

A Performance Audit of

Piute and Wayne County Election Processes

Significant Improvements are Needed to
Help Ensure Accuracy and Integrity

Office of the Legislative
Auditor General

Report to the UTAH LEGISLATURE



LEGISLATIVE AUDITOR GENERAL



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January 31, 2025

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report:

“A Performance Audit of Piute and Wayne County Election Processes” [Report #2025-04].

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 officer. Therefore, the designated chief officer for the Piute County Clerk/Auditor’s Office is Kali Gleave and the designated chief officer for the Wayne County Clerk/Auditor’s Office is Felicia Snow. Both Kali and Felicia have been notified that they 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

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PERFORMANCE AUDIT

AUDIT REQUEST

In 2023, the Legislature passed House Bill 269, enacting statute that requires the Office of the Legislative Auditor General to audit the state's election system and controls every even-numbered year.

Pursuant to that law, the Legislative Audit Subcommittee authorized a systemwide audit of election processes, controls, and effectiveness in April 2024.

BACKGROUND

We conducted audit work during the 2024 election cycle and released our primary findings and recommendations in *A Performance Audit of Utah's Election System (2024-20)*.

In addition, during our 2024 audit work, we identified significant deficiencies in election processes in Piute and Wayne counties. We therefore felt it was necessary to make specific recommendations for improvement related to both locations.

PIUTE AND WAYNE COUNTY ELECTIONS



KEY FINDINGS

- ✓ Piute County weakens election controls by handling and processing ballots with only one election worker.
- ✓ Piute County weakens election controls by not batching and tracking ballots as required in law.
- ✓ Ballot boxes in Piute County fell short of legal requirements.
- ✓ Both Piute and Wayne counties lacked adequate camera coverage of ballot processing areas.
- ✓ Neither Piute nor Wayne counties reconciled ballot processing statistics according to statute.
- ✓ Both Piute and Wayne counties' post-election audits violated multiple requirements.



RECOMMENDATIONS

- ✓ The Piute County clerk should ensure that all ballot collection, handling, and processing is done with proper personnel.
- ✓ The Piute County clerk should ensure that all active ballots are batched and tracked according to requirements in law.
- ✓ During elections, the Piute County clerk should ensure that all municipalities in the county have ballot boxes.
- ✓ During elections, the Piute County clerk should ensure that all ballot boxes are properly marked as official ballot drop boxes.
- ✓ The Piute County clerk should continue to improve camera coverage until all areas in which ballots are processed are adequately monitored.
- ✓ The Piute and Wayne county clerks should learn and execute the ballot reconciliation and post-election audit requirement.





Significant Deficiencies in Election Processes and Controls Exist in Piute and Wayne Counties

During our 2024 audit of Utah’s election system and controls, we observed significant shortcomings in election operations in the offices of both the Piute County clerk/auditor and Wayne County clerk/auditor.¹ This report will highlight the problems we observed and provide recommendations for improvement. As a result of our audit work, we have already observed election process improvements in both locations.

Statute designates county clerks as election officers and says that they shall comply with all federal and state law, federal and state rules, as well as the policies and direction of the Office of the Lieutenant Governor (LG’s Office).² The election requirements and processes set forth in law have been carefully designed by the Legislature to safeguard both the accuracy and the integrity of Utah’s elections. That said, these safeguards only work when they are executed correctly. Although we did not observe anything that would negatively impact the results of an election, the failure in these counties to follow election law increases the risk of inaccurate or inappropriate election outcomes.

Deficiencies in Ballot Handling Increase the Risk of Mismanagement and Fraud

“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.). Ensuring that voters’ ballots are properly handled and controlled is a critical aspect of election controls. In our review of Piute County’s election processes and controls, we found significant deficiencies in how they handled ballots.

¹ Although the clerk and auditor offices are combined in these counties, we will refer to the election officials only as clerks throughout this report because that is the role by which they have authority and responsibility over elections.

² *Utah Code* 20A-1-106



Piute County Weakens Election Controls by Handling and Processing Ballots with Only One Election Worker

Statute, rule, and state election policy require that two election officials be present when active ballots are handled, collected, delivered for processing, or processed.³

Contrary to these requirements, we found multiple instances across multiple elections when ballots were collected, handled, or processed by a single individual inside the Piute County clerk's office. On one occasion, staff were processing ballots when a citizen arrived at the clerk's service window. The small stack of active ballots that were in process when the citizen arrived were left unattended and outside the view of the office video camera for several minutes while staff assisted the citizen.

In our observations, we found no evidence that led us to believe that fraud or malfeasance occurred. But allowing a single election worker to handle ballots without a second worker present undermines the proper ballot chain of custody and increases the risk and the public perception that malfeasance could occur.

