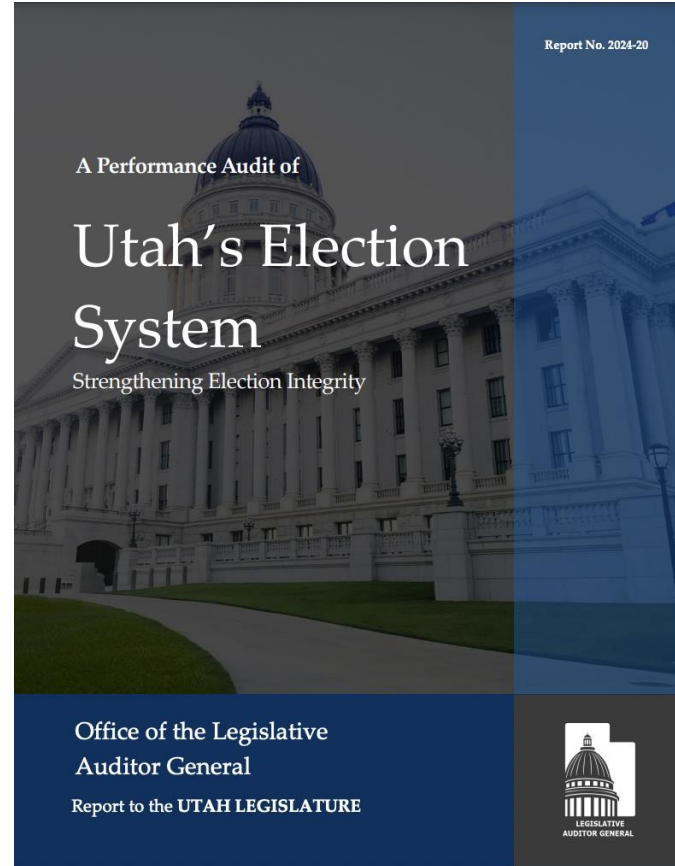


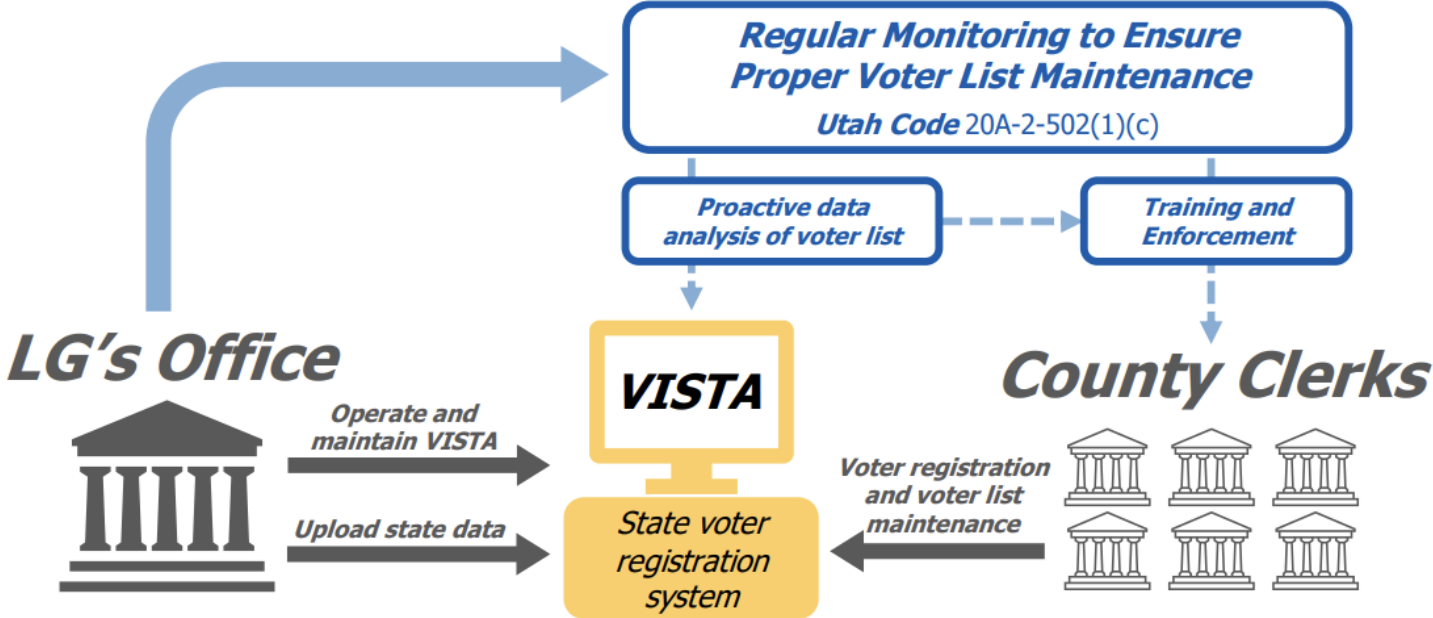
# HB332: Voter Registration Data Amendments

