

A Performance Audit of

Utah's Election System

Strengthening Election Integrity

Office of the Legislative
Auditor General

Report to the UTAH LEGISLATURE





**LEGISLATIVE
AUDITOR GENERAL**



THE MISSION OF THE LEGISLATIVE AUDITOR GENERAL IS TO

AUDIT · LEAD · ACHIEVE

WE HELP ORGANIZATIONS IMPROVE.

Audit Subcommittee

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

Senator Evan J. Vickers
Senate Majority Leader

Senator Luz Escamilla
Senate Minority Leader

Speaker Mike Schultz, Co-Chair
Speaker of the House

Representative Jefferson Moss
House Majority Leader

Representative Angela Romero
House Minority Leader

Audit Staff

Kade R. Minchey, Auditor General, CIA,
CFE

Jesse Martinson, Manager, CIA

Jake Dinsdale, Audit Supervisor, CIA

Tyson Cabulagan, Senior
Methodologist, CFE

Morgan Hagey, Audit Staff

Clint Yingling, Audit Staff

Office of the Legislative Auditor General

olag.utah.gov





Office of the Legislative Auditor General

Kade R. Minchey, Legislative Auditor General

W315 House Building State Capitol Complex | Salt Lake City, UT 84114 | Phone: 801.538.1033

Audit Subcommittee of the Legislative Management Committee
President J. Stuart Adams, Co-Chair | Speaker Mike Schultz, Co-Chair
Senator Evan J. Vickers | Representative Jefferson Moss
Senator Luz Escamilla | Representative Angela Romero

December 9, 2024

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report:

“A Performance Audit of Utah’s Election System” [Report #2024-20].

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.

[Utah Code 36-12-15.3\(2\)](#) requires the Office of the Legislative Auditor General to designate an audited entity’s chief executive officer (CEO). Therefore, the designated CEO for the Office of the Lieutenant Governor is Lieutenant Governor Deidre Henderson. Deidre Henderson has been notified that she must comply with the audit response and reporting requirements as outlined in this section of *Utah Code*.

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



Table of Contents

Introduction	1
Chapter 1 Post-Election Audits Must be Better Executed to Support Utah’s Election Integrity.....	5
1.1 Several County Clerks Neglected Core Ballot Audit Tests in Their Post-Election Audits	5
1.2 Election Equipment Can Limit Clerks’ Ability to Identify Audited Ballots.....	9
1.3 Several County Clerks Did Not Comply with Requirements Related to Individuals Acting as Post-Election Auditors.....	9
1.4 There Is a Lack of Clarity and Compliance Around How Clerks Must Attest to the Results of Their Post-Election Audits	13
Chapter 2 The Office of the Lieutenant Governor Can Improve Its Oversight of Utah’s Voter Rolls	17
2.1 The Office of the Lieutenant Governor Has Not Ensured Deceased Voters Are Removed from Voter Rolls	18
2.2 The LG’s Office Can Better Utilize New Staff to Monitor and Analyze Voter Records	20
2.3 Additional Analysis of the Voter Rolls Is Needed	25
Chapter 3 Improvements in Tracking, Control, and Accounting of Ballots Can Improve Confidence in Election Integrity	29
3.1 Some Counties Do Not Organize Ballots into Batches Immediately, Which Increases the Chance of Misprocessing Ballots.....	30
3.2 Insufficient Camera Monitoring in a Quarter of Counties Poses Risk to Ballot Processing Security.....	31
3.3 Some Counties Did Not Properly Reconcile Ballot Custody Records in the June 2024 Primary Election	35
3.4 Counties Should Document Ballot Intake to Control and Account for Incoming Ballots ..	36
Chapter 4 There Are Still Opportunities for Additional Improvement of Certain Elections Systems and Practices	41
4.1 The Office of the Lieutenant Governor Could Clarify <i>Administrative Rule</i> for Clearer Signature Verification Training Standards	41
4.2 Risk-Limiting Audit Pilot Program was Not Implemented	44
Complete List of Audit Recommendations	47
Appendix A Status of All Recommendations From A Performance Audit of Utah’s Election System and Controls.....	57
Status of All Recommendations from A Performance Audit of Utah’s Election System and Controls (2022-17).....	58
Agency Response Plan	71





PERFORMANCE AUDIT

AUDIT REQUEST

In 2023, the Legislature passed House Bill 269, which requires the Office of the Legislative Auditor General to audit the state's election system and controls every two years. Although this report primarily focused on the June Primary Election, observing election processes in 20 out of 29 counties, we also had auditors in every county during the 2024 November General Election.

BACKGROUND

In 2022, our office released *A Performance Audit of Utah's Election System and Controls* which made 22 recommendations to the Legislature and to the Lieutenant Governor's office (LG's Office) for process improvements. This audit includes a follow-up on recommendations from that report and an expanded review of the LG's oversight responsibilities and county clerks' processes and controls.

UTAH'S ELECTION SYSTEM



KEY FINDINGS

- ✓ 1.1 Several county clerks neglected core ballot audit tests in their post-election audits.
- ✓ 1.2 Election equipment can limit clerks' ability to identify audited ballots.
- ✓ 2.1 The LG's Office has not ensured deceased voters are removed from voter rolls.
- ✓ 2.2 The LG's Office can better use new staff to monitor and analyze voter records.
- ✓ 3.1 County clerks could improve their chain of custody processes by batching ballots immediately.
- ✓ 4.1 The LG's Office should establish standards for signature verification and study potential improvements to signature quality.



RECOMMENDATIONS

- ✓ 1.1 As election officials, Utah's county clerks should learn and execute all post-election audit process requirements and procedures.
- ✓ 1.2 As required by statute, the director of elections within the Office of the Lieutenant Governor should create *Administrative Rules* to establish requirements and procedures for post-election audits.
- ✓ 2.1 The Office of the Lieutenant Governor should compare the records of deceased individuals from the Office of Vital Records and Statistics to the state's official voter list—at least 90 days prior to each primary and general election—to ensure deceased voters have been removed from the voter list.
- ✓ 3.2 Any counties in which all ballot processing areas are not adequately monitored should apply to the Office of the Lieutenant Governor for election funding to purchase the equipment needed to comply with statute.

Summary continues on back >>



REPORT SUMMARY

Several Clerks Neglected Core Ballot Audit Tests in Their Post-Election Audit

We observed post-election audits in all 29 county clerks' offices over the course of three different elections and found that the clerks varied widely in the faithful executive of post-election audit procedures. In several cases, we observed that clerks did not audit ballot details that are critical to the correct function and reliability of Utah's post-election audit process.

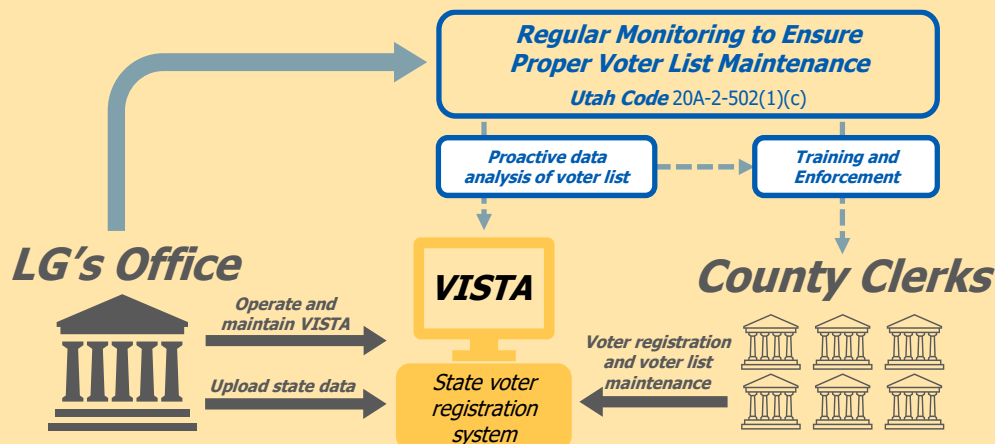
As of writing this report, the LG's Office significantly changed the intent and procedures of Utah's post-election audit process for the 2024 November General Election to include a hand count of ballots compared to the election results.

The Office of the Lieutenant Governor Can Improve Its Oversight of Utah's Voter Rolls

In our analysis of the voter registration database, we identified over 1,400 deceased voters that should have been removed from the voter registration system. At the time of our review, nearly 700 of those voters were active and would have received a ballot. We checked all matches for voting activity and found that two of the matched voters cast ballots in the November 2023 election.

The LG's Office Can Better Utilize New Staff to Monitor and Analyze Voter Records

In 2023, the Legislature appropriated funding to the LG's Office to hire a data analyst to more regularly review voter records. This position appears to have not been used to its full potential, which we believe contributed directly to the problems with deceased voters described above. We believe that a staff position dedicated to the regular analysis of Utah's voter rolls would directly address the findings described in Chapter 2 of this report.





Introduction

In 2022, our office released *A Performance Audit of Utah’s Election System and Controls*.¹ It contained twenty-two recommendations, including recommendations to the Legislature to consider clarifying the Lieutenant Governor’s role in various elections processes. The audit also had several recommendations for the Office of the Lieutenant Governor (LG’s Office), including standardizing the use of voter maintenance tools and creating rules for clerks to reconcile key ballot statistics.

All Stakeholders Have Worked to Strengthen Utah’s Election System and Controls

Since our 2022 report was released, the Legislature drafted and passed multiple significant bills in response to our recommendations. These changes to statute have further strengthened Utah’s elections in clear and tangible ways. This report seeks to highlight and provide more information about some of these changes.



Since our 2022 report was released, the Legislature has passed multiple significant bills in response to our recommendations.

In addition to the Legislature’s work, the LG’s Office has worked to improve election processes, both in response to our audit work and in response to new challenges and opportunities. The LG’s Office has created clearer guidelines, standards, and training materials. The LG’s Office has also exercised its new oversight powers to correct some counties who have fallen short of the excellence citizens expect of our election processes. In turn, most clerks have adapted their election processes to comply with new requirements.

For our part, our audit team has spent significant time examining and testing key election operations in clerks’ offices across the state. For example, our office had at least one auditor in every county on election day in November 2024. We have also conducted audit work for this report during the November 2023, March 2024, and June 2024 elections. During these extensive observations and tests, we found clerks striving to run timely and accurate elections. Although there are opportunities for improvement, which are detailed throughout this report, we have seen improvement in multiple counties and on multiple fronts. While we did not find significant fraud in Utah’s election system, the recommendations and findings in this report are needed to ensure continued election integrity.

¹ *A Performance Audit of Utah’s Election System and Controls* (Report 2022-17). Office of the Legislative Auditor General.



This Report Is a Combination of New Audit Work and Follow-Up Work on Our 2022 Recommendations



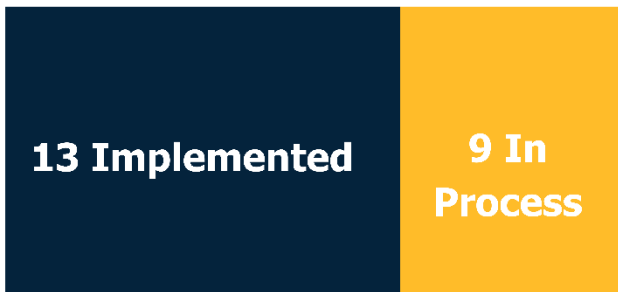
Our audit team has assessed various elements of Utah’s election system and controls during our state’s 2024 elections.

In the 2023 General Legislative Session, the Legislature passed House Bill 269 granting authority to our office to conduct election-focused audits in every even numbered year. With the additional authorization of the Legislative Audit Subcommittee, our audit team has assessed various elements of Utah’s system and controls during our state’s 2024

elections. We also worked to follow up on the recommendations from the 2022 audit report to ensure that changes to Utah’s election system have been effective.

This 2024 report contains four chapters and an appendix. The first three chapters contain our findings and recommendations related to current challenges in our election system as identified during 2024 audit work. Chapter 4 delves deeper

2022 Recommendation Status



into opportunities for further improvement related to the 2022 recommendations. Appendix A provides an update on the implementation status of all twenty-two recommendations from 2022, a summary of which is shown in the bar chart here.

We are confident that moving forward, the continued efforts of the Legislature, the LG’s Office, county officials, and election employees will ensure that Utah’s elections continue to improve and to be secure.



BACKGROUND

We observed post-election audits in all 29 county clerks' offices over the course of three different elections. The clerks varied widely in the faithful execution of post-election audit procedures. In several cases, we observed that clerks did not audit ballot details that are critical to the correct function and reliability of Utah's post-election audit process. If these audits are done incorrectly, election officials and citizens cannot rely on their conclusions.

FINDING 1.1 **Several County Clerks** **Neglected Core Ballot Audit** **Tests in Their Post-Election** **Audits**

RECOMMENDATION 1.1

As election officials, Utah's county clerks should learn and execute all post-election audit process requirements and procedures.

RECOMMENDATION 1.2

As required by statute, the director of elections within the Office of the Lieutenant Governor should create *Administrative Rules* to establish requirements and procedures for post-election audits.

FINDING 1.2 **Election Equipment Can Limit** **Clerks' Ability to Identify** **Audited Ballots**

RECOMMENDATION 1.3

When the Office of the Lieutenant Governor creates *Administrative Rules* for post-election audits, the requirements and procedures should clearly account for the equipment limitations in smaller counties.

FINDING 1.3

Several County Clerks Did Not Comply with Requirements Related to Individuals Acting as Post-Election Auditors

RECOMMENDATION 1.4

In the *Administrative Rule* governing post-election audits, the director of elections within the Office of the Lieutenant Governor should clarify the swearing-in requirement and procedure.

RECOMMENDATION 1.5

County clerks should ensure that individuals from outside their offices participate in post-election audits as required in statute and other applicable standards.

FINDING 1.4

There Is a Lack of Clarity and Compliance Around How Clerks Must Attest to the Results of Their Post-Election Audits

RECOMMENDATION 1.6

In the *Administrative Rule* governing post-election audits, the director of elections within the Office of the Lieutenant Governor should create clearer requirements for how clerks should attest to post-election audits.



