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**Election Records Amendments**

Heard in Government  
Operations Interim  
Committee 8/20/25

**2025 FIRST SPECIAL SESSION****STATE OF UTAH****Chief Sponsor: Norman K Thurston**

Sponsor:

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**3 LONG TITLE**

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**General Description:**

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This bill amends provisions related to election records.

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**Highlighted Provisions:**

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This bill:

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- ▶ defines terms;
- ▶ establishes retention and disposition requirements for certain election records;
- ▶ authorizes an election officer to share with certain individuals the record of voters contacted to cure a ballot;
- ▶ establishes and modifies provisions related to who, and the circumstances under which, an individual may view the video recordings of the processing of ballots and unattended ballot drop boxes;
- ▶ modifies the data requirements and reporting deadlines for ballot statistics published on an election officer's website during an election;
- ▶ eliminates certain ballot reconciliation reporting requirements;
- ▶ classifies certain election records as public records;
- ▶ for the board of canvassers' report that an election officer submits to the board of canvassers after an election:
  - specifies certain election-related data that the election officer must include in the report's statement of votes cast; and
  - requires the election officer to include in the report certain data from the election results database;
- ▶ establishes a process for an election officer who does not count ballots using automatic tabulating equipment to include certain data from the election results database in the board of canvassers' report;
- ▶ requires an election officer to:
  - post the board of canvassers' report on the election officer's jurisdiction's website and the Utah Public Notice Website; and

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31           • make the board of canvassers' report available to the public in certain electronic file  
32 formats;  
33           ▸ requires the lieutenant governor to ensure that all voting equipment has the capability of  
34 generating an election results database;  
35           ▸ specifies the data that must be contained in an election results database; and  
36           ▸ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38       None

39 **Other Special Clauses:**

40       This bill provides a special effective date.

41       This bill provides retrospective operation.

42 **Utah Code Sections Affected:**

43 **AMENDS:**

44       **20A-1-102 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,  
45       Chapters 381, 448

46       **20A-3a-401 (Effective upon governor's approval)**, as last amended by Laws of Utah  
47       2025, Chapters 381, 448

48       **20A-3a-401.1 (Effective upon governor's approval)**, as last amended by Laws of Utah  
49       2025, Chapter 524

50       **20A-3a-405 (Effective upon governor's approval)**, as last amended by Laws of Utah  
51       2023, Chapter 297

52       **20A-4-104 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,  
53       Chapter 448

54       **20A-4-106 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,  
55       Chapter 524

56       **20A-4-107 (Effective upon governor's approval)**, as last amended by Laws of Utah 2020,  
57       Chapter 31

58       **20A-4-109 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,  
59       Chapter 524

60       **20A-4-202 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,  
61       Chapter 524

62       **20A-4-304 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,  
63       Chapters 38, 448 and 524

64       **20A-4-401 (Effective upon governor's approval)**, as last amended by Laws of Utah 2025,

65 Chapter 448

66 **20A-5-403.5 (Effective upon governor's approval)**, as last amended by Laws of Utah  
67 2025, Chapter 448

68 **20A-5-905 (Effective upon governor's approval)**, as enacted by Laws of Utah 2022,  
69 Chapter 156

70 ENACTS:

71 **20A-5-802.5 (Effective upon governor's approval)**, Utah Code Annotated 1953

72 REPEALS:

73 **20A-4-701 (Effective upon governor's approval) (Applies beginning 08/01/25)**, as  
74 enacted by Laws of Utah 2025, Chapter 524

75 **20A-4-702 (Effective upon governor's approval) (Applies beginning 08/01/25)**, as  
76 enacted by Laws of Utah 2025, Chapter 524

77 **20A-4-703 (Effective upon governor's approval) (Applies beginning 08/01/25)**, as  
78 enacted by Laws of Utah 2025, Chapter 524

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

81 Section 1. Section **20A-1-102** is amended to read:

82 **20A-1-102 (Effective upon governor's approval). Definitions.**

83 As used in this title:

84 (1) "Active voter" means a registered voter who has not been classified as an inactive voter  
85 by the county clerk.

86 (2) "Automatic tabulating equipment" means apparatus that automatically examines and  
87 counts votes recorded on ballots and tabulates the results.

88 (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic  
89 storage medium, that records an individual voter's vote.

90 (b) "Ballot" does not include a record to tally multiple votes.

91 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on  
92 the ballot for their approval or rejection including:

93 (a) an opinion question specifically authorized by the Legislature;

94 (b) a constitutional amendment;

95 (c) an initiative;

96 (d) a referendum;

97 (e) a bond proposition;

98 (f) a judicial retention question;

99 (g) an incorporation of a city or town; or  
100 (h) any other ballot question specifically authorized by the Legislature.

101 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together  
102 using staples or another means in at least three places across the top of the paper in the  
103 blank space reserved for securing the paper.

104 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
105 20A-4-306 to canvass election returns.

106 (7) "Bond election" means an election held for the purpose of approving or rejecting the  
107 proposed issuance of bonds by a government entity.

108 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not  
109 a holiday.

110 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by  
111 the sender.

112 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday,  
113 a business day, or any other type of day.

114 (11) "Canvass" means the review of election returns and the official declaration of election  
115 results by the board of canvassers.

116 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the  
117 canvass.

118 (13) "Contracting election officer" means an election officer who enters into a contract or  
119 interlocal agreement with a provider election officer.

120 (14) "Convention" means the political party convention at which party officers and  
121 delegates are selected.

122 (15) "Counting center" means one or more locations selected by the election officer in  
123 charge of the election for the automatic counting of ballots.

124 (16) "Counting judge" means a poll worker designated to count the ballots during election  
125 day.

126 (17) "Counting room" means a suitable and convenient private place or room for use by the  
127 poll workers and counting judges to count ballots.

128 (18) "County officers" means those county officers that are required by law to be elected.

129 (19) "Date of the election" or "election day" or "day of the election":  
130 (a) means the day that is specified in the calendar year as the day on which the election  
131 occurs; and  
132 (b) does not include:

133 (i) deadlines established for voting by mail, military-overseas voting, or emergency  
134 voting; or

135 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,  
136 Early Voting.

137 (20) "Elected official" means:

138 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,  
139 Municipal Alternate Voting Methods Pilot Project;

140 (b) a person who is considered to be elected to a municipal office in accordance with  
141 Subsection 20A-1-206(1)(c)(ii); or

142 (c) a person who is considered to be elected to a special district office in accordance  
143 with Subsection 20A-1-206(3)(b)(ii).

144 (21) "Election" means a regular general election, a municipal general election, a statewide  
145 special election, a local special election, a regular primary election, a municipal primary  
146 election, and a special district election.

147 (22) "Election Assistance Commission" means the commission established by the Help  
148 America Vote Act of 2002, Pub. L. No. 107-252.

149 (23) "Election cycle" means the period beginning on the first day on which individuals are  
150 eligible to file declarations of candidacy and ending when the canvass is completed.

151 (24) "Election judge" means a poll worker that is assigned to:

152 (a) preside over other poll workers at a polling place;

153 (b) act as the presiding election judge; or

154 (c) serve as a canvassing judge, counting judge, or receiving judge.

155 (25) "Election material" includes:

156 (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);

157 (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);

158 (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(12)(a);

159 (d) any chain of custody documentation described in Section 20A-3a-401.1, including:

160 (i) the count of ballots described in Subsection 20A-3a-401.1(3); and

161 (ii) the batch log described in Subsection 20A-3a-401.1(5);

162 (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);

163 (f) the affidavit of compliance described in Subsection 20A-3a-404(2);

164 (g) the physical and electronic log of replicated ballots described in Subsection  
165 20A-4-104(3);

166 (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;

- 167 (i) the record of voter database access described in Subsection 20A-5-905(2);
- 168 (j) the reports on military and overseas voters described in Section 20A-16-202;
- 169 (k) scanned copies of return envelopes;
- 170 (l) a copy of the final election results database described in Section 20A-5-802.5; and
- 171 (m) the materials used in the programming of the automatic tabulating equipment.

172 [~~(25)~~] (26) "Election officer" means:

- 173 (a) the lieutenant governor, for all statewide ballots and elections;
- 174 (b) the county clerk for:
  - 175 (i) a county ballot and election; and
  - 176 (ii) a ballot and election as a provider election officer as provided in Section
  - 177 20A-5-400.1 or 20A-5-400.5;
- 178 (c) the municipal clerk for:
  - 179 (i) a municipal ballot and election; and
  - 180 (ii) a ballot and election as a provider election officer as provided in Section
  - 181 20A-5-400.1 or 20A-5-400.5;
- 182 (d) the special district clerk or chief executive officer for:
  - 183 (i) a special district ballot and election; and
  - 184 (ii) a ballot and election as a provider election officer as provided in Section
  - 185 20A-5-400.1 or 20A-5-400.5; or
- 186 (e) the business administrator or superintendent of a school district for:
  - 187 (i) a school district ballot and election; and
  - 188 (ii) a ballot and election as a provider election officer as provided in Section
  - 189 20A-5-400.1 or 20A-5-400.5.

190 [~~(26)~~] (27) "Election official" means any election officer, election judge, or poll worker.

191 [~~(27)~~] (28) "Election results" means:

- 192 (a) for an election other than a bond election, the count of votes cast in the election and
- 193 the election returns requested by the board of canvassers; or
- 194 (b) for bond elections, the count of those votes cast for and against the bond proposition
- 195 plus any or all of the election returns that the board of canvassers may request.

196 [~~(28)~~ "Election returns" includes:]

- 197 [(a) ~~the pollbook, the military and overseas absentee voter registration and voting~~
- 198 ~~certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all~~
- 199 ~~excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and~~
- 200 ~~the total votes cast form; and]~~

201 [({b}) the record, described in Subsection 20A-3a-401(10)(e), of voters contacted to cure a  
202 ballot.]

203 (29) "Election results database" means the following information generated by voting  
204 equipment:

205 (a) one or more electronic files that contains a digital interpretation of each ballot that is  
206 counted in an election;  
207 (b) a ballot image; and  
208 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.

209 (30) "Election returns" means:

210 (a) the pollbook;  
211 (b) the military and overseas absentee voter registration and voting certificates;  
212 (c) one of the tally sheets;  
213 (d) any unprocessed ballots;  
214 (e) all counted ballots;  
215 (f) all excess ballots;  
216 (g) all unused ballots;  
217 (h) all spoiled ballots;  
218 (i) all ballot disposition forms, including any provisional ballot disposition forms;  
219 (j) the final election returns database described in Section 20A-5-802.5;  
220 (k) all return envelopes;  
221 (l) any provisional ballot envelopes; and  
222 (m) the total votes cast form.

