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Ballot Information Accessibility Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

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LONG TITLE**General Description:**

This bill addresses access to, and disclosure of, certain ballot chain of custody information.

Highlighted Provisions:

This bill:

▸ subject to certain exceptions, makes it unlawful to access or disclose certain information relating to the method and timing of a voter casting a vote or returning a ballot; and

▸ establishes a criminal penalty for violating the provisions of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-3a-401.7, Utah Code Annotated 1953

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

Section 1. Section **20A-3a-401.7** is enacted to read:

20A-3a-401.7 . Access to, or disclosure of, certain chain of custody information --

Penalty.

(1) As used in this section:

(a) "Identifiable group of voters" means a group that is small enough that, even without the identification of a specific voter, a person could draw conclusions regarding the likelihood of the action, described in Subsection (2)(a), (b), or (c), taken by a specific voter.

(b) "Method" includes returning a voted ballot:

(i) in person to the clerk's office;

(ii) by mail;

(iii) by drop box; or

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- 32 (iv) in a manner described in Subsection 20A-3a-201(d) or (e).
- 33 (2) Except as otherwise provided in Subsection (3), it is unlawful for a person to access an
34 election record to determine:
- 35 (a) whether a specific voter or an identifiable group of voters voted in person or
36 otherwise;
- 37 (b) the method by which a specific voter or an identifiable group of voters returned a
38 ballot; or
- 39 (c) the date on which a specific voter or an identifiable group of voters voted or returned
40 a ballot.
- 41 (3) An election officer or election official who has lawful access to an election record
42 described in Subsection (2) may access the election record only:
- 43 (a) to the extent necessary to fulfill a duty of the election officer or election official;
44 (b) to the extent necessary to comply with a lawful court order; or
45 (c) if the specific voter or each member of the identifiable group of voters requests, in
46 writing, that the election officer or election official access the information in relation
47 to the specific voter or identifiable group of voters.
- 48 (4) It is unlawful for a person to disclose the information described in Subsection (2)(a),
49 (b), or (c) to a person other than the person to whom the information relates, unless the
50 disclosure is:
- 51 (a) made by an election officer or election official only to the extent necessary to fulfill
52 an official duty of the election officer or election official;
- 53 (b) expressly authorized by law;
- 54 (c) made in compliance with a lawful court order; or
- 55 (d) authorized, in writing, by the specific voter or identifiable group of voters to whom
56 the information relates.
- 57 (5) Violation of this section is a class B misdemeanor.

58 **Section 2. Effective Date.**

59 This bill takes effect on May 7, 2025.