear procedure to guide clerks when information is mismatching.

Ensuring accurate information in voter records is critical to maintaining an up-to-date voter file. If information is not accurate, removing duplicate and deceased records is more difficult. For example, we found a potential case where the voter record of a deceased individual was not removed from the voter file for seven months after their death. We believe this occurred because the voter record did not contain the individual's legal name or other identifying data, making the match with death records difficult.

There should be more oversight and instruction for clerks regarding steps to take if information does not match. Additional guidance is needed to provide a clear process for who should be verified, and when. While our sample of records shows
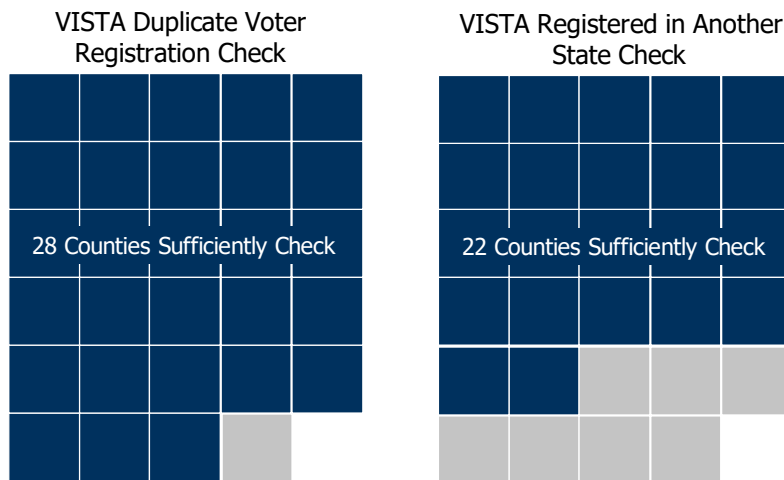
---

[9] This was not a representative sample and cannot be used to extrapolate to the entire population.

that a large percentage of voter records are accurate, and that the identification verification tool is being used, there is room for improvement. The mismatches do not necessarily mean the record is incorrect, but it may show a need for further investigation. We believe improved guidance and oversight can enhance the consistent use of the ID verification tool.

Most Counties Are Using Duplicate and Out-of-State Voter Checks In VISTA. Voter data from other states is uploaded to VISTA to help clerks identify voters who may be registered and voting outside of Utah. Registering to vote elsewhere would be grounds to remove that voter from Utah's voter file. There are also tools within VISTA designed to help clerks review and consolidate duplicate voter records. Figure 2.5 shows the number of counties, highlighted in blue, that regularly use these tools.

Figure 2.5 Most Counties Appear to Regularly Use Maintenance Tools Within VISTA. One county did not regularly check VISTA for duplicate records and nine counties did not regularly check for voters registered in another state.

VISTA Duplicate Voter Registration Check
28 Counties Sufficiently Check

VISTA Registered in Another State Check
22 Counties Sufficiently Check

Source: Auditor analysis of VISTA

As Figure 2.5 indicates, most counties are using VISTA's maintenance tools. However, one county did not regularly use the duplicate registrations check, resulting in more than 100 potential duplicates (1.4 percent of active registered voters in that county). Furthermore, seven counties did not appear to utilize the check of voters registered in other states, which is concerning.[10] Not regularly using these tools increases the risk of voters being able to vote in multiple states or having duplicate registrations, which could allow them to vote multiple times.

After the duplicate voter tool flags voters who are potentially registered more than once, election officials must manually review each record and take action.

---

[10] Utah is a member of Electronic Registration Information Center, Inc. (ERIC). ERIC is a non-profit funded and managed by member states. The goal is to improve the accuracy of voter rolls. One way this is accomplished is by sharing voter rolls to check for individuals registered in multiple states; thirty-three states and Washington, DC are members.

This process can lead to human error. Our reviews found that a small percentage of duplicate registrations were potentially active and had yet to be corrected.

Although the verification process largely appears to be working, there are still duplicate registrations that are not identified. Currently there is no formal procedure regarding how frequently counties should check for duplicate registrations and out-of-state voters; nor is there any documented guidance on how to use these tools. Establishing procedures and monitoring their implementation would help ensure that key maintenance checks are done properly.

Although the newly created annual voter registration audits will provide the LG's Office insight into how these tools are used, formalizing procedures would help clarify expectations for clerks' offices and help the LG's Office better fulfill its voter registration oversight duties.

RECOMMENDATION 2.1

The Office of the Lieutenant Governor should finalize standards for the frequency and use of key VISTA maintenance tools, and then monitor their implementation.

Additional Statewide Monitoring Could Help Remedy Errors Auditors Found

In conjunction with formalized voter maintenance procedures, Utah needs better statewide monitoring of VISTA, which is a key control for the election system. As described in the previous section, our audit found inconsistent processes and implementation in counties, leading to inaccurate voter records. We believe that with enhanced monitoring, the LG's Office should be able to identify and remedy similar issues. In addition to inconsistent practices, Utah's voter registration utilizes manual processes that rely heavily on individual judgment which in turn can lead to human error. While human error is not preventable, monitoring and checks in the system can help catch, reduce, and correct errors. The following is a summary of additional errors auditors found while reviewing VISTA:

- One county's interpretation of code led officials not to remove the names of deceased voters during an election. This led to a cast vote that was potentially fraudulent.[11]

- One county had incorrectly removed eligible voters while updating its voter registration records.[12]

---

[11] This county was made aware of this issue. They immediately investigated and plan to forward the case to the appropriate prosecutor.
[12] The errors we found have since been corrected.

- Voter history vote totals do not match totals from official county canvass reports, (further explained in Chapter 3). While this problem must be corrected, the differences did not exceed 0.4 percent of ballots cast.

- Duplicate voter registrations were not removed.

- Two voters were incorrectly merged into one record.

It is important to recognize that no election system or process is perfect, and sufficient monitoring and oversight may not have prevented the issues we found. However, our concern is that there is no formal monitoring process to identify issues on a continual basis. Without sufficient monitoring, there cannot be proper communication and training to improve the implementation of controls. Chapter 6 of this audit report provides further detail on necessary steps to provide better oversight of the election system.

While the issues and concerns we identified within the voter registration database must be improved, we found only isolated issues related to potential fraud. We believe most of these issues were caused by human error, emphasizing the need for better oversight and monitoring.

> **RECOMMENDATION 2.2**
>
> The Legislature should consider clarifying the oversight role of the Office of the Lieutenant Governor with regards to voter registration. This could include authority for regular analysis of voter records, and rulemaking authority for minimum maintenance standards.

2.2 The LG's Office Did Not Ensure Deceased-Voter Records Were Removed as Required by Statute

The LG's Office is statutorily responsible for ensuring that voter records for deceased individuals are removed from the voter rolls.[13] The office currently provides county clerks potential matches of death records from the Department of Health and Human Services (DHHS) through VISTA and is working on getting death records from SSA. At present, the LG's Office is not following up on this information to ensure that county clerks remove the names of deceased voters from the rolls. *Utah Code* requires the Lieutenant Governor to compare voter rolls ninety days prior to an election to ensure that clerks have removed the names of all deceased voters. We found that the LG's Office has not been providing this oversight.

> **We found that the LG's Office does not "ensure that all deceased voters have been removed from the official register" as required by *Utah Code*.**

---

[13] ***Utah Code*** 20A-2-306(7)

Utah Code requires that the county remove the names of all deceased voters from the voter database within five days of when the clerk's office receives notice.[14] Although it appears that twenty-eight counties had removed the names of deceased voters as required, one county had not done so for nearly four months. As of September 1, 2022 there were over 90 records that needed to be reviewed for removal in that county, including individuals who died prior to the 2022 primary election. Because the 90-day requirement for the 2022 general election was August 10, 2022, the LG's Office should have ensured that the county removed those voters before we identified them in September.

In addition, we reviewed all DHHS death records from February 1, 2022 to August 31, 2022 to see if all had been removed from voter rolls. We found that, potentially, over 250 deceased voters in counties across the state were still on voter rolls, amounting to roughly 2 percent of all deceased individuals in a seven-month period. While there was no evidence that any of these individuals had voting credit in VISTA, our findings highlight the importance of the LG's Office ensuring deceased voters are removed from voter rolls.

> **RECOMMENDATION 2.3**
>
> The Office of the Lieutenant Governor should monitor and ensure that the names of deceased voters are removed from voter rolls, as required in statute.

2.3 The LG's Office Should Analyze Staffing and Backup for Critical Positions

Managing the statewide voter registration system is essential to the integrity of elections in Utah. We are concerned that the LG's Office lacks sufficient back-up and staffing for the management of VISTA. Currently, the LG's Office relies on one very knowledgeable individual to manage this database. Any entity that has questions about VISTA turns to this person. This creates a heavy burden for this person with no backup support. The LG's Office reports that it has recently hired an additional staff position to provide backup VISTA support.

In total, the LG's Office has only five staff dedicated to elections. We are concerned that this is not a sufficient level of staffing to provide the needed monitoring and oversight for Utah's election system. Compared with Utah, surrounding states have more staff in their comparable agencies that oversee elections. The surrounding states had staffing ranging from 21 to 50 individuals working on elections.[15] While some of these states have larger populations, we believe the LG's Office should review its level of staffing. Insufficient staffing may make it difficult to fully implement the oversight recommendations in this

---

[14] *Utah Code* 20A-2-305(3) "The county clerk shall remove a voter's name from the official register within five business days after the day on which the county clerk receives confirmation from the Department of Health's Bureau of Vital Records that the voter is deceased."

[15] The surrounding states included here are Colorado, California, Oregon, and Washington.

chapter to improve voter registration processes. In addition, the LG's Office has experienced high turnover in election staffing. This is concerning given the loss of institutional knowledge of the election system. As addressed in the previous two sections, the LG's Office could provide additional statewide monitoring to ensure that counties are performing voter roll maintenance and identify human error. The LG's Office may need additional dedicated staff, such as data analysts, who can dedicate time to conducting further analysis to isolate anomalies.

If the LG's role is expanded to provide additional monitoring, additional staff may likely be needed. The LG's Office should ensure sufficient staffing and backup for critical positions managing the VISTA database.

RECOMMENDATION 2.4

The Office of the Lieutenant Governor should review its staffing plan to determine whether critical functions have sufficient staff. If, in this review, the Office of the Lieutenant Governor determines that they need more resources for monitoring and maintenance, we recommend that they report these needs to the Legislature.

BACKGROUND

Every ballot returned to a county clerk must be accounted for. The generally accepted methods to do so are referred to as a chain of custody and are essential to conducting transparent and trustworthy elections. Accurate chain-of-custody practices and records increase confidence that all ballots are processed correctly. Such practices also protect against the unauthorized removal or addition of ballots.

FINDING 3.1
Canvass ballot totals from Utah's 2022 primary election did not match those recorded in the central voter database.

RECOMMENDATION 3.1
The Office of the Lieutenant Governor should create rules requiring county clerks to publicly reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

RECOMMENDATION 3.2
The Office of the Lieutenant Governor should help clerks identify the best data possible to reconcile canvass reports and vote credit numbers.

ERROR 1:
Some counties reported more votes in the statewide database than ballots processed

9 counties
854
more votes than ballots processed

ERROR 2:
Some counties had more ballots processed than votes in the statewide database

13 counties
1,031
more ballots processed than votes

FINDING 3.2
Some counties' chain-of-custody practices make it difficult to account for all ballots.

RECOMMENDATION 3.3
The Office of the Lieutenant Governor should create rules requiring ballot envelopes to be counted as early as possible during ballot processing.

FINDING 3.3
Counties use physical security controls inconsistently.

RECOMMENDATION 3.4
The Office of the Lieutenant Governor should finalize its chain-of-custody manual, including best practices for election staff in Utah's counties.

CONCLUSION

Our findings show that chain-of-custody practices should be improved to increase the accuracy and transparency of ballot processing in Utah. Adopting chain-of-custody standards for tracking and reconciling canvass reports to vote credit numbers could address the issues identified in this chapter.

Chapter 3
Consistent Chain-of-Custody Practices Are Needed to Accurately and Transparently Account for All Ballots

3.1 Canvass Ballot Totals from Utah's 2022 Primary Election Did Not Match Those Recorded in the Central Voter Database

Every ballot returned to a county clerk must be accounted for. Our team analyzed ballot processing statistics and found several counties that had discrepancies between reported ballot numbers and recorded voter totals. Such discrepancies, when no explanation is provided, create a concern that ballots were either counted without a link to a voter, or that a voter received vote credit but the clerk did not count the ballot. We attempted to reconcile these discrepancies and had some success, but the processes in some counties do not allow for a reconciliation. Regardless of the exact cause, these discrepancies point to ballot processing and recordkeeping problems that should be understood and explained.[16]

Chain of custody refers to the paper trail and processes that document the transfer of election materials from one person or place to the next.

The generally accepted methods to account for ballots are collectively referred to as a chain of custody and are essential to conducting transparent and trustworthy elections. Accurate chain-of-custody practices and records increase confidence that all ballots are processed correctly. Such practices also protect against the unauthorized removal or addition of ballots. Policymakers should consider options to require public reconciliation and reporting of these key statistics as better proof of accurate ballot processing.

After the 2022 Primary Election, There Was a Discrepancy Between Canvass Reports and Voter Registration Records in Several Counties

After the 2022 primary election, there was a mismatch between ballots counted and voter credit assigned in 22 counties. The official count of ballots is provided in each county's certified canvass reports. When a clerk processes a valid ballot, they should record vote credit for that voter in the statewide voter registration database (VISTA).[17] This vote credit in VISTA represents the authoritative record that a given voter's ballot was processed and counted. The vote credit is also used

---

[16] The total number of mismatching records represented 0.4 percent of total ballots processed in the 2022 primary election.

[17] VISTA stands for *Voter Information and State Tracking Application* and is managed by the Office of the Lieutenant Governor (LG's Office) as discussed in Chapter 2.
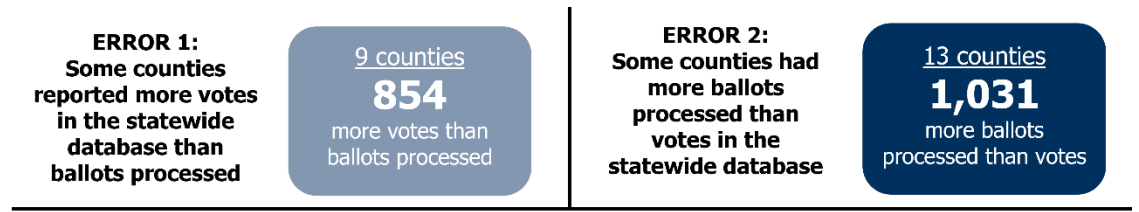
to limit any efforts by that individual to vote again. The number of vote credits should match the number of ballots reported in the canvass report.[18]

In the months following the 2022 primary election, data in many counties showed a mismatch between canvass totals for ballots processed and voters receiving credit in VISTA. In most counties, the deviations were not large; 9 had a difference of five ballots or fewer, and seven counties matched perfectly.

Of Utah's 29 counties, 13 reported more ballots processed than voters who received vote credit in the election. This creates a concern because records show 1,031 more ballots than voters in these locations. Conversely, another 9 counties reported fewer ballots processed than voters receiving credit in the election. This creates the appearance of 854 votes without an associated ballot in these 9 counties. The five counties with the largest discrepancies accounted for 88 percent of all differences. Figure 3.1 highlights these numbers.

Figure 3.1 Some Counties Reported More Ballots Than Voters; Others Reported Fewer Ballots than Voters. County canvass reports show 13 counties had 1,031 more ballots processed than the number of voters receiving credit in VISTA. This was 0.4 percent of all ballots processed in those 13 counties. A sample of four counties helps illustrate these ballot discrepancies.

ERROR 1: Some counties reported more votes in the statewide database than ballots processed	9 counties **854** more votes than ballots processed	ERROR 2: Some counties had more ballots processed than votes in the statewide database	13 counties **1,031** more ballots processed than votes

Sample of Four Counties' Vote Totals Compared to Ballots Processed

COUNTY A	COUNTY B	COUNTY C	COUNTY D
Voters Given VISTA Vote Credit **91,031**	Voters Given VISTA Vote Credit **30,162**	Voters Given VISTA Vote Credit **16,749**	Voters Given VISTA Vote Credit **2,383**
Ballots Processed According to Canvass Report **90,851**	Ballots Processed According to Canvass Report **29,533**	Ballots Processed According to Canvass Report **16,997**	Ballots Processed According to Canvass Report **2,524**
Difference **-180 Ballots**	Difference **-629 Ballots**	Difference **+248 Ballots**	Difference **+141 Ballots**

Source: Auditor analysis of VISTA vote data and canvass reports for the 2022 primary election

---

[18] Because the ***Utah Constitution*** grants the right of a secret ballot, clerks separate each ballot from its envelope after vote credit is recorded. After separation, clerks cannot trace specific ballots back to specific voters. There are rare cases when voters are given vote credit but then there is a problem with the ballot, making it impossible to scan. In such a scenario, a discrepancy would exist between vote credit and the ballot scanned because the clerk cannot remove vote credit from the affected voter. Regardless, the clerk should be able to explain such a discrepancy.

As Figure 3.1 shows, some counties reported more ballots in their canvass report, while others recorded more vote credits in VISTA. In counties where the canvass report shows more ballots processed than VISTA vote credit, it is unclear where the additional ballots came from. In counties where VISTA shows more vote credit than ballots processed in the canvass report, it is unclear why those ballots were apparently not counted after vote credit was given.

While we could not resolve county discrepancies, those clerks we contacted offered multiple possible explanations. For example, one county discovered a clerical error in its canvass report. The corrected version shows more ballots processed and the county reports that it eliminates the discrepancy entirely. Officials from other counties said they may have simply failed to record vote credit for in-person voters on election day or for voters who cured challenged signatures. Regardless of the underlying causes, we believe these findings offer a clear reason for policymakers to consider policy responses such as those we explore in the next section. The Office of the Lieutenant Governor (LG's Office) is currently working to draft a chain of custody rule that may address these issues.