## Responding to our recent performance audit of Utah's Election System

The focus of HB332 is safeguarding Utah voter's private information and continuously improving an efficient, cost-effective voter registration and election system.



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.



Source: Auditor Generated

The audit unearthed the existence of ~1400 deceased voters in Utah's voter rolls. As noted from the audit:

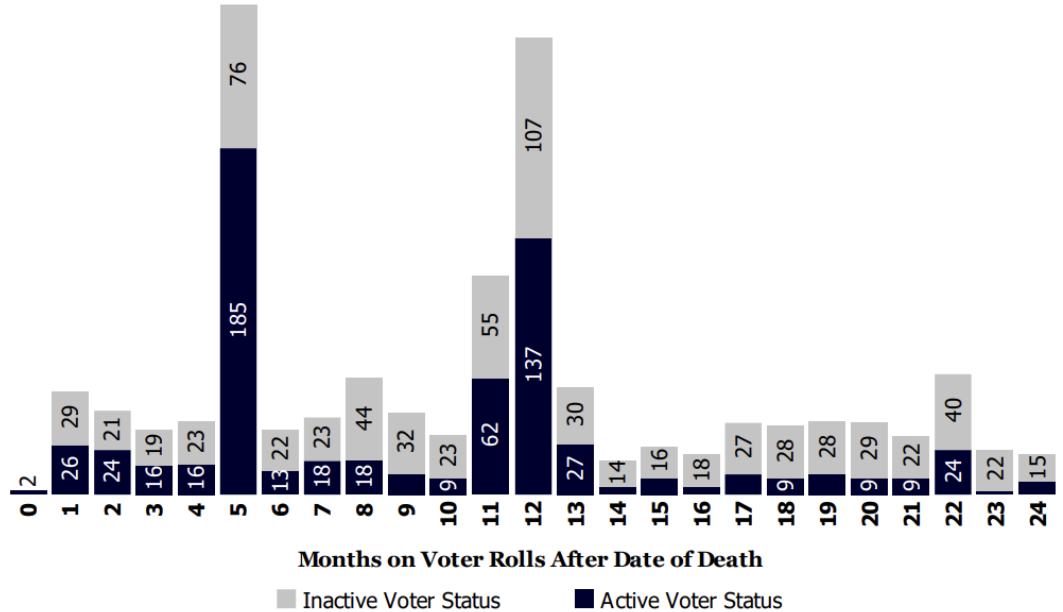


**Two of the deceased voters cast ballots in the November 2023 election.**

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.

## Over 400 Likely Deceased Voters Have Been in the Voter Rolls for Over a Year.

**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

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



**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.

“... 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.”

OLAG Utah Election Security Audit, December 2024

## 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.

653 (2) (a) Subject to Subsection (2)(b), to share information and increase the accuracy of the  
654 database, the lieutenant governor may ~~cooperate or~~ enter into an agreement a  
655 memorandum of understanding with ~~a governmental entity or another state to share~~  
656 ~~information and increase the accuracy of the database.~~ another state.

696 (5) (a) The lieutenant governor may contract with a third-party to maintain the voter  
697 registration database if the third-party:

698 (i) specializes in voter registration maintenance; and

699 (ii) utilizes quantum technology to analyze:

700 (A) driver license records;

701 (B) property tax records;

702 (C) vital records; and

703 (D) Medicaid application records.