223 [({29})] (31) "Electronic signature" means an electronic sound, symbol, or process attached to  
224 or logically associated with a record and executed or adopted by a person with the intent  
225 to sign the record.

226 [({30})] (32) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).

227 [({31})] (33) "Inactive voter" means a registered voter who is listed as inactive by a county  
228 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

229 [({32})] (34) "Judicial office" means the office filled by any judicial officer.

230 [({33})] (35) "Judicial officer" means any justice or judge of a court of record or any county  
231 court judge.

232 [({34})] (36) "Local election" means a regular county election, a regular municipal election, a  
233 municipal primary election, a local special election, a special district election, and a  
234 bond election.

235 [35] (37) "Local political subdivision" means a county, a municipality, a special district, or  
236 a local school district.

237 [36] (38) "Local special election" means a special election called by the governing body of  
238 a local political subdivision in which all registered voters of the local political  
239 subdivision may vote.

240 [37] (39) "Manual ballot" means a paper document produced by an election officer on  
241 which an individual records an individual's vote by directly placing a mark on the paper  
242 document using a pen or other marking instrument.

243 [38] (40) "Mechanical ballot" means a record, including a paper record, electronic record,  
244 or mechanical record, that:

- 245 (a) is created via electronic or mechanical means; and
- 246 (b) records an individual voter's vote cast via a method other than an individual directly  
247 placing a mark, using a pen or other marking instrument, to record an individual  
248 voter's vote.

249 [39] (41) "Municipal executive" means:

- 250 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 251 (b) the mayor in the council-manager form of government defined in Subsection  
252 10-3b-103(6).

253 [40] (42) "Municipal general election" means the election held in municipalities and, as  
254 applicable, special districts on the first Tuesday after the first Monday in November of  
255 each odd-numbered year for the purposes established in Section 20A-1-202.

256 [41] (43) "Municipal legislative body" means the council of the city or town in any form  
257 of municipal government.

258 [42] (44) "Municipal office" means an elective office in a municipality.

259 [43] (45) "Municipal officers" means those municipal officers that are required by law to  
260 be elected.

261 [44] (46) "Municipal primary election" means an election held to nominate candidates for  
262 municipal office.

263 [45] (47) "Municipality" means a city or town.

264 [46] (48) "Official ballot" means the ballots distributed by the election officer for voters to  
265 record their votes.

266 [47] (49) "Official endorsement" means the information on the ballot that identifies:

- 267 (a) the ballot as an official ballot;
- 268 (b) the date of the election; and

269 (c)(i) for a ballot prepared by an election officer other than a county clerk, the  
270 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or  
271 (ii) for a ballot prepared by a county clerk, the words required by Subsection  
272 20A-6-301(1)(b)(iii).

273 [~~(48)~~] (50) "Official register" means the official record furnished to election officials by the  
274 election officer that contains the information required by Section 20A-5-401.

275 [~~(49)~~] (51) "Political party" means an organization of registered voters that has qualified to  
276 participate in an election by meeting the requirements of Chapter 8, Political Party  
277 Formation and Procedures.

278 [~~(50)~~] (52)(a) "Poll worker" means a person assigned by an election official to assist with  
279 an election, voting, or counting votes.

280 (b) "Poll worker" includes election judges.

281 (c) "Poll worker" does not include a watcher.

282 [~~(51)~~] (53) "Pollbook" means a record of the names of voters in the order that [~~they~~] the  
283 voters appear to cast votes.

284 [~~(52)~~] (54) "Polling place" means a building where voting is conducted.

285 [~~(53)~~] (55) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
286 in which the voter marks the voter's choice.

287 [~~(54)~~] (56) "Presidential Primary Election" means the election established in Chapter 9, Part  
288 8, Presidential Primary Election.

289 [~~(55)~~] (57) "Primary convention" means the political party conventions held during the year  
290 of the regular general election.

291 [~~(56)~~] (58) "Protective counter" means a separate counter, which cannot be reset, that:

292 (a) is built into a voting machine; and

293 (b) records the total number of movements of the operating lever.

294 [~~(57)~~] (59) "Provider election officer" means an election officer who enters into a contract or  
295 interlocal agreement with a contracting election officer to conduct an election for the  
296 contracting election officer's local political subdivision in accordance with Section  
297 20A-5-400.1.

298 [~~(58)~~] (60) "Provisional ballot" means a ballot voted provisionally by a person:

299 (a) whose name is not listed on the official register at the polling place;

300 (b) whose legal right to vote is challenged as provided in this title; or

301 (c) whose identity was not sufficiently established by a poll worker.

302 [~~(59)~~] (61) "Provisional ballot envelope" means an envelope printed in the form required by

303       Section 20A-6-105 that is used to identify provisional ballots and to provide information  
304       to verify a person's legal right to vote.

305       [(60)] (62)(a) "Public figure" means an individual who, due to the individual being  
306       considered for, holding, or having held a position of prominence in a public or  
307       private capacity, or due to the individual's celebrity status, has an increased risk to the  
308       individual's safety.

309       (b) "Public figure" does not include an individual:

- 310           (i) elected to public office; or
- 311           (ii) appointed to fill a vacancy in an elected public office.

312       [(61)] (63) "Qualify" or "qualified" means to take the oath of office and begin performing  
313       the duties of the position for which the individual was elected.

314       [(62)] (64) "Receiving judge" means the poll worker that checks the voter's name in the  
315       official register at a polling place and provides the voter with a ballot.

316       [(63)] (65) "Registration form" means a form by which an individual may register to vote  
317       under this title.

318       [(64)] (66) "Regular ballot" means a ballot that is not a provisional ballot.

319       [(65)] (67) "Regular general election" means the election held throughout the state on the  
320       first Tuesday after the first Monday in November of each even-numbered year for the  
321       purposes established in Section 20A-1-201.

322       [(66)] (68) "Regular primary election" means the election, held on the date specified in  
323       Section 20A-1-201.5, to nominate candidates of political parties and candidates for  
324       nonpartisan local school board positions to advance to the regular general election.

325       [(67)] (69) "Resident" means a person who resides within a specific voting precinct in Utah.

326       [(68)] (70) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),  
327       provided to a voter with a manual ballot:

- 328           (a) into which the voter places the manual ballot after the voter has voted the manual  
329           ballot in order to preserve the secrecy of the voter's vote; and
- 330           (b) that includes the voter affidavit and a place for the voter's signature.

331       [(69)] (71) "Sample ballot" means a mock ballot similar in form to the official ballot,  
332       published as provided in Section 20A-5-405.

333       [(70)] (72) "Special district" means a local government entity under Title 17B, Limited  
334       Purpose Local Government Entities - Special Districts, and includes a special service  
335       district under Title 17D, Chapter 1, Special Service District Act.

336       [(71)] (73) "Special district officers" means those special district board members who are

337 required by law to be elected.

338 [72] (74) "Special election" means an election held as authorized by Section 20A-1-203.

339 [73] (75) "Spoiled ballot" means each ballot that:

340 (a) is spoiled by the voter;

341 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

342 (c) lacks the official endorsement.

343 [74] (76) "Statewide special election" means a special election called by the governor or  
344 the Legislature in which all registered voters in Utah may vote.

345 [75] (77) "Tabulation system" means a device or system designed for the sole purpose of  
346 tabulating votes cast by voters at an election.

347 [76] (78) "Ticket" means a list of:

348 (a) political parties;

349 (b) candidates for an office; or

350 (c) ballot propositions.

351 [77] (79) "Transfer case" means the sealed box used to transport voted ballots to the  
352 counting center.

353 [78] (80) "Vacancy" means:

354 (a) except as provided in Subsection [78](b) (80)(b), the absence of an individual to  
355 serve in a position created by state constitution or state statute, whether that absence  
356 occurs because of death, disability, disqualification, resignation, or other cause; or  
357 (b) in relation to a candidate for a position created by state constitution or state statute,  
358 the removal of a candidate due to the candidate's death, resignation, or  
359 disqualification.

360 [79] (81) "Valid voter identification" means:

361 (a) a form of identification that bears the name and photograph of the voter which may  
362 include:  
363 (i) a currently valid Utah driver license;  
364 (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8,  
365 Identification Card Act;  
366 (iii) a currently valid identification card that is issued by:  
367 (A) the state; or  
368 (B) a branch, department, or agency of the United States;  
369 (iv) a currently valid Utah permit to carry a concealed weapon;  
370 (v) a currently valid United States passport; or

- (vi) a currently valid United States military identification card;
- (b) one of the following identification cards, regardless of whether the card includes a photograph of the voter:
  - (i) a valid tribal identification card;
  - (ii) a Bureau of Indian Affairs card; or
  - (iii) a tribal treaty card; or
- (c) two forms of identification not listed under Subsection [(79)(a)] (81)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:
  - (i) before January 1, 2029, an original or copy of a current utility bill, dated no more than 90 calendar days before the date of the election;
  - (ii) before January 1, 2029, an original or copy of a bank or other financial account statement, dated no more than 90 calendar days before the date of the election;
  - (iii) a certified birth certificate;
  - (iv) a valid social security card;
  - (v) an original or copy of a check issued by the state or the federal government, dated no more than 90 calendar days before the date of the election;
  - (vi) an original or copy of a paycheck from the voter's employer, dated no more than 90 calendar days before the date of the election;
  - (vii) a currently valid Utah hunting or fishing license;
  - (viii) certified naturalization documentation;
  - (ix) a currently valid license issued by an authorized agency of the United States;
  - (x) a certified copy of court records showing the voter's adoption or name change;
  - (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
  - (xii) a currently valid identification card issued by:
    - (A) a local government within the state;
    - (B) an employer for an employee; or
    - (C) a college, university, technical school, or professional school located within the state; or
  - (xiii) a current Utah vehicle registration.

[{80}] (82) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

[(81)] [(83)] "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

- (a) mailing the ballot to the location designated in the mailing; or
- (b) depositing the ballot in a ballot drop box designated by the election officer.

[~~(82)~~] (84) "Voter" means an individual who:

- (a) meets the requirements for voting in an election;
- (b) meets the requirements of election registration;
- (c) is registered to vote; and
- (d) is listed in the official register[ -book].

[~~(83)~~] (85) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

[84] (86) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

[~~(85)~~] (87) "Voting booth" means:

- (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or
- (b) a voting device that is free standing.

[(86)] (88) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.

[{87}] (89) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

[{88}] (90) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.

[(89)] (91) "Write-in ballot" means a ballot containing any write-in votes.