These findings offer a clear reason for policymakers to consider options to create more accountability and transparency in ballot processing.

The Director of Elections Should Establish Rules Requiring All County Clerks to Publicly Reconcile Ballot Processing Statistics

In 2022, the Legislature empowered the director of elections within the LG's Office to establish administrative rules regarding the custody, documentation of custody, handling, processing, disposition, and tabulation of ballots.[19] In light of our findings, we believe that a public reconciliation of key ballot processing statistics should be included in the new election rules. Doing so would increase the transparency and accountability of ballot processing throughout the state.

For example, current laws in the state of Washington[20] require a public reconciliation of ballots. At the conclusion of each election, counties must report a one-page, high-level summary accounting for all ballots mailed, received, and processed. Counties also reconcile total ballots processed to the vote credit given in their central voter database. A space is provided on the report for counties to explain any discrepancies between these key ballot processing statistics. Figure 3.2 provides an example of this process, and Appendix C contains examples of some of these Washington reports.

---

[19] See ***Utah Code*** 20A-3a-404, enacted by House Bill 313 in the 2022 Legislative General Session.
[20] See Washington State Statute 29A.60.235 (2).

Figure 3.2 King County, Washington Was Able to Reconcile Its Ballots in the 2022 Primary Election. The county processed more ballots than the entire state of Utah in the 2022 primary election. Even so, King County was able to reconcile ballots by identifying errors and other potential explanations for disparities between ballots and vote credit. Each county in Washington is required to submit a reconciliation report to the secretary of state.
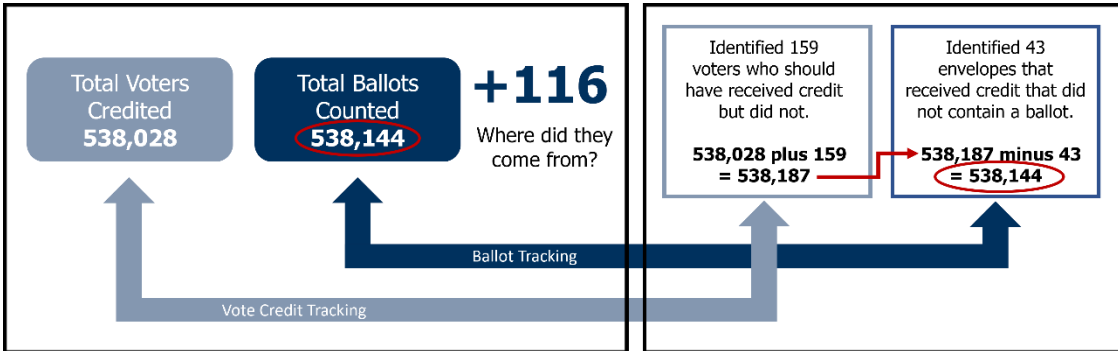
Source: Auditor generated, based on ballot reconciliation data from King County, Washington, as reported to the Washington secretary of state for the 2022 primary election

As our team observed the 2022 primary election process, we saw multiple county clerks in Utah making significant efforts to internally track and reconcile some of these key statistics. We believe that a requirement to publicly report and reconcile ballot statistics—similar to the method used in Washington—would be beneficial and would not require major process change in Utah counties. Further, some of the potential policy changes to post-election audits discussed in Chapter 5 require strong chain-of-custody record keeping. Doing the work to track and report key ballot statistics could put counties in a better position to employ additional post-election audit methods and could give voters confidence that each valid vote is counted and tracked appropriately.[21]

We also acknowledge that having accurate data is essential to correcting these problems. VISTA offers multiple reports that change if, for example, voters move or die after casting a vote. In our audit work, it took multiple attempts to identify data sources that accurately reflect vote credit in each county. We believe that the LG's Office, as the steward of VISTA, should help clerks identify or create the best data possible to track and reconcile canvass reports and vote credit numbers. This information should then be included in the standards manual recommended in Chapter 6.

RECOMMENDATION 3.1

The Office of the Lieutenant Governor should create rules requiring county clerks to publicly reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

---

[21] See Chapter 5 for audit findings and recommendations related to post-election audits.

The Office of the Lieutenant Governor should help clerks identify the best data possible to reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

3.2 Some Counties' Chain-of-Custody Practices Make It Difficult to Account for All Ballots

A key part of chain-of-custody documentation is reconciling the total number of ballots received with the final disposition of all ballots. Doing so can help ensure that all ballots received are processed to valid outcomes and that no ballots are removed or added along the way. Although some county clerks have developed internal methods to do this, we observed that some counties' practices do not yield enough information to affirmatively demonstrate that their chain-of-custody practices are functioning. In addition to Finding 3.1, we believe these insights could further inform the LG's Office as they enact and refine administrative rules pertaining to chain of custody practices.

The Timing of Batch Formation Can Impact Chain-of-Custody Records

While it is critical to establish an overall total of all ballots received as a reconciliation tool, it is also important to track ballots as they move through each step of processing. Clerks accomplish this by organizing the total number of ballots received into more manageable portions, called batches. The size of the batch depends on county size and preference. The most common batch size we observed is 50 ballots. However, larger counties create batches of up to 250 ballots.

The timing of organizing ballots into batches can impact chain-of-custody records. We observed that clerks differ in when they choose to create batches. The two most common practices are batching envelopes prior to signature verification, or batching after signature verification. However, a few counties wait until after ballots are separated from the envelope before they create batches. Figure 3.3 displays the various points at which counties created batches during our observations of the 2022 primary election.

Figure 3.3 Counties Create Batches at Different Points in Ballot Processing. The gray boxes indicate the different points at which Utah counties batch ballots during an election process. The variation in timing may contribute to the difficultly in reconciling the number of ballots processed with the number of voters receiving credit in VISTA.
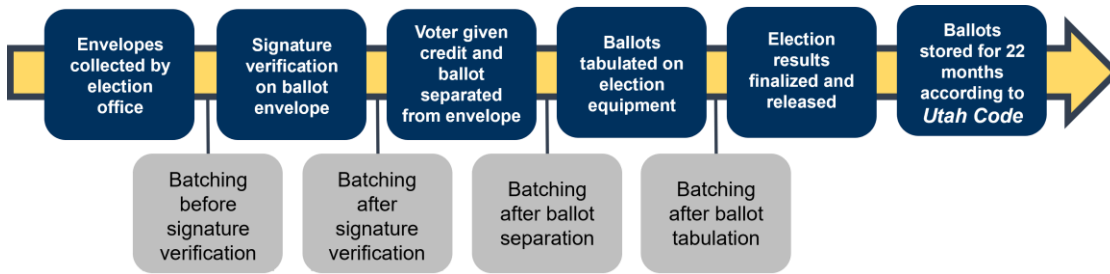
Source: Auditor generated

Batching or counting later in the process may prevent accurate tracking of each ballot through the process. Counting the total number of ballot envelopes later in the process can also lead to a missed opportunity to establish the initial number received, undermining later efforts to reconcile ballot processing statistics.

Some western states require that ballot counts be established in the initial phases of ballot processing. For example, Colorado requires that envelopes be counted and batched immediately after they arrive. Oregon requires all envelopes to be counted as they are received.[22] We recommend that the chain-of-custody rule created by the LG's Office also consider establishing an early timeframe for counting ballot envelopes to better track ballots through the election process.

> ### RECOMMENDATION 3.3
>
> The Office of the Lieutenant Governor should create rules requiring ballot envelopes to be counted as early as possible during ballot processing.

Some County Clerks' Ballot Tracking and Recordkeeping Practices Lack a Full View of Ballot Processing

Many counties use tracking sheets to account for ballot envelopes as they move through the election process. These forms are designed to establish ballot counts and inform election workers about ballot status at different stages in the election process. Figure 3.4 shows examples of tracking sheets for ballot envelopes, and the associated batch sizes, within three different counties.

---

[22] Like Utah, both Colorado and Oregon use vote-by-mail as their primary election method.

Figure 3.4 Counties Produce Their Own Tracking Sheets for Incoming Ballot Envelopes. The examples below, from three different counties, show the variation in batch quantity, procedures, and whether election staff must sign off on each step.

Examples of Tracking Sheets for Ballot Envelopes
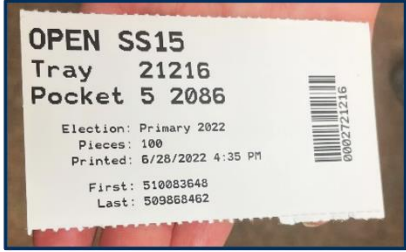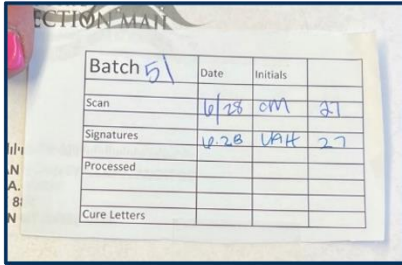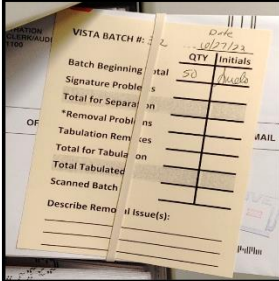
| Displays a batch of 50 ballot envelopes | Displays a batch of 27 ballot envelopes | Displays a batch of 100 ballot envelopes |

Source: County clerks' offices

County tracking sheets are created in-house and indicate differences in batch size, the procedures tracked, and whether an election worker must sign off on each step. For instance, if a hypothetical batch begins with 200 ballots before signature verification, and 3 signatures are challenged, the ballots with challenged signatures are removed and placed in the curing process. The batch will then have 197 ballots, and the reason will be noted on the batch tracking form. The next person to receive the ballots then confirms that 197 ballots are present, thus continuing the chain-of-custody records.

However, during the 2022 primary election, we observed some counties in which the chain-of-custody practices were not adequate to show that all ballots had been accounted for.

County Example 1—In one county, we found that totals in certain ballot tracking categories (e.g., envelope not signed, signature did not match) did not match across different reports. After further investigation, the clerk's office was unable to explain the differences or provide the correct totals. Election staff in the same county would deliberately break the chain of custody partway through the process by dissolving batches in order to create new, uniform batches of 200 ballots to run through the ballot scanners. County officials explained that they wanted to simplify the tabulation step. The county acknowledged that, without a clear chain of custody from start to finish, any errors or deviations would be difficult to track and correct.

County Example 2—Another county counted envelopes as they arrived at the election office but did not batch them into specific quantities or maintain a tracking sheet. Rather, the county placed signature-verified envelopes into a large

> During the 2022 primary election, we observed some counties in which the chain-of-custody practices were not adequate to show that all ballots had been accounted for.

intake pile to be opened. Once opened, the ballots were loosely organized into batches of 50 for tabulation. However, no tracking sheet accompanied the envelopes or ballots throughout the election process.

County Example 3—A third county did not maintain any chain-of-custody tracking methods during the election. It placed collected envelopes in a large intake pile and verified signatures at random intervals. After being separated from envelopes, various quantities of ballots were moved at random to election machines for tabulation. No batching was conducted until after ballots were processed on tabulation equipment.

Without clear and accurate processing statistics, it is incredibly difficult to demonstrate that all ballots were processed correctly without physically reviewing archived election materials within these counties. This falls short of the accurate and transparent processing statistics we believe can and should be reported.

> **Without clear and accurate processing statistics, it is incredibly difficult to demonstrate that all ballots were processed correctly.**

3.3 Counties Use Physical Security Controls Inconsistently

The state's 29 counties used various physical security measures during the 2022 primary election. For example, counties use different amounts of staff to conduct various processes during the election. Additionally, counties use different security measures such as camera monitoring of election rooms, locked rooms to store envelopes and ballots, and safety locks and seals on election equipment to avoid tampering. Any additional use of physical security measures is a policy decision for the Legislature and state election officials.

Physical Handling of Ballots Varies by County

Our observations found that the handling of ballots also differed among counties. For example, many counties attempted to employ two election staff members for each step of the election process and follow other chain-of-custody best practices. However, we also observed concerning practices in other counties, such as:

- One county rotated people in charge of the ballot tabulating machine. In most instances, this resulted in a single person tabulating ballots at different intervals. When a new person began tabulating ballots, they simply continued from the same stack of ballots. No formal organization for counting of ballots was observed.

- In another county, a single person collected ballot drop boxes at multiple locations. This individual loaded the small ballot boxes into their vehicle and delivered them to the county election office. The ballot drop boxes were secured with two small luggage locks.

- The same county had a single person organizing and verifying signatures on ballot envelopes. Once verified, the ballots are separated by a different person. Ballots were no longer tracked or organized once separated from the envelope.

The Legislature established some chain-of-custody criteria with House Bill 313 (H.B. 313) in the 2022 Legislative General Session. For example, the bill requires that two staff members be present when collecting ballots from a drop box or polling location—a change that was to be implemented in the November 2022 general election. Additionally, ballots are to be recorded and tracked until they are delivered to the election office.

The LG's Office can standardize expectations of county staff to enhance the security and transparency of elections.

Even so, other practices conducted by election staff were based on individual preferences or the resources available. The LG's Office could standardize expectations for county staff to improve the security and transparency of elections. The LG's Office is in the process of drafting a chain-of-custody rule that could improve some of these weak controls by requiring that two staff members be present any time ballots are handled. This includes ballot collection, processing, adjudication, and replication.[23] The LG's Office has also reported that it intends to provide a best practices manual for counties to reference. These additions are timely as many new clerks take office in Utah's election system.

RECOMMENDATION 3.4

The Office of the Lieutenant Governor should finalize its chain-of-custody manual, including best practices for election staff in Utah's counties.

---

[23] In ballot replication, election workers attempt to recreate a ballot if it is damaged or not able to be processed on tabulation machines.

Physical Security Measures Appear to Be Strong in Most Counties but Vary According to Resources

Counties utilized a variety of physical security measures such as locked election rooms, security cameras, multiple locks on ballot drop boxes, and secure election equipment. Larger counties have more resources and may have more physical security measures in place. Some smaller counties may lack resources to maintain similar physical security standards at the scale of what is seen in larger counties. Individual county councils should consider the needs of their election offices and provide the appropriate funding and resources to ensure efficient and secure elections.

The passage of H.B. 313 in the 2022 Legislative General Session requires all municipalities to have a ballot drop box. Security measures depend on whether the box is attended or unattended.

The passage of H.B. 313 in the 2022 Legislative General Session established new standards for physical election security. The bill broadened access to ballot drop-boxes by requiring each municipality to have a drop box. Figure 3.5 shows an example of the various drop boxes used in different counties.

Figure 3.5 Ballot Drop Boxes Differ from County to County. For the 2022 primary election, external drop boxes were secured with multiple locks and camera monitoring. Smaller counties often used smaller drop boxes that could be monitored by individuals.

Source: Auditor generated

H.B. 313 established requirements for cameras on drop boxes, and we observed that clerks were working to comply. Another common security practice was the use of cameras in the election rooms. Although not a requirement in law, some counties used cameras to monitor the election process. Some cameras captured the entirety of the room and processes, while others had only limited coverage. For example, we observed a small county with a camera in the election room that monitored every step other than ballot tabulation. We also observed counties that did not use any cameras to monitor ballot processing.

It is a policy question for the Legislature and state election officials to determine if camera monitoring should be required in county election offices.

Election Equipment and Software Appeared to Be Adequately Protected and Properly Functioning During the Election Process

We examined election machines and found that they employ various physical security features to deter tampering or manipulation. The machines have locks and sealable access doors on data ports to prevent and detect any unauthorized access. Election machines also require administrative passwords to ensure that only authorized individuals have access, and the machines can produce a real-time log of all activities performed. Election machines are not connected to the internet. Auditors examined election equipment in multiple counties and did not find any evidence of election machines being connected to the internet during our observations.

Ballot scanners are designed to scan and read ballots only.[24] The tally of votes from scanners is then transferred either by specially programmed flash drives or direct connection to election computers where election results are tabulated. These election computers are not connected to the internet.

The external data sticks, as well as the election software and equipment, all come from external vendors. **Utah Code**[25] requires the LG's Office to ensure that election equipment is certified to federal Election Assistance Commission (EAC) standards. The State of Utah maintains a contract with Election Systems and Software (ES&S), a private company that specializes in election machines and software. Twenty-seven of the state's twenty-nine counties utilize ES&S equipment and software.[26] Private vendors are an essential component in Utah's election system, providing equipment, software, and technical support to individual counties.

> As part of a pre-election test, all election equipment appeared to be functioning properly and accurately identified vote selections on test ballots.

---

[24] Twenty-seven of the twenty-nine counties in Utah use Election Systems and Software (ES&S) brand ballot scanners. One county uses Dominion Election Software, and another uses Unisyn Voting Solutions. These two systems use off-the-shelf office scanners that read ballots using proprietary software installed on the counties' election computers.

[25] **Utah Code** 20A-5-802

[26] Salt Lake County uses Dominion Election Software. Beaver County uses Unisyn Voting Solutions. Both are private companies that use EAC-certified equipment.

As a further safeguard, counties are required to conduct a logic and accuracy (L&A) test of election machines in the days prior to an election. An L&A test checks the accuracy of the voting equipment before official election ballots are processed. Election officials ensure the machines are cleared and displaying a zero count before the test. They then run a series of test ballots on the machines to verify the accuracy and proper functioning of the equipment. The L&A tests are open and can be observed by the public. We observed a sample of L&A tests. The process was conducted on machines from all three of the private companies that provide the state's election equipment. All election equipment appeared to be functioning properly and accurately identified vote selections on the test ballots.