CONCLUSION

In response to software problems during the June 2024 primary election, the Office of the Lieutenant Governor (LG's Office) significantly changed the intent and procedures for Utah's post-election audits for the November 2024 election. Although our review focused on the post-election audit methods that were in place prior to November 2024, the deficiencies noted in this chapter should spur clerks to more faithfully execute their duties. In turn, the LG's Office—in its oversight and enforcement role—should help ensure that clerks are auditing elections correctly.



Chapter 1

Post-Election Audits Must be Better Executed to Support Utah’s Election Integrity

We observed post-election audits in all 29 county clerks’ offices over the course of three different elections. The clerks varied widely in the faithful execution of post-election audit procedures. In several cases, we observed that clerks did not audit ballot details that are critical to the correct function and reliability of Utah’s post-election audit process. If these audits are not done correctly, election officials and citizens cannot rely on their conclusions.

In response to software problems during the June 2024 primary election, the Office of the Lieutenant Governor (LG’s Office) significantly changed the intent and procedures for Utah’s post-election audits for the November 2024 election. Although our review focused on the audit methods that were in place prior to November 2024, the deficiencies noted in this chapter should spur clerks to more faithfully understand and execute their important election audit duties. In addition, the LG’s Office should better fulfill their oversight role by creating *Administrative Rules* for enforcing and training on audit requirements.



Although our audit focused on post-election audit methods in place before the November 2024 election, our findings should still inform the new audit process.

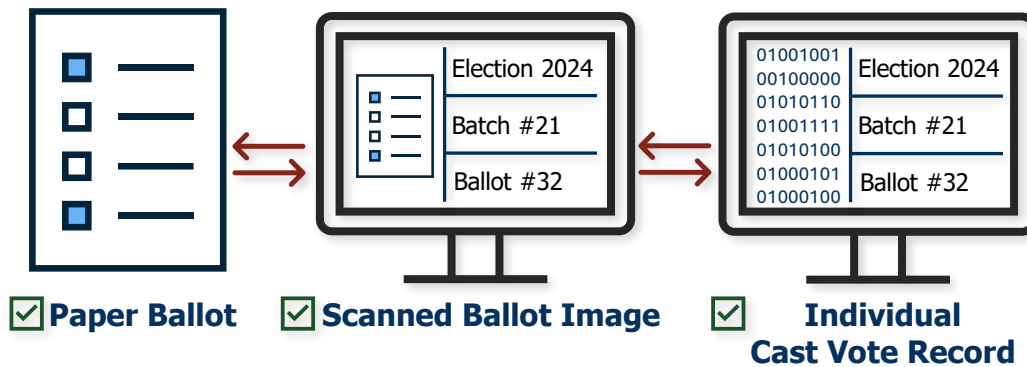
1.1 Several County Clerks Neglected Core Ballot Audit Tests in Their Post-Election Audits

The stated purpose of Utah’s former post-election ballot audit was “to ensure that the scanners have accurately counted the ballots.” This was done by comparing three key pieces of ballot information as shown here.²

² Current guidance and requirements for post-election audits should be in *Administrative Rule* but are currently found in the Utah Elections Handbook from the Office of the Lieutenant Governor. This is discussed later in this chapter.



Utah’s former post-election ballot audit was designed to show that these three elements match



The most important post-election audit test in the prior audit method was to ensure that the paper ballots and their associated individual cast vote records (individual CVR) match perfectly. Paper ballots are the authoritative record of each voter’s choices, directly filled out by the voters themselves. The individual CVR is the digital record showing how election equipment interpreted ballot markings and recorded each voter’s choices when their ballot was scanned. The aggregated CVR data is used for official results tabulation.



Election audit conclusions are only reliable if clerks follow the proper audit requirements.

A post-election audit that demonstrates that paper ballots and individual CVR data match perfectly provides assurance that election equipment functioned properly and votes were recorded and counted correctly.³ This is especially true when post-election audits are considered together with the results of the statutorily required pre-election logic and accuracy (L&A) testing. It is therefore concerning that across all 29 of Utah’s counties, we found that 9 clerks neglected to examine paper ballots and 13 did not review the individual CVR during their audits.⁴

³ The old post-election audit method directly tested whether election equipment interpreted ballots correctly. The new method improves on this by directly testing whether election equipment interpreted *and* counted ballots correctly. This is done by hand counting the audited ballots and verifying that the paper vote totals match the associated vote totals generated from the CVR data.

⁴ To cover all 29 counties, we observed post-election audits during the November 2023, March 2024, and June 2024 elections. Five counties committed both errors and appear on both lists. One of the 13 counties that did not review individual CVR during their audit did so due to equipment limitations. They compensated for this by performing a hand count of audited ballot batches.



9 Clerks

did not examine paper ballots



All Clerks

reviewed scanned ballot images



13 Clerks

did not examine individual cast vote records

The review of physical, paper ballots during a post-election audit is a critical step because there are rare times when election equipment optical scanners pick up markings—like document folds or accidental marks made by voters—in ways that can cause an erroneous cast vote record. This possibility must be checked and validated as part of a post-election audit.

Clerks who didn't examine paper ballots neglected to do so because their election equipment and software does not easily sort the ballots into batches. This is an ongoing challenge and both clerks and the LG's Office have worked to correct it, but we still have concerns. This topic is discussed later in this chapter.



Several county clerks did not validate the individual CVR information for audited ballots. Neglecting to do so represents a fundamental failure of audit procedures.

More concerning than that were the cases in which counties did not validate the individual CVR information for their audited ballots. Indeed, this was the single most critical step in the former post-election audit process and a failure to correlate the audited ballots to the individual CVR details represents a fundamental failure of audit procedures.

We found that some clerks simply have not devoted the time necessary to learn the post-election audit requirements issued by the LG's Office. As election officials, clerks have a statutory duty to learn and comply with all election requirements.⁵ At just over three pages long, studying and following post-election audit requirements is a critical task that is within reach of all of Utah's election officials. To assist clerks in their understanding of post-election audit purposes and procedures, we also believe that the new audit requirements issued by the LG's Office should more clearly and prominently articulate the purpose of Utah's post-election audits and clearly connect that purpose to key audit steps.

⁵ *Utah Code* 20A-1-106(2)



RECOMMENDATION 1.1

As election officials, Utah’s county clerks should learn and execute all post-election audit process requirements and procedures.

Administrative Rules are Needed to Guide Post-Election Audits

A law passed in 2023 requires the director of elections within LG’s Office to make rules to establish requirements and procedures for post-election audits.⁶ As of the time of this audit, an *Administrative Rule* to govern post-election audits has not yet been created.

Since that law became effective in May 2023, the LG’s Office has worked to refine and strengthen post-election procedures in its policy, which clerks are required to follow.⁷ This has included working through some technical challenges and troubleshooting new procedures.⁸ They also significantly changed the core audit requirements for the 2024 General Election.



Though statute requires it, the LG’s Office has not yet made *Administrative Rules* to govern post-election audits.

Although it’s clear that the LG’s Office has worked to improve post-election audits in its policy, we believe making rules is imperative because the statute requires it. Doing so will also properly elevate these critical requirements to the more prominent legal level at which the Legislature envisioned them. The rules can then be amended as understanding matures and post-election procedures evolve.

RECOMMENDATION 1.2

As required by statute, the director of elections within the Office of the Lieutenant Governor should create *Administrative Rules* to establish requirements and procedures for post-election audits.

⁶ *Utah Code* 20A-1-108(1)(a) was enacted by House Bill 448 in the 2023 Legislative General Session and requires the creation of the *Administrative Rules* for any audits described in election code. *Utah Code* 20A-4-104(1)(f)(ii) requires the completion of a post-election audit as a condition of using automatic ballot tabulating equipment.

⁷ *Utah Code* 20A-1-106(2)

⁸ These will be discussed in detail in Finding 1.2.



1.2 Election Equipment Can Limit Clerks' Ability to Identify Audited Ballots

We observed other factors limiting the accuracy of audits in some parts of the state. Specifically, due to the way some election equipment scanners process ballots, certain county clerks have not been able to accurately identify the ballots selected for audit.

When counties use smaller ballot scanners, the digital records generated when scanning ballots are not stored in batches and all of the ballot data is randomized



It is not yet clear how these equipment limitations will impact the new post-election audit process.

when results are combined on the main election computer. Therefore, when paper batches/ballots are randomly selected for audit, it can be impossible to find the corresponding digital records needed to test and validate election results. Accordingly, we observed clerks who could not and did not audit the correct ballot batches—selected at random by the LG's Office—during their post-election audits.

The LG's Office has already directed county clerks to print serial numbers on ballots to improve the accuracy of post-election auditing. In counties with smaller ballot scanners, doing this helps accurately reconcile each audited paper ballot to the correct digital records. With financial support from the LG's Office, these smaller counties have already purchased new scanners that can do this.

It is not yet clear how these equipment limitations will impact the new post-election audit process in November 2024. We have been monitoring the implementation of the new audit process in multiple counties and will report on any additional findings and recommendations in a forthcoming audit report.

RECOMMENDATION 1.3

When the Office of the Lieutenant Governor creates *Administrative Rules* for post-election audits, the requirements and procedures should clearly account for the equipment limitations in smaller counties.

1.3 Several County Clerks Did Not Comply with Requirements Related to Individuals Acting as Post-Election Auditors

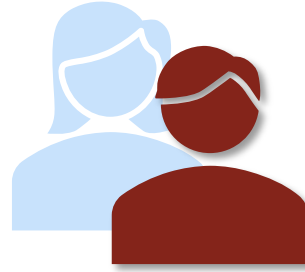
In addition to the ballot-related requirements already discussed, the post-election audit policy also sets requirements for the individuals participating as post-election auditors.



For the post-election audit, clerks must:



**Swear In
Auditors**



**Recruit one auditor from
outside the clerk's office**

Following these requirements can boost confidence in Utah's election integrity because it requires outsiders to independently validate the work of clerks and their election staff. This independent validation is arguably the core purpose of post-election audits. Without auditors from outside the clerk's office to oversee and assist with the process, election officials run the risk of auditing their own work thus undermining confidence in audit results and, by extension, election results.

As we observed post-election audits throughout the state, we found several instances where clerks did not comply with these requirements.



17 Clerks
did not swear in
election auditors



8 Clerks
did not have an
election auditor
from outside the
clerk's office

Most Clerks Did Not Swear in Election Auditors as Required

The requirement to swear in election auditors mirrors language in statute requiring all people processing ballots to swear or affirm that they will faithfully perform their duties.⁹ The oath typically administered is the oath of office found

⁹ *Utah Code* 20A-4-104(2)(c)



in the *Utah Constitution*.¹⁰ As with other post-election audit requirements, this is meant to strengthen confidence in both the audit process and any conclusions drawn from audit tests.

The primary cause of noncompliance with the swearing-in requirement appeared to be confusion about its application. The LG’s Office audit policy makes it clear that post-election auditors must be sworn in. Clerks’ election staff are typically already sworn in as election workers and the policy does not make it clear whether they must be sworn in again as part of the audit.



The LG’s Office should clarify post-election audit requirements by explicitly outlining who must be sworn in, when, and how.

Additionally, clerks who recruit an outside person to act as an auditor typically ask another county employee who, if they are an elected official, have also already sworn an oath of office. To address this confusion, the LG’s Office should clarify the post-election audit procedures by explicitly outlining who must be sworn in, when, and how.

RECOMMENDATION 1.4

In the *Administrative Rule* governing post-election audits, the director of elections within the Office of the Lieutenant Governor should clarify the swearing-in requirement and procedure.

Several Clerks Did Not Have Outside Auditors Assisting as Required

As we affirmed in our 2022 election audit report, independence is critical in any audit setting.¹¹ Government audit standards consider independence to be a mandatory requirement because without it, auditors are unable to be truly objective and impartial in their judgements and conclusions.¹² In the context of

¹⁰ *Utah Constitution* Article IV, Section 10

¹¹ *A Performance Audit of Utah’s Election System and Controls* (2022-17). See recommendation 5.1 from that report.

¹² United States Government Accountability Office (GAO), *Government Auditing Standards*. See 3.18 and 3.19.



elections, independent auditing honors the public trust and improves confidence in the accuracy and integrity of election results.



In response to our 2022 audit, the Legislature enacted statute prohibiting an individual from auditing their own work during a post-election audit.

In response to our 2022 audit recommendation, the Legislature enacted statute prohibiting an individual from auditing their own work during a post-election audit.¹³ This principle is reflected in the post-election audit policy from the LG’s Office. It states that “only one individual per duo [of auditors] can be a full-time employee of the clerk’s office.”

We observed 8 county clerks who did not have an election auditor from outside the clerk’s office assist with their post-election audit. Failure to comply with

this requirement undermines the independence of the audit process. We observed one post-election audit in which a single staff person from the clerk’s office conducted the audit procedures without any other assistance or member of the public present. Without someone present who can independently vet election work, the county would be just as well off not doing an audit at all.



Counties must comply with the requirement to involve independent auditors or risk undermining their audit conclusions.

The cause of the noncompliance we observed seemed to be a simple lack of knowledge about the requirements. As we have already recommended, it is the responsibility of county clerks, as election officers, to understand and execute proper post-election audit procedures. In one case where the clerk was informed about the requirement to have an outside auditor, they were able to quickly and easily find help from another county office.

Clerks are required by statute and post-election audit policy to include external individuals in their audits to maintain independence and public trust in their audit findings. Without this independence, election workers audit their own work and thereby undermine confidence in audit conclusions. Clerks must honor the requirements for independence in their post-election audits so the public can take greater confidence in election results.

¹³ *Utah Code* 20a-1-108(1)(b)



RECOMMENDATION 1.5

County clerks should ensure that individuals from outside their offices participate in post-election audits as required in statute and other applicable standards.

1.4 There Is a Lack of Clarity and Compliance Around How Clerks Must Attest to the Results of Their Post-Election Audits

The post-election audit policy requires that “individuals who performed the audit shall sign an affidavit that identifies the number of ballots/machines/signatures that were audited and lists all exceptions that were found.” It is important to complete this requirement correctly to promote accountability by documenting that the audit occurred, who performed the audit tests, and that the tests were done correctly. If auditors find any problems with election returns, this is also the official record of those issues.