[(90)] (92) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

Section 2. Section **20A-3a-401** is amended to read:

**20A-3a-401 (Effective upon governor's approval). Custody of voted ballots mailed or deposited in a ballot drop box -- Disposition -- Notice -- Disclosures relating to unresolved ballots.**

- (1) This section governs ballots returned by mail, via a ballot drop box, or by other legal means.
- (2) Poll workers shall process return envelopes containing manual ballots that are in the custody of the poll workers in accordance with this section.
- (3) Poll workers shall examine a return envelope to make the determinations described in Subsection (4).

439 (4) The poll workers shall take the action described in Subsection (5)(a) if the poll workers  
440 determine:

441 (a) for an election held before January 1, 2029:

442 (i) that the return envelope contains the last four digits of the voter's Utah driver  
443 license number, Utah state identification card number, or social security number;  
444 or

445 (ii) if the return envelope does not contain the digits described in Subsection (4)(a)(i),  
446 that:

447 (A) in accordance with the rules made under Subsection (13), the signature on the  
448 affidavit of the return envelope is reasonably consistent with the individual's  
449 signature in the voter registration records; or

450 (B) for an individual who checks the box described in Subsection (7)(d)(v), the  
451 signature is verified by alternative means;

452 (b) for an election held on or after January 1, 2029:

453 (i) that the return envelope contains the last four digits of the voter's Utah driver  
454 license number, Utah state identification card number, or social security number;

455 (ii) if the return envelope does not contain the digits described in Subsection (4)(b)(i),  
456 that the voter included in the return envelope a copy of the identification described  
457 in Subsection 20A-3a-204(2)(c)(ii); or

458 (iii) for a voter described in Subsection 20A-3a-301(7), that the voter complied with  
459 Subsection 20A-3a-301(7);

460 (c) that the affidavit is sufficient;

461 (d) that the voter is registered to vote in the correct precinct;

462 (e) that the voter's right to vote the ballot has not been challenged;

463 (f) that the voter has not already voted in the election; and

464 (g) for a voter who has not yet provided valid voter identification with the voter's voter  
465 registration, whether the voter has provided valid voter identification with the return  
466 envelope.

467 (5)(a) If the poll workers make all of the findings described in Subsection (4), the poll  
468 workers shall:

469 (i) remove the manual ballot from the return envelope in a manner that does not  
470 destroy the affidavit on the return envelope;

471 (ii) ensure that the ballot is not examined in connection with the return envelope; and

472 (iii) place the ballot with the other ballots to be counted.

473 (b) If the poll workers do not make all of the findings described in Subsection (4), the  
474 poll workers shall:  
475 (i) disallow the vote;  
476 (ii) except as provided in Subsection (6), without opening the return envelope, record  
477 the ballot as "rejected" and state the reason for the rejection; and  
478 (iii) except as provided in Subsection (6), place the return envelope, unopened, with  
479 the other rejected return envelopes.

480 (6) A poll worker may open a return envelope, if necessary, to determine compliance with  
481 Subsection (4)(b)(ii), (4)(b)(iii), or (4)(g).

482 (7)(a) If the poll workers reject an individual's ballot because the poll workers determine  
483 that the return envelope does not comply with Subsection (4), the election officer  
484 shall:  
485 (i) contact the individual in accordance with Subsection (8); and  
486 (ii) inform the individual:  
487 (A) that the identification information provided on the return envelope is in  
488 question;  
489 (B) how the individual may resolve the issue; and  
490 (C) that, in order for the ballot to be counted, the individual is required to deliver  
491 to the election officer a correctly completed affidavit, provided by the county  
492 clerk, that meets the requirements described in Subsection (7)(d).

493 (b) If, under Subsection (4)(a)(ii)(A), the poll workers reject an individual's ballot  
494 because the poll workers determine, in accordance with rules made under Subsection  
495 (13), that the signature on the return envelope is not reasonably consistent with the  
496 individual's signature in the voter registration records, the election officer shall:  
497 (i) contact the individual in accordance with Subsection (8); and  
498 (ii) inform the individual:  
499 (A) that the individual's signature is in question;  
500 (B) how the individual may resolve the issue; and  
501 (C) that, in order for the ballot to be counted, the individual is required to deliver  
502 to the election officer a correctly completed affidavit, provided by the county  
503 clerk, that meets the requirements described in Subsection (7)(d).

504 (c) The election officer shall ensure that the notice described in Subsection (7)(a) or (b)  
505 includes:  
506 (i) when communicating the notice by mail, a printed copy of the affidavit described

in Subsection (7)(d) and a courtesy reply envelope;

- (ii) when communicating the notice electronically, a link to a copy of the affidavit described in Subsection (7)(d) or information on how to obtain a copy of the affidavit; or
- (iii) when communicating the notice by phone, either during a direct conversation with the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit described in Subsection (7)(d), either in person from the clerk's office, by mail, or electronically.

(d) An affidavit described in Subsection (7)(a)(ii)(C) or (7)(b)(ii)(C) shall include:

- (i) an attestation that the individual voted the ballot;
- (ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;
- (iii) a space for the individual to sign the affidavit;
- (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and county clerk's use of the information in the affidavit and the individual's signature on the affidavit for voter identification purposes; and
- (v) a check box accompanied by language in substantially the following form: "I am a voter with a qualifying disability under the Americans with Disabilities Act that impacts my ability to sign my name consistently. I can provide appropriate documentation upon request. To discuss accommodations, I can be contacted at \_\_\_\_\_".

(e) In order for an individual described in Subsection (7)(a) or (b) to have the individual's ballot counted, the individual shall deliver the affidavit described in Subsection (7)(d) to the election officer.

(f) An election officer who receives a signed affidavit under Subsection (7)(e) shall immediately:

- (i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter registration database developed under Section 20A-2-502;
- (ii) if the election officer receives the affidavit no later than noon on the last business day before the day on which the canvass begins, count the individual's ballot; and
- (iii) if the check box described in Subsection (7)(d)(v) is checked, comply with the rules described in Subsection (13)(c).

(8)(a) The election officer shall, within two business days after the day on which an individual's ballot is rejected, notify the individual of the rejection and the reason for

541 the rejection, by phone, mail, email, or, if consent is obtained, text message, unless:

542 (i) the ballot is cured within one business day after the day on which the ballot is  
543 rejected; or

544 (ii) the ballot is rejected because the ballot is received late or for another reason that  
545 cannot be cured.

546 (b) If an individual's ballot is rejected for a reason described in Subsection (8)(a)(ii), the  
547 election officer shall notify the individual of the rejection and the reason for the  
548 rejection by phone, mail, email, or, if consent is obtained, text message, within the  
549 later of:

550 (i) 30 calendar days after the day of the rejection; or

551 (ii) 30 calendar days after the day of the election.

552 (c) The election officer may, when notifying an individual by phone under this  
553 Subsection (8), use auto-dial technology.

554 (9) An election officer may not count the ballot of an individual whom the election officer  
555 contacts under Subsection (7) or (8) unless, no later than noon on the last business day  
556 before the day on which the canvass begins, the election officer:

557 (a) receives a signed affidavit from the individual under Subsection (7); or

558 (b)(i) contacts the individual;

559 (ii) if the election officer has reason to believe that an individual, other than the voter  
560 to whom the ballot was sent, signed the ballot affidavit, informs the individual that  
561 it is unlawful to sign a ballot affidavit for another person, even if the person gives  
562 permission;

563 (iii) verifies the identity of the individual by:

564 (A) requiring the individual to provide at least two types of personal identifying  
565 information for the individual; and

566 (B) comparing the information provided under Subsection (9)(b)(iii)(A) to records  
567 relating to the individual that are in the possession or control of an election  
568 officer; and

569 (iv) ~~[d]ocumenting~~ documents the verification described in Subsection (9)(b)(iii), by  
570 recording:

571 (A) the name and voter identification number of the individual contacted;

572 (B) the name of the individual who conducts the verification;

573 (C) the date and manner of the communication;

574 (D) the type of personal identifying information provided by the individual;

575 (E) a description of the records against which the personal identifying information  
576 provided by the individual is compared and verified; and  
577 (F) other information required by the lieutenant governor.

578 (10)(a) The election officer shall retain and preserve:

579 [(a)] (i) [retain and preserve] the return envelopes in [the manner provided by law for  
580 the retention and preservation of ballots voted at that election;] accordance with  
581 Subsection 20A-4-202(2); and

582 [(b)] (ii) [retain and preserve] the [documentation] documents described in Subsection  
583 (9)(b)(iv); and in accordance with Subsection 20A-4-202(3).

584 [(e)] (b) [if] If the election officer complies with Subsection [(10)(b)] (10)(a)(ii) by  
585 including the documentation in the voter's voter registration record, the election  
586 officer shall make, retain, and preserve a record of the name and voter identification  
587 number of each voter contacted under Subsection (9)(b).

588 (11)(a) The election officer shall record the following in the database used to verify  
589 signatures:

590 (i) any initial rejection of a ballot under Subsection (5)(b), within one business day  
591 after the day on which the election officer rejects the ballot; and  
592 (ii) any resolution of a rejection of a ballot under Subsection (9), within one business  
593 day after the day on which the ballot rejection is resolved.

594 (b) An election officer shall include, in the canvass report, a final report of the  
595 disposition of all rejected and resolved ballots, including, for ballots rejected, the  
596 following:

597 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and  
598 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in  
599 records on file, do not correspond.

600 (12) Willful failure to comply with this section constitutes willful neglect of duty under  
601 Section 20A-5-701.

602 (13) The director of elections within the Office of the Lieutenant Governor shall make  
603 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
604 establish:

605 (a) criteria and processes for use by poll workers in determining if a signature  
606 corresponds with the signature on file for the voter under Subsection (4)(a)(ii)(A);  
607 (b) training and certification requirements for election officers and employees of election  
608 officers regarding the criteria and processes described in Subsection (13)(a); and

609 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.  
610 Secs. 12131 through 12165, an alternative means of verifying the identity of an  
611 individual who checks the box described in Subsection (7)(d)(v).

612 (14)(a) Upon request, and subject to Subsections (14)(b) and (c), an election officer may  
613 disclose the name or address of voters whose ballots have been rejected and not yet  
614 resolved with:

- 615 (i) a candidate in the election;
- 616 (ii) an individual who represents the candidate's campaign;
- 617 (iii) the sponsors of an initiative or referendum appearing on the ballot; or
- 618 (iv) for a ballot proposition appearing on the ballot, an individual who represents a  
619 political issues committee, as defined in Section 20A-11-101, if the political  
620 issues committee supports or opposes the ballot proposition.

621 [(14)] (b) [Subject to Subsection (15), if, in response to a request, and in accordance with  
622 the requirements of law, an election officer discloses the name or address of voters  
623 whose ballots have been rejected and not yet resolved,] If an election officer  
624 discloses the information described in Subsection (14)(a), the election officer shall:  
625 [(a)] (i) make the disclosure within two business days after the day on which the  
626 request is made;  
627 [(b)] (ii) respond to each request in the order the requests were made; and  
628 [(c)] (iii) make each disclosure in a manner, and within a period of time, that does not  
629 reflect favoritism to one requestor over another.