Although we did not conduct a cybersecurity penetration test on Utah's election systems, we did inquire about the controls that are currently in place. In addition to the county-level controls, the Department of Public Safety's Statewide Information and Analysis Center (SIAC) described a mix of federal, state, and local efforts to monitor and mitigate election threats. We were informed that election stakeholders gather regularly to review mock scenarios involving both physical and cybersecurity threats. SIAC also reported proactive efforts by themselves and state entities—like the Department of Technology Services, State Bureau of Investigation, LG's Office, and the National Guard—to identify and assess election threats. We observed the work done by Utah's cybersecurity experts on election day in November 2022 and saw efforts, including collaboration with cybersecurity teams across the country, to proactively monitor for election-related threats.

BACKGROUND

Signature verification is one of many controls designed to ensure that eligible voters can vote, and ineligible voters cannot. Although signature verification alone is not perfect, when combined with other election controls, its effectiveness increases.

FINDING 4.1
Utah lacks clear legal standards for election signature verification.

RECOMMENDATION 4.1
The Legislature should consider either including clearer standards for signature review, acceptance, and rejection in *Utah Code*, or giving the Lieutenant Governor authority to establish these standards and instructions.

FINDING 4.2
Training standards and requirements should be consistent across the state.

RECOMMENDATION 4.2
The Legislature should consider giving the Office of the Lieutenant Governor explicit authority to establish training standards and requirements for signature verification to better assure that practices are executed consistently across the state.

RECOMMENDATION 4.3
The Legislature should consider requiring county election staff to attend signature verification training.

FINDING 4.3
Signature quality in VISTA should be improved.

RECOMMENDATION 4.4
The Legislature should consider the options in this chapter to improve the quality of signatures available for signature verification.

FINDING 4.4
Mid-election performance monitoring helps identify and correct problems.

RECOMMENDATION 4.5
The Legislature should consider giving authority to the Lieutenant Governor to establish rules requiring counties to conduct mid-election audits of signatures and performance tracking for signature reviewers.

FINDING 4.5
Election workers approved challenged signatures by phone without confirming voters' identities.

RECOMMENDATION 4.6
The Legislature should consider guidelines for, or the necessity of, curing challenged ballot signatures by phone.

CONCLUSION

Other states have clearer legal standards for signature verification, highlighting opportunities to clarify Utah standards and to standardize training guidelines across the state. We believe the Legislature and election officials could collaborate to consider policy options to improve the signature verification processes.

Chapter 4
Standards, Training, and Audits Could Improve Election Signature Verification

4.1 Utah Lacks Clear Legal Standards For Election Signature Verification

Of the eight states that conduct vote-by-mail elections, seven use signature verification as a control. Our audit found that Utah's guidelines and standards for signature verification are not as clear as those used in other states. Adopting clearer standards in Utah could clarify the purpose and function of signature verification and improve the consistency of signature verification processes for county clerks' offices statewide.

Signature verification is one of many controls designed to ensure that eligible voters can vote, and ineligible voters cannot. Although signature verification alone is not perfect, when combined with other election controls, its effectiveness increases.

Utah does not have clear guidance or standards for voter signature verification.

Utah Code Does Not Set Sufficient Standards For Ballot Signature Verification

Utah Code and *Administrative Rule* provide limited guidance for how election officials should evaluate and validate ballot signatures. Statutory language regarding signatures on mail ballot envelopes is limited to a requirement that election workers determine whether "signatures correspond," but statute does not provide clear guidance for how to make that determination.[27]

Utah Code offers comparatively more guidance for verification of petition signatures than for ballot signatures. Statute instructs petition reviewers to consider other evidence, such as the handwritten name and address on the petition, in addition to whether the signature appears "substantially similar."[28] However, similar to ballot signatures, **Utah Code** does not provide clear guidance for how to determine if a signature is "substantially similar" to the reference image. In our discussions with Utah clerks, we found that the lack of guidance has contributed to slightly different assumptions and approaches related to ballot signature verification.

Other states that conduct elections by mail have more specific instructions in code and administrative rule to guide signature verification. As shown in Figure 4.1, the additional guidance addresses evaluation criteria, baseline assumptions,

---

[27] See **Utah Code** 20A-3a-401(3) & (5)
[28] See **Utah Code** 20A-7-206.3(2)

and references more instructions produced by secretaries of state (who serve as state elections directors).

Figure 4.1 Other Vote-by-Mail States Provide More Specific Guidance for Signature Verification. Other states have more explicit signature verification guidance in statute or rule than what is seen in *Utah Code* and *Administrative Rule*. In addition, some authorize the secretary of state to create additional guidelines.

CO — **8 CCR 1505-1 Rule 7.7.3** - "An election judge...must compare the signature[s]...in accordance with the Secretary of State's Signature Verification Guide."

CA — **Elections Code 3019** - "A presumption exists that the signature on the identification envelope...is the voter's signature."

WA — **WAC 434-379-020** - "A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics."

OR — **ORS 254.470(11)** - "The county clerk shall verify the signature[s]...according to the procedure provided by rules adopted by the Secretary of State."

Source: Law and rule from each state mentioned

In our discussions with, and extensive observation of, Utah clerks, we found that the lack of guidance provided in law and rule has led to slightly different assumptions and approaches as to how and when signatures should be accepted and rejected. Observed differences include:

- Some counties believe that they are looking for reasons to reject signatures, while other counties are looking for reasons to accept.

- Some counties train signature verifiers more rigorously than others.

- Some counties require county election staff to review signatures, while others allow signatures to be reviewed by volunteers or other county workers.

Utah Code and *Administrative Rule* are silent on the overarching guiding principle of signature verification and lack standardized instructions.

> **RECOMMENDATION 4.1**
>
> The Legislature should consider either including clearer standards for signature review, acceptance, and rejection in *Utah Code*, or giving the Lieutenant Governor authority to establish these standards and instructions.

This Report Highlights Areas for Improvement That Could Positively Impact Signature Verification

The efficacy of signature verification improves when clerks use existing controls in the central voter registration system (VISTA).[29] This is because VISTA helps ensure that voters who receive mail ballots are eligible, active, and living at the address on file with the clerk. Figure 4.2 summarizes how counties use the existing VISTA controls.

Figure 4.2 There Is Variety in How Counties in Utah Use Controls for Signature Verification. When used properly, signature verification works in concert with other controls to protect election integrity.

Personal Information Verification	County clerks can use VISTA to verify voter information with state drivers license and social security data, but 21% of sampled voter records in VISTA had not undergone independent verification.
Active Voter Mailout	Mail ballots should only be sent to active voters.* However, we found inconsistent practices in VISTA maintenance that are addressed in Chapter 2.
Ballot Control	Clerks use VISTA to assign unique control ID numbers to each mail ballot envelope. We observed no problems with this control in our review.
Signature Verification	County election staff compare voters' signatures before counting ballots. Clarified standards and training requirements, and other improvements addressed in this chapter, could improve the practice.
Ballot Curing	If a signature is challenged, clerks must contact voters to give them the opportunity to correct (or "cure") the ballot so it can still be counted. The policy of curing ballots by phone is addressed in Finding 4.5.

Source: Auditor generated
***Utah Code** 20A-3a-202(2)

When used correctly, the controls preceding signature verification can help ensure that active voters receive a unique ballot, ballots are mailed to the proper location, and valid comparison signatures are on file. As shown in Figure 4.2, not all counties use these controls consistently.

---

[29] VISTA stands for *Voter Information and State Tracking Application* and is managed by the Office of the Lieutenant Governor (LG's Office) as discussed in Chapter 2.

4.2 Training Standards and Requirements Should Be Consistent Across the State

There are no standards in **Utah Code** or *Administrative Rule* that require training for signature verification.[30] Even so, we observed some of the same techniques for signature comparison being taught at different clerks' poll worker trainings, due to some level of collaboration between counties. There were some differences observed in the conduct and formality of training from county to county, as shown in Figure 4.3. These differences likely stem from the lack of consistent training standards.

> There are no standards in *Utah Code* or *Administrative Rule* that require training for signature verification.

Figure 4.3 Signature Verification Training Is More Rigorous in Some Counties Than Others. Prior to Utah's 2022 primary election, auditors observed different levels of formality in signature verification training, shown here from more to less rigorous.

Most Rigorous	Clerks provided recorded videos, presentations, in-person training, and practice materials.
Less Rigorous	Clerks mentioned that they may use LG's Office resources, or that on-the-job training is best.
Least Rigorous	In one case, training was mostly limited to a reference sheet posted on the wall and in another, a signature reviewer reported having received no training.

Source: Auditor generated

In some counties, signature verification training is more established and rigorous, while in others, training practices did not appear to be firmly established. In one county, the training essentially consisted of an instruction sheet posted on the wall of the office where election workers were reviewing signatures. In another county, the clerk scheduled formal trainings that included group practice and discussion.

The LG's Office has provided some training resources for clerks and has made efforts[31] to promote good signature verification practices. However, the LG's Office has no legal authority to establish or require specific elements of signature verification training. In contrast, three vote-by-mail states—Nevada, Washington, and Colorado—have explicit provisions in statute or rule to provide training on statewide standards and requirements.

Additionally, federal guidance emphasizes the importance of training. Staff responsible for signature verification have to be trained, and training should provide examples of different signature characteristics and allow time for study and hands-on practice.

---

[30] The need for better system-wide training is addressed in Chapter 6.

[31] The LG's Office hosted a virtual meeting of Utah clerks in January 2022 that featured a training presentation on signature verification by the Davis County Clerk/Auditor's Office. A recording of the training is available to clerks for future reference.

During a 2022 legislative committee meeting, the director of elections from the LG's Office spoke in support of standardizing and clarifying signature verification standards, as well as standardizing training for election workers who are often "left to their own devices." To ensure that signature verification statewide adheres to best practices, the LG's Office should establish standards and required training for election offices across Utah's 29 counties.

RECOMMENDATION 4.2

The Legislature should consider giving the Office of the Lieutenant Governor explicit authority to establish training standards and requirements for signature verification to better assure that practices are executed consistently across the state.

RECOMMENDATION 4.3

The Legislature should consider requiring county election staff to attend signature verification training.

4.3 Signature Quality in VISTA Should Be Improved

Most of Utah's voters register to vote through the Driver License Division (DLD). This means that the signature image for many voters is taken from the digital signature pads at DLD. The DLD signatures we observed were lower quality than other types of signature files, primarily because of their low resolution.

Federal best practices state that the quality of signature images in registration databases plays a major role in accepting or rejecting ballots. This is important, because rejecting otherwise valid signatures due to a bad reference image costs the election office time and money in the curing process.

Figure 4.4 Some Utah Counties and Hawaii Offer Options for Improving VISTA Signature Images.[32] The options below are strategies suggested by or observed in individual Utah counties—and in Hawaii—to improve signature images available for comparison.

Utah	Update signature reference images from signature verification, ballot curing, and the provisional ballot process.
	After canvass and throughout the year, review voter signatures on file to find the clearest and newest to be used in automatic verification.
	DLD registrants could be notified that the signature they sign on the pad will be used to verify future ballots.
	Signature pads could be updated at the DLD.
Hawaii	The state elections officer mailed a signature capture card to voters to improve the signatures available for reference.

Source: Auditor generated

RECOMMENDATION 4.4

The Legislature should consider the options in this chapter to improve the quality of signatures available for signature verification.

4.4 Mid-Election Performance Monitoring Helps Identify and Correct Problems

Auditing a sample of signatures while conducting the election can provide immediate information to fix inappropriate decisions during the review of voter signatures. For example, in our review, we found one signature that the county said should not have been approved by the human verifier. Implementing a mid-election audit could help discover and correct inappropriately reviewed signatures and prevent the issue from recurring in the same election. Such an audit could play a useful role because it would introduce a second review of some signatures that are currently reviewed only once because they are passed in the first tier of review.

To enable such an audit, the decisions of individual signature reviewers would need to be tracked. This would allow officials to identify reviewers who may be accepting or rejecting signatures outside of the normal distribution, and plan training efforts to correct observed deficiencies. Colorado established mid-election audits in its secretary of state's election rules, which require county clerks to periodically audit signature verification judges. If the audit finds irregularities, the county clerk must retrain or remove judges from the signature verification process.

---

[32] The options in Utah are practices that were observed in different county election offices or suggested by county clerks. The option in Hawaii was a statewide effort.

Mid-Election Signature Audits and Performance Tracking Can Be Done by Hand or with Software

Some election machines have software that can track the pass/rejection rates of individual signature reviewers. While such equipment can make performance tracking easier, performance tracking can still be done in counties where this technology is not available. Federal best practices recommend machine audits to assure that humans would reach the same conclusions as the machines; in the absence of machines, a supervisor team could examine batches throughout the day to look for outliers.

When asked about the viability of manual signature performance tracking and subsequent mid-election auditing, county clerks in smaller counties said it could be done with some additional effort. Many small counties already have a practice of labeling batch tracking forms with the initials of the individual who reviewed the batch. A mid-election audit could then be done by tracking the performance of the specific reviewer identified on the batch tracking form.

Figure 4.5 Some Counties' Batch Tracking Forms Include Initials That Identify Signature Reviewers. Batch tracking forms with reviewers' initials could allow election managers to track the signature review decisions of each poll worker and, thus, target training needs.
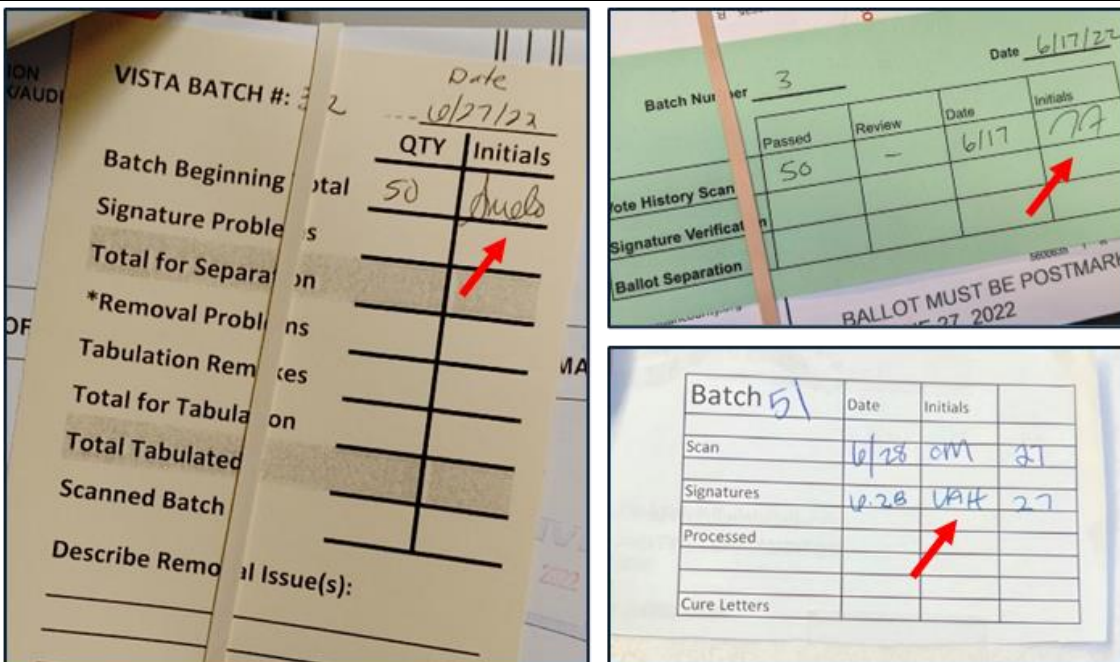
Source: Auditor generated

Some Utah counties have independently developed their own signature verification processes. For example, one county we observed reported that it audits a minimum of 1,000 machine-verified signatures during an election.

> **RECOMMENDATION 4.5**
>
> The Legislature should consider giving authority to the Lieutenant Governor to establish rules requiring counties to conduct mid-election audits of signatures and performance tracking for signature reviewers.

4.5 The Legislature Should Consider Policies Related to the Cure-by-Phone Process

Statute establishes a cure process that requires voters to confirm their identity and submit a new signature when their ballot envelope signature is challenged by the county clerk. However, it also creates an exception to this process if election workers can "otherwise … confirm the individual's identity."[33] Operating under this exception, some county clerks validate challenged ballot signatures by contacting voters by phone.

Auditors observed some county election workers approving challenged ballot signatures over the phone without confirming the individual's identity, which is not consistent with *Utah Code*. The use of phone curing is inconsistent across counties, and the process can be problematic because there are no clear standards for how the process can be done in a satisfactory way.

> **Auditors observed some county election workers approving challenged ballot signatures over the phone without confirming the individual's identity.**

Of the eight states that conduct elections primarily by mail, only Nevada has explicit statutory instructions and requirements for confirming voter identity and verbally curing over the phone.[34] Unlike Utah, Nevada includes specific instructions that detail a requirement for voters to verbally provide personal data to confirm their identity, after which the voter can confirm the validity of their ballot signature to the clerk.

Federal best practices for administering and securing elections describe a cure process that includes the submission of a new signature before a challenged ballot can be counted. Both Nevada's and Utah's laws include an alternative to providing a new signature to cure a ballot. Nevada's statute is written such that either a new signature or a verbal confirmation after an identity check is sufficient to comply with cure requirements. Utah statute initially requires the submission of a new signature but later allows the option of providing ID confirmation through other means (e.g., cure by phone), thus negating the legal requirement to provide a new signature.

---

[33] The process is described in *Utah Code* 20A-3a-401, with the exception in subsection (8).

[34] Although "phone curing" is not explicitly mentioned, Nevada Revised Statutes 293.269927 allows a clerk to contact voters with challenged ballots over the phone and provides instructions for orally confirming identity and confirming that a ballot signature belongs to the confirmed voter

Other States Require the Submission of a New Signature. An official at the office of Washington's Secretary of State noted that voters cannot affirm the validity of a ballot signature over the phone and, in the case of mismatched signatures, a new signature must be provided. For the cure process in California, voters are required to deliver a signed signature verification statement to election officials, either by email, fax, ballot drop box or in person at a polling place. Other states have similar requirements.