We found that there is confusion over what this requirement means and how to comply. At the conclusion of post-election audits, clerks across the state filled out a form titled “Canvass – Audit Certification Report” that was created by the LG’s Office. This form does not contain or refer to an affidavit. It also has just one signature line for the county clerk. Some county clerks or election directors simply had all audit participants sign the form in the blank space below the clerk’s signature in an apparent attempt to comply with the audit requirement. The LG’s Office reported that the intent is for clerks to create their own forms to comply with the affidavit requirement. While we have observed some clerks doing just that, others continue to use the form from the LG’s Office and nothing else.

We recommend that the LG’s Office determine the best way for clerks to attest to the results of their post-election audits and either redesign the audit requirement or the audit certification report to eliminate the confusion outlined here.

RECOMMENDATION 1.6

In the *Administrative Rule* governing post-election audits, the director of elections within the Office of the Lieutenant Governor should create clearer requirements for how clerks should attest to post-election audits.





BACKGROUND

Utah Code requires that the LG’s Office ensure deceased voters are removed from voter rolls and that they regularly monitor the statewide voter registration system to ensure that each county clerk complies with the voter list maintenance requirements in statute and rule. These are crucial tasks to maintain an accurate voter list.

FINDING 2.1 **The Office of the Lieutenant Governor Has Not Ensured Deceased Voters Are Removed from Voter Rolls**

RECOMMENDATION 2.1

The Office of the Lieutenant Governor should compare the records of deceased individuals from the Office of Vital Records and Statistics to the state’s official voter list—at least 90 days prior to each primary and general election—to ensure deceased voters have been removed from the voter list.

FINDING 2.2 **The LG’s Office Can Better Utilize New Staff to Monitor and Analyze Voter Records**

RECOMMENDATION 2.2

The Office of the Lieutenant Governor should better use its data analyst position to do regular, proactive analysis of Utah’s voter list to find and correct any problems and improve election integrity.

RECOMMENDATION 2.3

The Legislature should consider requiring the Office of the Lieutenant Governor to regularly and proactively analyze the voter registration list in support of the office’s oversight of voter list maintenance.

FINDING 2.3 **Additional Analysis of the Voter Rolls Is Needed**

RECOMMENDATION 2.4

The Legislature should consider requiring in statute additional processes or automated risk assessments to flag potential issues within voter rolls.



CONCLUSION

Despite process changes, the LG’s Office is still not ensuring that deceased voters are being removed as required. In addition, the LG’s Office has not fully utilized a new FTE dedicated to monitoring and analyzing voter lists to catch errors and work with counties to remedy them. We believe that not making full use of that data analyst position contributed to the problems discussed in this chapter.





Chapter 2

The Office of the Lieutenant Governor Can Improve Its Oversight of Utah’s Voter Rolls

Utah can improve voter roll maintenance. Maintaining voter records is an essential part of election integrity and is a varied and ongoing task. County clerks must regularly update records as people move, change their names, enter prison, die, and otherwise update personal information and preferences. County clerks do this on a regular basis, but we found in our 2022 audit that some inaccuracies were not being corrected.¹⁴

To help ensure that the maintenance of Utah’s voter list is adequate, the Legislature enacted statute in 2023 to strengthen the Office of the Lieutenant Governor’s (LG’s Office) oversight role for voter list maintenance.¹⁵ In addition, the Legislature funded a new data analyst position in the LG’s Office to regularly monitor the voter registration system (also known as VISTA). This new position has not been used to its full potential. While the LG’s Office has made improvements in response to the new requirements, it can continue to improve its oversight of Utah’s voter rolls.

Specifically, our analysis of voter registration data found:

- Deceased voters who have not been removed as required by statute
- Potential duplicate voters
- Identical driver license numbers used by multiple voters

Of particular concern, we identified voters who appeared to cast ballots inappropriately in each of these areas of analysis. While county clerks are ultimately responsible to directly input and maintain voter records, we believe the factors we observed both during this audit and in 2022 point to a need for proactive oversight and analysis of voter records by the LG’s Office.



We believe the factors we observed both during this audit and in 2022 point to a need for proactive oversight and analysis of voter records by the LG’s Office.

¹⁴ *A Performance Audit of Utah’s Election System and Controls* (Report 2022-17). Office of the Legislative Auditor General.

¹⁵ See *Utah Code* 20A-2, part 5. The bulk of relevant language was enacted via House Bill 448 during the 2023 Legislative General Session.



2.1 The Office of the Lieutenant Governor Has Not Ensured Deceased Voters Are Removed from Voter Rolls

Our comparison of death records with the voter registration list found over 1,400 individuals in Utah’s voters rolls who are likely deceased. Statute requires that— 90 days prior to each primary and general election—the LG’s Office must “compare the [death certificate] information the lieutenant governor has received [from the Office of Vital Records and Statistics] with the official register of voters to ensure that all deceased voters have been removed from the official register.”¹⁶ Although the LG’s Office has improved its oversight over the removal of deceased voters, the results of our analysis show that there is more work to be done. Some deceased voters remain active on voter rolls, allowing ballots to be sent to their last residence and increasing the risk of ineligible votes being cast, similar to our 2022 audit finding.



Although the LG’s Office has improved its oversight over the removal of deceased voters, the results of our analysis show that there is more work to be done.

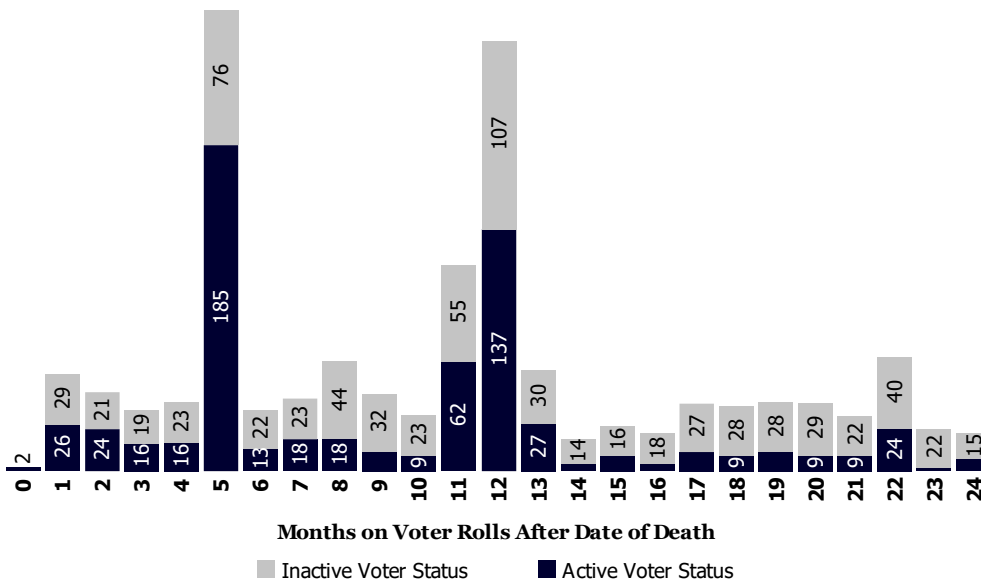
To test whether deceased voters have been removed from VISTA we compared death certificate data from the Utah Office of Vital Records and Statistics (Office of Vital Records) to the official voter register in VISTA. Of the over 44,000 death records from the past two years, we found over 1,400 voters who likely should have been removed but were not.¹⁷ Figure 2.1 shows how long some of these likely matches of deceased voters have remained in the voter registration system.

¹⁶ *Utah Code* 20A-2-505(7)

¹⁷ The death certificate data covered all 44,000 records generated from July 2022 through June 2024. To find potential matches, we compared the first name, last name, and date of birth of all death records in our data set against all voters on the VISTA voter registration list as of July 29, 2024. Although we believe most matches are valid, this method may result in some false matches that require additional verification.



Figure 2.1 Over 400 Likely Deceased Voters Have Been in the Voter Rolls for Over a Year. This figure shows how long voters have remained on the voter rolls since their date of death. For example, the number 12 means that those individuals date of death was 12 months previous.



Source: Auditor generated

Although the number of potential matches of deceased voters is small compared to Utah’s over 2 million registered voters, it still represents a significant lapse in fulfilling an explicit voter list maintenance requirement. It is especially concerning in light of our office’s previous recommendation that the LG’s Office “monitor and ensure that the names of deceased voters are removed from the voter rolls...”



Two of the deceased voters cast ballots in the November 2023 election.

Of the 1,400 likely matches, nearly 700 of them are marked as “active” voters. If deceased voters remain in active status, the clerk will mail a ballot to their address, which can increase the risk of voter fraud. We checked all matches for voting activity and found that two of the matched voters cast ballots in the November 2023 election.

The LG’s Office has reported there have been issues in the past with the weekly file not properly loading into VISTA. There are three time periods (i.e., at months 5, 11, and 12) when death certificate data may not have been uploaded to VISTA as required. This highlights the need for the LG’s Office to better fulfill its statutory role to compare death records to the voter list to help ensure that deceased voters are appropriately and timely removed.



New Voter List Maintenance Oversight Processes Do Not Accomplish What Statute Requires. In response to multiple recommendations from our 2022 audit intended to improve voter list maintenance, the LG’s Office requires county clerks to certify monthly that they have complied with a list of maintenance processes. One of the processes is the removal of deceased voters within five days of receiving notice of their death.¹⁸ In addition, the LG’s Office began to proactively review VISTA to ensure that clerks have processed their queues of deceased voters. However, simply checking that the records were processed does not actually ensure that the deceased voters have been removed. As described in statute, the LG’s Office must create a process to compare information from the Office of Vital Records with the state voter registration list. If problems are identified, they must then work with county clerks to ensure any potential matches are properly reviewed. While the new process is an improvement, records from recent months show that it is not sufficient. It is concerning we have found the same issue in back-to-back audits, two years apart.



Deceased records are still found within voter rolls despite the LG’s Office new processes.

The LG’s Office reports, in response to these findings, they will work with DTS weekly to verify the data is loaded into VISTA. The LG’s Office will also begin to independently analyze death records from the Office of Vital Records to ensure the individuals reported as deceased have been removed from the voter list prior to elections.

RECOMMENDATION 2.1

The Office of the Lieutenant Governor should compare the records of deceased individuals from the Office of Vital Records and Statistics to the state’s official voter list—at least 90 days prior to each primary and general election—to ensure deceased voters have been removed from the voter list.

2.2 The LG’s Office Can Better Utilize New Staff to Monitor and Analyze Voter Records

In 2023, the Legislature appropriated funding to the LG’s Office to hire a data analyst to more regularly review voter records. This position appears to have not been used to its full potential. We believe that a staff position dedicated to the

¹⁸ See *Utah Code* 20A-2-504(3)



regular analysis of Utah’s voter rolls would directly address the findings described in this chapter.

In addition to the problems with deceased voters, we found other problems with voter records. The LG’s Office should prioritize regular monitoring of the official voter list as required by statute. In addition, we believe that data analysis will allow the LG’s Office to better detect fraud and other voter registration issues.

Our Analysis of Voter Records Found Additional Problems

In addition to our work to analyze death certificates, our office searched for other voter registration anomalies. In doing so, we found few instances—in addition to the two potential instances identified with deceased voters—of individuals voting multiple times in a single election.



We found over 300 potential duplicate records within the voter records, some of which appeared to vote twice in past elections.

One test was designed to find instances where individuals had mistakenly been issued two voter identification (voter ID) numbers. This is particularly concerning because an individual with two active voter ID numbers could potentially vote twice in a single election.



We searched voter records using variations of name, date of birth, and driver’s license number as matching criteria and found over 300 individuals who potentially have two voter ID numbers.

Although VISTA has built-in tools to identify duplicate voters, the records we found suggest additional analysis is needed. During the 2022 audit, we found similar concerns and recommended that additional statewide monitoring could help remedy errors in the voter registration system.

Examples of Voters Casting Multiple Ballots in Single Elections Need to be Addressed. Some of the individuals who potentially have two voter ID numbers appear to have voted twice in different elections in the last two years. It is imperative that clerks work to maintain accurate voter records to prevent errors. We also believe it is critical for the LG’s Office to provide the active oversight over voter registration problems discussed in the remainder of this section.

We also tested whether any voters inappropriately shared driver license (DL) numbers.



We found nearly 450 records where a DL number was shared between two voters who were seemingly different people.¹⁹



Again, the sum of these errors represents only a small portion of the total number of active voters, but ensuring that records like these are found, flagged, and resolved is nevertheless a crucial part of maintaining an accurate voter list. An accurate voter list is essential to ensuring that only those who can legitimately vote cast a vote. Questions about the voter roll can lead to reduced public confidence in the election process. Any number of duplicates introduces the risk that individuals will be able to vote twice because ballots are issued for all voters with active voter IDs.

Improvement in Voter Rolls Oversight Is Needed

In response to our audit in 2022 the Legislature funded multiple positions at the LG’s Office to improve election oversight and election integrity. We found the LG’s Office has made several improvements. Unfortunately, the position to oversee voter rolls has been underutilized resulting in voter roll errors. Accurate voter rolls are essential to election integrity.

Our office recommended in 2022 that the Legislature consider clarifying the oversight role of the LG’s Office with regards to voter registration. We recommended that that this could include, “authority for regular analysis of voter records.”

In response, the Legislature passed House Bill 448 (HB448) during the 2023 Legislative General Session. That bill created a new requirement for the LG’s Office to, “regularly monitor the [statewide voter registration] system to ensure that each county clerk complies with the [voter list maintenance] requirements [in statute and rule].”²⁰ This is in addition



The data analyst position funded by the Legislature in 2023 has been underutilized, leading to missed opportunities to clean voter rolls.

¹⁹ That is, we found just over 200 instances where a single DL number was shared across multiple voters. Along with other voter registration analyses, we will continue to explore these particular records and, if appropriate, report additional findings and recommendations in our next election audit report due for release in the first half of 2025.