630 [(15)] (c) A disclosure described in this Subsection (14) may not include the name or  
631 address of a protected individual, as defined in Subsection 20A-2-104(1).

632 Section 3. Section **20A-3a-401.1** is amended to read:

633 **20A-3a-401.1 (Effective upon governor's approval). Ballot chain of custody.**

634 (1) As used in this section:

- 635 (a) "Batch" means a grouping of a specified number of ballots:
  - 636 (i) that is assembled by poll workers, and given a number to distinguish the grouping  
637 from other groupings, when the ballots are first received for processing;
  - 638 (ii) that is kept together in the same grouping, and kept separate from other  
639 groupings, throughout ballot processing; and
  - 640 (iii) for which a log is kept to document the chain of custody of the grouping.
- 641 (b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a  
642 return envelope that a poll worker has not separated from a ballot, as follows:

643 (i) starting with receiving the ballot;

644 (ii) each step taken in relation to a ballot as part of conducting an election; and

645 (iii) ending after the ballots are counted and stored.

646 (2) An election officer shall preserve the chain of custody of all ballots in accordance with

647 this section.

648 (3) An election officer shall maintain an accurate, updated count of the number of ballots

649 that the election officer:

650 (a) mails or otherwise provides to a voter;

651 (b) receives from a voter;

652 (c) counts;

653 (d) rejects;

654 (e) resolves after rejecting; or

655 (f) does not resolve after rejecting.

656 (4) Upon receiving ballots cast by voters, the election officer shall ensure that poll workers

657 immediately count the number of ballots received and divide the ballots into batches.

658 (5) The election officer shall ensure that:

659 (a) ballots in each batch are kept separate from the ballots in other batches;

660 (b) a ballot is not separated from a batch, except as necessary to the election process;

661 (c) if a ballot is separated from a batch, the batch log indicates:

662 (i) the ballot number;

663 (ii) the date and time of removal;

664 (iii) the identity of the individual who removes the ballot; and

665 (iv) the reason the ballot is removed;

666 (d) poll workers shall keep for each batch a log that includes:

667 (i) a unique identifying code or number for the batch;

668 (ii) the number of ballots in the batch;

669 (iii) the date that the ballots were received; and

670 (iv) for each occasion that the batches, or any of the ballots in the batches, are

671 handled:

672 (A) the date and time that the ballots are handled;

673 (B) a description of what is done with the ballots;

674 (C) the identity of the poll workers who handle the ballots; and

675 (D) any other information required by rule under Subsection (9);

676 (e) an election official who performs a ballot processing function performs the function

677 in the presence of at least one other election official;

678 (f) to the extent reasonably possible, the poll workers who perform a ballot processing  
679 function for a batch complete performing that function for the entire batch; and  
680 (g) each part of the processing of all ballots is monitored by recorded video, without  
681 audio.

682 (6) An election officer:

683 (a) shall keep the video recordings described in Subsection (5)(g) until at least the later  
684 of:

685 [(a)] (i) the last day of the calendar year in which the election was held; or  
686 [(b)] (ii) if the election is contested, when the contest is resolved[.];

687 (b) may keep the video recordings described in Subsection (5)(g) indefinitely; and

688 (c) shall ensure that a camera, a video, or a recording of a video described in Subsection  
689 (5)(g) may only be accessed by:

690 (i) the election officer;

691 (ii) a custodian of the camera, video, or recording;

692 (iii) the lieutenant governor;

693 (iv) the legislative auditor general, when performing an audit;

694 (v) a court of competent jurisdiction, by or pursuant to an order of the court; or

695 (vi) subject to Subsection (7)(b), and except as provided in Subsection (7)(c):

696 (A) a candidate for an office that appears on a ballot, or an individual representing  
697 the candidate's campaign;

698 (B) for a federal, statewide, or multicounty race, the chair of the state political  
699 party whose member is a candidate described in Subsection (6)(c)(vi)(A);

700 (C) for a race where the officeholder is selected by voters entirely within one  
701 county, the chair of the county political party whose member is a candidate  
702 described in Subsection (6)(c)(vi)(A); or

703 (D) the designee of a political party chair described in Subsection (6)(c)(vi)(B) or  
704 (C).

705 (7)(a) [A recorded video described in Subsection (5)(g) is a public record.] An individual  
706 may not view a video recording described in Subsection (5)(g):

707 (i) unless the individual is an individual described in Subsection (6)(c); and

708 (ii) the individual views the video to the extent necessary to:

709 (A) ensure compliance with Subsection (5)(g) or (6)(a); or

710 (B) investigate a concern relating to the processing of ballots.

711 (b) If an individual described in Subsection (6)(c)(vi) seeks to view a video recording  
712 described in Subsection (5)(g), the election officer may require the individual to view  
713 the video recording at the election officer's office during regular business hours.

714 (c) An individual described in Subsection (6)(c)(vi) may not view a video recording  
715 described in Subsection (5)(g) after the time period for contesting the election to  
716 which the video recording relates ends.

717 (8) An election officer shall retain and preserve all chain of custody documentation in the  
718 manner provided under [Seetion 20A-4-202] Subsection 20A-4-202(3) for the retention  
719 and preservation of [a ballot voted in an eleetion] election material.

720 (9) The director of elections within the Office of the Lieutenant Governor may make rules,  
721 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
722 establishing specific requirements and procedures for an election officer or poll worker  
723 to:

724 (a) fulfill the chain of custody requirements described in this section; and  
725 (b) perform the signature verification audits described in Section 20A-3a-402.5[; and].  
726 [~~(c) comply with the reeconcilation requirements described in Subsection~~  
727 ~~20A-4-304(2)(h).~~]

728 Section 4. Section **20A-3a-405** is amended to read:

729 **20A-3a-405 (Effective upon governor's approval). Ballot statistics.**

730 (1) Except as provided in Subsection [(5)(a)] (3), an election officer shall post and update  
731 the data described in Subsection (2) on the election officer's website, on the following  
732 days, after the election officer finishes processing ballots on that day:

733 (a) ~~[the day on which the eleetion officer begins mailing ballots]~~ the day after the day of  
734 the election;  
735 (b) each Monday, Wednesday, and Friday after the day described in Subsection (1)(a),  
736 until the final posting described in Subsection (1)(c); and  
737 (c) the ~~[Wednesday after the day of the election]~~ last day of the election canvass.

738 (2) The data that an election officer is required to post under Subsection (1) includes:

739 (a) the total number of active registered voters as of the Friday before election day;  
740 (b) an estimate of the total number of ballots received by the election officer;  
741 (c) of the number described in Subsection (2)(b):  
742 (i) the number of ballots that have been processed by the election officer that are  
743 ready to be counted;  
744 (ii) the number of ballots the election officer counted;

745 (iii) the number of ballots the election officer has not begun to process;  
746 (iv) the number of ballots the election officer rejected because the ballots could not  
747 legally be cured; and  
748 (v) the number of ballots the election officer rejected that are curable but have not yet  
749 been cured;  
750 (d) the number of provisional ballots the election officer issued to voters; and  
751 (e) of the number described in Subsection (2)(d):  
752 (i) the number of provisional ballots the election officer counted;  
753 (ii) the number of provisional ballots the election officer rejected; and  
754 (iii) the number of provisional ballots the election officer has not begun to process.  
755 (3) An election officer is not required to post the data described in Subsection (2) on a day  
756 described in Subsection (1)(b) if the most recent data posted by the election officer on a  
757 day described in Subsection (1)(b) has not changed.  
758 [(2) The data that an election officer is required to post under Subsection (1) includes:]  
759 [(a) the number of ballots in the county clerk's possession; and]  
760 [(b) of the number of ballots described in Subsection (2)(a):]  
761 [(i) the number of ballots that have not yet begun processing;]  
762 [(ii) the number of ballots in process; and]  
763 [(iii) the number of ballots processed.]  
764 [(3) Except as provided in Subsection (5)(b), an election officer shall post and update the  
765 data described in Subsection (4) on the election officer's website on the following days:]  
766 [(a) the Friday after the day of the election;]  
767 [(b) each Monday, Wednesday, and Friday after the day described in Subsection (3)(a),  
768 until the final posting described in Subsection (3)(e); and]  
769 [(c) on the last day of the canvass.]  
770 [(4) The data that an election officer is required to post under Subsection (3) includes:]  
771 [(a) a best estimate of the number of ballots received, to date, by the election officer;]  
772 [(b) the number of ballots in possession of the election officer that have been rejected  
773 and are not yet cured;]  
774 [(c) the number of provisional ballots in the possession of the election officer that have  
775 not been processed;]  
776 [(d) the number of ballots that need to be adjudicated, but have not yet been adjudicated;]  
777 [(e) the number of ballots awaiting replication; and]  
778 [(f) the number of ballots that have been replicated.]

779 [§5](a) An election officer is not required to update the data described in Subseetion (2)  
780 ~~on a Monday if the election officer does not process any ballots the preeeding~~  
781 ~~Saturday or Sunday.]~~

782 [§b) An election officer is not required to update the data described in Subseetion (4) on  
783 ~~a Monday if the election officer does not process any ballots the preeeding Saturday~~  
784 ~~or Sunday.]~~

785 Section 5. Section **20A-4-104** is amended to read:

786 **20A-4-104 (Effective upon governor's approval). Counting ballots electronically**

787 **-- Notice of testing tabulating equipment.**

788 (1)(a) Before beginning to count ballots using automatic tabulating equipment, the  
789 election officer shall test the automatic tabulating equipment to ensure that it will  
790 accurately count the votes cast for all offices and all measures.

791 (b) The election officer shall provide public notice of the time and place of the test by  
792 publishing the notice, as a class A notice under Section 63G-30-102, for the county,  
793 municipality, or jurisdiction where the equipment is used, for at least 10 calendar  
794 days before the day of the test.

795 (c) The election officer shall conduct the test by processing a preaudited group of ballots.

796 (d) The election officer shall ensure that:

797 (i) a predetermined number of valid votes for each candidate and measure are  
798 recorded on the ballots;  
799 (ii) for each office, one or more ballots have votes in excess of the number allowed  
800 by law in order to test the ability of the automatic tabulating equipment to reject  
801 those votes; and  
802 (iii) a different number of valid votes are assigned to each candidate for an office, and  
803 for and against each measure.

804 (e) If any error is detected, the election officer shall determine the cause of the error and  
805 correct it.