> **RECOMMENDATION 4.6**
>
> The Legislature should consider guidelines for, or the necessity of, curing challenged ballot signatures by phone.

The Legislature Should Consider New Options for Post-Election Audits

BACKGROUND

Counties in Utah conduct both a ballot audit and a signature audit at the end of each election. The purpose of the ballot audit is to confirm that election equipment and software correctly identify voter selections. While this audit method fulfills its purpose, the introduction of risk-limiting audit (RLA) methods could shift the purpose to validate election outcomes.

FINDING 5.1
The LG's Office has recently strengthened the post-election audit but other states have gone further.

RECOMMENDATION 5.1
The Legislature should consider options to increase the independence of any post-election audit.

FINDING 5.2
Adopting additional post-election audit methods could increase confidence in election processing and outcomes.

RECOMMENDATION 5.2
The Legislature should consider establishing a risk-limiting audit pilot program to enhance Utah's post-election audit methods, giving the Office of the Lieutenant Governor rulemaking authority to establish standards.

RECOMMENDATION 5.3
If the Legislature authorizes a risk-limiting audit pilot program, the Office of the Lieutenant Governor should create rules to establish common procedures.

15 States Have Established RLA Methods in Recent Years

Statutorily Required Risk-Limiting Audits	
CO 2017, RI 2018, VA 2018	

Pilot Program for Risk-Limiting Audits	
GA 2020, KY 2022, NV 2022, IN 2019, NJ 2018, MI 2018, PA 2019, TX 2022	

Allow Counties the Option to Conduct Risk-Limiting Audits	
CA 2018, OH 2020, OR 2020, WA 2018	
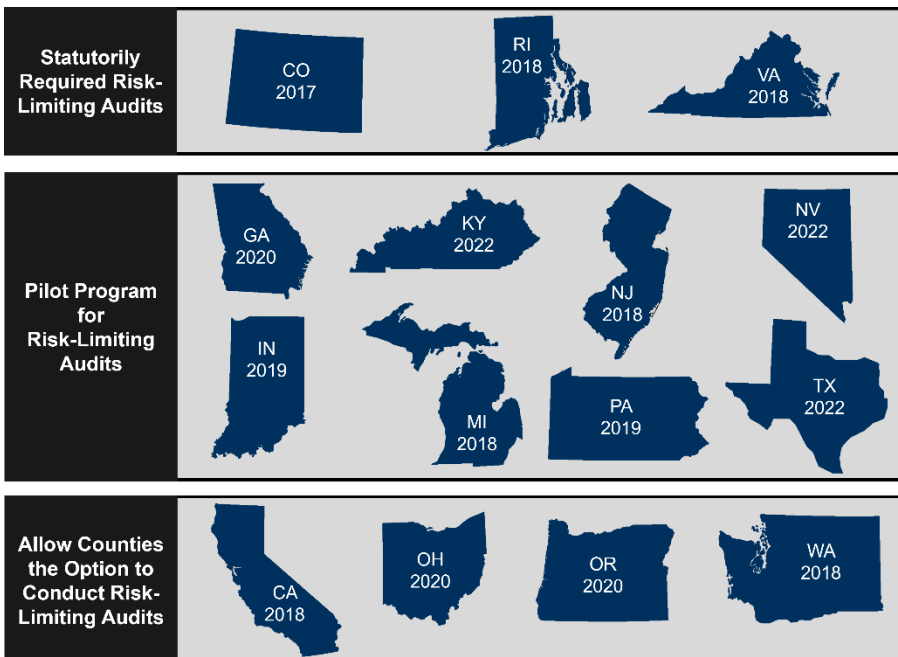
CONCLUSION

Policymakers and election officials could consider introducing an RLA option in Utah's election system.

RLAs are designed to confirm that the candidate who received the most votes won the election contest.

Different RLA options are available depending on a range of considerations, such as the desired confidence level, resources required, and the appropriate state oversight.

Chapter 5
The Legislature Should Consider
New Options for Post-Election Audits

5.1 The LG's Office Has Recently Strengthened the Post-Election Audit but Other States Have Gone Further

Following each election in Utah, county clerks conduct audits of both ballot machine accuracy and voter signature verification in all 29 counties. The post-election audit method currently used in Utah is simple and widely used across the country, with roughly half of states conducting a similar type of ballot audit.[35] That said, the simplicity of this audit method leads to some disadvantages the Legislature may consider improving.

> Although Utah's current method for post-election audits is commonly used, it could be strengthened by using techniques from other states.

For example, Utah's current ballot audit examines whether machines identified the correct vote selection but does not provide a direct confirmation that tabulation was accurate and that the candidates with the most votes won in each race. Additionally, current post-election audits examine only a clustered sample of ballots rather than a broader, more random sample across all election returns.

After the 2022 primary election, we observed post-election audits in four counties and saw that election machines correctly identified vote selection on ballots. The Office of the Lieutenant Governor (LG's Office) reports that no errors were found in the other 25 counties' ballot audits of the 2022 primary election. The LG's Office has also recognized the need to enhance the post-election audit process and created more stringent requirements for the 2022 general election. In addition, we believe that certain practices in other states offer a range of options the Legislature could adopt to further enhance post-election audits in Utah.

The Traditional Post-Election Audit Method Fulfills Its Objective but Lacks the Ability to Validate Election Results

The purpose of Utah's current ballot audit method is to confirm that election equipment and software correctly identified voter selections on sampled ballots. A review of four counties' traditional audits verified that election machines and software fulfilled this purpose. As such, we do not believe that the traditional post-election audit used in Utah is fundamentally broken, but it can be improved. Addressing specific disadvantages of the current audit method, as listed below, could improve public perception of election results.
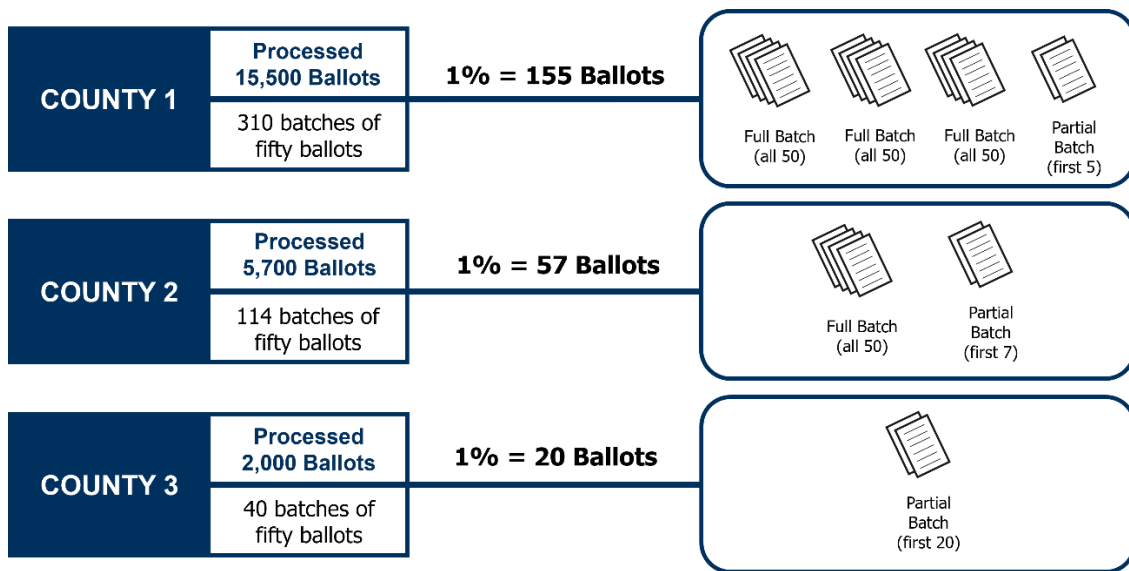
---

[35] Although ballot machine audits are common, audits of signature verification are less so.

- Current audit methods verify that election equipment and software identify the correct voter selections on a small sample of ballots. However, the audit does not confirm that the candidates with the most votes won the election.

- Utah's method calls for a sample of 1 percent or 1,000 ballots (whichever is smaller). This can lead to very small samples in counties where only a small number of ballots are received. For example, three of Utah's smallest counties audited two to nine ballots each after the 2022 primary election.

- With the current method, ballots to be audited are selected using a random sample of batches. This type of clustered sample does not give a broad representation of ballots across many batches.

Figure 5.1 displays how counties organize ballots into many batches. The traditional post-election audit only examines a few batches in each county.

Figure 5.1 Only a Few Batches of Ballots Are Reviewed in the Traditional Post-Election Audit. Utah's traditional audit method requires that counties select one percent of all ballots by batch. This results in reviewing only a small portion of the county's total number of batches.

| COUNTY 1 | Processed 15,500 Ballots | 1% = 155 Ballots | Full Batch (all 50) | Full Batch (all 50) | Full Batch (all 50) | Partial Batch (first 5) |
| | 310 batches of fifty ballots | | | | | |

| COUNTY 2 | Processed 5,700 Ballots | 1% = 57 Ballots | Full Batch (all 50) | Partial Batch (first 7) |
| | 114 batches of fifty ballots | | | |

| COUNTY 3 | Processed 2,000 Ballots | 1% = 20 Ballots | Partial Batch (first 20) |
| | 40 batches of fifty ballots | | |

Source: Auditor generated [36]

Because this audit method only examines a select few batches, it is not intended to recount votes or verify election results. The purpose of Utah's current audit method is simply to verify that the election machines were operating correctly during the processing of the audited batches. The purpose of the risk-limiting

---

36 For illustrative purposes, Figure 5.1 utilizes the most common batch quantity of 50 ballots. Some counties batch in numbers as high as 250 ballots, while others may have batches with varying ballot quantities. However, the method for the post-election audit is the same regardless of batch size.

audit methods, discussed later in this chapter, is to validate that the candidate with the most votes won an election.

The Current Post-Election Ballot Audit Tests Election Machines To Determine If Identified Vote Selections are Correct

In Utah, specific practices for the post-election ballot audit were established by a 2006 directive from the LG's Office, prior to the now common method of mail-in ballots.[37] The audit directive requires that counties review 1 percent, or 1,000 (whichever is less), of ballots to verify that tabulation machines correctly read the marks voters made on their ballots. This audit is conducted soon after an election and is open to the public.

> **The purpose of Utah's current ballot audit is to ensure that election tabulation machines and software correctly identified individual voters' selections.**

The purpose of Utah's current ballot audit is to ensure that election tabulation machines and election software correctly identified the voter's selection. For example, if a voter marks a vote for Candidate A on a ballot, the audit is meant to verify that the machine correctly identified the selection for Candidate A. In our observation of four counties' post-election audits, we found that election machines and software identified the correct voter selections in each of the 1 percent or 1,000 ballots examined.[38]

Utah's method of auditing a set percentage of ballots is the most common method used by states to conduct post-election audits. This method is known as a traditional post-election audit and represents a simple, valid way to verify the accuracy of tabulation machines in identifying voter selections on ballots.

The Legislature Added an Audit of Voter Signatures In 2017 as the State Moved Toward Mail-in Voting

In 2017, the Legislature added a requirement that the post-election audit begin reviewing voter's signatures on mail-in ballots.[39] Similar to the ballot audit, the signature audit reviews one percent of the signatures approved by election workers or verification machines to ensure that the signatures match the voters' reference signatures on file.

In our review, we observed that the signature audit appeared to verify that signatures on the ballot envelopes matched signatures in the VISTA voter database. Although the post-election signature audits we observed appeared to be satisfactory, we had other questions about the overall signature verification process that we discuss in greater detail in Chapter 4.

---

[37] Statute is unclear regarding the LG's Office having oversight for election audits. Even if no changes are made to post-election audit practices, statute could be clarified to better support current practices.

[38] Three counties used ES&S election machines and software. One county used Dominion election software.

[39] *Utah Code* 20A-3a-202 (9).

The LG's Office Recently Took Steps to Enhance the Post-Election Audit Procedure

To address some of the areas highlighted above, the LG's Office recently implemented more detailed election audit procedures for the November 2022 general election. The LG's Office noted that requiring more rigorous standards for the audit process can enhance public perception of election results. Some of the new guidelines include:

- A minimum of 50 ballots and signatures must be examined, regardless of whether this number exceeds the 1 percent requirement in some counties.

- The audit must be conducted by dedicated staff who are free from other responsibilities and distractions. At least two staff must be present for the audit.

- The signature audit will also include a verification of the voter's registration information in the statewide VISTA database.

> The LG's Office established more detailed election audit procedures for the November 2022 General Election.

We believe these new requirements build on the existing process for post-election audits and strengthen audit expectations for election officials. However, there are additional audit methods used in other states that policymakers should consider to further enhance post-election audits in Utah.

The Legislature could bolster confidence in election outcomes by considering requiring that an independent third party perform any post-election audits. Audit standards require that the entity that performed the work cannot audit the same work. One option for the Legislature to consider is to have counties audit each other. Another option to increase audit independence would be to have an independent third party, such as the State Auditor's Office, conduct the audit.

> **RECOMMENDATION 5.1**
>
> The Legislature should consider options to increase the independence of any post-election audit.

The second half of this chapter focuses on various options policymakers could adopt to improve post-election audits and increase public confidence in election processes and results.

5.2 Adopting Additional Post-Election Audit Methods Can Enhance Audit Outcomes

Adopting RLA methods could add to Utah's election system by shifting the purpose of the post-election audit to validating that election outcomes are correct. RLAs are conducted after an election to verify, statistically, that the

candidates with the most votes won. Many states are moving to RLAs as the new standard for post-election audits and allow election officials to adjust the number of examined ballots in an audit to provide statistical confidence in election results. Many states have recently adopted versions of RLAs in their election systems to boost confidence in elections. Because there are various ways to conduct RLAs, policymakers should deliberate on whether RLA methods could be beneficial in Utah.

The Purpose of Risk-Limiting Audits Is to Confirm That the Candidate with the Most Votes Won

Risk-limiting audits are relatively new and focus on verifying that the candidate who received the most votes won an election contest.

> An RLA can be defined as "a method to ensure that at the end of the canvass, the hardware, software, and procedures used to tally votes found the real winners." [40]

One study noted that RLAs are an innovative method with a specified chance of confirming a correct outcome. This audit method could shift the purpose toward election outcomes rather than Utah's current traditional audit which focuses on whether election machines identified the correct voter selection.

RLAs may improve the sample of audited ballots because they do not rely on a set percentage of ballots being reviewed—like the one percent requirement in Utah's current post-election audit. Rather, an RLA allows an adjustable number of ballots to be reviewed based on the margin of victory. For example, if there is a large margin of victory, fewer ballots need to be reviewed. However, if the margin of victory is close, election officials can review more ballots to ensure statistical confidence that the correct candidate won. In short, an RLA is an examination of an adjustable number of ballots that stops when there is strong evidence that a full recount would confirm the same outcome.

An RLA is an examination of an adjustable number of ballots that stops when there is strong evidence that a full recount would confirm the same outcome.

RLAs require that a confidence level be established to determine how many ballots need to be examined to meet the desired confidence level. For example, if the confidence level is set at 90 percent, it would mean that there is a 10 percent chance that election results are incorrect. A higher confidence level (e.g., 95 percent) would suggest a lower risk (e.g., 5 percent) that the election results are incorrect. Thus, more ballots would need to be examined if the confidence level is higher. The desired confidence level for an RLA would need to be determined by policymakers and election officials.

---

[40] M. Lindeman M. and P. Stark, "A Gentle Introduction to Risk-limiting Audits," *IEEE Security and Privacy* 10, no. 05 (March 2012)
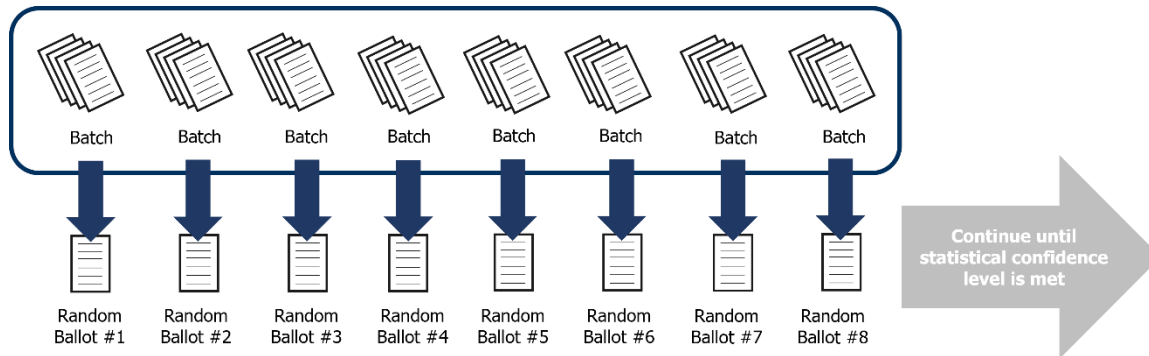
Risk-Limiting Audits Select Many Ballots From Multiple Batches in an Election

RLAs also differ from the traditional audit because they examine individual ballots from multiple batches, rather than selecting a few batches for examination. The traditional audit method of examining a few batches as a cluster does not pull from the larger universe of ballots and does not account for final election results. For example, an examined batch may come from a specific precinct that leans heavily toward a particular candidate; however, even though that batch favors one candidate, it does not confirm that the candidate won the election.

Conversely, an RLA method allows a random sample across the broader universe of all ballots received by a county, not just batches. A review of ballots from many batches allows for a more diversified examination of the entire election. As mentioned, election officials may adjust the size of the sample of ballots to meet the statistical confidence level desired to verify the correct outcome of an election. Figure 5.2 shows a simplified example of how individual ballots may be pulled from many batches in an RLA.