²⁰ *Utah Code* 20A-2-502(1)(c)



to the LG's Office's duty to oversee and manage all voter registration activities in the state.²¹

In that same session, the Legislature appropriated funding to the LG's Office to hire three additional staff members to handle some of the new requirements created by HB448. The LG's Office then hired these staff members to, among other duties, manage statewide election training, oversee and support voter registration, and perform ongoing data analysis of Utah's voter rolls. The person in charge of voter registration oversight has since completed multiple voter registration audits. The LG's Office reports that these audits have uncovered problems and resulted in educational opportunities for clerks and generally improved the state's voter list. It appears the statewide training and voter registration positions are performing the functions for which they were funded. We believe these efforts are helping to improve voter rolls and consistency across counties. However, the data analyst position has been underutilized resulting in voter roll errors. This is concerning because accurate voter rolls are essential to election integrity.

The data analyst position, intended to review voter registration data in ways that would have presumably identified the deceased, registered voters, has not performed the functions for which it was funded.

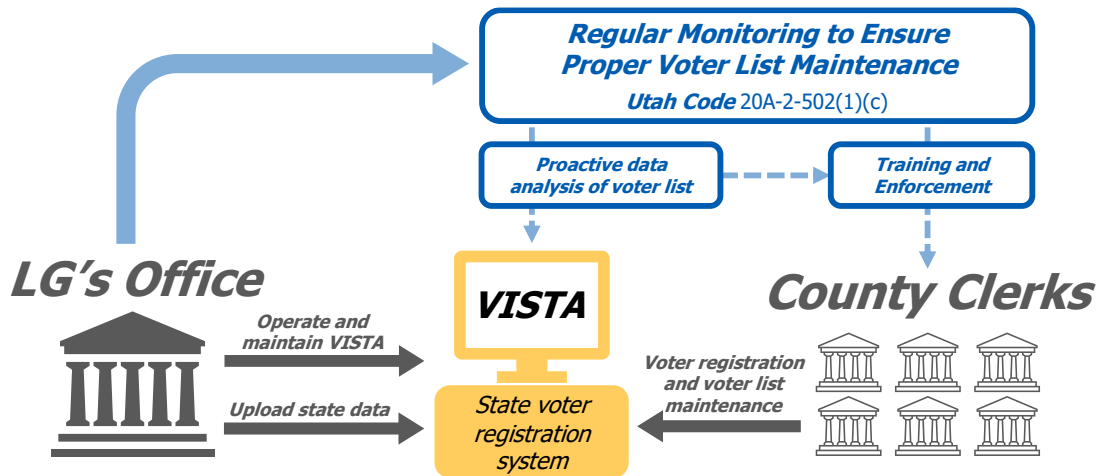
The LG's Office Should Implement a Plan to Utilize their Data Analyst Position to do Systemic Analysis of Voter Rolls. The LG's Office reports that the FTE intended to perform data analysis of the VISTA system, performed other duties instead. We believe that not making full use of that data analyst position contributed to the problems discussed in this chapter.

It makes sense that the data analyst position within the LG's Office can and should play a critical role in the office's statutory duty to oversee, manage, and regularly monitor all voter registration activities in the state.²² Our audit tests were done by extracting voter data from VISTA and using data analysis software to test and match records. The data analyst should be conducting similar tests. Although VISTA has built-in tools to flag potential duplicates, it is not built to do wide-scale analysis similar to our audit tests.

Regular monitoring of voter rolls is key to ensuring proper voter list maintenance. The following figure provides an overview of how voter list maintenance and monitoring should be occurring.

²¹ *Utah Code* 20A-2-300.6

²² *Utah Code* 20A-2-300.6; 20A-2-502(1)(c)



Source: Auditor Generated

Regular monitoring of voter rolls will allow the LG’s Office to better manage and improve all voter registration activities. Data analysis is a key aspect of monitoring and will help the LG’s Office to better detect fraud, voter registration abuse, and system issues, and use this information to improve reliability. While we recognize that the LG’s Office is utilizing their voter registration specialist to perform reviews of voter records, we believe this approach falls short of the oversight role envisioned in statute and what the legislature funded in the data analyst position. Regular analysis of both the voter registration list and the clerks’ management of it can inform the creation of additional training from the LG’s Office for clerks and election workers.

With the findings in this chapter in mind, we recommend that the LG’s Office work proactively with county clerks to remove deceased and duplicate voters. This can be done by ensuring that the duties of the data analyst position are properly aligned with those needs and ensuring the requirements in statute for voter maintenance are being met. However, the LG’s Office can prioritize systemic analysis of the voter list, which would identify widespread issues. The LG’s Office must establish processes and analysis to “regularly monitor the system to ensure that each county clerk complies” with relevant rules as instructed by statute.

RECOMMENDATION 2.2

The Office of the Lieutenant Governor should better use its data analyst position to do regular, proactive analysis of Utah’s voter list to find and correct any problems and improve election integrity.



RECOMMENDATION 2.3

The Legislature should consider requiring the Office of the Lieutenant Governor to regularly and proactively analyze the voter registration list in support of the office's oversight of voter list maintenance.

2.3 Additional Analysis of the Voter Rolls Is Needed

This audit is part of a series of election related audits our office is conducting on the election system. The findings in this report show that additional analysis of the voter rolls is needed. Voter roll accuracy is an essential function of the integrity of our election system. We will conduct additional tests on the voter rolls during an additional audit that is currently underway and scheduled to be released in 2025. These tests will focus on potential data sources and tests that can be done to further improve the accuracy and reliability of voter rolls.

In addition to our continued testing, we recommend that the Legislature consider requiring, in statute, automated testing of the voter rolls that looks for anomalies and assists county clerks in voter roll maintenance and the LG's Office in voter roll oversight.

RECOMMENDATION 2.4

The Legislature should consider requiring in statute additional processes or automated risk assessments to flag potential issues within voter rolls.





BACKGROUND

The audit team visited 20 out of 29 counties during the 2024 June Primary Election to observe counties' chain of custody processes. This chapter outlines the importance of chain of custody in election processes, emphasizing batching ballots, video surveillance, reconciliation, and accounting for ballots. While our focus during the election was on the entire process, we report on four areas that need the most improvement.

FINDING 3.1

Some Counties Do Not Organize Ballots into Batches Immediately Which Increases the Chance of Misprocessing Ballots

RECOMMENDATION 3.1

County clerks should follow statute and batch immediately after collecting ballots.

FINDING 3.2

Insufficient Camera Monitoring in a Quarter of Counties Poses Risk to Ballot Processing Security

RECOMMENDATION 3.2

Any counties in which all ballot processing areas are not adequately monitored should apply to the Office of the Lieutenant Governor for election funding to purchase the equipment needed to comply with statute.

RECOMMENDATION 3.3

The Legislature should consider whether the wording in *Utah Code* 20A-3a-401.1(5)(g) should be amended to better guide ballot video monitoring practices.

RECOMMENDATION 3.4

The state election director within the Office of the Lieutenant Governor should amend the chain of custody of *Administrative Rule* to bring the monitoring requirement in line with statute.

FINDING 3.3

Some Counties Did Not Properly Reconcile Ballot Custody Records in the June 2024 Primary Election

RECOMMENDATION 3.5

The Legislature should consider creating a single, centralized code section that outlines public reporting requirements for election data, allowing other relevant sections to reference this consolidated provision for clarity and consistency.

RECOMMENDATION 3.6

All county clerks should ensure that they understand and follow the ballot reconciliation process in *Utah Code* 20A-4-109.

RECOMMENDATION 3.7

The Office of Lieutenant Governor should explore all options within its legal powers to help ensure that clerks understand and follow ballot reconciliation requirements in statute.

FINDING 3.4

Counties Should Document Ballot Intake to Control and Account for Incoming Ballots

RECOMMENDATION 3.8

County clerks should ensure that they adhere to all requirements in statute and rule regarding ballot pickup and intake.



CONCLUSION

In our observations, the deficiencies in chain of custody procedures during the 2024 June Primary Election highlight the need for stricter adherence to statutory requirements by county clerks. Addressing these issues will help to improve compliance with the law and strengthen Utah's election process.



Chapter 3

Improvements in Tracking, Control, and Accounting of Ballots Can Improve Confidence in Election Integrity

“Chain of custody” in the election context refers to the processes used to track the movement and control of ballots and other key election assets (e.g., equipment, storage containers, personnel, etc.). The Office of the Lieutenant Governor (LG’s Office) found “an unprecedented lack of controls [and] widespread violations of Utah election law” when reviewing Cache County’s election operations following the 2023 Municipal General Election. In the report they issued, they said that the county’s poor ballot chain of custody practices were “the single most troubling aspect of the review.” We recognize the work the LG’s Office has done to identify issues in counties that could negatively impact elections and the public’s confidence in the election process.



In its report, the LG’s Office cited Cache County’s poor chain of custody as “the single most troubling aspect of the review.”

We visited 20 out of 29 counties during the June 2024 Primary Election. While we fortunately did not find evidence of widespread chain of custody problems, this chapter presents four areas counties should improve upon:

- Establishing batches of ballots immediately after the county has collected them
- Ensuring that cameras are covering the entire ballot processing area
- Properly reconciling ballots daily
- Documenting ballot intake to control and account for incoming ballots

If election assets are not controlled as required in law and rule, it can create opportunities for election worker error and manipulation (i.e., insider threats). In 2024 the Federal Bureau of Investigation (FBI) released a report warning about insider threats they believed could materialize during the 2024 election cycle.²³ Because robust chain of custody practices are a key safeguard against these threats, and in light of the Cache County report, we observed chain of custody

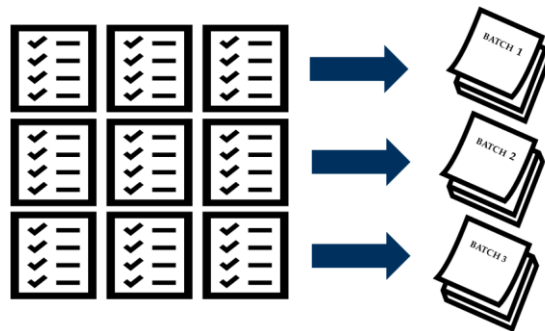
²³ This report, titled *2024 U.S. Federal Elections: The Insider Threat*, was created in coordination with the Department of Homeland Security’s Office of Intelligence and Analysis, the Cybersecurity and Infrastructure Security Agency (CISA), and the U.S. Election Assistance Commission (EAC).



practices in most Utah counties to help ensure that this risk is being adequately addressed.

3.1 Some Counties Do Not Organize Ballots into Batches Immediately, Which Increases the Chance of Misprocessing Ballots

During the 2024 June Primary Election, we observed multiple counties not following certain chain of custody practices related to how ballots are batched for processing.²⁴



First, we observed batch formation practices in 20 counties and found that 6 did not batch ballots immediately upon receipt. This is despite Utah law, which requires that election officials immediately count and divide ballots into batches for processing.²⁵ Batching ballots is a critical step that allows for greater control and accountability as election workers process election returns. Grouping incoming ballots into batches also facilitates the post-election audit.

The primary reason some clerks do not batch immediately is because they prefer perfectly uniform batches. In contrast, a county that batches ballots immediately then proceed with signature verification. While doing so, they often challenge the signatures on a small number of ballots from each batch and pull them aside for additional signature verification. Assuming they began with batches of 50, setting these ballots aside may leave one batch with 48 ballots and the next with 49 and the next with 47, etc.²⁶

²⁴ A batch is a group of paper ballots gathered as a group for tabulation and auditing.

²⁵ This requirement was enacted in House Bill 448 during the 2023 Legislative General Session in response to our 2022 audit, *A Performance Audit of Utah’s Election System and Controls*. (Report #2022-17) See *Utah Code* 20A-3a-401.1(4).

²⁶ If batch logs are properly maintained, and each ballot can be traced back to its original batch, setting ballots aside for further signature verification or signature curing is a common and acceptable practice.



Counties that do not batch ballots immediately flip the signature verification and batching processes, preferring to do signature verification first. By reviewing signatures before batching, they can remove the ballot envelopes with challenged signatures and maintain a perfectly uniform list of batches with 50 ballots each. It is the challenge of tracking those challenged ballot envelopes that makes this process problematic.



Batching ballots immediately helps election staff track the total number of ballots in each stack throughout the process.

In the counties that do not batch immediately, this gap in accountability can make it possible for ballots to be misplaced or lost without detection. Delays in batching can weaken accountability, exposing the election process to unnecessary vulnerabilities that could erode public trust. To mitigate this issue, batching immediately helps election staff track the total number of ballots in each stack and can track that throughout the process.

RECOMMENDATION 3.1

County clerks should follow statute and batch immediately after collecting ballots.

3.2 Insufficient Camera Monitoring in a Quarter of Counties Poses Risk to Ballot Processing Security

Video surveillance of the ballot processing area is one way to identify insider threats or malicious actors. Counties that lack this video surveillance can make it more difficult for law enforcement to identify and prosecute malicious actors tampering with the election process. A law was enacted in 2023 that requires election officials to “ensure that...each part of the processing of all ballots is monitored by recorded video, without audio.”²⁷ This requirement has already proven its value as a safeguard of election integrity. In 2024, the Cache County Attorney’s Office used such video footage as it investigated and charged an individual suspected of acting corruptly as a poll worker. It is imperative that all election officials comply with this requirement to monitor ballot processing.



The Cache County Attorney’s Office used video footage as part of its investigation into election crimes.

²⁷ *Utah Code* 20A-3a-401.1(5)(g)



We observed five counties that did not have adequate video monitoring of ballot processing

During our observations of election operations in 20 counties during the June 2024 Primary Election, there were five counties that did not have adequate video monitoring of ballot processing. Three of the counties had at least one camera but were not monitoring critical portions of ballot processing, like ballot intake, signature verification, or ballot scanning. These counties should correct these deficiencies as quickly as possible to ensure that their election processes are monitored as required in law. The other two counties had cameras that monitored nearly all ballot processing and simply needed minor adjustments to fully capture all ballot processing areas.



The Lt. Governor's Office has election funding to help counties purchase camera equipment to comply with statute.

The clerks we spoke with explained that they did not realize that the camera angle was not covering the entire processing area. One clerk thought the cameras in her processing room were working, but it turned out they were not recording anything. Had something happened in that county without footage from the ballot processing area, public confidence in elections could be negatively impacted. Until the clerks install adequate camera coverage, they are not following election law put in place by the Legislature. For counties without adequate camera coverage, the LG's Office has election funding that has been set aside to help counties purchase needed equipment.