In our discussions with the Piute County clerk, we recommended that a secure ballot box be placed in the office to allow voters to drop ballots in a way that is secure and does not put an election worker in the position to collect the ballot alone. On a follow-up visit, we saw that the clerk had obtained a small locking ballot box and that voters were using it.

RECOMMENDATION 1.1

The Piute County clerk should ensure that all ballot collection, handling, and processing is done with proper personnel.

Piute County Weakens Election Controls by Not Batching And Tracking Ballots as Required in Law

County clerks are required by law to ensure that ballots cast by voters are immediately counted and divided into batches when they are received.⁴ Proper batching helps ensure that each ballot is accounted for from the beginning to the end of the election process. In Piute County, batches were not created immediately during our observations. Instead, election workers collected ballots

³ *Utah Code* 20A-3a-401.1(5)(e); 20A-5-403.5(7); *Administrative Rule* R623-8-4; Utah Elections Handbook 16.A.

⁴ *Utah Code* 20A-3a-401.1(4)



directly from voters and temporarily placed them in the clerk’s vault⁵ until there were enough ballots or enough time to add them to a running batch for the day. Doing this—along with letting single workers handle ballots—can make it difficult or impossible to detect if an election worker inappropriately added or removed ballots. Ensuring proper ballot handling and batching can strengthen the chain of custody and mitigate this risk.

Piute County Also Lacked Batch Logs. As an additional chain of custody control, clerks must keep batch logs to track things like the number of ballots in each batch and the date they were received. The batch logs must also show when ballots are handled, who handled them, and what was done.⁶ During our observations, Piute County used a combination of paper notes and the voter registration system to accomplish some of this, but did not track the process steps and the workers involved. In our follow-up observations in November 2024, the clerk had introduced batch logs containing the required elements.

RECOMMENDATION 1.2

The Piute County clerk should ensure that all active ballots are batched and tracked according to requirements in law.

Ballot Boxes in Piute County Fell Short of Legal Requirements

Utah Code 20A-5-403.5(1)

“An election officer...shall designate at least one ballot drop box in each municipality and reservation located in the jurisdiction to which the election relates”

The statute cited above requires the county clerk to set up ballot boxes in all four of Piute County’s municipalities. However, the clerk did not make a ballot drop box available for voters in Marysvale in the elections held in March, June, or November of 2024. Doing this has undermined the statute created by the Legislature to make ballot boxes conveniently available for voters throughout the state.

⁵ In Piute County, the space used for the clerk’s vault is a small room with a locking door just off the main office space.

⁶ *Utah Code* 20A-3a-401.1(5)(d)



Utah Code 20A-5-403.5(1)

“An election officer... shall clearly mark each ballot drop box as an official ballot drop box for the election officer’s jurisdiction”

We also observed in both the June and November 2024 elections that ballot boxes in Piute County’s other three municipalities were not marked for the election as required in statute. Because the towns use existing municipal drop boxes as ballot boxes, failing to mark them for elections leaves voters with little to no knowledge that they can drop ballots there. Unsurprisingly, the clerk reported that the county received no ballots via drop box in the June 2024 primary election.

Figure 1.1 Without Proper Election Markings, It Is Not Clear That Voters Can Drop Ballots in Town Boxes in Piute County. After discussions with the county clerk, election signage was added to these town boxes partway through the November 2024 election.



Source: Auditor photos taken during the June and November 2024 elections. Election signage was added after our audit observations. From left to right, the boxes are found in Circleville, Kingston, and Junction.

RECOMMENDATION 1.3

During elections, the Piute County clerk should ensure that all municipalities in the county have ballot boxes.

RECOMMENDATION 1.4

During elections, the Piute County clerk should ensure that all ballot boxes are properly marked as official ballot drop boxes.

Both Piute and Wayne Counties Lacked Adequate Camera Coverage of Ballot Processing Areas

Utah Code 20A-3a-401.1(5)(g)

“The election officer shall ensure that...each part of the processing of all ballots is monitored by recorded video, without audio.”

During multiple 2024 elections, the Piute County clerk’s office was covered by one camera that did not capture key ballot processing areas. Specifically, the camera did not capture footage of the vault used for ballot storage, the clerk’s desk space—where a lot of ballot processing took place—or of a conference room across the hall where ballots were being scanned through a tabulation machine.

Figure 1.2 The Single Camera in Piute County Did Not Capture Key Ballot Processing Areas. As shown here, the camera points to the right of these photos, toward the front service counter in the clerk’s office. Because of its angle, the camera did not capture any footage of the space to the left, which is where the clerk’s desk and the vault are located.