Figure 5.2 Risk-Limiting Audits Review Ballots from Many Batches. RLAs pull random ballots from many batches to gain statistical confidence that the correct candidates won the election. The number of ballots examined can be adjusted until the confidence level is met.

Source: Auditor generated

Examining Physical Paper Ballots Is Necessary in Risk-Limiting Audits

Utah's election system is conducted entirely on paper. However, many counties in Utah rely on election software to provide a scanned image of ballots when they are processed in tabulation machines. During post-election audits, most election officials review only the scanned image of the ballot to determine if the machine correctly identified the voter's intended selection.

For an RLA, best practices state that election auditors examine physical paper ballots to reduce the risk of potential software programming errors that may not correctly identify the voter's intent. Some election experts question the reliance on election software or scanned images—which cannot be guaranteed to be

perfect—and suggest that election audits be conducted using the official paper record.

In our post-election audit observations in four counties in the days following the 2022 primary election, only one of the four counties examined physical paper ballots as part of its audit process. The other three counties conducted the audit by examining ballot images on screens, aided by election software to indicate voter intent.

Although rare, it is possible for election software to identify nonexistent vote selections. For example, in 2020, one county noted in its audit report that an election machine had incorrectly identified a shadow on a ballot as a vote selection. The ballot image was initially viewed on a computer monitor rather than the actual paper ballot.

If policymakers determine to incorporate RLAs into Utah's election system, counties should be required to examine physical paper ballots during the audit. Additionally, a strong chain-of-custody standard would be necessary in each county to locate paper ballots needed for the RLA. Chain-of-custody methods are discussed in Chapter 3.

Risk-Limiting Audits Can Provide Greater Assurance that the Candidate with the Most Votes Won

Because the purpose of an RLA is to validate the winners of the election, using this method as the post-election audit method may help to improve public perception of election results. For example, one county council addressed a letter to the Legislature and LG's Office, asking for a better audit process due to some confusion about audit results. The confusion centered around a lack of clarity regarding current procedures for tabulation and ballot sampling. While the county council stood by the election results, council members argued for different audit methods to encourage faith and integrity in elections.

> **Because the purpose of an RLA is to validate the winners of the election, using this method may help public perception of election results.**

While one batch of ballots is not indicative of the county's total election results, the current audit process resulted in a lack of confidence about the election outcome in that county. Using an RLA option may clarify election results by providing statistical confidence regarding who won an election contest.

Several States Have Moved toward Risk-Limiting Audits in Recent Years

Several states have introduced various RLA methods in recent years to boost public confidence in election systems. For example, Colorado's RLA is meant to "ensure effective election administration and public confidence in the election process" and "provide a more effective manner of conducting audits than traditional audit methods in that risk limiting audit methods typically require

only limited resources for election races with wide margins of victory while investing greater resources in close races." Some states have established election RLAs in statute. Others have introduced a pilot program in select counties, while some states give counties the option of whether to conduct an RLA.

Figure 5.3 shows which states currently use an RLA as a method for post-election audits, along with the year RLAs were introduced.

Figure 5.3 Fifteen States Introduced Risk Limiting Audits for Elections within the Last Five Years. Eight of these states established an RLA pilot program for select counties.
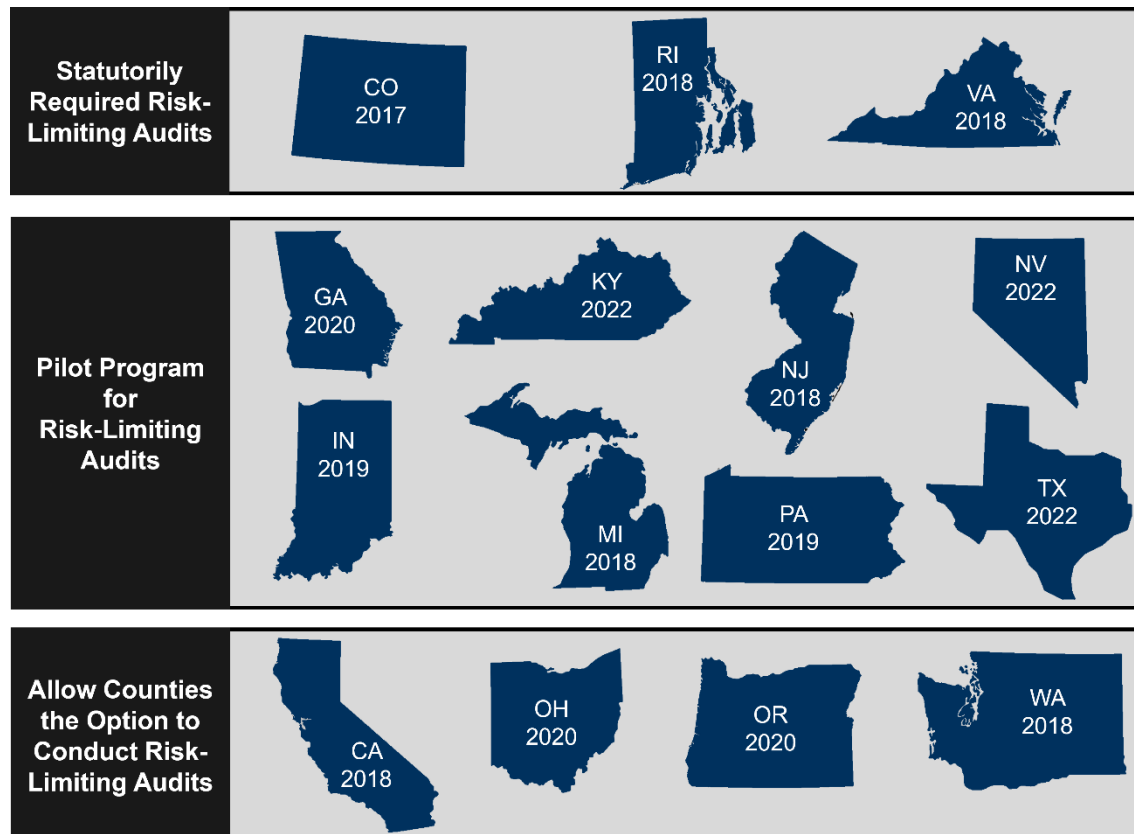
Source: Auditor generated from National Conference of State Legislatures (NCSL) data

Requirements for an RLA differ by state. Some states, such as Colorado, require each county to produce a cast vote record (CVR), which follows each ballot through the election process. Other RLA methods may not require a CVR and simply pull a random sample of ballots from multiple batches. Additionally, the statistical confidence level varies between states. For example, Colorado initially required a 91 percent confidence level (i.e., 9 percent risk that the outcome is incorrect) but then increased the confidence level to 97 percent (3 percent risk that the outcome is incorrect) as counties became more comfortable performing the RLA. Conversely, Oregon has a lower confidence level of 90 percent (10 percent risk that the outcome is incorrect). Many states also examine the physical paper ballots as part of the RLA.

As shown in Figure 5.3, eight states are currently testing an RLA pilot program. This allows select counties within these states to perform an RLA and become

comfortable with the guidelines and procedures. For example, Indiana initially started its RLA pilot program with five counties in the 2020 general election. The state has expanded the number of participating counties to ten in the 2022 general election. Utah policymakers and election officials may wish to establish an RLA method that balances the state's unique needs and goals for the election system.

Policymakers and Election Officials Should Deliberate on Which Risk Limiting Audit Options Could be Used for Utah's Election System

An RLA option that balances the preferred confidence level with the resources needed to execute audit procedures is a policy decision for the Legislature.

There are various ways to conduct RLAs to accommodate the needs of policymakers and election officials. There may be limits to what is feasible and efficient for Utah elections; balancing the preferred confidence level with the resources needed to execute audit procedures is a policy decision for the Legislature. Election officials likely would need to study options for RLAs and consult with statisticians and election audit experts to produce an RLA model appropriate for Utah's elections. The LG's Office could then create standards to support counties in conducting RLAs.

The resources necessary to conduct RLAs differ based on the method chosen. Some types of RLAs require that election officials maintain a cast vote record, or CVR. The CVR is a record of the order and location of all ballots scanned during an election. An RLA that uses a CVR must have a record of the order in which ballots were scanned on tabulation machines during an election. However, RLAs can also be conducted without the use of a CVR, instead relying on a random sample of ballots. The two most common methods for an RLA are:

- **Ballot Polling RLA**—Ballots are randomly selected (polled) from multiple batches. These RLAs can be conducted without a voter list and are often used with margins of victory that exceed 10 percent.

- **Ballot Comparison RLA**—Individual, specific ballots are selected and compared against a CVR. This option requires a strong chain of custody because the exact location of every ballot is needed. It is used for margins of any size, including closer margins of victory.

Figure 5.4 shows that RLA options can be determined on a range that balances different methods, confidence levels, and the desired level of state control.

Figure 5.4 Policymakers Could Deliberate on an Appropriate RLA Option for Utah Elections. RLA options can be determined on a scale, depending on the resource requirements and confidence level policymakers desire to balance. Any option will require the Legislature to codify RLA requirements and the LG's Office to establish RLA procedures.

| Ballot Polling RLA | More Human Resource Intensive | Less Human Resource Intensive | Ballot Comparison RLA |

Counties may have the option to conduct an RLA with state support

Lower statistical confidence level

Higher statistical confidence level

All counties conduct an RLA with strong state oversight
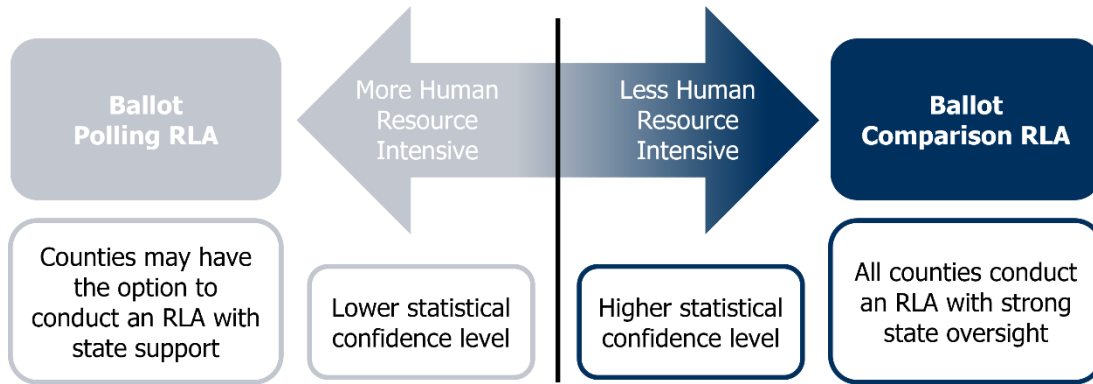
Source: Auditor generated

Some states do not require an RLA in every election contest. Rather, they give counties the option to perform an RLA if the election contest is close. For example, some states set the basic RLA requirement in statute, with detailed procedures found in administrative rule. These options are provided to assist policymakers and election officials to determine the specific practices and methods for an RLA method in Utah. The appropriate practices for a potential RLA are a decision for the Legislature.

Although Utah's current traditional audit practice confirms that election equipment correctly identified vote selections on ballots, the inclusion of an RLA method could give Utah counties additional confirmation that election results are correct. Additionally, an RLA pilot program could gradually introduce this audit method to balance local clerks' limited resources and to help inform future audit considerations.

We recommend that the Legislature consider the inclusion of an RLA pilot program in statute. The Legislature could determine the amount of detail to include in code, such as specific procedures, confidence level, county-level options, and other areas. If, however, code merely establishes an RLA requirement, the LG's Office could further study RLA options and produce specific procedures in *Administrative Rule*, in line with statute.

RECOMMENDATION 5.2

The Legislature should consider establishing a risk-limiting audit pilot program to enhance Utah's post-election audit methods, giving the Office of the Lieutenant Governor rulemaking authority to establish standards.

RECOMMENDATION 5.3

If the Legislature authorizes a risk-limiting audit pilot program, the Office of the Lieutenant Governor should create rules to establish common procedures.

CHAPTER 6 Summary
Oversight and Enforcement Roles
In Election Code Could Be Clarified

LEGISLATIVE
AUDITOR
GENERAL

BACKGROUND

The Lieutenant Governor is the state's chief election officer, responsible for overseeing election administration in the state. Like other states' chief election officers there are several duties spelled out in *Utah Code*, but unlike other states, in Utah, there is currently no entity responsible for ensuring that election controls are used.

FINDING 6.1
Utah election code does not specify oversight and enforcement roles.

RECOMMENDATION 6.1
The Legislature should consider adding election standard oversight and enforcement responsibilities and mechanisms to *Utah Code*.

RECOMMENDATION 6.2
The Office of the Lieutenant Governor should implement any oversight and enforcement responsibilities as required by the Legislature in response to this audit.

FINDING 6.2
County election workers are not required to participate in election training.

RECOMMENDATION 6.3
The Legislature should consider whether to require county election staff to participate in election trainings.

RECOMMENDATION 6.4
The Office of the Lieutenant Governor should determine the best way to support and provide training for clerks on the controls and procedures of Utah elections.

FINDING 6.3
Although the LG's Office is working on a standards manual, there is currently no such resource for Utah clerks.

RECOMMENDATION 6.5
The Office of the Lieutenant Governor should finalize its manual of standards to help guide clerks' election administration.

CONCLUSION

Given (1) clarity over their oversight and enforcement roles, (2) a requirement that training for clerks be mandatory, and (3) a standardized reference manual for all clerks, the LG's Office can help tighten controls and ensure elections are run consistently by counties.

Chapter 6
Oversight and Enforcement Roles
In Election Code Could Be Clarified

6.1 Utah Election Code Does Not Specify
Oversight and Enforcement Roles

To ensure elections are more uniformly administered, we believe *Utah Code* could clarify and define oversight and enforcement roles for elections as seen in other states. *Utah Code* designates the Lieutenant Governor (LG) as the state's chief election officer.

This report uses the description of oversight and oversight bodies offered by the Government Accountability Office. They state that "an oversight body oversees the entity's operations; provides constructive criticism…; and where appropriate, makes oversight decisions so that the entity achieves its objectives." Specifically, it requires that the oversight body "provide oversight…in the development and performance of control activities." In relation to Utah's election systems, the Office of the Lieutenant Governor (LG's Office) is the oversight body.

Greater Clarity Could be Given to the
Lieutenant Governor's Oversight Role

Utah Code tasks the LG to "exercise general supervisory authority over all elections." This allows ambiguity as to what activities should be conducted as part of that "general supervisory authority."

The same section of code further requires, in part, that the LG:

- "Exercise direct authority" for federal, state-wide, or multi-county races
- "Assist county clerks in unifying the election ballot"
- Publish election information
- Answer election questions
- "Maintain election returns and statistics"
- Certify the winners of elections
- "Coordinate with local, state, and federal officials to ensure compliance with state and federal election laws."

Aside from these specific duties, the only other oversight requirement is that "the Lieutenant Governor may not assume the responsibilities assigned to the county clerks… or other local election officials." In part because of non-specific oversight roles, counties' use of controls is inconsistent as shown in the bulk of this report. Examples include:

- Chapter 2 – The VISTA tool to check for voters who have died is used inconsistently.

- Chapter 3 – Ballots counted are not reconciled with the vote in VISTA.

- Chapter 4 – Counties have varying standards for signature verification training.

Clarifying the extent of the LG's oversight responsibilities could help to ensure that these and other control weaknesses do not continue.

Other States' Election Officers Have Greater Responsibility for Election Oversight

The election officers in neighboring states (usually a secretary of state) have more clear oversight authority than Utah's LG. Specifically, Colorado and Oregon both require their election officers to ensure that their elections follow the law.

CRS 1-1-107(1)
...the secretary of state has the following duties:
To supervise the conduct of...elections in this state; to enforce the provisions of this code; to make uniform interpretations of this code
CRS 1-1-107(2)
To promulgate, publish and distribute...such rules as the secretary of state finds necessary for the proper administration and enforcement of the election laws...
To inspect...and review the practices and procedures of county clerk and recorders
To enforce the provision of this code by injunctive action brought by the attorney general

CO

ORS 246.110
It is the secretary's responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws.
ORS 246.046
The Secretary of State and each county clerk shall diligently seek out any evidence of violation of any election law.

OR

In contrast, the oversight authority granted to the LG is more limited in scope and specificity. By specifying the extent of the LG's oversight responsibilities, the Legislature can empower them to not only train counties, but to determine whether they are meeting standards and notify counties of the need for improvement.

Some Common Enforcement Responsibilities of the Chief Elections Officer Are Absent in *Utah Code*

While statute mentions oversight in a vague way, it is silent on enforcement mechanisms or responsibilities. This means that if a county clerk, intentionally or not, does not follow **Utah Code** or *Administrative Rule*, the default mechanism to enforce compliance is through the courts. Attorneys at the Office of Legislative

Research and General Counsel (OLRGC) agree with that assessment as shown on the next page.[41]

OLAG Question	Does the Lieutenant Governor have any enforcement authority if a county election official fails to comply with law or rule?
OLRGC Response	No. The Lieutenant Governor does not have specific enforcement authority if a county election official fails to comply with law or rule.

Some other entities within Utah show potential options for enforcement mechanisms. Both the Attorney General (AG) and the State Auditor have enforcement authority in their respective fields.

State Attorney General Authority

Utah Code 67-5-1(2)(a)
Require a district attorney or county attorney to…report on the status of public business.

Utah Code 67-5-1(2)(b)(i)(B)
Review first degree felonies when a county or district attorney fails to screen a case or file charges.

State Auditor Authority

Utah Code 67-3-1(7)(g)
Withhold state allocated funds or the disbursement of property taxes…to ensure that officials…comply with state laws and procedures in the budgeting, expenditures, and financial reporting of public funds.

Utah Code 67-3-3(1)
Suspend any disbursement of public funds whenever, in the state auditor's opinion, the disbursement is contrary to law.