RECOMMENDATION 3.2

Any counties in which all ballot processing areas are not adequately monitored should apply to the Office of the Lieutenant Governor for election funding to purchase the equipment needed to comply with statute.



The Legislature May Wish to Clarify Whether Active Ballots Must be Video Monitored Between Processing Steps

There is inconsistency between statute and rule—and inconsistency in clerks’ interpretation of these requirements—that raises the question of whether ballots must be video monitored between processing steps.



“Processed” is defined to include all steps taken from the receipt of the ballot to the storage of the ballot after processing is complete.

As cited previously, statute requires all ballot processing to be video monitored. In that same section, “processed” is defined to include all steps taken from the receipt of the ballot to the storage of the ballot after processing is complete.²⁸ The LG’s Office election policy affirms this, stating that, “Ballots in a processing center should always be secured *and* monitored,” (emphasis added). In contrast, the relevant *Administrative Rule* says, “An election official shall ensure that active ballots in a processing center are secured *or* monitored,” (emphasis added).²⁹ Using “or” in this rule implies that active ballots do not need to be monitored if they are secured.

During the 2024 primary election, we observed that multiple clerks use a walk-in vault, closet or other storage space to hold active ballots between key processing steps.³⁰ For example, incoming ballots are sorted into batches of 50 and placed in a tote or tray in the vault to await signature verification. When election staff have time to verify signatures, they retrieve the next pending batch from the vault and do so. After signature verification, staff returns the batch of ballots to the vault to be placed in the next process tote/tray and so on until final ballot tabulation and storage.

There are some clerks who use cameras to monitor these work-in-process vault spaces and others who do not. Because the law emphasizes that “processing” is to be video monitored, one clerk questioned whether the ballots in the vault should be under surveillance because—by their thinking—no active processing is happening in that space. We observed some key differences in this regard:



There are some clerks who use cameras to monitor these work-in-process vault spaces and others who do not.

²⁸ *Utah Code* 20A-3a-401.1(1)(b) and (5)(g)

²⁹ *Administrative Rule* R623-8-6(2). The creation of this rule was required by *Utah Code* 20A-3a-404, which was enacted by House Bill 313 in the 2022 Legislative General Session.

³⁰ Whether a literal vault, a locked closet, or another secured area, many clerks refer to this space as “the vault.” We will do the same here.



- Some clerks have a camera monitoring their vaults or other spaces where work-in-process ballots are stored.
- Some of the clerks who do not have a camera monitoring inside their vault have a camera pointed at the entrance so they can monitor access to the space.
- Instead of vaults, some clerks use portable cages with padlocks to secure work-in-process ballots. These are placed in view of a camera.
- One clerk lacked a camera in the vault but placed ballots in the vault inside a cage with a padlock so that ballots could be secured between processing steps.

It is important to note that in some counties, ballots may sit in these vault spaces for days awaiting the next scheduled ballot processing time. In addition to election-related needs, the vaults typically serve multiple purposes and staff from clerks' offices frequently enter the space in their normal course of duties. We observed employees entering vaults alone during our visits in multiple counties, which not only raises questions about video monitoring, but about whether one person alone should have direct access to active ballots.³¹



In light of the different standards and interpretations cited here, the Legislature may wish to amend statute to clarify its preferred standard for ballot monitoring.

In light of the different standards and interpretations cited here, the Legislature may wish to amend statute to clarify its preferred standard for ballot monitoring. This could include full video monitoring of vault spaces, a provision that secured ballots need not be monitored, or simply maintaining the current statute unaltered. The state election director should amend *Administrative Rule* to conform to the statutory standard.

RECOMMENDATION 3.3

The Legislature should consider whether the current wording in *Utah Code* 20A-3a-401.1(5)(g) should be amended to better guide ballot video monitoring practices.

³¹ See the section of this chapter that deals with control and management of ballots to ensure election integrity.



RECOMMENDATION 3.4

The state election director within the Office of the Lieutenant Governor should amend the chain of custody of *Administrative Rule* to bring the monitoring requirement in line with statute.

3.3 Some Counties Did Not Properly Reconcile Ballot Custody Records in the June 2024 Primary Election

To increase the accountability and transparency of ballots, the Legislature created a ballot record reconciliation process in statute in 2023.³² This was in response to significant discrepancies between ballot totals and voter credit data that we detailed in our 2022 audit report.

During the June 2024 primary election, we observed this new reconciliation process in 13 counties and found 3 that were not doing it according to the requirements in law. This is concerning because failure to properly track and reconcile ballot and voter records undermines confidence that all voters' ballots were accounted for and processed correctly. Some of the clerks we spoke with were unaware of the daily reconciliation requirement and assumed we were asking about the ballot statistics report that they post online which is a separate public reporting requirement. There are three separate code sections that require clerks to track and report the data on their website.³³ It would be beneficial to consolidate all the reporting requirements into a single code section to create more clarity about the transparent reporting of election data.



Failure to properly track and reconcile ballots and voter records undermines confidence that all voters' ballots were accounted for and processed correctly.

RECOMMENDATION 3.5

The Legislature should consider creating a single, centralized code section that outlines public reporting requirements for election data, allowing other relevant sections to reference this consolidated provision for clarity and consistency.

³² *Utah Code* 20A-4-109. See House Bill 448 from the 2023 Legislative General Session. The reconciliation language here was clarified in Senate Bill 37 during the 2024 Legislative General Session.

³³ *Utah Code* sections 20A-4-202(2), 20A-3a-405, 20A-4-109, require clerks to collect and publicly report election data at certain intervals during the election. *Utah Code* 20A-3a-401.1(3) also requires election officials to track certain ballot statistics.



Clerks are election officers and have an obligation to understand and follow statute in their execution of their election-related duties.³⁴ Additionally, the LG’s Office has a legal obligation to oversee elections and enforce known noncompliance.³⁵ Statute and the LG’s Office election policy define how reconciliation should work and the LG’s Office reports that they have provided extensive training on this topic. Given the critical nature of ballot reconciliation, the LG’s Office should explore whether noncompliance is widespread enough to merit a training module similar to their signature verification training.³⁶ Given the concerns documented here, and some outstanding questions related to the voter registration data used as the basis for reconciliation, we continued our review of this reconciliation during the November 2024 General Election and will report any further findings and recommendations as appropriate.

RECOMMENDATION 3.6

All county clerks should ensure that they understand and follow the ballot reconciliation process in *Utah Code* 20A-4-109.

RECOMMENDATION 3.7

The Office of the Lieutenant Governor should explore all options within its legal powers to help ensure that clerks understand and follow ballot reconciliation requirements in statute.

3.4 Counties Should Document Ballot Intake To Control and Account for Incoming Ballots

A key control in the chain of custody process is the documentation of ballots collected from drop boxes or the post office. Upon delivery to the processing center, an election official is also required to count and log the number of ballots received. This process ensures consistency between the number of ballots collected and those received at the processing center, preventing discrepancies. *Administrative Rule* mandates that both logs record the number of ballots, the

³⁴ *Utah Code* 20A-1-102(23) and 20A-1-106
³⁵ *Utah Code* 20A-1-105
³⁶ Under *Utah Code* 20A-1-107(3)(b) and (6) the LG’s Office formalized a signature verification training module for anyone to complete before they are allowed to verify signatures.



individuals handling them, their pick-up location, and the drop box's security seal number.³⁷

However, three out of twenty counties did not track the security seal serial number when they retrieved ballots, and four out of twenty counties did not verify and record the seal numbers when the ballots arrived in the office. We spoke with some of the clerks that did not use seals and they were unaware of the requirement to document the numbered seals used on ballot pickup bags.

Once ballots entered the clerks' offices for processing, we observed two out of twenty counties that did not maintain logs of ballot batches as required in statute.³⁸ Although they used other means to track some of the same elements, their methods did not appear to satisfy the full legal requirement.

It is important that election workers properly document the required elements, including the number of ballots collected and delivered to ensure proper accountability and transparency.

RECOMMENDATION 3.8

County clerks should ensure that they adhere to all requirements in statute and rule regarding ballot pickup and intake.

³⁷ These security seals are pre-numbered, tamper evident seals placed on the bags or containers used to transport ballots. They are used to prevent individuals from tampering with ballots while they are in transit. See *Administrative Rule R623-8-5*.

³⁸ *Utah Code* 20A-3a-401.1(5)(d)



**BACKGROUND**

In 2022 our office made recommendations to the Legislature and the Office of the Lieutenant Governor to improve statute and rule for signature verification criteria, quality, and training. We also recommended in 2022 that a risk-limiting audit pilot program be considered.

FINDING 4.1

The Office of the Lieutenant Governor Could Clarify *Administrative Rule* for Clearer Signature Verification Training Standards

RECOMMENDATION 4.1

The Office of the Lieutenant Governor should fulfill the statutory requirement to establish criteria and processes in *Administrative Rule* for poll workers to use in determining if a signature is reasonably consistent with the signature on file for the voter.

Efforts have Begun to Study Potential Improvements in Signature Quality

RECOMMENDATION 4.2

The Legislature should consider amending *Utah Code* 20A-1-108(5) to renew the requirement for the study of options to improve election-related signature quality, including a target date for completion and a requirement that the LG's Office report back on the process.

FINDING 4.2

Risk-Limiting Audit Pilot Program was Not Implemented

No Recommendation

**CONCLUSION**

While a great deal of work has been done in the areas of signature verification and post-election audit practices, there are still areas of improvement. These include amending and clarifying *Administrative Rule* for signature verification, amending *Utah Code* to continue to work toward signature quality improvements, and considering policy options to strengthen post-election audits.





Chapter 4

There Are Still Opportunities for Additional Improvement of Certain Elections Systems and Practices

This chapter will focus specifically on the recommendations regarding signature verification and risk-limiting audits from our 2022 audit.³⁹ We are encouraged by the efforts that have been made in the last two years to implement many of the recommendations. However, these 2022 recommendations are still “in process,” and we offer further recommendations for continued security in our elections system.

The current *Administrative Rule* governing aspects of signature verification does not meet the intention of the recently passed statute. Additionally, more work can be done to improve the integrity and accuracy of the election process through better voter signature quality and post-election audits. In response to our 2022 recommendations, the Legislature passed statute requiring the Office of the Lieutenant Governor (LG’s Office) to work toward improvements in both signature verification and risk-limiting audits.⁴⁰ In response, the LG’s Office created *Administrative Rule* regarding signature verification criteria and training.

4.1 The Office of the Lieutenant Governor Could Clarify *Administrative Rule* for Clearer Signature Verification Training Standards

The ballot signature verification changes the LG’s Office made to *Administrative Rule* do not fully address the new requirements made in *Utah Code*. Additionally, statute tasked the Utah Driver License Division and LG’s Office with studying ways to improve signature quality. While some changes have been made in both areas there is room for continued improvement.

³⁹ *A Performance Audit of Utah’s Election System and Controls* (Report #2022-17). Office of the Legislative Auditor General.

⁴⁰ House Bill 448, 2023 Legislative General Session



Statute and Rule Changes have Occurred Regarding Signature Verification Trainings

Our 2022 Audit⁴¹ made this recommendation:

2022 Recommendation

*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.*

We found that statute lacked clear legal standards for signature verification related to ballots returned by mail or ballot box. In 2023, the Legislature modified the process election workers must follow to include a standard that signatures on ballot return envelopes be “reasonably consistent” with voters’ comparison signatures held in the voter registration system.⁴²

This section of statute was further amended to require the director of elections within the LG’s Office to create *Administrative Rule* to “establish criteria and processes for use by poll workers in determining if a signature is reasonably consistent with the signature on file for the voter...” While the LG’s Office subsequently created rules⁴³ in response to this requirement, the rules do not include the signature verification criteria and processes required in statute.⁴⁴ The LG’s Office should therefore amend their *Administrative Rule* to comply with statute and better guide signature verification across the state.



The Legislature modified the process election workers must follow to include a standard that signatures be “reasonably consistent” with voters’ comparison signatures held in the voter registration system.

⁴¹ Recommendation 4.1 from the 2022 Performance Audit of Utah’s Election System and Controls

⁴² *Utah Code* 20A-3a-401

⁴³ *Administrative Rule* R623-11

⁴⁴ It should be noted that in *Administrative Rule* R623-11 the statute is incorrectly cited as *Utah Code* 20A-3a-401(9). That section of code was moved from (9) to (11) in 2024, and *Administrative Rule* does not reflect this. We believe this to be an oversight of the Lieutenant Governor’s Office thus we have attributed the intended statute to 20A-3a-401(11).



Our office’s recent audit of the signature verification process arrived at a very similar finding and recommendation.⁴⁵

RECOMMENDATION 4.1

The Office of the Lieutenant Governor should fulfill the statutory requirement to establish criteria and processes in *Administrative Rule* for poll workers to use in determining if a signature is reasonably consistent with the signature on file for the voter.

Efforts have Begun to Study Potential Improvements in Signature Quality

The Legislature required the Driver License Division (DLD), in cooperation with the LG’s Office, to perform a study to determine how to improve the quality of signatures. Our office also recommended⁴⁶ that:

2022 Recommendation

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

In response to this recommendation, the Legislature enacted Utah Code 20A-1-108(5) requiring the Driver License Division (DLD), in cooperation with the LG’s Office, to “study the options for improving the quality of signatures collected by [DLD] that are used for signature verification in an election...”

In November 2023, the DLD submitted a brief report to the Government Operations Interim Committee explaining that the study was still in process.

The DLD reported to us that they encountered technological limits on new signature capture devices they were evaluating and have not concluded their work on the topic.

To ensure that the highest quality signatures are available for comparison, we recommend that the Legislature amend statute to require a report on the results

⁴⁵ *A Performance Audit of the Signature Verification Process* (Report #2024-16). Office of the Legislative Auditor General. See recommendation 1.3 on p. 10 of that report.

⁴⁶ Recommendation 4.4 from *2022 Performance Audit of Utah’s Election System and Controls* (Report #2022-17). Office of the Legislative Auditor General.



of this study. We also recommend that the Legislature set a target date for completion and require the LG’s Office to report back on the process.