Source: Auditor photos.

The camera coverage we observed in Piute County fell short of legal requirements. As discussed in our 2024 election audit, the law requires video



surveillance of ballot processing to identify malicious actors and safeguard election integrity.⁷ In a follow-up visit in November 2024, we observed that the clerk had adjusted the camera angle and relocated ballot scanning equipment to better capture ballot processing. We believe additional work is needed to fully comply with statute.

RECOMMENDATION 1.5

The Piute County clerk should continue to improve camera coverage until all areas in which ballots are processed are adequately monitored.

Wayne County Also Lacked Adequate Camera Coverage. During our observations, the clerk in Wayne County used courtroom space across the hall from her main office to open ballot envelopes, separate ballots, and scan ballots. Though there are multiple cameras in the courtroom, we discovered that none of them were monitoring ballot processing because the cameras are controlled and used only by state court officials. After learning this, the clerk worked to install a new camera she could control and use for election purposes. The new camera was in place in time for the November 2024 election.

Neither Piute nor Wayne Counties Reconciled Ballot Processing Statistics According to Statute

Utah Code 20A-4-109(1)

“...an election officer...shall:

Conduct ballot reconciliations every time ballots are tabulated;...

Document each ballot reconciliation;

Publicly release the results of each ballot reconciliation;...”

In response to recommendations from our 2022 election audit, the Legislature created requirements in law for election officials to track and reconcile specific ballot processing statistics.⁸ This reconciliation process is a critical check that can increase confidence that all voters’ ballots were accounted for and processed correctly.

⁷ See *A Performance Audit of Utah’s Election System* (Report 2024-20), pp. 31-35.

⁸ See *A Performance Audit of Utah’s Election System and Controls* (Report 2022-17), pp. 25-29. **Utah Code** 20A-4-109 was enacted by House Bill 448 in the 2023 Legislative General Session and later clarified by Senate Bill 37 during the 2024 Legislative General Session.



In 2024 elections, the Piute County clerk tracked certain ballot statistics, but did not track and reconcile the elements required in statute. On a follow-up visit on November 4, 2024, the clerk reported that the office had processed ballots for the general election but had not yet reconciled their process, which is a direct violation of the reconciliation requirement. Further, by not completing the required reconciliations, the county also fell short of the requirements to document and publicly release the reconciliation results. By requesting specific ballot statistics during our June 2024 visit, we were able to nearly reconcile the numbers as required in statute.⁹

On election day in November 2024, we found that the Wayne County clerk had not completed any ballot reconciliations. Again, without completing the required reconciliations, the county also failed to document and publicly release reconciliation results.

RECOMMENDATION 1.6

The Piute County clerk should learn and execute the ballot reconciliation requirements given in *Utah Code* 20A-4-109.

RECOMMENDATION 1.7

The Wayne County clerk should learn and execute the ballot reconciliation requirements given in *Utah Code* 20A-4-109.

Both Piute and Wayne Counties' Post-Election Audits Violated Multiple Requirements

As detailed in our 2024 election audit report, we found widespread problems with the execution of post-election audit procedures across the state.¹⁰ The post-election audits in both Piute and Wayne counties were significantly out of compliance with both law and the audit policy from the Office of the Lieutenant Governor (LG's Office).

⁹ At the time of our visit, the number of voters given vote credit was 429. The ballot scanner reported 435 ballots scanned. The clerk reported that the difference (i.e., 6 voters with missing credit) was due to in-person voters who had not yet been manually entered into the voter registration system. We did not independently validate the 6 in-person voters but had observed individuals voting throughout the day.

¹⁰ See *A Performance Audit of Utah's Election System* (Report 2024-20), pp. 5-13.



In Piute County, a single individual who works for the clerk’s office acted alone to complete the audit while the clerk attended to other responsibilities away from the office. No other individuals were there to ensure that two people were present while ballots were handled or to provide the required independence for the audit.¹¹ The individual conducting the audit also neglected to examine the individual cast vote record (CVR), which, as described in our 2024 report, was the most important test in the audit method used at the time. By neglecting both the individual CVR and independence requirements, the results of the audit fell far short of what is acceptable.

In Wayne County, the Director of Elections from the LG’s Office was also in attendance when an auditor from our team observed the post-election audit. As the audit progressed, it became clear that the clerk was not familiar with the post-election audit requirements. The Director of Elections repeatedly offered corrections to, for example, recruit an independent auditor from outside the election process or to compare audited ballots to the individual CVR. With these corrections, the audit was ultimately done correctly.