806 (f) The election officer shall ensure that:

807 (i) the automatic tabulating equipment produces an errorless count before beginning  
808 the actual counting; and  
809 (ii) before the election returns are approved as official , the automatic tabulating  
810 equipment passes a post election audit conducted in accordance with the rules  
811 described in Subsection 20A-1-108(1).

812 (2)(a) The election officer or the election officer's designee shall supervise and direct all

813 proceedings at the counting center.

814 (b)(i) Proceedings at the counting center are public and may be observed by  
815 interested persons.

816 (ii) Only those persons authorized to participate in the count may touch any ballot or  
817 return.

818 (c) The election officer shall deputize and administer an oath or affirmation to all  
819 persons who are engaged in processing and counting the ballots that they will  
820 faithfully perform their assigned duties.

821 (3)(a) If any ballot is damaged or defective so that it cannot properly be counted by the  
822 automatic tabulating equipment, the election officer shall[-] ensure that two counting  
823 judges jointly:

824 (i) make a true replication of the ballot with an identifying serial number;  
825 (ii) substitute the replicated ballot for the damaged or defective ballot;  
826 (iii) label the replicated ballot "replicated"; and  
827 (iv) record the replicated ballot's serial number on the damaged or defective ballot.

828 (b) The lieutenant governor shall provide to each election officer a standard form on  
829 which the election officer shall maintain a log of all replicated ballots, that includes,  
830 for each ballot:

831 (i) the serial number described in Subsection (3)(a);  
832 (ii) the identification of the individuals who replicated the ballot;  
833 (iii) the reason for the replication; and  
834 (iv) any other information required by the lieutenant governor.

835 (c) An election officer shall:

836 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner,  
837 as ballots are replicated;  
838 (ii) at the end of each day during which one or more ballots are replicated, make an  
839 electronic copy of the log; and  
840 (iii) [keep] retain and preserve each electronic copy made under Subsection (3)(c)(ii) [  
841 for at least 22 months] in accordance with Subsection 20A-2-202(3).

842 (4) The election officer may:

843 (a) conduct an unofficial count before conducting the official count in order to provide  
844 early unofficial returns to the public;  
845 (b) release unofficial returns from time to time after the polls close; and  
846 (c) report the progress of the count for each candidate during the actual counting of

ballots.

(5) Beginning on the day after the date of the election, if an election officer releases early unofficial returns or reports the progress of the count for each candidate under Subsection (4), the election officer shall, with each release or report, disclose an estimate of the total number of voted ballots in the election officer's custody that have not yet been counted.

(6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

(7)(a) The election officer or the election officer's designee shall:

- (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- (ii) complete the standard form provided by the clerk for recording valid write-in votes.

(b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.

(8)(a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

(b) Upon completion of the count, the election officer shall make official returns open to the public.

(9) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.

(10) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in [Section 20A-4-202] Subsection 20A-4-202(2).

Section 6. Section **20A-4-106 (Effective upon governor's approval). Manual ballots -- Sealing.**

(1) After the official canvas of an election, the election officer shall store all election returns in containers that identify the containers' contents.

(2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except as follows:

- (a) when examined during a recount conducted under the authority of Section 20A-4-401 or Part 6, Municipal Alternate Voting Methods Pilot Project;
- (b) an auditor conducting an audit described in Section 36-12-15.2 may examine the

881 ballots:

882 (i) if the audit uncovers evidence that raises a substantial doubt regarding the  
883 accuracy of the results of an election, the auditor may examine the ballots until the  
884 later of:

885 (A) the end of the calendar year in which the election was held; or  
886 (B) if the election is contested, when the contest is resolved; or

887 (ii) at any time via a subpoena or other legal process; or

888 (c) the lieutenant governor may examine the ballots:

889 (i) until the later of:

890 (A) the last day of the calendar year in which the election was held; or  
891 (B) if the election is contested, when the contest is resolved; or

892 (ii) at any time via a subpoena or other legal process.

893 [§(3) Nothing in this section prohibits a county clerk, an auditor, or the lieutenant governor  
894 from accessing and examining the electronic copy of ballots or election returns in  
895 accordance with Part 7, Electronic Copy of Election Material - Access and Examination.]

896 Section 7. Section **20A-4-107** is amended to read:

897 **20A-4-107 (Effective upon governor's approval). Review and disposition of  
898 provisional ballot envelopes.**

899 (1) As used in this section, an individual is "legally entitled to vote" if:

900 (a) the individual:

901 (i) is registered to vote in the state;

902 (ii) votes the ballot for the voting precinct in which the individual resides; and

903 (iii) provides valid voter identification to the poll worker;

904 (b) the individual:

905 (i) is registered to vote in the state;

906 (ii)(A) provided valid voter identification to the poll worker; or

907 (B) either failed to provide valid voter identification or the documents provided as  
908 valid voter identification were inadequate and the poll worker recorded that  
909 fact in the official register but the county clerk verifies the individual's identity  
910 and residence through some other means; and

911 (iii) did not vote in the individual's precinct of residence, but the ballot that the  
912 individual voted was from the individual's county of residence and includes one or  
913 more candidates or ballot propositions on the ballot voted in the individual's  
914 precinct of residence; or

915 (c) the individual:

916 (i) is registered to vote in the state;

917 (ii) either failed to provide valid voter identification or the documents provided as

918 valid voter identification were inadequate and the poll worker recorded that fact in

919 the official register; and

920 (iii)(A) the county clerk verifies the individual's identity and residence through

921 some other means as reliable as photo identification; or

922 (B) the individual provides valid voter identification to the county clerk or an

923 election officer who is administering the election by the close of normal office

924 hours on Monday after the date of the election.

925 (2)(a) Upon receipt of a provisional ballot form, the election officer shall review the

926 affirmation on the provisional ballot form and determine if the individual signing the

927 affirmation is:

928 (i) registered to vote in this state; and

929 (ii) legally entitled to vote:

930 (A) the ballot that the individual voted; or

931 (B) if the ballot is from the individual's county of residence, for at least one ballot

932 proposition or candidate on the ballot that the individual voted.

933 (b) Except as provided in Section 20A-2-207, if the election officer determines that the

934 individual is not registered to vote in this state or is not legally entitled to vote in the

935 county or for any of the ballot propositions or candidates on the ballot that the

936 individual voted, the election officer shall retain the ballot form, uncounted, for the

937 period specified in ~~Section 20A-4-202~~ Subsection 20A-4-202(2) unless ordered by a

938 court to produce or count it.

939 (c) If the election officer determines that the individual is registered to vote in this state

940 and is legally entitled to vote in the county and for at least one of the ballot

941 propositions or candidates on the ballot that the individual voted, the election officer

942 shall place the provisional ballot with the regular ballots to be counted with those

943 ballots at the canvass.

944 (d) The election officer may not count, or allow to be counted a provisional ballot unless

945 the individual's identity and residence is established by a preponderance of the

946 evidence.

947 (3) If the election officer determines that the individual is registered to vote in this state, or

948 if the voter registers to vote in accordance with Section 20A-2-207, the election officer

949 shall ensure that the voter registration records are updated to reflect the information  
950 provided on the provisional ballot form.

951 (4) Except as provided in Section 20A-2-207, if the election officer determines that the  
952 individual is not registered to vote in this state and the information on the provisional  
953 ballot form is complete, the election officer shall:

954 (a) consider the provisional ballot form a voter registration form for the individual's  
955 county of residence; and

956 (b)(i) register the individual if the individual's county of residence is within the  
957 county; or

958 (ii) forward the voter registration form to the election officer of the individual's  
959 county of residence, which election officer shall register the individual.

960 (5) Notwithstanding any provision of this section, the election officer shall place a  
961 provisional ballot with the regular ballots to be counted with those ballots at the canvass,  
962 if:

963 (a)(i) the election officer determines, in accordance with the provisions of this  
964 section, that the sole reason a provisional ballot may not otherwise be counted is  
965 because the voter registration was filed less than 11 days before the election;

966 (ii) 11 or more days before the election, the individual who cast the provisional ballot:  
967 (A) completed and signed the voter registration; and

968 (B) provided the voter registration to another person to file;

969 (iii) the late filing was made due to the individual described in Subsection  
970 (5)(a)(ii)(B) filing the voter registration late; and

971 (iv) the election officer receives the voter registration before 5 p.m. no later than one  
972 day before the day of the election; or

973 (b) the provisional ballot is cast on or before election day and is not otherwise prohibited  
974 from being counted under the provisions of this chapter.

975 Section 8. Section **20A-4-109** is amended to read:

976 **20A-4-109 (Effective upon governor's approval). Ballot reconciliation --**

977 **Rulemaking authority.**

978 (1) In accordance with this section and rules made under Subsection (2), an election officer  
979 whose office processes ballots shall:

980 (a) conduct ballot reconciliations:

981 (i) at the end of each day on which ballots are tabulated; or

982 (ii) if ballot tabulation of a grouping of ballots continues past midnight, as soon as the

office finishes tabulating those ballots;

- (b) conduct a final ballot reconciliation when an election officer concludes processing all ballots;
- (c) document each ballot reconciliation;
- (d) publicly release the results of each ballot reconciliation; and
- (e) in conducting ballot reconciliations:
  - (i) ensure that the sum of the number of uncounted verified ballots and the number of ballots tabulated is equal to the number of voters given credit for voting; or
  - (ii) if the sum described in Subsection (1)(e)(i) is not equal to the number of voters given credit for voting, account for and explain the differences in the numbers.

(2) [Subject to Subsection (3), the] The director of elections within the Office of the Lieutenant Governor may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing procedures and requirements for conducting, documenting, and publishing a ballot reconciliation.

[3) An election officer shall ensure that a published ballot reconciliation includes data describing:]

[(a) the total number of ballots:]

[(i) that the election officer issued to voters; and]

[(ii) that the voters returned to the election officer;]

[**(b)** of the number described in Subsection (3)(a)(i), a subtotal of the number of ballots that the election officer issued to voters:]

[(i) by mail;]

[~~(ii) electronically;~~]

[(iii) at a polling place; and]

[(iv) in person at the office of the election officer; and]

[e) of the number described in Subsection (3)(a)(ii), a subtotal of the number of ballots that the voters returned to the election officer.]

[~~(i) by mail;~~]

[(ii) electronically;]

[~~(iii) at a polling place;~~]

[~~(iv)~~ at a ballot drop box; and]

[**(v)** in person at the office of the election officer.]

ection 9. Section **20A-4-202** is amended to read:

1017       **material -- Retention and disposition requirements -- Public records.**

1018       (1) Upon receipt of the ballots and election returns from the poll workers, the election  
1019           officer shall:

1020           (a) ensure that the poll workers have provided all of the ballots and election returns;

1021           (b) inspect the ballots and election returns to ensure that they are sealed;

1022           (c) for manual ballots, deposit and lock the ballots and election returns in a safe and  
1023            secure place;

1024           (d) for mechanical ballots:

1025              (i) count the ballots; and

1026              (ii) deposit and lock the ballots and election returns in a safe and secure place; and

1027           (e) for bond elections, provide a copy of the election results to the board of canvassers of  
1028            the local political subdivision that called the bond election.