In addition to these options, the Legislature could also give the LG's Office the authority to fine counties in consistent need of improvement.

---

[41] For the complete OLRGC opinion, see Appendix D.

Other States' Election Officers Have Greater Responsibility for Election Enforcement. Some other states have granted their chief election officer increased enforcement responsibilities. For example, Oregon statute reads:

> Whenever it appears to the Secretary of State that a county clerk, city elections officer or a local elections official has failed to comply with an interpretation of any election law...or has failed to comply with a rule, directive or instruction made by the Secretary of State ...the Secretary of State may apply to the appropriate circuit court for an order to compel the county clerk, city elections officer or local elections official to comply.[42]

> Without an enforcement mechanism, a clerk's failure to meet existing standards could consistently result in more errors and weaker security in their jurisdiction, which in turn could undermine confidence in elections statewide.

This and other examples show that other states have adopted a mechanism to ensure that the actual execution of state election law meets the legislature's and chief election officer's expectations.[43]

RECOMMENDATION 6.1

The Legislature should consider adding election standard oversight, and enforcement responsibilities and mechanisms to *Utah Code*.

RECOMMENDATION 6.2

The Office of the Lieutenant Governor should implement any oversight and enforcement responsibilities as required by the Legislature in response to

6.2 County Election Workers Are Not Required to Participate in Election Training

While each county has different election needs in terms of geographic and demographic size, there is a need for universal security standards. There are universal principles and available controls that have generally been adopted by all counties; however, not all controls have been adopted with the same strength, consistency, and reliability. We believe it is important that each clerk is consistently trained and apprised on industry best practices and aware of the

---

[42] Oregon Revised Code 246.820
[43] Washington code includes a cover all penalties statute for election officials who fail to uphold election law or rule.

interpretation of state statute. As previously mentioned, oversight of the application of these standards should then occur.

Current Efforts to Educate Clerks Are Decentralized and Voluntary

Each separate clerk in each county must determine how best to learn their duties, as well as train their staff in carrying out their duties. There are some existing options, including participating in voluntary events offered by the LG's office, or meetings at the clerk's professional association, the Utah Association of Counties (UAC). In fact, clerks cite UAC as their primary forum for improving the administration of elections and understanding election laws. The LG's Office offers bi-weekly training and discussion online, but these meetings are voluntary.

There appears to be no evaluation to ensure that the principles are being learned or applied in each jurisdiction.

Whether a clerk or their staff attend these events is entirely determined by the preference of the clerk. This leaves the state open to the risk of a spotty system where some counties may be unprepared to handle election irregularities or security breaches.

The need for system-wide training has been shown throughout this report. Namely:

- Chapter 2 – Clerks may not be aware of some of the tools in VISTA intended to simplify election roll maintenance. There is currently no official VISTA training.

- Chapter 3 – Because there are no standards or training on ballot reconciliation, the number of votes counted does not match the number of voters who got credit for voting.

- Chapter 4 – Finding 4.2 explains in detail the need for more thorough, consistent training on what can and cannot be accepted for a legitimate signature.

- Chapter 5 – Any new auditing practices would need a thorough explanation and training to orient clerks to the new process.

Training Can Help Ensure That Clerks Understand and Implement Best Practices. In addition to improving election controls and processes, required in-person trainings would give the LG a good opportunity to gauge the knowledge and experience of clerks around the state.

Systematic, mandatory training of clerks on current practices and standards could (1) increase the consistency of use of the practices and standards, and (2) reveal areas for additional training.

Washington, Oregon, and Colorado all have statutory requirements that the election officer train or provide contracted training in clerks' election duties. In Oregon, for example, required bi-yearly trainings are used both to inform and to evaluate clerks and see whether state minimum standards are being met.

Auditor Observations Revealed Inconsistent Knowledge of Election Law and Best Practices Among Clerks

There was at least one auditor from our office in every county reviewing and observing elections during the 2022 primary election. The auditors were trained to review for the existence and application of controls and best practices. We found county clerks and their staff to be committed to election security and protocols. However, we also found several items that need to be addressed from training to oversight. Counties should be supported by the LG's office in these areas moving forward.

During our observations, we found that clerks often had contradicting views on the implementation of best practices and whether certain practices were listed in *Utah Code*. For example:

- In one county ballots were kept in a pile on an office desk with no labels. Piles with different purposes such as envelopes that are ready for separation, signatures that require further review, and ballots that were returned via USPS were often stored next to each other without clear distinction.

- Some counties require election workers to conduct in-process audits as ballots are being counted to ensure the accuracy of the signature verification process, while others only review signatures a second time if there is a discrepancy or during the post-election audit.

- In one county, same-day voters were allowed to same-day register; they were not then issued provisional ballots as required, but instead received standard ballots.

- Some counties have a policy of using two people to collect ballots from county drop boxes. However, in clerks' offices with limited staff, there are instances where only one employee collected sealed ballot drop boxes.

These issues, among others, are ripe for standards and training. Finding 6.3 addresses this further.

Fifty-Nine Percent of Utah Clerks Will Begin 2023 with Less than Two Years' Experience

Like much of the country, the last five years have resulted in high turnover among county clerks. Figure 6.1 shows the amount of experience among Utah clerks.

Figure 6.1 In January, 8 of 29 Utah Clerks Will Begin Their First Term. An additional nine have less than two years' experience.

First Term 2023

First Term 2020-2023

First Term Prior to 2020
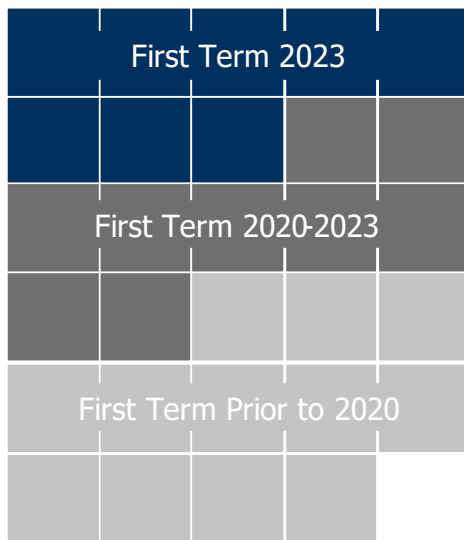
Source: Office of the Lieutenant Governor

While some counties use professional, unelected election directors, the relative inexperience of clerks still poses a concern. Clerks have the ultimate say in determining a jurisdiction's approach to an election within statutory limitations. They decide how to use controls, which controls to use, and how to comply with election code. The lack of uniformity in the conduct of elections is likely to continue and institutional knowledge of election administration is being lost as experienced clerks retire. Because of this, there needs to be mandatory standardized training on these important controls.

> ### RECOMMENDATION 6.3
>
> The Legislature should consider whether to require county election staff to participate in election trainings.

> ### RECOMMENDATION 6.4
>
> The Office of the Lieutenant Governor should determine the best way to support and provide training for clerks on the controls and procedures of

6.3 The LG's Office Is Working on a Manual of Standards and Guidance for Clerks to Prepare for and Administer Elections

Communication regarding changes to statute and election deadlines is currently done primarily on an ad hoc basis with no central resource for clerks to turn to for assistance, aside from reaching out to the LG's Office directly. Currently, the

LG's staff reaches out to county clerks via email to inform them of upcoming deadlines, changes to election law, and opportunities for grant funding and occasionally performs in-person visits. This differs from eight western states that provide a comprehensive election administration manual in addition to fielding questions from clerks.[44]

In Utah, issues and questions that clerks face often do not get brought to the LG's attention until the administration of an election. However, the LG's Office is working on a centralized election handbook that they plan to release the first part of 2023. This manual or set of standards could preempt many issues, thus saving time for both the clerk and the LG's Office. Distributing such a manual also sets a uniform standard for every officer in every election that, if followed, could increase security and accountability in every county. This set of standards also creates a training foundation as discussed in Finding 6.2.

Figure 6.2 Eight of Eleven Western States Have a Form of Election Administration Manual. Utah is working on their own manual, but it has not yet been completed.
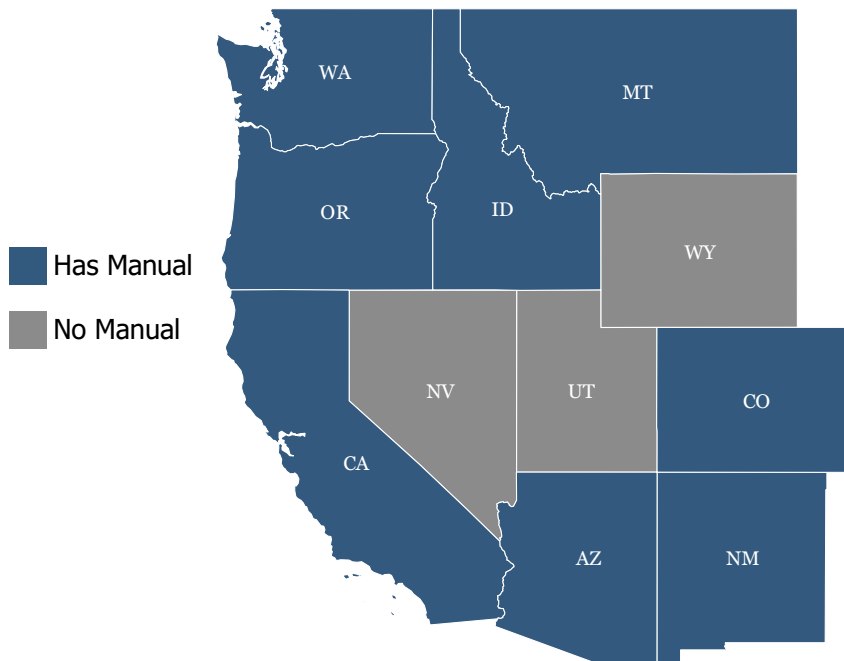
Source: Auditor analysis

---

[44] For example, Oregon's vote-by-mail manual.

There Is No Statutory Requirement for a Manual

Statute currently requires that the LG distribute copies of *Utah Code*, Chapter 20A, Election Code. However, this practice is ineffective in ensuring compliance with law or best practices. Each county's specific operations are different. Some counties use signature verification machinery, while it is done all by election workers in other counties. While the LG cannot prescribe step-by-step instructions for every case in every county, a set of overall guidelines for the fundamentals would still be useful.

Utah's lack of an easy-to-understand standards manual leave clerks to decide for themselves complex aspect of the process.

The importance of an easily accessible manual is heightened by the relative inexperience of many clerks in Utah. If the LG's Office were to collect institutional knowledge of best practices into a single place, it creates a clearinghouse of election knowledge that everyone is working from. New clerks could be better prepared to transition into their new roles. One clerk we visited with less than two years of experience noted that there is a steep learning curve to running an election. This clerk's response to many of our questions was "that is a good question. I'll have to call [another clerk] and ask." While we applaud the clerks for being a resource to each other, a set of standards and guidance, with subsequent training, could enable new clerks to find the information themselves.

Other States Have Published Comprehensive and Easy-to-Read Manuals

Other western states such as Oregon, Washington, Colorado, and California all publish election administration manuals which allow clerks to easily understand the law and how to effectively apply it. The manuals published in other states still offer a wide degree of latitude in making decisions within preestablished minimum standards. Because counties are so different in population makeup, this level of latitude is essential. Some of the topics the manuals address include creating a physical and cyber security plan, a chain-of-custody process, and dealing with outlying issues such as homeless individuals and reissued/supplemental ballots. Figure 6.3 shows a section of Oregon's manual on security needs.

Figure 6.3 This Section of the Oregon Vote-By-Mail Manual Lays Out Best Practices for Creating a Mandatory Security Plan. There are other sections that expound on best practices, most of which have statutory or administrative rule references for support.

Analyze security needs and update Security Plan   ✓ ORS 192.502(31), 254.074 and OAR 165-007-0310

To the greatest extent possible, security plans should consider possible emergency circumstances and courses of action.

ⓘ Security plans are exempt from disclosure under the public records laws.

1 Prepare an overall security plan and file it with the Secretary of State Elections Division. The plan should address both physical and cyber security. The Secretary of State's Office will approve security plans in writing after review.

2 Establish a written agreement for security measures with any vendor handling ballots or accessing election data.

3 Design security for:
   → Periods of ballot transportation (e.g. from print shop to location of insertion; from mailing house to Post Office and from Post Office to elections office other than regular mail delivery).
   → Ballots during scanning and/or processing.
   → Ballot dropsites.

4 Establish guidelines for security involving observers, county employees, volunteers, vendors or other visitors to the elections office.

Source: *Vote by Mail Procedures Manual*, Oregon Secretary of State, Elections Division

In our discussions with representatives of other states, they expressed that they get fewer questions and clerks are able to deal with situations because the manual exists to guide them more independently.

The director of elections in the LG's Office reports that its planned new election manual contains sections on:

- Audits
- Canvassing
- Equipment maintenance logs
- Undeliverable ballots and mail
- Ballot collection
- Ballot processing
- Chain of custody
- Logic and accuracy tests
- Adjudication of voter intent
- Voter registration
- Public service requests
- Ballot design
- Ballot delivery
- Election results
- Accessibility and inclusivity
- Recounts
- Petition processing
- Physical and cyber security

Many of the specific recommendations throughout this report fit within one of these areas and should provide specific focus. We support the LG's efforts and encourage them to complete this manual, distribute it, train election staff on its principles, and update it when required.

RECOMMENDATION 6.5

The Office of the Lieutenant Governor should finalize its manual of standards to help guide clerks' election administration.

Complete List of Audit Recommendations

Complete List of Audit Recommendations

This report made the following seven recommendations. The numbering convention assigned to each recommendation consists of its chapter followed by a period and recommendation number within that chapter.

Recommendation 2.1
We recommend that the Office of the Lieutenant Governor finalize standards for the frequency and use of key VISTA maintenance tools, and then monitor their implementation.

Recommendation 2.2
We recommend that the Legislature consider clarifying the oversight role of the Office of the Lieutenant Governor with regards to voter registration. This could include authority for regular analysis of voter records, rulemaking authority for minimum maintenance standards.

Recommendation 2.3
We recommend that the Office of the Lieutenant Governor monitor and ensure that the names of deceased voters are removed from voter rolls, as required in statute.

Recommendation 2.4
We recommend that the Office of the Lieutenant Governor review its staffing plan to determine whether critical functions have sufficient staff. If, in this review, the Office of the Lieutenant Governor determines that they need more resources for monitoring and maintenance, we recommend that they report these needs to the Legislature.

Recommendation 3.1
We recommend that the Office of the Lieutenant Governor create rules requiring county clerks to publicly reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

Recommendation 3.2
We recommend that the Office of the Lieutenant Governor help clerks identify the best data possible to reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

Recommendation 3.3
We recommend that the Office of the Lieutenant Governor create rules requiring ballot envelopes to be counted as early as possible during ballot processing.

Recommendation 3.4
We recommend that the Office of the Lieutenant Governor finalize its chain-of-custody manual, including best practices for election staff in Utah's counties.

Recommendation 4.1
We recommend that the Legislature consider either including clearer standards for signature review, acceptance, and rejection in *Utah Code*, or giving the Lieutenant Governor authority to establish these standards and instructions.

Recommendation 4.2

We recommend that the Legislature consider giving the Office of the Lieutenant Governor explicit authority to establish training standards and requirements for signature verification to better assure that practices are executed consistently across the state.

Recommendation 4.3

We recommend that the Legislature consider requiring county election staff to attend signature verification training.

Recommendation 4.4

We recommend that the Legislature consider the options in this chapter to improve the quality of signatures available for signature verification.

Recommendation 4.5

We recommend that the Legislature consider giving authority to the Lieutenant Governor to establish rules requiring counties to conduct mid-election audits of signatures and performance tracking for signature reviewers.

Recommendation 4.6

We recommend that the Legislature consider guidelines for, or the necessity of, curing challenged ballot signatures by phone.

Recommendation 5.1

We recommend that the Legislature consider options to increase the independence of any post-election audit.

Recommendation 5.2

We recommend that the Legislature consider establishing a risk-limiting audit pilot program to enhance Utah's post-election audit methods, giving the Office of the Lieutenant Governor rulemaking authority to establish standards.

Recommendation 5.3

We recommend that, if the Legislature authorizes a risk-limiting audit pilot program, the Office of the Lieutenant Governor should create rules to establish common procedures.

Recommendation 6.1

We recommend that the Legislature consider adding election standard oversight, and enforcement responsibilities and mechanisms to *Utah Code*.

Recommendation 6.2

We recommend that the Office of the Lieutenant Governor implement any oversight and enforcement responsibilities as required by the Legislature in response to this audit.

Recommendation 6.3

We recommend that the Legislature consider whether to require county election staff to participate in election trainings.

Recommendation 6.4

We recommend that the Office of the Lieutenant Governor determine the best way to support and provide training for clerks on the controls and procedures of Utah elections.

Recommendation 6.5

We recommend that the Office of the Lieutenant Governor finalize its manual of standards to help guide clerks' elections administration.

Appendix

A. Full Detail of Election Processes and Controls Highlighted in Figure 1.1

Figure 1.1 in Chapter 1 was designed to give a high-level view of the key election processes we feel are critical to protecting election integrity. While the chapter provides additional detail and context to support our conclusion that Utah's election system is functioning well overall, there are many more detailed controls within each element of Figure 1.1. We want interested readers to be able to see and understand those details.