RECOMMENDATION 4.2

The Legislature should consider amending *Utah Code* 20A-1-108(5) to renew the requirement for the study of options to improve election-related signature quality, including a target date for completion and a requirement that the LG’s Office report back on the process.

4.2 Risk-Limiting Audit Pilot Program was Not Implemented

In 2022, we wrote about efforts around the country to apply statistical sampling methods to post-election auditing. Collectively, these methods are known as risk-limiting audits (RLA). Seeing several states pursue RLA methods through legal mandates and pilot programs, we made the following recommendation:

2022 Recommendation

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.

Rather than implement a pilot program, the Legislature enacted a new section of statute.⁴⁷ The new statute took a step toward implementing RLA practices by requiring a study on how to improve post-election audits, including evaluating different risk-limiting audit methods and other confirmation methods.



The LG’s Office contracted with three professors from Utah universities to complete the study of risk-limiting audits.

The LG’s Office contracted with three professors from Utah universities to complete this study, which included a discussion about different risk-limiting audit methods and recommendations for how to proceed with a pilot program if the Legislature so desired. As required in statute, the study was presented to the Government Operations Interim Committee in November 2023. The professors then

⁴⁷ *Utah Code* 20A-1-108



continued their work with a survey to determine whether implementing RLA methods in Utah would increase voter confidence. Currently, the results of that survey are not yet publicly available for review, and a pilot program was not implemented.

Election Audit Methods Continue to Evolve, Both Around the Country and in Utah

The goal of any post-election audit should be to strengthen confidence in the integrity of election processes and the accuracy of election outcomes. As noted in Chapter 1 of this report, Utah’s current post-election audit practices have room for improvement and were just changed by the LG’s Office for the 2024 General Election. In the former process, paper ballots were compared to digital records from election machines to ensure that ballots were read correctly. As we reported in 2022, this practice does not directly confirm that votes were correctly counted by election machines.

In the new post-election audit process, clerks now hand count randomly selected batches of paper ballots and compare the results to the machine subtotals for the audited batches. Given our concerns in 2022, this is an improvement. Due to the importance of post-election audits in ensuring election integrity, we will continue to monitor the implementation of the new audit process in multiple counties and will report on any additional findings and recommendations in a forthcoming audit report.



Due to the importance of post-election audits in ensuring election integrity, we will continue to monitor the implementation of the new audit process in multiple counties.

Nationwide, states and local jurisdictions continue to implement and adapt RLA techniques for their post-election audits. States like Colorado, Washington, Kentucky, and others are now using different applications of RLA methods. Experts in this field emphasize that each RLA approach is built by stakeholders to reflect their unique goals, laws, and any potential system constraints.⁴⁸

Additional Audit Work is Needed to Bring the Best Information About Post-Election Auditing to the Legislature

In light of the post-election audit shortcomings detailed in Chapter 1 – and the significant evolution in post-election audit methods across the country – we believe it would be wise to continue to investigate post-election audit methods for potential implementation in Utah. We have already performed additional

⁴⁸ For example, for locations where election officials cannot maintain distinct batches of paper ballots, certain post-election audit methods are simply not possible because it is highly impractical – if not impossible – to find and audit a specific sample of ballots or batches.



work to track the successes and pitfalls of RLA in other states, but the recent changes to Utah’s post-election audits and the pending research from the university professors have left us needing more information. At the time of writing, we are still working to understand key elements and constraints of Utah’s election system as they relate to what may be possible in the future. We have also engaged with national experts who have helped other states to improve their post-election audit practices.

Regardless of the improvements to auditing methods policymakers may choose, experts emphasize the value of a careful, gradual approach to help identify and overcome obstacles. We will continue to explore a wide range of policy options in this space and report additional information as appropriate in a forthcoming audit report in 2025.



Complete List of Audit Recommendations





Complete List of Audit Recommendations

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

Recommendation 1.1

We recommend that, as election officials, Utah's county clerks learn and execute all post-election audit process requirements and procedures

Recommendation 1.2

We recommend that, as required by statute, the director of elections within the Office of the Lieutenant Governor should create *Administrative Rules* to establish requirements and procedures for post-election audits.

Recommendation 1.3

We recommend that when the Office of the Lieutenant Governor creates *Administrative Rules* for post-election audits, the requirements and procedures should clearly account for the equipment limitations in smaller counties.

Recommendation 1.4

We recommend that the director of elections within the Office of the Lieutenant Governor clarify the swearing-in requirements and procedures in the *Administrative Rule* governing post-election audits.

Recommendation 1.5

We recommend that the county clerks ensure that individuals from outside their office participate in post-election audits as required in statute and other applicable standards.

Recommendation 1.6

We recommend that the director of elections within the Office of the Lieutenant Governor create clearer requirements for how clerks should attest to post-election audits in the *Administrative Rule* governing post-election audits.

Recommendation 2.1

We recommend that the Office of the Lieutenant Governor compare the records of deceased individuals from the Office of Vital Records and Statistics to the state's official voter list—at least 90 days prior to each primary and general election—to ensure deceased voters have been removed from the voter list.

Recommendation 2.2

We recommend that the Office of the Lieutenant Governor better use its data analyst position to do regular, proactive analysis of Utah's voter list to find and correct any problems and improve election integrity.

Recommendation 2.3

We recommend that the Legislature consider requiring the Office of the Lieutenant Governor to regularly and proactively analyze the voter registration list in support of the office's oversight of voter list maintenance.

Recommendation 2.4

We recommend that the Legislature consider requiring in statute additional processes or automated risk assessments to flag potential issues within voter rolls.

Recommendation 3.1

We recommend that the county clerks follow statute and batch immediately after collecting ballots.

Recommendation 3.2

We recommend that the counties in which all ballot processing areas are not adequately monitored apply to the Office of the Lieutenant Governor for election funding to purchase the equipment needed to comply with statute.

Recommendation 3.3

We recommend that the Legislature consider whether the wording in Utah Code 20A-3a-401.1(5)(g) should be amended to better guide ballot video monitoring practices.

Recommendation 3.4

We recommend that the state election director within the Office of the Lieutenant Governor amend the chain of custody requirement in *Administrative Rule* to bring the monitoring requirement in line with statute.

Recommendation 3.5

We recommend that the Legislature consider creating a single, centralized code section that outlines public reporting requirements for election data, allowing other relevant sections to reference this consolidated provision for clarity and consistency.

Recommendation 3.6

We recommend that the county clerks ensure that they understand and follow the ballot reconciliation process in Utah Code 20A-4-109.

Recommendation 3.7

We recommend that the Office of Lieutenant Governor explore all options within its legal powers to help ensure that clerks understand and follow ballot reconciliation requirements in statute.

Recommendation 3.8

We recommend that the county clerks ensure that they adhere to all requirements in statute and rule regarding ballot pickup and intake.



Recommendation 4.1

We recommend that the Office of the Lieutenant Governor fulfill the statutory requirement to establish criteria and processes in *Administrative Rule* for poll workers to use in determining if a signature is reasonably consistent with the signature on file for the voter.

Recommendation 4.2

We recommend that the Legislature consider amending Utah Code 20A-1-108(5) to renew the requirement for the study of options to improve election-related signature quality, including a target date for completion and a requirement that the LG's Office report back on the process.





Appendix



**A. Status of All Recommendations From
*A Performance Audit of Utah's Election
System and Controls***



Appendix A

Status of All Recommendations From *A Performance Audit of Utah's Election System and Controls*

In 2022, our office released *A Performance Audit of Utah's Election System and Controls* (Report #2022-17). It contained twenty-two recommendations, including recommendations to the Legislature to consider clarifying the Lieutenant Governor's role in various elections processes. The audit also had several recommendations for the Office of the Lieutenant Governor (LG's Office), including standardizing the use of voter maintenance tools and creating rules for clerks to reconcile key ballot statistics.

In the 2023 Legislative General Session, the Legislature passed House Bill 448, which made multiple changes to Utah's election system in direct response to our audit report's findings and recommendations. That year the Legislature also passed House Bill 269, granting authority to our office to conduct election-focused audits in every even numbered year.⁴⁹

The topics we covered in the 2022 Audit, and follow up here are:

- **Chapter 1:** *Utah's Election Controls Mitigate the Risk of Fraud as Long as They Are Used Properly*
- **Chapter 2:** *Utah's Voter Registration Process Is Strong but Can Be Improved with Additional Oversight*
- **Chapter 3:** *Consistent Chain-of-Custody Practices Are Needed to Accurately and Transparently Account for All Ballots*
- **Chapter 4:** *Standards, Training, and Audits Could Improve Election Signature Verification*
- **Chapter 5:** *The Legislature Should Consider New Options for Post-Election Audits*
- **Chapter 6:** *Oversight and Enforcement Roles In Election Code Could Be Clarified*

⁴⁹ House Bill 448 and House Bill 269 are the bills referenced in the remainder of this appendix.

All twenty-two recommendations from the 2022 audit have been addressed to varying degrees. We found that many of the recommendations have been fully implemented.⁵⁰

This audit has addressed many of the “in process” recommendations throughout the chapters. Therefore, this appendix outlines all twenty-two recommendations from 2022, and where applicable, references the chapters of this audit for more information.

Status of All Recommendations from *A Performance Audit of Utah's Election System and Controls (2022-17)*

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
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.	Implemented	In Process

Our 2022 audit found problems with the way county clerks were maintaining the state’s voter registration list. In response, the Legislature tasked the LG’s Office with creating clearer maintenance standards and providing oversight to help ensure that clerks adhere to those maintenance standards.⁵¹

To accomplish clearer voter list maintenance standards, the LG’s Office created a list of maintenance steps and processes county clerks must follow and requires that each clerk’s office self-certify compliance each month. However, as Chapter 2 of this report details, we found that some maintenance tools may not be working as intended. Given the requirement in law that the LG’s Office “regularly monitor the system to ensure that each county clerk complies with the [maintenance] requirements,” we consider this recommendation to be “In process” and have made further recommendations in Chapter 2.

⁵⁰ There are two 2022 recommendations in Chapter 4 and one in Chapter 6 for which the LG’s Office reported in 2023 that these recommendations were “In process.” We have designated the recommendations here as “Implemented” due to work done in the interim.

⁵¹ These requirements were part of House Bill 448 in the 2023 Legislative General Session. See *Utah Code* 20A-2-502 and 503.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
<p>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.</p>	<p>Implemented</p>	<p>In Process</p>

In 2023, the Legislature responded directly to this recommendation by amending *Utah Code*.⁵² These amendments increased the voter registration oversight responsibility of the LGs’ Office and funded a full-time staff position to fulfill these new duties.

Since that staff person was hired, the LG’s Office has completed three quarterly voter registration audits thus far in 2023-2024. The LG’s Office reports that the audits assess a sample of new registrations in each county, scaling the sample according to county size. As reported by the LG’s Office, these audits only assess new registrations added in that quarter for compliance with certain criteria like:

Eligible

- Is “Yes, I am a U.S. citizen” marked on their registration form?
- Are they of legal age to vote and a resident of Utah?
- Did they sign the affidavit affirming their age, residency, and citizenship status?

Documents

Are documents attached that support information entered into Vista?

Identification

Does the record contain a driver’s license or social security number?

Duplicate

Check the duplicate queue to ensure duplicates are being processed.

Deceased

Check the deceased queue to ensure they are being processed.

⁵² *Utah Code* 20A-2-502 and 503

The staff person then chooses from a list of other criteria they've selected to audit each quarter. Any negative findings are then used to determine what support or training clerks need with regard to voter registration maintenance.

In 2024 Quarter 2 audit, statewide there were "two percent findings" meaning two percent of the audited new voter registrations had a mistake or an issue that needed to be corrected. Over the course of the three audits, the percentage of findings improved. The findings were nine percent, four percent, and two percent.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
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.	Implemented	In Process

We performed additional audit work in this area to explore the ways in which the processes in place for removing deceased voters can be improved. Recognizing the efforts made by the LG's Office and considering the shortcomings we identified, we consider this recommendation to be "In Process."

Our findings and further recommendations are found in Chapter 2.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
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.	Implemented	Implemented

The LG's Office reports that three new positions were funded with appropriations made in HB448. These positions cover work in training, voter registration, and election systems. We consider this recommendation implemented.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
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.	Implemented	In Process

In response to this recommendation, the Legislature enacted *Utah Code* to lay out the process that counties are to use for ballot reconciliation.⁵³ This language was further clarified in Senate Bill 37 during the 2024 Legislative General Session. In Chapter 3 of this report, we describe this year’s observations of counties in which we saw certain counties falling short of the legal requirements in their reconciliation processes. In response, we have recommended that the LG’s Office explore options to help clerks understand and comply with this important new requirement.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
3.2 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.	Implemented	Implemented

To facilitate the new reconciliation process (see Recommendation 3.1 immediately above), the LG’s Office created a special report that overcomes the data limitations we identified in 2022. The report is automatically generated and delivered to all 29 clerks every 30 minutes during an election. It provides a reliable basis upon which clerks can reconcile the ballot statistics named in statute. That said, we observed that certain clerks did not reconcile their election statistics as required. Thus, in Chapter 3 of this report, recommendations are given to improve the process statewide.