An auditor from our team attended Wayne County’s November 2024 post-election audit and, while it was not perfect, the clerk and her team demonstrated a much higher level of understanding and compliance.

RECOMMENDATION 1.8

The Piute County clerk should learn and execute the post-election audit requirements as contained in statute and requirements from the Office of the Lieutenant Governor.

RECOMMENDATION 1.9

The Wayne County clerk should learn and execute the post-election audit requirements as contained in statute and requirements from the Office of the Lieutenant Governor.

¹¹ *Utah Code* 20A-1-108(1)(b)



Complete List of Audit Recommendations



Complete List of Audit Recommendations

This report made the following nine 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 the Piute County clerk ensure that all ballot collection, handling, and processing is done with proper personnel.

Recommendation 1.2

We recommend that the Piute County clerk ensure that all active ballots are batched and tracked according to requirements in law.

Recommendation 1.3

We recommend that the Piute County clerk ensure that all municipalities in the county have ballot boxes during elections.

Recommendation 1.4

We recommend that the Piute County clerk ensure that all ballot boxes are properly marked as official ballot drop boxes during elections.

Recommendation 1.5

We recommend that the Piute County clerk continue to improve camera coverage until all areas in which ballots are processed are adequately monitored.

Recommendation 1.6

We recommend that the Piute County clerk learn and execute the ballot reconciliation requirements given in Utah Code 20A-4-109.

Recommendation 1.7

We recommend that the Wayne County clerk learn and execute the ballot reconciliation requirements given in Utah Code 20A-4-109.

Recommendation 1.8

We recommend that the Piute County clerk learn and execute the post-election audit requirements as contained in statute and requirements from the Office of the Lieutenant Governor.

Recommendation 1.9

We recommend that the Wayne County clerk learn and execute the post-election audit requirements as contained in statute and requirements from the Office of the Lieutenant Governor.





Agency Response Plans





PIUTE COUNTY CLERK/AUDITOR
KALI L. GLEAVE
PIUTE COUNTY COURTHOUSE
550 NORTH MAIN ST.
P.O. BOX 99
JUNCTION, UTAH 84740

January 21, 2025

Office of the Legislative Auditor- Utah Legislature.

This letter is regarding the Performance Audit of Piute County Election Processes. Report No. 2025-04. Responses to each recommendation listed follows.

Recommendation 1.1 The Piute County Clerk should ensure that all ballot collection, handling, and processing is done with proper personnel:

DEPARTMENT RESPONSE:

1. **Who:** Kali Gleave, Clerk/Auditor, kgleave@piute.utah.gov
2. **What:** The Piute County Clerk will review statutes, rules, and state election policy with her staff to ensure the processes necessary are known.
3. **How:** In the November General Election the Sheriff Secretary was utilized to help fill this requirement. She was sworn in as an election worker and helped wherever she was needed. This will continue in all future elections.
4. **Documentation:**
5. **Timetable:** In November 2024 General Election implementation of the recommendation took place. It will continue with the next election cycle.
6. **When:** Piute County will fully implement the recommendation in the next election cycle.

Recommendation 1.2 The Piute County Clerk should ensure that all active ballots are batched and tracked according to requirements in law:

DEPARTMENT RESPONSE:

1. **Who:** Kali Gleave, Clerk/Auditor, kgleave@piute.utah.gov
- 2: **What:** The Piute County Clerk will review statutes, rules, and state election policy with her staff to ensure the processes necessary are known.
3. **How:** The Piute County Clerk will ensure batches are created immediately during receipt of ballots. When a drop box is emptied batches will be formed no matter how many ballots there are.
4. **Documentation:** Batch logs will be implemented and used.
5. **Timetable:** Batch Logs were utilized during the November 2024 General Election.
6. **When:** Piute County will fully implement the recommendation in the next election cycle.

Recommendation 1.3 During elections, the Piute County Clerk should ensure that all municipalities in the county have ballot boxes:

DEPARTMENT RESPONSE:

1. **Who:** Kali Gleave, Clerk/Auditor, kgleave@piute.utah.gov
- 2: **What:** The Piute County Clerk will review statutes, rules, and state election policy with her staff to ensure the processes necessary are known.
3. **How:** The Piute County Clerk did not feel like the Marysvale Town drop box that had been used in previous elections was secure.
4. **Documentation:** Town Drop Box Logs for will be used.
5. **Timetable:** The Piute County Clerk is currently working with Marysvale Town to ensure that a Secure Drop Box is in that precinct and that it will be in place for the elections in 2026

6. **When:** Piute County will fully implement the recommendation in the next election cycle.