1029       (2) Each election officer shall:

1030           (a) before 5 p.m. on the day after the date of the election, determine the number of  
1031            provisional ballots cast within the election officer's jurisdiction and make that number  
1032            available to the public;

1033           (b) preserve ballots for 22 months after the date of the election or until the time has  
1034            expired during which the ballots could be used in an election contest;

1035           (c) preserve all other official election returns for at least 22 months after the date of the  
1036            election; and

1037           (d) after [that time] the time period described in Subsection (2)(c), destroy the ballots and  
1038            election returns without [opening or examining them] examining the ballots and  
1039           election returns.

1040       (3)(a) The election officer shall package and retain[:] all election material.

1041           [(i) ~~the eleetion database;~~]  
1042           [(ii) ~~the east vote record;~~ and]  
1043           [(iii) ~~the materials used in the programming of the automatic tabulating equipment.~~]

1044       (b) The election officer:

1045           (i) may not alter or make changes to the election material;  
1046           (ii) may make a working copy of the election material;  
1047           (iii) may alter or make changes to a working copy of the election material described  
1048           in Subsection (3)(b)(ii);  
1049           (iv) shall preserve the election material, and any working copy of the election  
1050           material, for at least 22 months after the date of the election; and

1051 (v) after the time period described in Subsection (3)(b)(iv), may dispose of or retain  
1052 the election material and any working copy of the election material.

1053 [(b) The election officer:]

1054 [(i) ~~may access the materials described in Subsection (3)(a)(iii);~~]  
1055 [(ii) ~~may make a copy of the materials described in Subsection (3)(a)(iii);~~]  
1056 [(iii) ~~may not alter or make changes to the materials described in Subsection (3)(a)(iii);~~]  
1057 [(iv) ~~may make changes to the copied materials described in Subsection (3)(b)(ii);~~]  
1058 [(v) ~~shall retain and preserve the materials described in Subsection (3)(a)(iii), and the~~  
1059 ~~copied materials described in Subsection (3)(b)(ii), for at least 22 months after the~~  
1060 ~~date of the election; and~~]  
1061 [(vi) ~~after the date described in Subsection (3)(b)(v), may dispose of or retain the~~  
1062 ~~materials described in Subsection (3)(a)(iii), or the copied materials described in~~  
1063 ~~Subsection (3)(b)(ii).]~~]

1064 (4)(a) If an [election contest is begun] election is contested within 12 months after the  
1065 date of [an] the election, the election officer shall, except as provided in Subsection  
1066 (4)(c):

1067 (i) keep the ballots and election returns unopened and unaltered until the contest is  
1068 complete; or  
1069 (ii) surrender the ballots and election returns to the custody of the court having  
1070 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

1071 (b) Except as provided in Subsection (4)(c), when all election contests arising from an  
1072 election are complete, the election officer shall either:

1073 (i) retain the ballots and election returns until the time for preserving them under this  
1074 section has run; or  
1075 (ii) destroy the ballots and election returns remaining in the election officer's custody  
1076 without [opening or examining them] examining the ballots and election returns if  
1077 the time for preserving them under this section has run.

1078 (c)(i) An auditor conducting an audit described in Section 36-12-15.2 may examine  
1079 the ballots and election returns described in this Subsection (4).  
1080 (ii) The lieutenant governor may examine the ballots and election returns described in  
1081 this Subsection (4).

1082 (5)[(a)] Notwithstanding the provisions of this section, the legislative auditor general:

1083 [(i)] (a) may make and keep a copy of ballots or election returns as part of a legislative  
1084 audit; and

1085 [~~(iii)~~] (b) may not examine, make a copy, or keep a copy of a ballot in a manner that  
1086 identifies the ballot with the voter who casts the ballot.

1087 [~~(b)~~] (6) [A copy described in Subsection (5)(a)] Each of the following is not a record, and is  
1088 not subject to disclosure, under Title 63G, Chapter 2, Government Records Access and  
1089 Management Act[.] :

- 1090 (a) all ballots and election returns;
- 1091 (b) all election material;
- 1092 (c) any working copy of election material that the election officer makes under  
Subsection (3)(b)(ii); and
- 1093 (d) a copy described in Subsection (5)(a).

1094 (7) Each of the following is a public record under Title 63G, Chapter 2, Government  
Records Access and Management Act:

- 1095 (a) the final report of the disposition of all rejected and resolved ballots described in  
Subsection 20A-3a-401(12)(b);
- 1096 (b) the results and tally of all ballots that have been counted described in Subsection  
20A-3a-402(2);
- 1097 (c) each posting of ballot statistics described in Section 20A-3a-405; and
- 1098 (d) any early unofficial returns or reports described in Subsection 20A-4-104(4).

1099 (8) The retention and disposition requirements described in this section for ballots, election  
returns, and election material:

- 1100 (a) supersede the retention and disposition requirements for ballots, election returns, and  
election material that were in effect before the effective date of this bill; and
- 1101 (b) apply to ballots, election returns, and election material created before, on, or after the  
effective date of this bill.

1102 (9) The retention and disposition requirements described in this section do not require the  
creation of a record that an election officer is not otherwise required to create.

1103 Section 10. Section **20A-4-304** is amended to read:

**20A-4-304 (Effective upon governor's approval). Declaration of results --**

**Canvassers' report.**

- 1104 (1)(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a  
1105 board of canvassers shall declare "elected" or "nominated" those persons who:
  - 1106 (i) had the highest number of votes; and
  - 1107 (ii) sought election or nomination to an office completely within the board's  
1108 jurisdiction.

1119 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a  
1120 board of canvassers shall declare a "tie vote" if:  
1121 (i) two or more candidates for an office receive an equal and the highest number of  
1122 votes for that office; or  
1123 (ii) in a race for an at-large office:  
1124 (A) two or more candidates receive an equal number of votes; and  
1125 (B) a recount is necessary to determine which candidates are elected to the at-large  
1126 office.

1127 (c) A board of canvassers shall declare:  
1128 (i) "approved" those ballot propositions that:  
1129 (A) had more "yes" votes than "no" votes; and  
1130 (B) were submitted only to the voters within the board's jurisdiction; or  
1131 (ii) "rejected" those ballot propositions that:  
1132 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and  
1133 "yes" votes; and  
1134 (B) were submitted only to the voters within the board's jurisdiction.

1135 (d) A board of canvassers shall:  
1136 (i) certify the vote totals for candidates and for and against ballot propositions that  
1137 were submitted to voters within and beyond the board's jurisdiction and transmit  
1138 those vote totals to the lieutenant governor; and  
1139 (ii) if applicable, certify the results of each special district election to the special  
1140 district clerk.

1141 (2) The election officer shall submit a report to the board of canvassers that includes the  
1142 following information:  
1143 (a) a statement of votes cast, disclosing:  
1144 [ (a) (i) the total number of votes cast in the board's jurisdiction; and  
1145 [ (b) (ii) for each office that appeared on the ballot[;] :  
1146 (A) the name of each candidate whose name appeared on the ballot; and  
1147 (B) whether the candidate is an unaffiliated candidate, a valid write-in candidate,  
1148 or, if the candidate is affiliated with or the nominee of a registered political  
1149 party, the name of the registered political party;  
1150 [ (e)(i) the name of each candidate whose name appeared on the ballot; and]  
1151 [ (ii) whether the candidate is an unaffiliated candidate, a write-in candidate, or, if the  
1152 candidate is the nominee of a registered political party, the name of the registered

1153 political party;]

1154 [(d)] (b) the title of each ballot proposition that appeared on the ballot;

1155 [(e)] (c) the total number of votes given in the board's jurisdiction to each candidate, and  
1156 for and against each ballot proposition;

1157 [(f)] (d) from each voting precinct:

1158 (i) the number of votes for each candidate;

1159 (ii) for each race conducted by instant runoff voting under Part 6, Municipal  
1160 Alternate Voting Methods Pilot Project, the number of valid votes cast for each  
1161 candidate for each potential ballot-counting phase and the name of the candidate  
1162 excluded in each ballot-counting phase; and

1163 (iii) the number of votes for and against each ballot proposition;

1164 [(g)] (e) standardized statistics, on a form provided by the lieutenant governor,  
1165 disclosing, at a minimum:

1166 (i) the number of active voters in the board's jurisdiction as of the Friday before  
1167 election day;

1168 (ii) the total number of ballots counted by the election officer;

1169 (iii) the quotient of the number described in Subsection (2)(e)(ii) divided by the  
1170 number described in Subsection (2)(e)(i);

1171 (iv) of the number described in Subsection (2)(e)(ii):

1172 (A) the number of provisional ballots cast at a polling place; and

1173 (B) the number of ballots cast using a voting method described in Section  
1174 20A-3a-201;

1175 (v) a reconciliation of the number of ballots the election officer counted and the  
1176 number of voters given credit for voting in the election;

1177 (vi) if there is a difference between the numbers described in Subsection (2)(e)(v), an  
1178 explanation for the difference;

1179 [(ii) of the number described in Subsection (2)(g)(i), the number of voters classified  
1180 as private or withheld under Section 20A-2-104;]

1181 [(iii) the number of ballots the election officer counted;]

1182 [(iv) of the number described in Subsection (2)(g)(iii), the number of provisional  
1183 ballots; and]

1184 [(v)] (vii) [each of the following]:

1185 [(A)] the number of provisional ballots that could not legally be counted; and

1186 [(viii) each of the following:

1187 [B] (A) the number of ballots, other than provisional ballots, that [the election  
1188 officer] were rejected because the ballots could not legally be cured; [and]  
1189 [(C)] (B) the number of ballots, other than provisional ballots, that were rejected,  
1190 could have been cured by the voter, but were not cured;  
1191 (C) the number of uncounted ballots received after the deadline described in  
1192 Subsection 20A-3a-204(3); and  
1193 (D) the percentage of ballots that were returned as undeliverable;  
1194 [h] a final ballot reconciliation report;]  
1195 (f) subject to Subsection (3), a cast vote record report that contains the following  
1196 information from the election results database:  
1197 (i) for the jurisdiction administering the election:  
1198 (A) the title of each ballot proposition appearing on the ballots;  
1199 (B) a description of each race for federal office, statewide office, state legislative  
1200 office, state school board office, county office, local school board office, or  
1201 municipal office appearing on the ballots; and  
1202 (C) the name of each candidate for an office described in Subsection (2)(f)(i)(B);  
1203 (ii) the numeric identifier described in Subsection 20A-5-802.5(2)(b);  
1204 (iii) the vote cast by a voter for:  
1205 (A) a candidate for an office described in Subsection (2)(f)(i)(B);  
1206 (B) a valid write-in candidate; and  
1207 (C) each ballot proposition;  
1208 (iv) if a voter's vote was not counted, an indication that the vote was not counted  
1209 because:  
1210 (A) the voter cast a vote for more than one candidate for a single office; or  
1211 (B) the voter made more than one selection for a single ballot proposition;  
1212 (v) if a voter was eligible to cast a vote, but did not cast a vote, an indication that the  
1213 voter did not cast a vote; and  
1214 (vi) if a ballot proposition or an office described in Subsection (2)(f)(i)(B) did not  
1215 appear on the voter's ballot:  
1216 (A) an indication that the voter was ineligible to cast a vote for the ballot  
1217 proposition or office; or  
1218 (B) a blank field or space in the portion of the report representing the ballot  
1219 proposition or office;  
1220 [(i)] (g) other information required by law to be provided to the board of canvassers; and

1221 [f)] (h) a statement certifying that the information contained in the report is accurate.