⁵³ *Utah Code* 20A-4-109

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
3.3 The Office of the Lieutenant Governor should create rules requiring ballot envelopes to be counted as early as possible during ballot processing.	Implemented	Implemented

The Legislature amended *Utah Code*⁵⁴ to state that “upon receiving ballots cast by voters, the election officer shall ensure that poll workers immediately count the number of ballots received and divide the ballots into batches.” We discuss the improvements made and recommendations for continued improvement to ballot batching in Chapter 3 of this report.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
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.	Implemented	Implemented

In our 2022 report, we noted that consistent chain-of-custody practices are needed to ensure accurate and transparent accounting for all ballots. We audited ballot chain-of-custody practices across the state in detail during this audit. Our findings and recommendations are detailed in Chapter 2 of this audit.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
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.	In Process	In Process

⁵⁴ *Utah Code* 20A-3a-401.1(4)

In 2023, the Legislature modified *Utah Code* to include a standard that signatures on ballot return envelopes be “reasonably consistent” with voters’ comparison signatures held in the voter registration system.⁵⁵ More information is found in Chapter 4 of this report.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
<p>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.</p>	<p>In Process</p>	<p>Implemented</p>

As recommended, the Legislature granted rulemaking authority regarding criteria and processes for signature verification to the director of elections within the LG’s Office in *Utah Code*.⁵⁶ This authority includes power to set criteria and processes for signature verification as well as for related training and certification requirements.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
<p>4.3 The Legislature should consider requiring county election staff to attend signature verification training.</p>	<p>Implemented</p>	<p>In Process</p>

⁵⁵ *Utah Code* 20A-3a-401

⁵⁶ *Utah Code* 20A-3a-401

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
4.4 The Legislature should consider the options in this chapter to improve the quality of signatures available for signature verification.	In Process	In Process

These areas are covered in Chapter 4 of this report.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
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.	In Process	Implemented

The Legislature enacted *Utah Code* to require regular signature verification audits.⁵⁷ The Legislature also enacted statute to permit—but not require—the LG’s Office to make *Administrative Rules* to establish specific requirements or procedures related to the statutorily required signature audits.⁵⁸ No *Administrative Rules* have yet been created; election officials follow the process and requirements for regular signature audits provided in existing statute.⁵⁹

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
4.6 The Legislature should consider guidelines for, or the necessity of, curing challenged ballot signatures by phone.	Implemented	Implemented

⁵⁷ *Utah Code* 20A-3a-402.5

⁵⁸ *Utah Code* 20A-3a-401.1

⁵⁹ *Utah Code* 20A-3a-402.5

This recommendation was based on language in statute, which stated, “An election officer may not count the ballot of an individual whom the election officer contacts... unless... the election officer receives a signed affidavit from the individual... or is *otherwise able to establish contact with the individual to confirm the individual’s identity...*” (emphasis added).

In 2023, the portion emphasized above was removed. Instead, statute now states that the only way to verify a person’s identity is to “[require]the individual to provide at least two types of personal identifying information for the individual...”⁶⁰ In addition to the two forms of ID, a signed affidavit is required, thus, removing the opportunity to cure over the phone. That said, clerks can and should still consider the phone as a viable option to inform voters about the need to cure their ballot.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
5.1 The Legislature should consider options to increase the independence of any post-election audit.	Implemented	Implemented

In 2023, the Legislature passed statute giving the Office of the Legislative Auditor General the task to perform a comprehensive audit of the state’s election system in each even-numbered year.⁶¹ This statute also expands upon our office’s legal authority, clarifying auditors’ full access to all election processes and records necessary to assess election operations.



In addition to the biennial legislative audit of elections, the Legislature also enacted a new section of statute related to post-election audits.⁶² Under this new section, the Legislature included explicit language regarding post-election audit independence, stating, “An election officer shall ensure that, when an audit is conducted of work done during ballot processing, the individual who performs the audit does not audit the individual’s own work.” The Utah Elections Handbook lays out the process for post-election audits, which is similar to a draft policy from the LG’s Office.

⁶⁰ *Utah Code* 20A-3a-401

⁶¹ This bill enacted *Utah Code* 36-12-15.2.

⁶² *Utah Code* 20A-1-108

In Chapter 1 of this audit, we report findings from our review of post-election audit practices in all 29 counties. Although the statute is now clear in its requirement for independence in post-election auditing, we observed counties that were not in compliance. We therefore made a new, locally focused recommendation (see Recommendation 1.5 in this, 2024 report) for clerks to ensure they preserve the independence that is so vital to valid audit conclusions.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
<p>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.</p>		

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
<p>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.</p>		

As mentioned in response to recommendation 5.1, the Legislature enacted a new section of statute⁶³ governing post-election audits. This new law requires the LG’s Office to study methods to improve post-election audits, including evaluating different risk-limiting audit methods and other confirmation methods.

The LG’s Office contracted with three professors from Utah universities to complete this study. The contract included a discussion about different risk-limiting audit methods and recommendations for how to proceed with a pilot program if the Legislature so desired. As required in statute, the study was presented to the Government Operations Interim Committee in November 2023.

⁶³ *Utah Code* 20A-1-108

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
6.1 The Legislature should consider adding election standard oversight and enforcement responsibilities and mechanisms to <i>Utah Code</i> .	Implemented	Implemented

We noted in the 2022 audit that the role of the Lieutenant Governor as the general supervisory authority over all elections was ambiguous and we recommended clarity to help ensure weaknesses in election controls did not continue.

In response to our findings and recommendations, the Legislature enacted a new section of statute.⁶⁴ In direct response to this recommendation, the new statutory language clarified the Lieutenant Governor’s (LG) election-related duties and authority, giving the LG the power to enforce compliance with all legal requirements relating to elections. This statute also explicitly gives the LG full access to election records, meetings, and staff as necessary to fulfill these new duties.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
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.	In Process	Implemented

The LG’s Office exercised the new oversight and enforcement authority created in statute when it identified significant compliance and performance deficiencies in Cache County’s election processes. The LG’s Office completed a comprehensive review of election processes in Cache and issued 31 recommendations to the Cache County clerk to correct what it called, “an unprecedented lack of controls, widespread violations of Utah election law and

⁶⁴ *Utah Code* 20A-1-105

administrative, [and] a pointed disregard for policy and practices established by [the LG’s Office].”⁶⁵

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
<p>6.3 The Legislature should consider whether to require county election staff to participate in election trainings.</p>	<p>Implemented</p>	<p>Implemented</p>

Our audit suggested that training could help ensure that clerks were both understanding and implementing best practices. *Utah Code* gives the Lieutenant Governor the responsibility to oversee training.⁶⁶ Codified in 2023, it includes language that requires election officers to complete the trainings designed by the LG’s Office. In partnership with Weber State University, the LG’s Office has created a required training for election officers to provide “the skills needed to carry free, fair, and secure elections into the future...”.

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
<p>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.</p>	<p>Implemented</p>	<p>Implemented</p>

⁶⁵ *A Review of Cache County Elections*, Office of the Lieutenant Governor

⁶⁶ *Utah Code* 20A-1-107

Recommendation	Agency Reported Status	Status Based on In-Depth Follow-Up
6.5 The Office of the Lieutenant Governor should finalize its manual of standards to help guide clerks' election administration.	Implemented	Implemented

The Legislature appropriated money to the LG’s Office to fund a full-time position to train election officers. The LG’s Office also released a new election handbook in May 2024. In its own words, the handbook was created “to ensure elections are administered fairly and securely in the state of Utah. This handbook outlines statute and policies that counties must adhere to, while also including various tips to promote election integrity across the state.”

Topics covered in the handbook include elections steps from redistricting all the way through to canvass and retention.



Agency Response Plan



STATE OF UTAH

OFFICE OF THE LIEUTENANT GOVERNOR



DEIDRE M. HENDERSON
LIEUTENANT GOVERNOR

December 2, 2024

Auditor General Kade Minchey
Office of the Legislative Auditor General

Dear Mr. Minchey,

The past few years have been a period of rapid evolution for Utah's election systems. In addition to implementing numerous statutory changes, my office has initiated substantial operational improvements in our efforts to faithfully discharge our constitutional and statutory duties. Safeguarding the voting rights of Utah citizens is an honor and responsibility that my staff and I treasure.

As you mentioned to me during your first audit of Utah's election systems in 2022, performance audits are not designed to point out what we are doing right. In that light, I would like to share some of the proactive steps my office has taken to ensure that state law is being followed and our election systems are robust, secure, and accessible to the voters.

In 2021 we created an election processes and procedures training program for counties as well as a manual outlining best practices. Last year we gratefully received funding from the legislature to formalize the program with the hiring of a training coordinator. These trainings provide a bi-weekly forum for election officials to review statutory obligations, discuss election procedures, and ask and answer questions. The feedback from county clerks and their staff has been overwhelmingly positive, especially given that many clerks are in their first term of office and many of their employees are new to their roles. This is the first time in Utah history that the Office of the Lieutenant Governor has offered any such training.

Prior to the passage of HB 448, my office established the Olene Walker Vote Certification program in partnership with county clerks and Weber State University. The program allows election officials to complete 10 classes taught by subject matter experts over a three-year period. These classes are designed to provide a general overview of the state's election laws and help officials develop needed skills to be successful in the state's elections sphere. In recognition of the positive impact the program has had on the state's election officers, HB 448 appropriated funding and made certification mandatory for clerks and their senior staff members.

To provide further support, my office also established a county liaison program, assigning each of our election coordinators to oversee specific counties. Coordinators serve as first contacts for county election officials, are responsible for quarterly visits, provide training, and support county clerks as they fulfill their election-related duties. Our office motto is, "You can't govern from Capitol Hill." Getting out of the office and into the counties has been invaluable for my small staff to build relationships and rapport with each of their counties, as well as provide needed oversight.

We have also made improvements to the state's voter registration rolls. In addition to completing statutory audit requirements, my office also implemented quarterly voter registration audits - far above what is required by law. These audits have provided opportunities for training and correction to clerks as they maintain the voter registration database in their respective counties and significantly increased the accuracy of the voter registration database.

My office has used our statutory oversight authority to enforce compliance with Utah's election code. For example, we conducted a sweeping review of the former Cache County Clerk's handling of the 2023 Primary and General Elections. The report, "A Review of Cache County Elections," exposed some concerning administrative practices and eventually led to the resignation of one official and the prosecution of another. Additionally, my office completed a report on Utah County's 2024 Primary Election, and published the report titled, "Utah County 2024 Primary Election Review," a few months ago.

At my request, the Attorney General's Office launched an investigation into a former Juab County Clerk after the current clerk discovered and reported discrepancies and alleged violations of Utah election law. This investigation led to charges which are now pending in the courts. Lastly, in a concerted effort to enforce the statutory requirements of the signature gathering process, my office uncovered potential fraud and referred the information to the Attorney General's Office for investigation. As a result, 13 individuals were charged for alleged fraud and/or forgeries related to candidate nomination petitions. Two of those individuals have already pleaded guilty.

Additionally, in the past two years we have been the subject of five audits and 20 lawsuits, sixteen of which have been related to election issues such as ballot access, initiative process, petition signatures, GRAMA requests, and election contests. Thus far, the courts have upheld my office's actions in every instance.

My staff and I take our oversight role seriously and will continue to ensure that Utah's election laws are being followed. Given the tumultuous nature of elections, increased public scrutiny of those who administer them, and extensive changes to our election systems in recent years, I am continually inspired by the dedication and professionalism demonstrated by the vast majority of Utah's election officials. These are not easy times to administer elections, and I applaud them for the work that they do.

The successes outlined above represent only a fraction of what we have done over the past four years to tangibly improve and strengthen Utah elections. My office remains committed to the continued improvement and success of the state's system of elections and the county clerks who administer them. We look forward to working with various stakeholders to discuss potential legislative changes and the steps needed to implement the appropriate recommendations made in this report.

Sincerely,

A handwritten signature in black ink that reads "Deidre M. Henderson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Deidre M. Henderson

Recommendation Responses:

Recommendation 1.1: *We recommend that the Utah's county clerks learn and execute all post-election audit process requirements and procedures.*

Response: This recommendation is to clerks. Copies of the audit policy have been made available to every county clerk. Prior to each election, training is provided to the county clerks and the individuals in their offices who oversee post-election audits. Between the 2024 Primary and General Elections, audit training was held twice in person and online. Additional contact was made with each county clerk's office to explain the post-election audit process and answer questions.

Recommendation 1.2: *We recommend that the director of elections within the Office of the Lieutenant Governor create Administrative Rules to establish requirements and procedures for post-election audits.*

Who: Ryan Cowley - Director of Elections

What: In the interest of identifying effective post-election audit procedures, the Office of the Lieutenant Governor has created policies for clerks to follow as they conduct their post-election audits. Based on the feedback provided by clerks and other relevant stakeholders, this office has continued to refine those policies with the eventual objective of creating an effective administrative rule. Given the significant time it takes to both create and change administrative rules, this office thought it prudent to identify and test best practices as policies prior to implementing them as an administrative rule. Furthermore, we strengthened our audit policy to require hand count audits between the June Primary and the Presidential Election. Policy from the lieutenant governor carries the force of law (Utah Code 20A-1-106(2)). Initially utilizing policies rather than administrative rule has allowed us to quickly make needed changes and accommodate small and large counties.

How: With the 2024 election now complete, the Office of the Lieutenant Governor will solicit feedback from county clerks regarding the post-election audit procedures and make additional changes as needed. Once both clerks and this office feel that the policy has been properly tested, we will begin the process of creating an administrative rule.

Documentation: The administrative rule will be posted on the state's administrative rule website.

Timetable/When: The Office of the Lieutenant Governor anticipates this will be completed by the end of 2025.

Recommendation 1.3: *We recommend that when the Office of the Lieutenant Governor creates Administrative Rules for post-election audits, the requirements and procedures should clearly account for the equipment limitations in smaller counties.*

Who: Ryan Cowley - Director of Elections

What/How: The current audit policy accounts for all types of equipment. This will be reflected in the administrative rule referred to in Recommendation 1.2. The post-election audit policy analyzed in this report was changed before this legislative audit was complete. Additionally, we provided funding to smaller counties for the purchase of equipment and supplies necessary to comply with the updated audit requirements.

Recommendation 1.4: *We recommend that the director of elections within the Office of the Lieutenant Governor clarify the swearing-in requirements and procedures in the Administrative Rule governing post-election audits.*

Response: The current audit policy states, “Before beginning the audit, the county clerk, or their designee, shall swear in any individual who is participating in the audit.” The Office of the Lieutenant Governor will clarify the swearing in requirement in its post election audit policies and administrative rule(s). We will also consider specific directions regarding employees who have previously been sworn in. This will be reflected in the administrative rule referred to in Recommendation 1.2.

Recommendation 1.5: *We recommend that the county clerks ensure that individuals from outside their office participate in post-election audits as required in statute and other applicable standards.*

Response: This recommendation is to the county clerks. The current audit policy requires, “At least two auditors must be present at all times and only one individual per duo can be a full-time employee of the clerk’s, or clerk/auditor’s office when the offices are combined.”