Recommendation 1.4 During elections, the Piute County Clerk should ensure that all ballot boxes are properly marked as official ballot drop boxes:

DEPARTMENT RESPONSE:

1. **Who:** Kali Gleave, Clerk/Auditor, kgleave@piute.utah.gov
2. **What:** The Piute County Clerk will review statutes, rules, and state election policy with her staff to ensure the processes necessary are known.
3. **How:** The Piute County Clerk will ensure that more secure signing is placed on the drop boxes.
4. **Documentation:** Official Ballot Drop Box Signs will be secured on all town drop boxes.
5. **Timetable:** In November 2024 General Election implementation of the recommendation took place. It will continue with the next election cycle.
6. **When:** Piute County will fully implement the recommendation in the next election cycle.

Recommendation 1.5: The Piute County Clerk should continue to improve camera coverage until all areas in which ballots are processed are adequately monitored:

DEPARTMENT RESPONSE:

1. **Who:** Kali Gleave, Clerk/Auditor, kgleave@piute.utah.gov
2. **What:** The Piute County Clerk will review statutes, rules, and state election policy with her staff to ensure the processes necessary are known.
3. **How:** The Piute County Clerk, after the initial audit, purchased several more cameras to put in the Vault area as well as at the Clerk's desk to ensure coverage of all areas of the office. All ballot processing was moved to the Clerk's office instead of utilizing other rooms for the November General Election.

4. **Documentation:** Camera footage will be viewed to make sure all locations are visible.
5. **Timetable:** In the November 2024 General Election beginning implementation of the recommendation took place. It will continue with the next election cycle.
6. **When:** Piute County will fully implement the recommendation in the next election cycle.

Recommendation 1.6: The Piute County Clerk should learn and execute the ballot reconciliation requirements given in Utah Code 20A-4-109:

DEPARTMENT RESPONSE:

1. **Who:** Kali Gleave, Clerk/Auditor, kgleave@piute.utah.gov
2. **What:** The Piute County Clerk will review statutes, rules, and state election policy with her staff to ensure the processes necessary are known.
3. **How:** The Piute County Clerk office was performing Ballot Reconciliation's. The legislative auditor believes all requirements were not being met. The Piute County Clerk will review the requirements in Utah Code 20A-4-109.
4. **Documentation:** Ballot Reconciliation Daily Sheets will be utilized.
5. **Timetable:** In November 2024 General Election implementation of the recommendation took place. It will continue with the next election cycle.
6. **When:** Piute County will fully implement the recommendation in the next election cycle.

Recommendation 1.8 The Piute County Clerk should learn and execute the post-election audit requirements as contained in statute and requirements from the Office of the Lieutenant Governor:

DEPARTMENT RESPONSE:

1. **Who:** Kali Gleave, Clerk/Auditor, kgleave@piute.utah.gov
2. **What:** The election that was referenced in this recommendation was the 2024 March Presidential Primary where Piute County only had 9 ballots total. All ballots were hand counted at that point. The day of the Post election audit other responsibilities came up and Piute County did fall short with proper staff. The Piute County Clerk will continue to review these requirements to ensure all staff is aware of them
3. **How:** In the June and November elections all post audit requirements were followed and performed.
4. **Documentation:** Post-Election Audit form will be utilized.
5. **Timetable:** In November 2024 General Election implementation of the recommendation took place. It will continue with the next election cycle.
6. **When:** Piute County will fully implement the recommendation in the next election cycle.

Sincerely,


Kali Gleave
Piute County Clerk/Auditor
kgleave@piute.utah.gov
1-435-577-2840





Commissioners

Roger S. Brian
Dennis G. Blackburn
Kerry K Cook

Clerk/Auditor

Assessor

Attorney

Recorder/Treasurer

Sheriff

Felicia Snow
Sharon Torgerson
Michael Winn
Colleen Allen
M. A. Gulley

Office of the Legislative Auditor General

In response to the 2024 Post Election Audit violations

Recommendation 1.7 The Wayne County Clerk should learn and execute the ballot reconciliation requirements given in Utah Code 20A-4-109.

Response 1.7

The Wayne County Clerk, Felicia Snow, has studied the Utah Code 20A-4-109 and will follow the requirement for the next elections. The supporting documentation will be created.

Recommendation 1.9 The Wayne County Clerk should learn to execute the post-election audit requirement as contained in statute and requirement for the Office of the Lieutenant Governor.

Response 1.9

The Wayne County Clerk had already implemented and executed the post-election audit requirements for the 2024 General Election. The Wayne County Clerk has followed the code book and will stay current with upcoming changes.

Regards,

Felicia Snow
Clerk/Auditor





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