Link to interactive version of Figure 1.1:

To that end, our team built an online version of the figure where users can click on each process and explore the overview of the process. Clicking on each item there will show the full list of controls, risks, and audit recommendations related to each. We have also embedded relevant charts and figures from the audit report in the online version. Please use the QR code shown to the right to access that version.
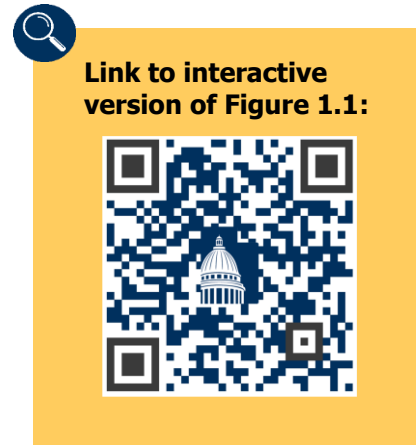
We also wanted readers of the full report to have access to this process and control information and prepared this appendix for that purpose. All ten elements shown in Figure 1.1 are represented here, along with the detailed process and control elements contained in the interactive, online version of the figure. Relevant recommendations from the report are also shown here with chapter references so readers can explore areas where our team performed a full analysis (e.g., recommendation 2.3 is the third recommendation from Chapter 2). It should be noted that some areas found in this election process do not have specific audit recommendations and not all recommendations from the audit are found here. Recommendations are focused on the areas with the most risk or areas that could be improved upon.

1. County-Level Election Administration
Overview
• With some oversight from the Office of the Lieutenant Governor (LG's Office), elected county clerks administer elections at the county level.
• Within the limits of state law, decisions about election equipment, ballot and envelope printing, ballot boxes, polling places, etc. are made and largely funded at the county level.
Controls
• Subdividing election administration makes it extremely difficult to compromise statewide and/or national races because of the complexity of coordinating and executing such widescale fraud against so many independent offices.

- Local control allows for experimentation and innovation to suit unique needs and circumstances. Vote-by-mail in Utah grew from such grassroots beginnings.

- Local-level elected clerks are in direct control of essential election processes, giving voters more direct power to hold election officials accountable.

Risks
- Variation in quality of election administration could open vulnerabilities in areas with inferior processes.

- Variation in interpretation of election laws could threaten eligible voters' right to vote.

Recommendations
- None

2. State-Level Voter Registration System

Overview
- County clerks use a centralized, state-level voter registration system called VISTA. The system is managed by the Lieutenant Governor.

- To participate in elections, all eligible voters must register to vote with the clerk for the county in which the voter resides. The information is then saved in VISTA.

- Registration seeks to verify both identity and place of residency.

Controls
- VISTA enables voter management across county lines and provides central controls over ballot security.

- With support from the LG's Office, the system enables clerks to validate voter information against data sources like the Driver License Division, Office of Vital Records and Statistics, Department of Corrections, Social Security Administration, the Electronic Registration Information Center (ERIC), etc.

- Using a central database can help control voting activity in real time, making it very difficult to vote more than once.

Risks
- Because of the decentralized use of VISTA, oversight can be lacking.

- As with all systems, there is a possibility of human error when entering data.

- There can be a lack of ongoing voter record maintenance and use of VISTA tools checking for duplicate voter registrations.

3. Routine Voter List Maintenance

Overview

- As required by state law, the LG's Office uploads data regarding voters who are incarcerated or deceased and those who have moved or changed personal details with the Driver License Division (e.g., marriage name change).

- Clerks then use the information provided by the LG's Office, in addition to several duplicate voter reports and methods, to review and modify voter records in an attempt to keep the voter roll as current and accurate as reasonably possible.

- Clerks will also enter new voter information when a voter registers somewhere other than the Driver License Division.

Controls

- Constant maintenance of voter records helps ensure that registered voters are eligible and voting in the appropriate location/elections.

- This maintenance also helps ensure that ballots are sent to the voter's correct address.

- Because mail ballots are only sent to active voters, accurate tracking of voter participation reduces the risk and cost of sending ballots to voters who have not participated in multiple elections.

Risks

- Human error can occur, especially considering the large volume of records to be reviewed and modified and the critical, specific details like address, date of birth, and driver license number that must be entered.

- Clerks' offices can neglect voter record maintenance, increasing the risk that voters will not receive a ballot or receive one other than their own.

- Oversight of voter maintenance can be neglected.

- There is a lack of standards and guidance for key processes within voter registration database.

Recommendations

- 2.1 We recommend that the Office of the Lieutenant Governor finalize standards for the frequency and use of key VISTA maintenance tools, and then monitor their implementation.

- 2.2 We recommend that the Legislature consider clarifying the oversight role of the Office of the Lieutenant Governor with regards to voter registration. This could include authority for regular analysis of voter records, and rulemaking authority for minimum maintenance standards.

- 2.3 We recommend that the Office of the Lieutenant Governor monitor and ensure that the names of deceased voters are removed from voter rolls, as required in statute.

- 2.4 We recommend that the Office of the Lieutenant Governor review its staffing plan to determine whether critical functions have sufficient staff. If, in this review, the Office of the Lieutenant Governor determines that they need more resources for monitoring and maintenance, we recommend that they report these needs to the Legislature.

4. Pre-Election Logic and Accuracy Testing

Overview

- Tabulation machines are tested before each election to ensure to the clerk's satisfaction, that they are programmed to accurately read each race and ballot type.

- This process culminates in a public meeting where the machine programming (i.e., the machines' logic and accuracy) is demonstrated with test ballots.

Controls

- With a limited exception for ranked-choice voting equipment, the Lieutenant Governor ensures that all voting equipment used in Utah is certified to the standards of the US Election Assistance Commission (EAC).

- Tabulation machine maintenance and software updates are performed only by authorized individuals.

- Tabulation machines are physically secured and locked to prevent unauthorized access.

Risks
- Election machines may not correctly identify test ballots during the pre-election L&A test. No reported instances of this risk were reported. If complications arise, they can be remedied prior to the election.

- Auditors observed an L&A demonstration in a large county that was not as clearly explained as it could have been, undermining the opportunity to increase the confidence of those in attendance.

Recommendations
- None

5. Mail Ballot Preparation

Overview
- Clerks' offices produce a list of eligible, active voters in their counties. These lists are sent to specialized election printing vendors, selected by each county, for ballot and envelope printing.

Controls
- Each envelope is assigned a unique control number by the state's central voter database (VISTA). This, in combination with the voter's ID number, is used by the voter registration database (VISTA) to validate ballots upon return.

- If a voter needs a new mail-in ballot, the unique control number will be 'spoiled' and will no longer be accepted by VISTA. VISTA will automatically assign a new control number for the new envelope/ballot.

Risks
- Printing errors can create logistical and processing problems that clerks must overcome.

- Some counties have on-demand ballot printers and some counties order surplus ballots from printers to ensure that all eligible voters can get a ballot if/when needed. Inadequate controls over these surplus ballots could provide opportunities for election workers to cast unlawful surplus votes.

- Failure to complete the voter maintenance from element #3 can result in ballots prepared for and sent to voters who no longer reside in their address of record.

Recommendations
- None

6. Ballot Intake and Chain of Custody

Overview
- Clerks' offices receive ballots from ballot drop boxes and the US Postal Service and must ensure that all ballots returned are accurately tracked and accounted for.

- Clerks use ballot chain of custody practices to create a verifiable document trail to account for all ballots received.

Controls
- Best practices say accurate, transparent chain of custody practices and records can increase voter confidence that ballots were handled correctly and protect against the unauthorized removal or addition of ballots.

- Two individuals should retrieve ballots to reduce the risk of someone adding or removing ballots as required by code.

- Various tracking forms provide an audit trail of ballot retrieval and processing.

- Ballots are typically combined for processing in batches of 25-250 (depending on the size of the county). Batching provides smaller units of work that can each be tracked and accounted for.

- If ballots received are reconciled to the total number of ballots processed, it ensures that there are neither more nor fewer than there were at the beginning of the process.

Risks
- We observed significant variations in chain of custody practices across counties. Some counties lacked custody documentation sufficient to fully or clearly account for all ballots received.

- Failure to reconcile ballot intake to the final total of ballots processed leaves questions about full ballot accountability.

- Lack of proper segregation of duties between ballot intake and other processing steps can create an opportunity for an election worker to compromise the count (i.e., by adding or removing ballots) without detection.

Recommendations

- 3.1 We recommend that the Office of the Lieutenant Governor create rules requiring county clerks to publicly reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

- 3.2 We recommend that the Office of the Lieutenant Governor help clerks identify the best data possible to reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

- 3.3 We recommend the Office of the Lieutenant Governor create rules requiring ballot envelopes to be counted as early as possible during ballot processing.

- 3.4 We recommend that the Office of the Lieutenant Governor finalize its chain-of-custody manual, including best practices for election staff in Utah's counties.

7. Signature Verification and Curing

Overview

- The primary means of validation and control of incoming ballot envelopes is the comparison of voters' signatures against known signature examples.

- Signature verification and its surrounding controls are supported by the central voter registration database (VISTA).

- Many counties manually review all signatures against voter registration records. Some counties have signature verification software that automatically reviews and accepts a certain number of signatures considered to be acceptably accurate. Those not accepted by the software are manually reviewed by election staff.

Controls

- County clerks can use statewide driver's license data to obtain valid signature images for most Utah voters.

- County practices include additional levels of more intensive review for any signatures that are not obvious matches with reference signatures.

- Many clerks provide some training to election staff on the techniques and standards for proper signature validation.

- If a signature is challenged, clerks must contact voters to give them the opportunity to correct (or "cure") the ballot so it can still be counted.

Risks
- Utah lacks clear legal standards for election signature verification.

- Ballot signature verification training has not been consistently deployed statewide. Therefore, standards and quality may vary somewhat.

- If counties do not work to maintain and improve voters' signature files, valid signatures may be rejected or accepted inappropriately.

- Signatures that are passed on the first review are analyzed only once.

- Auditors observed that curing ballot signature challenges over the phone resulted in election staff not appropriately verifying the identity of voters in some cases.

Recommendations
- 4.1 We recommend that the Legislature consider either including clearer standards for signature review, acceptance, and rejection in *Utah Code*, or giving the Lieutenant Governor authority to establish these standards and instructions.

- 4.2 We recommend that the Legislature consider giving the Office of the Lieutenant Governor explicit authority to establish training standards and requirements for signature verification to better assure that practices are executed consistently across the state.

- 4.3 We recommend that the Legislature consider requiring county election staff to attend signature verification training.

- 4.4 We recommend that the Legislature consider the options in this chapter to improve the quality of signatures available for signature verification.

- 4.5 We recommend that the Legislature consider giving authority to the Lieutenant Governor to establish rules requiring counties to conduct mid-election audits of signatures and performance tracking for signature reviewers.

- 4.6 We recommend that the Legislature consider guidelines for, or the necessity of, curing challenged ballot signatures by phone.

8. Paper Ballot Tabulation

Overview

- Ballots are designed and printed to facilitate machine tabulation in all Utah counties.

- All ballots are cast on paper. Because nothing is fully digital, a full audit trail is available for all ballots cast.

- Machines generate a 'Cast Vote Record' for each individual ballot showing how the machine read the voter's ballot markings. This can be compared to the digital ballot image (scanned by the machine) or the physical paper ballot for auditing purposes.

Controls

- Voted paper ballots are processed and stored in batches to preserve a full paper-based audit trail that can be used to validate the machine count if needed.

- Tabulation machine totals of ballots scanned are matched to batch control amounts (recorded as part of the chain of custody) to verify piece count accuracy.

- A post-election audit in each county reviews machines' Cast Vote Records compared to the voters' markings on the actual ballots to ensure accurate machine programming and performance.

Risks

- Ballots could be misplaced in county elections, especially if the county uses poor chain of custody practices (element #6).

Recommendations

- None

9. Post-Election Audit

Overview

- Clerks submit aggregated ballot/batch tracking data to the LG's Office. The LG's Office selects batches for audit comprising 1% or 1,000 ballots, whichever is fewer.

- An audit of ballots is done to ensure ballot tabulation machines are programmed to accurately read each race and ballot type.

- An audit of signatures is done to confirm that signatures were appropriately validated.

Controls

- The LG's Office selects batches for the audit independent of clerks and sends that information immediately before the audit begins.

- The process is open to observation by candidates, political parties, and members of the public at all times.

Risks
- Disadvantages of the traditional audit include: small sample sizes, clustered ballot samples, no direct machine tally verification.

- Currently, the individual clerk's offices audit themselves. Audits standards require an independent party conduct the audit.

Recommendations
- 5.1 We recommend that the Legislature consider options to increase the independence of any post-election audit.

- 5.2 We recommend that the Legislature consider establishing a risk-limiting audit pilot program to enhance Utah's post-election audit methods, giving the Office of the Lieutenant Governor rulemaking authority to establish standards.

- 5.3 We recommend that, if the Legislature authorizes a risk-limiting audit pilot program, the Office of the Lieutenant Governor should create rules to establish common procedures.

10. Voter Feedback and Public Observation

Overview
- Voters play an important role in maintaining election integrity. Voters can and do provide valuable information to election officials and workers.

- Voters have a responsibility to update their voter records, which often occurs when updating the same information on their driver's licenses.

- Citizens, candidates, party leaders, etc. can observe most of the key election processes listed here to independently check exactly how elections are administered by their local clerk's office.

Controls
- If ballots don't arrive when expected or other anomalies occur, voters regularly contact clerks to find answers. This can lead to the detection of situations in need of investigation and correction.

- Public observation of election administration can increase the accountability of clerks and election workers.

- Showing voters that clerks have nothing to hide can increase the overall level voter confidence in Utah's election integrity.

Risks

- Some voters do not update their voter information as diligently as they should.

- We found that very few people actually observe election administration or public demonstrations.

- Public observers can interfere with proper ballot processing or act in belligerent or disruptive ways.

Recommendations

- None

B. Voter Status and Record Type

Voter Status:

Voter Status	Definition	*Utah Code* Reference
Active	Registered voter not classified as inactive by county clerk. Eligible to receive mail ballots.	20A-1-102(1)
Inactive	Placed inactive by county clerk. Individuals may still vote and participate in elections but will not be mailed a ballot. Voters become inactive by not voting in two consecutive federal elections without updating their registration, or when there is evidence the voter has moved (NCOA list, undeliverable ballots, undeliverable mail, etc.)	20A-1-102(28); 20A-2-306
In Suspense	Typically used when a voter has submitted an incomplete registration form.	Not defined in code
Not Eligible	Used for underage voters who are preregistered to vote.	Not defined in code
Removable	Determined to be no longer eligible to vote i.e., due to death, written request, or moving out of state.	20A-2-305 20A-2-306(4)(b)

Voter Record Type (Record Protection):

Voter Record Type	Definition	*Utah Code* Reference
Public	Unless requested by the voter, voter records are considered public.	20A-2-104
Private	Voter registration records are withheld from persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.	20A-2-104(1)(b); 20A-2-104(4)(d); 20A-2-104(4)(h)
Withheld	Must request to be a withheld record and be a victim of domestic violence, a law enforcement officer, a member of the armed forces, a public figure, protected by a protective order, or whose registration was classified as a private record prior to May 12, 2020. This protects registration records from all political parties, candidates for public office, and their contractors, employees, and volunteers.	20A-2-104(1)(b); 20A-2-104(7)

C. Examples of Washington State Reconciliation Reports

King County Auditor
Reconciliation Form

General information

| County name | King |
| Election date | 11/3/2020 |

Registered voters eligible to participate

| Active registered voters | 1,420,898 |
| Inactive registered voters | 104,014 |

Category Reconciliation (detailed accounting of ballots)

	Issued (number of voters issued ballots)	Credited voters in VoteWA (envelopes containing ballots)	Ballots Accepted (Counted / Tabulated)	Ballots not counted		Discrepancy (If zero, category balances)
				Ballots forwarded to other counties	Ballots Rejected	
UOCAVA	37,376	23,043	22,774	N/A	269	0
Federal write-in	N/A	370	370	N/A	0	0
Provisional	74	74	16	0	58	0
DREs	0	0	0	N/A	0	0
All voters not reported in above categories	1,479,986	1,207,893	1,196,902	0	10,991	0
Total for all voter categories	**1,517,436**	**1,231,380**	**1,220,062**	**0**	**11,318**	**0**

Summary

Reconciliation

Overall Ballot Reconciliation

Ballots Received	1,231,380
Ballots Accepted	1,220,062
Ballots Not Counted	11,318
Discrepancy	0

Voters credited to ballots counted

Credited voters in VoteWA	1,219,824
Credited envelopes without ballots	(124)
Voters not credited in VoteWA (examples: FWAB or ACP)	362
Total valid ballots	1,220,062
Discrepancy	0

Additional Information

Replacement Ballots

Requested	72,842
Issued	72,842
Returned	61,690
Counted	60,691
Rejected	999

Return method

Email	13,306
Fax	274
Deposited at staffed, unstaffed deposit sites and voting centers	909,987
Non-UOCAVA returned by Fax or Email	0

Generation method

VoteWA	19
Other online programs	37,764
PDF originating from county	0
Non-UOCAVA ballots issued electronicaly	15,548

AVU

| Estimated number of paper ballots printed by AVU | 46 |

Category discrepancy explanation

VoteWA discrepancy explanation

Report prepared by: Jerelyn Hampton

Date: November 23, 2020

Contact number: 206-477-4107

Rev 2.4 (08/13/2019)

Cowlitz County Auditor

Reconciliation Form

General information

		Registered voters eligible to participate	
County name	Cowlitz	Active registered voters	66,452
Election date	11/5/2019	Inactive registered voters	6,067

Category Reconciliation (detailed accounting of ballots)

	Issued (number of voters issued ballots)	Credited voters in VoteWA (envelopes containing ballots)	Ballots Accepted (Counted / Tabulated)	Ballots not counted		Discrepancy (If zero, category balances)
				Ballots forwarded to other counties	Ballots Rejected	
UOCAVA	688	60	58	N/A	2	0
Federal write-in	N/A	0	0	N/A	0	0
Provisional	0	0	0	0	0	0
DREs	0	0	0	N/A	0	0
All voters not reported in above categories	66,593	29,836	29,592	0	244	0
Total for all voter categories	**67,281**	**29,896**	**29,650**	**0**	**246**	**0**

Summary

Reconciliation

Overall Ballot Reconciliation

Ballots Received	29,896
Ballots Accepted	29,650
Ballots Not Counted	246
Discrepancy	0

Voters credited to ballots counted

Credited voters in VoteWA	29,638
Credited envelopes without ballots	(1)
Voters not credited in VoteWA (examples: FWAB or ACP)	11
Total valid ballots	29,648
Discrepancy	(2)

Additional Information

Replacement Ballots

Requested	573
Issued	573
Returned	376
Counted	375
Rejected	1

Return method

Email	26
Fax	1
Deposited at staffed, unstaffed deposit sites and voting centers	19,998
Non-UOCAVA returned by Fax or Email	0

Generation method

VoteWA	111
Other online programs	0
PDF originating from county	0
Non-UOCAVA ballots issued electronicaly	320

AVU

Estimated number of paper ballots printed by AVU	3

Category discrepancy explanation

Voter returned General Election envelope with Primary ballot inside. Discovered during ballot inspection but unable to tie ballot back to voter. This is noted in "Credited envelopes without ballots."