Recommendation 1.6: *We recommend that the director of elections within the Office of the Lieutenant Governor create clearer requirements for how clerks should attest to post-election audits in the Administrative Rule governing post-election audits.*

Response: The current iteration of the post-election audit policy is just over three pages and requires the following: “After the audit, the individuals who performed the audit shall sign an affidavit that identifies the number of ballots/machines/signatures that were audited and lists all exceptions that were found.” Each person involved in the audit should sign an affidavit that identifies what they audited and explain any discrepancies found. This same language can be added to the rule referred to in Recommendation 1.2 once it is written.

Recommendation 2.1: *We recommend that the Office of the Lieutenant Governor compare the records of deceased individuals from the Office of Vital Records and Statistics to the state’s official voter list—at least 90 days prior to each primary and general election—to ensure deceased voters have been removed from the voter list.*

Response: We agree with this recommendation. As this was a finding in the 2022 legislative audit, our office has made a concerted effort to comply with the requirements outlined in statute. Using the tools that were available to us, we feel that we have complied with this recommendation. Neither the Office of the Lieutenant Governor nor the county clerks want deceased individuals to be on the state’s voter rolls or for another individual to attempt to vote in their behalf. This has highlighted shortcomings in the processes related to deceased voters which we will work to improve. However, additional context is necessary to understand why we feel we have complied and what steps we will take to prevent similar issues going forward.

The process by which information for deceased individuals is sent to county clerks for review is as follows: the Division of Vital Records (DVR) prepares a list of decedents that is sent to the Department of Technology Services (DTS). DTS then uploads this list to the state’s voter registration system (VRS). The

Once uploaded, those records are made available to county clerks. Using the information provided, clerks review the list to determine if the individual is registered to vote in their county. Assuming the person is registered and the personal information matches, the clerks then remove the deceased individual from the voter rolls.



1. Several potential failure points create the possibility of data gaps in the current system. If DVR fails to provide the list to DTS, the list is not available for clerks to review. If DTS fails to upload the list to the state's VRS, the list is not available for clerks to review. To prevent this from occurring, our office will implement regular checks with both DVR and DTS to ensure that files have been properly transmitted, received, and loaded into the VRS in a timely fashion. Based on our own internal analysis, occasionally files were either not sent by the DVR or properly loaded into the VRS by DTS. The State Registrar in DVS is statutorily required to provide a list of all deceased individuals within five business days of issuing a death certification (see Utah Code 26B-8-114(11)). Regular checks will ensure that these gaps are closed.
2. At least 120 days prior to each election, we should be given a complete list of all deceased individuals from the DVR from the date the list was last requested by our office. It is worth noting that this list was initially denied to us over privacy and NDA concerns, but readily available to the auditors for the purpose of this audit. We ask that the legislature mandate that this list be provided to the Office of the Lieutenant Governor by the DVR no later than 120 days before each election or upon request. This list will then be compared to the state's voter registration database to ensure that all deceased voters have been removed. The Office of the Lieutenant Governor does not perform voter registrations or removals. Any deceased individuals found on this list will be provided to the appropriate county clerk for additional review and removal.
3. The Office of the Lieutenant Governor will create a training module for voter list maintenance. This module will be required for all clerks and their staff who perform those functions. This training will cover removing deceased voters, how to utilize secondary sources such as obituaries, and will supplement the guidance, training, and instructions currently provided by our office.
4. The failure points described above led to potentially two deceased voters casting ballots in the 2023 General Election. One of the two deceased voters was never loaded into the VRS. The information for the second deceased voter had been provided to the county clerk who determined that the data for that individual did not match the voter registration record.

Once we became aware of the 1,400 potential deceased voters in late September, we took immediate action to ensure they were reviewed by the county clerks before the General Election. This meant sending the entire list of potential matches to each respective county clerk. Our office also reviewed over 450 of the active records, and provided detailed information to each clerk including notes on secondary sources such as obituaries.

Recommendation 2.2: *We recommend that the Office of the Lieutenant Governor better use its data analyst position to do regular, proactive analysis of Utah's voter list to find and correct any problems and improve election integrity.*

Who: Ryan Cowley - Director of Elections

What: While this legislative audit has uncovered some gaps that will help us improve, we respectfully disagree with the claim that we have not properly utilized staff to regularly and proactively monitor and ensure voter list maintenance. Prior to and in response to the legislative audit conducted in 2022, our office has gone to great lengths to improve the accuracy of the state's voter rolls. Some of our efforts include:

- Quarterly registration audits for every county (see description below).
- Registration training for all clerks. This office has also provided on-site training for new or struggling clerks and their staff.
- Implementing monthly voter list maintenance certifications posted on vote.utah.gov.
- Regularly checking duplicate and deceased queues for counties to ensure they are being promptly and properly processed.
- Checking deceased queues prior to each election to ensure clerks have removed deceased voters.
- Improved ERIC processes and verification.
- Providing monthly USPS National Change of Address (NCOA) lists to clerks. Previously, this was done only once per year, if at all.
- Precinct mapping checks to ensure voters are placed into the correct voting precinct.
- Alternative address cleanup to ensure ballots are being mailed accurately.
- Regular checks during the election to ensure that the old ballot of a voter who has moved is spoiled and that the voter receives the proper ballot for their new precinct.

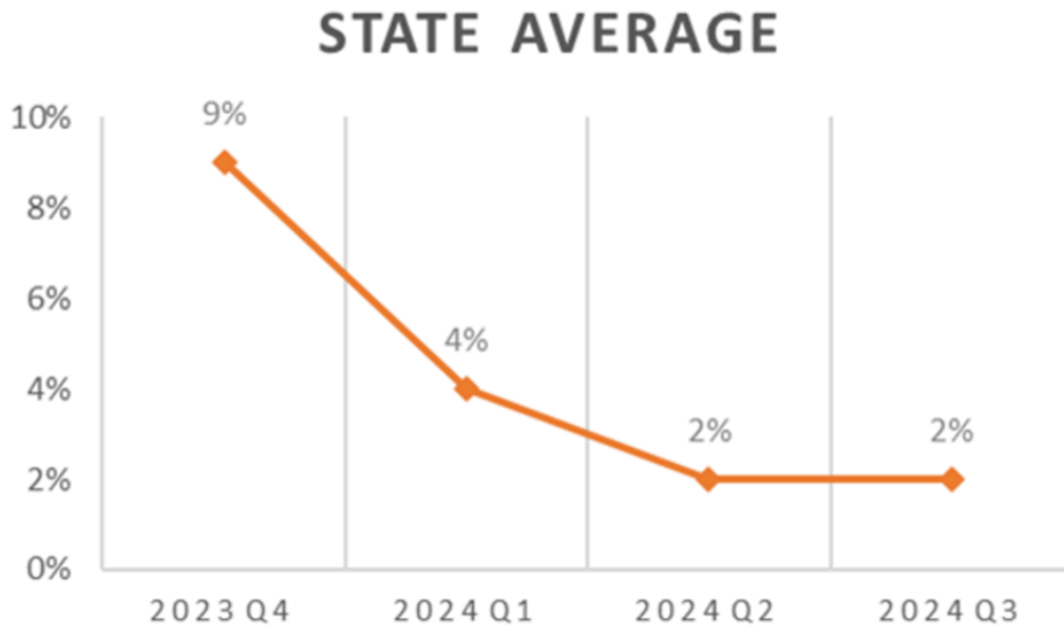
This work has been performed by the data analyst and/or other staff. These staff members perform other analyses on the state's VRS as well.

Ensuring the state's VRS database is current and clean was a priority for this office and the county clerks prior to the 2022 audit and this audit, and continues to be a priority moving forward. Clerks spend a considerable amount of time proactively cleansing the voter rolls. More importantly, our office has made a concerted effort and focus on ensuring new and recent registrations are performed correctly. One such example is a quarterly registration audit.

State law mandates an annual voter registration audit with a biennial report to the legislature. We have elected to do an additional quarterly audit on a random sample of registrations from each county. During these quarterly audits, the Office of the Lieutenant Governor teams up with clerks and their staff to audit a county other than their own. During these audits, they check for duplicate registrations, deceased voters, voter eligibility, proper voter registration documentation, verification of voter addresses, ID verification, voter privacy status, voter signatures on file, correct date of birth, and correct party affiliation.

Quarterly registration audits are designed to ensure voter registrations are properly completed by clerks and that all required registration data and documentation is properly recorded in the VRS. These audits

have been demonstrably successful. The following chart is from our internal quarterly audits which review a number of data points from voter registration records. It shows a steady decline in findings - a strong indicator that the voter list is getting better with each passing audit and training provided by our office.



Lastly, this legislative audit found that there are 300 potential registration duplicates in the state’s VRS. While having ZERO duplicate registrations is our goal, context is helpful. There are 2,073,844 registered voters in Utah, making the voter rolls 99.9855% free from duplicates. This office will continue to review the state’s VRS to ensure that all duplicates are removed.

How: In addition to the quarterly registration audits, the Office of the Lieutenant Governor will enhance its review processes and make appropriate changes to comply with this audit’s interpretation of the law.

Documentation: Clerks are required to certify their voter registration maintenance to the Office of the Lieutenant Governor. This is then posted on vote.utah.gov. The Office of the Lieutenant Governor will post a certification that the review has been completed 90 days prior to each election.

Timetable/When: The Office of the Lieutenant Governor will enhance its review process for each election going forward.

Recommendation 2.3: *We recommend that the Legislature consider requiring the Office of the Lieutenant Governor to regularly and proactively analyze the voter registration list in support of the office’s oversight of voter list maintenance.*

Response: See response to 2.1 and 2.2. If the Legislature determines additional legislation is necessary, our office will, of course, comply.

Recommendation 2.4: *We recommend that the Legislature consider requiring in statute additional processes or automated risk assessments to flag potential issues within voter rolls.*

Response: See response to 2.1 and 2.2. If the Legislature determines additional legislation is necessary, our office will, of course, comply.

Recommendation 3.1: *We recommend that the county clerks follow the statute and batch immediately after collecting ballots.*

Response: This is a recommendation to clerks. Training has been created and distributed.

Recommendation 3.2: *We recommend that any counties in which all ballot processing areas are not adequately monitored apply to the Office of the Lieutenant Governor for election funding to purchase the equipment needed to comply with statute.*

Response: This is a recommendation to clerks. Each clerk who has requested money for this has received it.

Recommendation 3.3: *We recommend that the Legislature consider whether the wording in Utah Code 20A-3a-401.1(5)(g) should be amended to better guide ballot video monitoring practices.*

Response: This is a recommendation to the Legislature.

Recommendation 3.4: *We recommend that the state election director within the Office of the Lieutenant Governor amend the chain of custody requirement in Administrative Rule to bring the monitoring requirement in line with statute.*

Who: Ryan Cowley - Director of Elections

What: The administrative rule will be updated to bring the monitoring requirement in line with statute.

How: N/A.

Documentation: The administrative rule will be posted on the state's administrative rule website.

Timetable/When: The Office of the Lieutenant Governor anticipates this will be completed before the 2025 Municipal Primary Election.

Recommendation 3.5: *We recommend that the Legislature consider creating a single, centralized code section that outlines public reporting requirements for election data, allowing other relevant sections to reference this consolidated provision for clarity and consistency.*

Response: This is a recommendation to the Legislature. We agree that reporting requirements are onerous, need to be simplified and put into a consolidated section of code.

Recommendation 3.6: *We recommend that the county clerks ensure that they understand and follow the ballot reconciliation process in Utah Code 20A-4-109.*

Response: This is a recommendation to the clerks. The Office of the Lieutenant Governor included clarification to the reconciliation statute which was passed in SB37 during the 2024 General Legislative Session. Multiple training sessions have been provided on this process.

Recommendation 3.7: *We recommend that the Office of Lieutenant Governor explore all options within its legal powers to help ensure that clerks understand and follow ballot reconciliation requirements in statute.*

Who: Ryan Cowley - Director of Elections

What: The Office of the Lieutenant Governor is in compliance with this recommendation. In three instances the lieutenant governor has exercised her oversight authority to ensure county clerks comply with this statutory mandate. This includes the review done of Cache County elections (2023), a letter to the Utah County Clerk (2023), and a report issued to the Utah County Clerk (2024).

Additionally, this office requires each county to provide us with a standardized canvass statistics report along with their canvass materials. For this report, county clerks are required to reconcile the number of vote histories against the number of ballots counted. They must also account for any differences. These county reports are available on www.vote.utah.gov. The Office of the Lieutenant Governor will continue to monitor these reports and counties' efforts to reconcile. As in the past, we will address concerns through training and directly with clerks as warranted.

How: N/A.

Documentation: N/A.

Timetable/When: The Office of the Lieutenant Governor will continue to monitor compliance moving forward and take action as needed.

Recommendation 3.8: *We recommend that the county clerks ensure that they adhere to all the requirements in statute and rule regarding ballot pickup and intake.*

Response: This is a recommendation to the clerks. Training has been provided.

Recommendation 4.1: *We recommend that the Office of the Lieutenant Governor fulfil the statutory requirement to establish criteria and processes in Administrative Rule for poll workers to use in determining if a signature is reasonably consistent with the signature on file for the voter.*

Response: This recommendation is duplicative of recommendation 1.3 from "A Performance Audit of the Signature Verification Process" conducted by OLAG earlier this year:

"Recommendation 1.3 The Office of the Lieutenant Governor should further clarify what "substantially similar" and "reasonably consistent" mean in the context of signature verification." https://olag.utleg.gov/olag-doc/2024-16_RPT.pdf

This criterion is part of statutorily required training for each individual performing signature verification and can be clarified even further as outlined in our response to the signature verification process audit.

Recommendation 4.2: *We recommend that the Legislature consider amending Utah Code 20A-1-108(5) to renew the requirement for the study of options to improve election-related signature quality, including a target date for completion and a requirement that the LG's office report back on the process.*

Response: This is a recommendation to the Legislature.



THE MISSION OF THE LEGISLATIVE AUDITOR GENERAL IS TO

AUDIT · LEAD · ACHIEVE

WE HELP ORGANIZATIONS IMPROVE