# HB322 - Important Personal Data Protections

- 720 (h) A third-party contractor may not:
- 721 (i) use information provided under Subsections (5)(b) through (f) for any purpose
- 722 other than voter rolls maintenance; or
- 723 (ii) access an individual's:
- 724 (A) medical information; or
- 725 (B) financial information.
- 726 (i) A third-party described in Subsection (5)(a) shall:
- 727 (i) use industry standard security measures to protect records and information;
- 728 (ii) maintain the classification of records;
- 729 (iii) conduct an analysis of voter rolls to identify potential ineligible voters no later
- 730 than two weeks after:
- 731 (A) the start of the candidate filing period; and
- 732 (B) a general election canvass; and
- 733 (iv) report the data described in Subsection (5)(i)(iii) to the lieutenant governor's
- 734 office.



## RECOMMENDATION 2.4

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

48 (3) (a) The lieutenant governor shall keep the Government Operations Interim  
49 Committee informed of advances in election technology that the committee may want  
50 to study for use in Utah's elections.

51 (b) The lieutenant governor shall provide a report to the Government Operations Interim  
52 Committee, on or before June 30, in a year following a general or midterm election,  
53 regarding efforts to clean up and maintain voter rolls.

54 (c) The lieutenant governor shall, at or before the last 2026 meeting of the Government  
55 Operations Interim Committee, report to the committee on automated risk assessment  
56 programs that could be implemented to identify potential issues in voter rolls.

57 (d) The lieutenant governor shall, on an annual basis, at or before the last meeting of the  
58 Government Operations Interim Committee, report to the committee a data flow map  
59 detailing the source, processing, and sharing of all voter data.



## 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.

60 (4) The lieutenant governor shall:

61 (a) study methods to improve post-election audits to confirm that the election correctly  
62 identified the winning candidates, including evaluating:

63 (i) different risk-limiting audit methods; and

64 (ii) other confirmation methods; and

65 (b) on an annual basis, at or before the last ~~2023~~ meeting of the Government  
66 Operations Interim Committee, report to the committee on:

67 (i) the methods studied; and

68 (ii) recommendations for post-election audit requirements.

### **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.

**Lines 696 - 750**

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.

- 953 (e) an election official who performs a ballot processing function performs the function  
954 in the presence of at least one other election official;
- 955 (f) ~~to the extent reasonably possible,~~ the poll workers who perform a ballot processing  
956 function for a batch complete performing that function for the entire batch; ~~and~~
- 957 (g) ~~each part of the processing of~~ all ballots is are continuously monitored by  
958 recorded video, without audio, including:
- 959 (i) ballot intake;
- 960 (ii) signature verification;
- 961 (iii) ballot scanning;
- 962 (iv) ballot sorting;
- 963 (v) ballot preparation; and
- 964 (vi) ballot storage; and
- 965 (h) the ballots, or containers holding the ballots, are visible in the video monitoring  
966 described in Subsection (5)(g).

“Counties that lack ... 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.” **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.” OLAG Utah Election Security Audit, December 2024

According to the 2022 Election Administration and Voting Survey (EAVS) comprehensive report, **the year after 43.8 million Americans moved, only 5.1 million voters were removed from voter rolls for moving out of the jurisdiction and an additional 4.8 million were removed for failure to return a confirmation of registration.**

ERIC (Electronic Registration Information System) seeks to provide the following information to its states:

- A list of people who are eligible but unregistered to vote
- A list of voters who moved out of or into Utah
- A list of voters who moved within Utah
- A list of people with more than one voter registrations in Utah
- A list of voters who have died

**10 States have recently withdrawn from ERIC. Only 23 states remain and their voter rolls have significant issues.**

Among other reasons, states left ERIC for:

- persistent data and management issues,
- improper data use,
- escalating costs.

ERIC identified **168,000 dead or relocated individuals as EBU (eligible but unregistered) to vote in Virginia.**

Recently the Colorado Secretary of State mailed postcards encouraging **30,000 noncitizens to vote**. The error happened after the office compared a list of names of **102,000** people provided by the **Electronic Registration Information Center** to a database of Colorado residents issued driver's licenses.