1222 (3) The cast vote record report described in Subsection (2)(f) may not include:

1223 (a) any special district office or special district ballot proposition appearing on a ballot in  
1224 the jurisdiction administering the election;

1225 (b) the vote cast by a voter for a special district office or special district ballot  
1226 proposition;

1227 (c) the voter precinct number associated with a ballot; or

1228 (d) information that directly identifies the voter who cast the ballot.

1229 (4) For an election in which the election officer does not use automatic tabulating  
1230 equipment, the election officer shall:

1231 (a) review the votes cast on each ballot that is counted;

1232 (b) manually compile the information described in Subsection (2)(f) in a file format  
1233 described in Subsection (8);

1234 (c) ensure that the file does not contain the information described in Subsection (3); and

1235 (d) include a copy of the file in the board of canvassers' report.

1236 [f)] (5) The election officer and the board of canvassers shall:

1237 (a) review the report to ensure that the report is correct; and

1238 (b) sign the report.

1239 [(4)] (6) The election officer shall:

1240 (a) record or file the certified report in a book kept for that purpose;

1241 (b) prepare and transmit a certificate of nomination or election under the officer's seal to  
1242 each nominated or elected candidate; and

1243 (c) [publish] post a copy of the certified report in accordance with Subsection (5)[; and]

1244 [(d) file a copy of the certified report with the lieutenant governor].

1245 [(5)] (7) [Except as provided in Subseetion (6), the election officer shall, no later than three  
1246 business days after the day on which the board of canvassers declares the election  
1247 results, publicize the certified report described in Subseetion (2) for the board's  
1248 jurisdiction, as a class A notice under Seetion 63G-30-102, for at least seven calendar  
1249 days.] No later than three business days after the day on which the board of canvassers  
1250 declares the election results, the election officer shall, for at least 180 calendar days, post:

1251 (a) in accordance with Subsection (8), the certified report described in Subsection (2):

1252 (i) on the Utah Public Notice Website created in Section 63A-16-601; and

1253 (ii)(A) for an election administered by a county clerk, on the county clerk's  
1254 website; or

1255 (B) for an election administered by a municipal clerk, on the municipal clerk's  
1256 website; and

1257 (b) in accordance with Subsection (9) and the requirements for a class A notice under  
1258 Section 63G-30-102, notice that the certified report is publicly available.

1259 (8) The election officer shall post the certified report in the following file formats:

1260 (a) except for the information described in Subsection (2)(f), a PDF or similar file; and  
1261 (b) for the information described in Subsection (2)(f), one or more spreadsheets, Comma  
1262 Separated Values files, or another common type of delimited or fixed-width files.

1263 [(6)] (9)[(a) Instead of including a copy of the entire certified report, a notice required  
1264 under Subsection (5) may] [eontain] The election officer shall ensure that a class A  
1265 notice described in Subsection (7)(b) contains a statement that:

1266 [(i)] (a) includes the following: "The Board of Canvassers for [indicate name of  
1267 jurisdiction] has prepared a report of the election results for the [indicate type and  
1268 date of election]."; and

1269 [(ii)] (b) specifies the following sources where an individual may view or obtain a copy  
1270 of the entire certified report:

1271 [(A)] (i) [if the board's jurisdiction has a website, the jurisdiction's website] the  
1272 website described in Subsection (7)(a)(ii)(A) or (B);

1273 [(B)] (ii) the physical address for the board's jurisdiction; and

1274 [(C)] (iii) a mailing address and telephone number.

1275 [(b)] (10) [An] After the time period for posting the certified report under Subsection (7)  
1276 ends, the election officer:

1277 [(i)] (a) shall ensure that an individual may obtain [a digital copy of the certified report as  
1278 a PDF file] a copy of the certified report in a file format described in Subsection (8);  
1279 and

1280 [(ii)] (b) may make the certified report available in any [machine-] computer-readable  
1281 format that the election officer determines is helpful to members of the public.

1282 [(7)] (11) When there has been a regular general or a statewide special election for statewide  
1283 officers, for officers that appear on the ballot in more than one county, or for a statewide  
1284 or two or more county ballot proposition, each board of canvassers shall, immediately  
1285 upon adjournment of the board, transmit to the lieutenant governor a report detailing the  
1286 number of votes for each candidate and the number of votes for and against each ballot  
1287 proposition.

1288 [(8)] (12) In each county election, municipal election, school election, special district

1289 election, and local special election, the election officer shall transmit the reports to the  
1290 lieutenant governor within 14 calendar days after the date of the election.

1291 [9] (13) In a regular primary election and in a presidential primary election, the board of  
1292 canvassers shall, immediately upon adjournment of the board, transmit to the lieutenant  
1293 governor:

1294 (a) the county totals for multi-county races; and

1295 (b) a complete tabulation showing voting totals for all primary races, precinct by  
1296 precinct.

1297 Section 11. Section **20A-4-401** is amended to read:

1298 **20A-4-401 (Effective upon governor's approval). Recounts -- Procedure.**

1299 (1) This section does not apply to a race conducted by instant runoff voting under [Chapter  
1300 4,] Part 6, Municipal Alternate Voting Methods Pilot Project.

1301 (2) The election officer shall conduct a recount of votes cast in a race if:

1302 (a) two or more candidates for an office receive an equal and the highest number of  
1303 votes for that office; or

1304 (b) in a race for an at-large office, two or more candidates receive an equal number of  
1305 votes and at least one of the candidates must be eliminated to determine which  
1306 candidates are elected.

1307 (3)(a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if  
1308 the difference between the number of votes cast for a winning candidate in the race  
1309 and a losing candidate in the race is equal to or less than .25% of the total number of  
1310 votes cast for all candidates in the race, the losing candidate may file a request for a  
1311 recount in accordance with Subsection (4).

1312 (b) Except as provided in Subsection (2), for a race between candidates where the total  
1313 of all votes cast in the race is 400 or less, if the difference between the number of  
1314 votes cast for a winning candidate in the race and a losing candidate in the race is one  
1315 vote, the losing candidate may file a request for a recount in accordance with  
1316 Subsection (4).

1317 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall  
1318 file the request:

1319 (a) for a municipal primary election, with the municipal clerk, no later than 5 p.m. on the  
1320 first business day that is at least three calendar days after the day on which the  
1321 canvass is completed; or

1322 (b) for all other elections, no later than 5 p.m. on the first business day that is at least

1323 three calendar days after the day on which the canvass is completed, with:

1324 (i) the municipal clerk, if the election is a municipal general election;

1325 (ii) the special district clerk, if the election is a special district election;

1326 (iii) the county clerk, for a race voted on entirely within a single county; or

1327 (iv) the lieutenant governor, for a statewide race or multi-county race.

1328 (5)(a) The election officer shall conduct the recount:

1329 (i) for a race described in Subsection (2), no later than 10 calendar days after the day  
1330 on which the board of canvassers certifies the vote totals; or

1331 (ii) for a race described in Subsection (3), no later than seven calendar days after the  
1332 day on which the losing candidate requests the recount.

1333 (b) In conducting the recount, the election officer shall:

1334 (i) supervise the recount;

1335 (ii) recount all ballots cast in the race;

1336 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,  
1337 Disposition of Ballots; and

1338 (iv)(A) for a race between candidates for a single office, declare elected the  
1339 candidate who receives the highest number of votes on the recount;

1340 (B) for a race for an at-large office, declare elected the candidate who receives the  
1341 highest number of votes on the recount, until all offices are filled by the  
1342 candidates who received the highest number of votes;

1343 (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more  
1344 candidates receive an equal and the highest number of votes, declare a tie vote;  
1345 or

1346 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more  
1347 candidates receive an equal number of votes, declare a tie vote if the selection  
1348 of the winning candidate by lot under Section 20A-1-304 is necessary to  
1349 determine which candidate is elected to the at-large office.

1350 (6) The cost of a recount under Subsection (5) shall be paid by:

1351 (a) for a statewide race or multi-county race, the state; or

1352 (b) for all other races:

1353 (i) the political subdivision that conducts the election; or

1354 (ii) the political subdivision that enters into a contract or interlocal agreement under  
1355 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer  
1356 to conduct the election.

1357 (7)(a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond  
1358 proposition, if the proposition passes or fails by a margin that is equal to or less than  
1359 .25% of the total votes cast for or against the proposition, any 10 voters who voted in  
1360 the election where the proposition was on the ballot may file a request for a recount  
1361 no later than 5 p.m. on the first business day that is at least seven calendar days after  
1362 the day of the canvass with the person described in Subsection (8).

1363 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or  
1364 against the proposition is 400 or less, if the difference between the number of votes  
1365 cast for the proposition and the number of votes cast against the proposition is one  
1366 vote, any 10 voters who voted in the election where the proposition was on the ballot  
1367 may file a request for a recount no later than 5 p.m. on the first business day that is at  
1368 least seven calendar days after the day of the canvass with the person described in  
1369 Subsection (8).

1370 (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file  
1371 the request with:  
1372 (a) the municipal clerk, if the election is a municipal election;  
1373 (b) the special district clerk, if the election is a special district election;  
1374 (c) the county clerk, for a proposition voted on entirely within a single county; or  
1375 (d) the lieutenant governor, for a statewide proposition or multi-county proposition.

1376 (9)(a) In conducting the recount, the election officer shall:  
1377 (i) supervise the recount;  
1378 (ii) recount all ballots cast for the ballot proposition or bond proposition;  
1379 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,  
1380 Disposition of Ballots; and  
1381 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"  
1382 based upon the results of the recount.