VoteWA discrepancy explanation

1. Two ballots counted for one registered voter. Two household members signed each others' envelopes. One envelope was given the correct label to match the signature. The other envelope was not. The same voter received credit twice in the same batch. Later, uncredited voter returned a second ballot, which was accepted. Although caught, ballots had already gone to final processing.   2. Two ballots counted for one registered voter. One household member signed their own envelope and also their housemate's envelope. Household member's envelope was given a new label to match the signature of the voter who signed. The same voter received credit twice in the same batch. Although caught, ballots had already gone to final processing.

Report prepared by: Hayley Johnson

Contact number: 360-577-3005

Date: November 26, 2019

Rev 2.4 (08/13/2019)

Yakima County Auditor

Reconciliation Form

General information

County name	Yakima
Election date	4/27/2021

Registered voters eligible to participate

Active registered voters	18,437
Inactive registered voters	601

Category Reconciliation (detailed accounting of ballots)

	Issued (number of voters issued ballots)	Credited voters in VoteWA (envelopes containing ballots)	Ballots Accepted (Counted / Tabulated)	Ballots not counted		Discrepancy (If zero, category balances)
				Ballots forwarded to other counties	Ballots Rejected	
UOCAVA	258	26	25	N/A	1	0
Federal write-in	N/A	0	0	N/A	0	0
Provisional	0	0	0	0	0	0
DREs	0	0	0	N/A	0	0
All voters not reported in above categories	18,318	6,283	6,216	0	67	0
Total for all voter categories	**18,576**	**6,309**	**6,241**	**0**	**68**	**0**

Summary

Reconciliation

Overall Ballot Reconciliation

Ballots Received	6,309
Ballots Accepted	6,241
Ballots Not Counted	68
Discrepancy	0

Voters credited to ballots counted

Credited voters in VoteWA	6,242
Credited envelopes without ballots	(1)
Voters not credited in VoteWA (examples: FWAB or ACP)	0
Total valid ballots	6,241
Discrepancy	0

Additional Information

Replacement Ballots

Requested	66
Issued	66
Returned	25
Counted	25
Rejected	0

Return method

Email	2
Fax	0
Deposited at staffed, unstaffed deposit sites and voting centers	1,108
Non-UOCAVA returned by Fax or Email	0

Generation method

VoteWA	115
Other online programs	0
PDF originating from county	0
Non-UOCAVA ballots issued electronicaly	9

AVU

Estimated number of paper ballots printed by AVU	0

Category discrepancy explanation	VoteWA discrepancy explanation

Report prepared by:	K Fisher	Date:	5.7.2021
Contact number:	509.574.1340		

Rev 2.4 (08/13/2019)

D. OLRGC Opinion

OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL

John Q. Cannon, Director
John L. Fellows, General Counsel

Jake Dinsdale
Senior Audit Supervisor
Office of the Legislative Auditor General
W315 State Capitol Complex
Salt Lake City, Utah 84114

November 23, 2022

Re: Lieutenant Governor's Election Oversight Authority

Jake,

You have asked me to respond to three questions relating to the lieutenant governor's election oversight authority. I address each below.

Question 1: *Does statute give the lieutenant governor clearly-defined oversight authority over elections?*

Short Answer: *No, not in relation to local election officials. While the lieutenant governor is designated as the state's chief election officer and is granted general supervisory authority over elections, this authority is limited and does not grant specific enforcement power.*

Federal election laws require that each state have a "single" or "chief" officer designated to fulfill certain duties in relation to those laws. These include:

- The Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Sec. 20301, et, seq. (UOCAVA)
- The National Voter Registration Act, 52 U.S.C. Sec. 20501, et. Seq. (NVRA)
- The Help America Vote Act, 52 U.S.C. 20901, et seq. (HAVA)

To ensure Utah's compliance with federal law, Section 20A-2-300.6 of the Utah Code designates the lieutenant governor as Utah's "chief elections officer" and makes her responsible to oversee all of Utah's voter registration activities (this includes the UOCAVA voter registration requirements), oversee all other responsibilities established by the NVRA and HAVA, and "coordinate with local, state, and federal officials to ensure compliance with state and federal election laws."

In light of the specific requirements of the federal laws cited above, and the language of Subsection 20A-2-300.6(2)(a), the grant of oversight authority in that subsection is, except in relation to voter registration, likely limited to ensuring compliance with the NVRA and HAVA. The grant of oversight authority in relation to voter registration is broader and encompasses compliance with UOCAVA and the entire voter registration process within Utah. This voter registration oversight authority, and the division of responsibilities between the lieutenant governor and the county clerks, is delineated in Title 20A, Chapter, 2, Voter Registration.

In addition to the fact that the oversight authority described in Subsection 20A-2-300.6(2)(a) is limited in scope, the designation of the lieutenant governor as the "chief elections officer" and the requirement that she oversee certain activities are vague and do not grant specific enforcement authority. Further, the language of Subsection 20A-2-300.6(2)(b) clarifies that, with respect to all other provisions of state and federal law not specified in Subsection 20A-2-300.6(2)(a), the lieutenant governor's role is limited to coordinating with federal, state, and local officials to ensure compliance. This subsection does not give any enforcement authority with respect to state and local officials (and cannot with respect to federal officials). Finally, while the designation of the lieutenant governor as the election officer "for all

statewide ballots and elections" (Subsection 20A-1-102(23)(a)) with the authority to render "all interpretations and make all initial decisions about controversies or other matters arising under this chapter" (Section 20A-1-402), in relation to statewide ballots and elections, is significant, it does not grant specific enforcement authority if a local elected official fails to comply.

Utah Code Subsection 67-1a-2(2)(a)(i) provides that the lieutenant governor shall "exercise general supervisory authority over all elections." While this provision arguably grants additional authority to the lieutenant governor, it lacks the specificity necessary to empower her to exercise direct authority over local election officials who are, themselves, elected officials and who perform a large portion of the work relating to elections. In contrast, Subsection 67-1a-2(2)(a)(ii) does grant direct authority to the lieutenant governor, but that authority relates only to elections that extend beyond the jurisdictions of local election officials. In those situations, the law specifically states that she is responsible to "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." Id. This provision goes well beyond the vague grant of "general supervisory authority over all elections."

In conclusion, while the lieutenant governor is designated as the state's chief election officer and is granted certain oversight authority under Utah Code Subsection 20A-2-300.6(2)(a), this authority is limited in scope and does not grant specific enforcement power. Similarly, the grant of general supervisory authority over elections in Utah Code Subsection 67-1a-2(2) is vague and lacks enforcement power. This is further evidenced by Subsection 67-1a-2(2)(b), stating that, "[a]s chief election officer, the lieutenant governor may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code."

The Legislature, of course, may expand the authority of, or grant additional authority to, the lieutenant governor by enacting legislation that clearly expresses that authority.

Question 2: *Does the lieutenant governor have power to set election performance standards?*

Short Answer: *Yes, but only to a limited extent some extent.*

The lieutenant governor may set election performance standards, as follows:

- As part of her oversight authority over voter registration requirements and the state's responsibilities under the NVRA and HAVA (Subsection 20A-2-300.6(2)(a)).
- To assist in her coordination with local, state, and federal officials to ensure compliance with state and federal election laws (Subsection 20A-2-300.6(2)(b)).
- To make rules establishing requirements for verifying certain statuses in relation to withholding registration records (Subsection 20A-2-104(8)(c)).
- To make rules "establishing requirements for election officials regarding ballot security, including the custody, documentation of custody, handling, processing, disposition, and tabulation of ballots" (Subsection 20A-3a-404(1)).
- To make rules "describing the procedures that a counting judge is required to follow for counting ballots in an instant runoff voting race" (Subsection 20A-4-101(2)(f)(i)).
- To make rules "establishing software validation procedures that an election officer is required to comply with to verify that voting system files have not been tampered with" (Subsection 20A-5-905(1)).
- To make rules "establishing minimum requirements that a vendor must meet to be eligible to print ballots to be used in an election" (Subsection 20A-3a-404(1)).
- To make rules relating to the submission and verification of nomination petition signatures (Subsection 20A-9-403(3)(f)).
- To make rules establishing "procedures for complying with, and verifying compliance with, the candidate nominating process" (Section 20A-9-410).

Question 3: *Does the lieutenant governor have any enforcement authority if a county election official fails to comply with law or rule and, if not, are there templates for enforcement mechanisms in state statute?*

Short Answer: *No. The lieutenant governor does not have specific enforcement authority if a county election official fails to comply with law or rule.*

The lieutenant governor is not granted specific enforcement authority over county election officials who fail to comply with law or rule. Moreover, Subsection 67-1a-2(2)(b), provides that, "[a]s chief election officer, the lieutenant governor may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code."

Traditionally, the lieutenant governor has exercised its oversight authority by consulting with county election officials to advise them regarding legal requirements and assist them in fulfilling those requirements. If a circumstance were to arise where a county election official fails to comply with law or rule after consultation, the lieutenant governor could consider the following:

- Exerting political pressure to enforce compliance.
- Enlisting federal authority to enforce compliance with federal law.
- Exploring judicial enforcement options.

While there is not a template in state statute that would be an exact fit for legislation granting specific enforcement authority to the lieutenant governor in relation to county election officials who fail to comply with law or rule, the attorney general is granted some power with respect to local prosecution officials that may be instructive. The attorney general has:

- Authority to "require a district attorney or county attorney of the state to, upon request, report on the status of public business entrusted to the district or county attorney's charge" (Subsection 67-5-1(2)(a)).
- Authority, under certain circumstances, to review investigations and file charges in relation to first degree felonies when a county or district attorney fails to screen a case or file charges (Subsection 67-5-1(2)(b)).
- Authority to seek a court order to compel compliance by a district attorney or county attorney with requirements to provide certain records to the attorney general (Subsection 67-5-1(2)(e)).

If the Legislature is interested in granting specific enforcement authority to the lieutenant governor to enforce compliance with the law by local election officials, the Office of Legislative Research and General Counsel can conduct research and present them with options to consider.
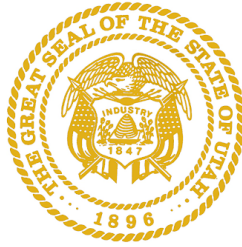

Thomas R. Vaughn
Managing Associate General Counsel

Agency Response

STATE OF UTAH

SPENCER J. COX
GOVERNOR

OFFICE OF THE LIEUTENANT GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

DEIDRE M. HENDERSON
LIEUTENANT GOVERNOR

December 5, 2022

Auditor General Kade R. Minchey
Office of the Auditor
Utah State Capitol Complex
East Office Building, STE 310
Salt Lake City, UT 84114

Dear Mr. Minchey,

It has been a pleasure to work with you and your team. First, I appreciate the professional manner with which the legislative auditors conducted themselves and their efforts to listen, learn, and gain a complete understanding of the complexity of our election systems.

We are pleased the legislative audit found no evidence of systematic problems, widespread errors, or significant fraud. Further, the audit found that any bad actors would need to defeat multiple layers of defensive control measures to undermine election integrity in Utah. The systems in place are the result of careful and deliberate efforts by the Legislature over many years to ensure that Utah voters have access to the ballot, confidence in the security of our elections, and the ability to hold those who run them accountable for their job performance.

We will always have more work when it comes to election systems in Utah. We are never satisfied with the status quo. Instead, we are continually looking for ways to improve. To that end, we appreciate the findings and recommendations of this audit—many of which we have already implemented. We look forward to working with the Legislature to continue our shared commitment to strengthening Utah's elections.

Sincerely,

Deidre M. Henderson
Lieutenant Governor

Recommendation 2.1

We recommend that the Office of the Lieutenant Governor finalize standards for the frequency and use of key VISTA maintenance tools, and then monitor their implementation.

Response: *We agree.*

Recommendation 2.2

We recommend that the Legislature consider clarifying the oversight role of the Office of the Lieutenant Governor with regards to voter registration. This could include authority for regular analysis of voter records and rulemaking authority for minimum maintenance standards.

Response: *We agree. During the 2022 legislative session, our office worked with county clerks and legislators on a bill (H.B. 313) to improve election law and procedures. A critical part of this legislation was the implementation of a voter registration audit. The initial voter registration audit we conducted in August and September identified findings like those in this legislative audit. We are confident that the recently implemented controls will allow us to refine our process.*

Recommendation 2.3

We recommend that the Office of the Lieutenant Governor monitor and ensure that the names of deceased voters are removed from voter rolls, as required in statute.

Response: *We agree.*

Recommendation 2.4

We recommend that the Office of the Lieutenant Governor review its staffing plan to determine whether critical functions have sufficient staff. If, in this review, the Office of the Lieutenant Governor determines that they need more resources for monitoring and maintenance, we recommend that they report these needs to the Legislature.

Response: *We agree. Our office currently oversees elections with five employees, 16 to 45 fewer FTEs than the audit's comparison states. We will continue doing as much as possible with our current resources; however, any additional training, oversight, and critical function redundancy recommendations in this audit would require more staff to implement.*

Recommendation 3.1

We recommend that the Office of the Lieutenant Governor create rules requiring county clerks to publicly reconcile the number of ballots tabulated with the number of voters given vote credit in VISTA.

Response: *We agree. We implemented a similar policy for the 2022 General Election. Pursuant to authorization from the Legislature, we will adopt rules regarding this recommendation.*

Recommendation 3.2

We recommend that the Office of the Lieutenant Governor help clerks identify the best data possible to reconcile canvass reports and vote credit numbers.

Response: *We agree. We implemented this recommendation during the 2022 General Election.*

Recommendation 3.3

We recommend that the Office of the Lieutenant Governor create rules requiring ballot envelopes be counted as early as possible during ballot processing.

Response: *We agree. Our office has submitted a rule currently in the rulemaking review process. This new rule (R623-8) requires county clerks to batch ballots and account for them from the time ballots arrive in their offices until they are tabulated and stored.*

Recommendation 3.4

We recommend that the Office of the Lieutenant Governor finalize its chain-of-custody manual, including best practices for election staff in Utah's counties.

Response: *We agree. Our office is in the process of finalizing a chain of custody manual.*

Recommendation 4.1

We recommend that the Legislature consider including either clearer standards for signature review, acceptance, and rejection in Utah Code, or giving the lieutenant governor authority to establish these standards and instructions.

Response: *We agree. During 2021 and 2022, our office worked with a legislator on a bill that failed to pass in either legislative session. The bill would have granted rulemaking authority to develop signature standards and training. It would have also created a certification program for election workers and provided the funding necessary for implementation.*

Recommendation 4.2

We recommend that the Legislature consider giving the Office of the Lieutenant Governor explicit authority to establish training standards and requirements for signature verification to better assure that practices are executed consistently across the state.

Response: *We agree.*

Recommendation 4.3

We recommend that the Legislature consider requiring county election staff to attend signature verification training.

Response: *We agree.*

Recommendation 4.4

We recommend that the Legislature consider the options in this chapter to improve the quality of signatures available for signature verification.

Response: *We agree.*

Recommendation 4.5

We recommend that the Legislature consider giving authority to the lieutenant governor to establish rules requiring counties to conduct mid-election audits of signatures and performance tracking for signature reviewers.

Response: *We agree.*

Recommendation 4.6

We recommend that the Legislature consider guidelines for, or the necessity of, curing challenged ballot signatures by phone.

Response: *We agree.*

Recommendation 5.1

We recommend that the Legislature consider options to increase the independence of any post-election audit.

Response: *We agree.*

Recommendation 5.2

We recommend that the Legislature consider establishing a risk-limiting audit pilot program to enhance Utah's post-election audit methods, giving the Office of the Lieutenant Governor rulemaking authority to establish standards.

Response: *We agree. In addition to the audit policy that we enacted for the 2022 General Election, we will continue to seek ways to strengthen our post-election audit methods.*

Recommendation 5.3

We recommend that, if the Legislature authorizes a risk-limiting audit pilot program, the Office of the Lieutenant Governor should create rules to establish common procedures.

Response: *We agree.*

Recommendation 6.1

We recommend that the Legislature consider adding election standard oversight and enforcement responsibilities and mechanisms to Utah Code.

Response: *We agree.*

Recommendation 6.2

We recommend that the Office of the Lieutenant Governor implement any oversight and enforcement responsibilities as required by the Legislature in response to this audit.

Response: *We agree.*

Recommendation 6.3

We recommend that the Legislature consider whether to require county election staff to participate in election trainings.

Response: *We agree.*

Recommendation 6.4

We recommend that the Office of the Lieutenant Governor determine the best way to support and provide training for clerks on the controls and procedures of Utah elections.

Response: *We agree. Our office will develop additional training plans and materials to the extent the Legislature gives us more resources and authority to supplement the training we currently provide.*

Recommendation 6.5

We recommend that the Office of the Lieutenant Governor finalize its manual of standards to help guide clerks' elections administration.

Response: *We agree. Our election handbook is in the final drafting stages before its scheduled release in the first quarter of 2023.*