1383 (b) Proponents and opponents of the ballot proposition or bond proposition may  
1384 designate representatives to witness the recount.

1385 (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the  
1386 recount.

1387 (11)(a) Upon completing a recount described in Subsection (5) or (9), the election  
1388 officer shall immediately convene the board of canvassers.

1389 (b) The board of canvassers shall:  
1390 (i) canvass the election returns for the race or proposition that was the subject of the

recount; and

- (ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.
- (c) If the recount is for a statewide race, multi-county race, or a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection [20A-4-304(7)] 20A-4-304(10).
- (d) The canvassers' report prepared as provided in this Subsection (11) is the official result of the race or proposition that is the subject of the recount.

Section 12. Section **20A-5-403.5** is amended to read:

**20A-5-403.5 (Effective upon governor's approval). Ballot drop boxes -- Notice.**

(1)[(a)] An election officer:

[+] (a) shall designate at least one ballot drop box in each municipality and reservation located in the jurisdiction to which the election relates;

[**(ii)**] (b) may designate additional ballot drop boxes for the election officer's jurisdiction;

[(iii)] (c) shall clearly mark each ballot drop box as an official ballot drop box for the election officer's jurisdiction;

[**(iv)**] **(d)** shall provide 24-hour recorded video surveillance, without audio, of each unattended ballot drop box;

[v] (e) shall post a sign on or near each unattended ballot drop box indicating that the ballot drop box is under 24-hour video surveillance; and

[(vi)] (f) shall ensure that a camera, a video, or a recording of a video described in Subsection [(1)(a)(iv)] (1(d)) may only be accessed by:

[**(A)**] (i) [by] the election officer;

[(B)] (ii) [by] a custodian of the camera, video, or recording;

[~~(C)~~] (iii) [by] the lieutenant governor;

[D] (iv) [by] the legislative auditor general, when performing an audit; [or]

[(E)] (v) [by, or pursuant to an order of,] a court of competent jurisdiction[-] , by or pursuant to an order of the court;

(vi) a registered voter who claims to have cast a ballot at an unattended ballot drop box, if the election officer informs the voter that the election officer never

received the voter's ballot; or

- i) subject to Subsection (2)(b), and except as provided in Subsection (2)(c):
  - (A) a candidate for an office that appears on a ballot, or an individual representing the candidate's campaign;

1425 (B) for a federal, statewide, or multicounty race, the chair of the state political  
1426 party whose member is a candidate described in Subsection (1)(f)(vii)(A);  
1427 (C) for a race where the officeholder is selected by voters entirely within one  
1428 county, the chair of the county political party whose member is a candidate  
1429 described in Subsection (1)(f)(vii)(A); or  
1430 (D) the designee of a political party chair described in Subsection (1)(f)(vii)(B) or  
1431 (C).

1432 [f(b)] (2)(a) An individual may not view a video, or a recording of a video, described in

1433 Subsection [(1)(a)(iv)] (1)(d), unless the individual:

1434 (i) is an individual described in Subsection [(1)(a)(vi)] (1)(f); and  
1435 (ii) views the video to the extent necessary to:  
1436 (A) ensure compliance with Subsection [(1)(a)(iv), (1)(a)(vi), or (1)(e)] (1)(d),  
1437 (1)(f), or (3); or  
1438 (B) investigate a concern relating to ballots or the ballot box.

1439 (b) If an individual described in Subsection (1)(f)(vii) seeks to view a video recording  
1440 described in Subsection (1)(d), the election officer may require the individual to view  
1441 the video recording at the election officer's office during regular business hours.

1442 (c) An individual described in Subsection (1)(f)(vii) may not view a video recording  
1443 described in Subsection (1)(d) after the time period for contesting the election to  
1444 which the video recording relates ends.

1445 [f(e)] (3) The election officer, or the custodian of the recording[.] :

1446 (a) shall keep a recording described in Subsection [(1)(a)(iv) until] (1)(d) until at least the  
1447 later of:  
1448 (i) the [end of the] last day of the calendar year in which the election was held; or  
1449 (ii) if the election is contested, when the contest is resolved[.] ; and  
1450 (b) may keep the video recording described in Subsection (1)(d) indefinitely.

1451 [f(2)] (4) Except as provided in Section 20A-1-308 or Subsection [(5)] (7), the election officer  
1452 shall, at least 28 calendar days before the date of the election, provide notice of the  
1453 location of each ballot drop box designated under Subsection (1), by publishing notice  
1454 for the jurisdiction holding the election, as a class A notice under Section 63G-30-102,  
1455 for at least 28 calendar days before the day of the election.

1456 [f(3)] (5) Instead of including the location of ballot drop boxes, a notice required under  
1457 Subsection [(2)] (4) may specify the following sources where a voter may view or obtain  
1458 a copy of all ballot drop box locations:

1459 (a) the jurisdiction's website;  
1460 (b) the physical address of the jurisdiction's offices; and  
1461 (c) a mailing address and telephone number.

1462 [4] (6) The election officer shall include in the notice described in Subsection [2] (4):

1463 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
1464 the address of the election officer's website, with a statement indicating that the  
1465 election officer will post on the website the location of each ballot drop box,  
1466 including any changes to the location of a ballot drop box and the location of  
1467 additional ballot drop boxes; and  
1468 (b) a phone number that a voter may call to obtain information regarding the location of  
1469 a ballot drop box.

1470 [5] (7)(a) Except as provided in Section 20A-1-308, the election officer may, after the  
1471 deadline described in Subsection [2] (4):

1472 (i) if necessary, change the location of a ballot drop box; or  
1473 (ii) if the election officer determines that the number of ballot drop boxes is  
1474 insufficient due to the number of registered voters who are voting, designate  
1475 additional ballot drop boxes.  
1476 (b) Except as provided in Section 20A-1-308, if an election officer changes the location  
1477 of a ballot box or designates an additional ballot drop box location, the election  
1478 officer shall, as soon as is reasonably possible, give notice of the changed ballot drop  
1479 box location or the additional ballot drop box location:  
1480 (i) to the lieutenant governor, for posting on the Statewide Voter Information  
1481 Website;  
1482 (ii) by posting the information on the website of the election officer, if available; and  
1483 (iii) by posting notice:  
1484 (A) for a change in the location of a ballot drop box, at the new location and, if  
1485 possible, the old location; and  
1486 (B) for an additional ballot drop box location, at the additional ballot drop box  
1487 location.

1488 [6] (8) An election officer may, at any time, authorize two or more poll workers to remove  
1489 a ballot drop box from a location, or to remove ballots from a ballot drop box for  
1490 processing.

1491 [7] (9)(a) At least two poll workers must be present when a poll worker collects ballots  
1492 from a ballot drop box and delivers the ballots to the location where the ballots will

1493 be opened and counted.

1494 (b) An election officer shall ensure that the chain of custody of ballots placed in a ballot  
1495 box are recorded and tracked from the time the ballots are removed from the ballot  
1496 box until the ballots are delivered to the location where the ballots will be opened and  
1497 counted.

1498 Section 13. Section **20A-5-802.5** is enacted to read:

1499 **20A-5-802.5 (Effective upon governor's approval). Election results database**  
1500 **requirements.**

1501 (1) The lieutenant governor shall ensure that all voting equipment used in this state has the  
1502 capability of generating an election results database.

1503 (2) For each ballot that is counted in an election, the election results database shall contain:

1504 (a) the vote cast by a voter for each ballot proposition or race for elective office  
1505 appearing on the voter's ballot;

1506 (b) a numeric identifier that is associated with a ballot within the tabulation system; and

1507 (c)(i) a unique identifying code or number for the batch in which a ballot was  
1508 tabulated, if the ballot was tabulated as part of a batch; or

1509 (ii) a sequence number, if the ballot was not tabulated as part of a batch.

1510 (3) For each ballot that is counted in an election, the election results database shall contain  
1511 the following data if the data is generated by the voting equipment:

1512 (a) a description of the style of ballot;

1513 (b) a voting precinct number or other geographic indicator;

1514 (c) an identifier for the scanner or tabulating device that produced the digital  
1515 interpretation of the ballot;

1516 (d) the registered political party associated with a primary election ballot;

1517 (e) an image of the entire ballot or the write-in portion of the ballot;

1518 (f) an indication of how the scanner or tabulating device interpreted the marks made by  
1519 the voter who cast the ballot;

1520 (g) information about any changes made to the election results database for a ballot that  
1521 was adjudicated under Section 20A-4-105, including:

1522 (i) the identity of the counting judges who adjudicated the ballot; and

1523 (ii) the time and date of the changes made to the election results database by the  
1524 counting judges; and

1525 (h) other information produced by the tabulating device as part of the tabulating device's  
1526 output.

1527 (4) An election officer shall create a physical or electronic log of any information described  
1528 in Subsection (3)(g) that the voting equipment is unable to generate.

1529 (5) Following an election but before the official canvass, an election officer shall prepare a  
1530 final election results database created during:  
1531 (a) the tabulation of ballots; and  
1532 (b) the adjudication of a ballot under Section 20A-4-105.

1533 Section 14. Section **20A-5-905** is amended to read:

1534 **20A-5-905 (Effective upon governor's approval). Software validation -- Database**  
1535 **security.**

1536 (1) Before November 2022, the director of elections within the Office of the Lieutenant  
1537 Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1538 Administrative Rulemaking Act, establishing software validation procedures that an  
1539 election officer is required to comply with to verify that voting system files have not  
1540 been tampered with.  
1541 (2) The lieutenant governor and each county clerk shall ensure that a record is made, and  
1542 stored [for at least 22 months] in accordance with Subsection 20A-4-202(3), of each time  
1543 a voter database is accessed by a person, including:  
1544 (a) the name of the person accessing the voter database;  
1545 (b) the date and time of the access; and  
1546 (c) any changes made to the voter database.

1547 Section 15. **Repealer.**

1548 This bill repeals:

1549 Section **20A-4-701, Definitions.**

1550 Section **20A-4-702, Electronic copy of election material -- Examination by county clerk**

1551 Section **20A-4-703, Electronic copy of election material -- Examination by governmental**

1552 Section 16. **Effective Date.**

1553 This bill takes effect:

1554 (1) except as provided in Subsection (2), November 15, 2025; or

1555 (2) if approved by two-thirds of all members elected to each house:

1556 (a) upon approval by the governor;

1557 (b) without the governor's signature, the day following the constitutional time limit of  
1558 Utah Constitution, Article VII, Section 8; or

1559 (c) in the case of a veto, the date of veto override.

1560 Section 17. **Retrospective operation.**

1561      The repeal of Sections 20A-4-701, 20A-4-702, and 20A-4-703 have retrospective  
\_1562      operation to August 1, 2025.