

## NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** Amendment

**Rule or section number:**

R623-4

**Filing ID:** 57428

### Agency Information

<b>1. Title catchline:</b>	Lieutenant Governor, Elections	
<b>Building:</b>	Utah State Capitol	
<b>Street address:</b>	350 State Street, Suite 220	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142220	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2220	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

### General Information

<b>2. Rule or section catchline:</b>	R623-4. Processing Partisan Candidate Nomination Petitions			
<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.			
<b>If yes, any bill number and session:</b>	SB 164 (2025 General Session)			
<b>4. Purpose of the new rule or reason for the change:</b>				
The purpose of this amendment is to align the existing rule with the provisions of SB 164 passed in the 2025 General Session, and the recommendations outlined in the 2024 Audit: A Performance Audit of the Signature Verification Process: Improving Controls and Transparency.				
The changes clarify and update procedures related to the submission, processing, signature verification, and withdrawal of candidate nomination petitions, as authorized and recommended by both the legislation and the audit.				
<b>5. Summary of the new rule or change:</b>				
This rule change outlines procedures for the transparent and timely submission, verification, and certification of nomination petition signatures. It establishes methods for complying with and verifying compliance with the candidate nominating process, including signature comparison audits and chain of custody requirements.				
Additionally, this amendment makes style and formatting changes to align with the Rulewriting Manual for Utah.				

### Fiscal Information

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The Office of the Lieutenant Governor may incur costs related to both the development and delivery of training for auditors and other election officials on the new requirements for nomination petition packets.
These costs may include additional personnel hours and resources needed to create and conduct the trainings. However, the exact cost is currently unknown, as training needs may vary depending on the county and election official.
<b>B. Local governments:</b>
County clerk's offices may incur some additional costs due to the employee time that it will take to complete the additional signature audits that are now required.
The Office of the Lieutenant Governor is unable to determine a specific cost, as the needs of each local government vary.

<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):					
Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.					
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):					
Non-small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to non-small businesses.					
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):					
Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.					
<b>F. Compliance costs for affected persons:</b>					
Affected persons are not anticipated to incur any fiscal impact, as this rule does not apply to affected persons.					
<b>G. Regulatory Impact Summary Table</b> (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
<b>Regulatory Impact Summary Table</b>					
<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
The Director of Elections, Ryan Cowley, has reviewed and approved this regulatory impact analysis.					

#### Citation Information

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Utah Constitution, Article VII, Section 1    Utah Constitution, Article VII, Section 14    Title 20A, Chapter 9

#### Public Notice Information

**9. The public may submit written or oral comments to the agency identified in box 1.**

<b>A. Comments will be accepted until:</b>	10/15/2025
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**10. This rule change MAY become effective on:** 10/22/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

#### Agency Authorization Information

<b>Agency head or designee and title:</b>	Ryan Cowley, Director of Elections	<b>Date:</b>	08/28/2025
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**R623. Lieutenant Governor, Elections.**

**R623-4. Processing Partisan Candidate Nomination Petitions.**

**R623-4-1. Purpose.**

[A-](1) Pursuant to Subsection 20A-9-403(3)(f), this rule provides for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

[B-](2) Pursuant to Section 20A-9-410, this rule provides procedures for complying with, and verifying compliance with, the candidate nominating process described in that part.

(3) Pursuant to Subsection 20A-3a-106(4), this rule establishes procedures to perform signature comparison audits described in Subsection 20A-9-408(9)(e) and to fulfill the chain of custody requirements described in Section 20A-9-408.3.

**R623-4-2. Authority.**

This rule is required by [Chapter 9 of] Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures[, and] and Subsection 20A-3a-106(4). Rulemaking authority relating to conducting an election is enacted under the authority of the Utah Constitution [Art]Act. VII, Sections 1 and 14, and [Chapter 3 of] Title 63G, [the]Chapter 3, Utah Administrative Rulemaking Act.

**R623-4-3. Definitions.**

[A-] A. "Filing Officer" for the purposes of this section means:

1. The Lieutenant] (1) "Candidate" means a valid candidate who has filed for office within the current calendar year, or an individual who is submitting nomination packets on behalf of the candidate, such as a volunteer or contractor.

(2) "Conflicted race" means a race where:

(a) the current Governor [will serve as the filing]is seeking reelection;  
(b) the lieutenant governor is the reviewing officer [for federal, state] and [multicounty legislative races.]the race is for an office that the lieutenant governor is seeking; or

[2.] (c) the County Clerk [will serve as]is the [filing]reviewing officer [for single county legislative races]and the race is for an office that the County Clerk is seeking.

[B-] (3) "Qualification [Threshold]threshold" means[:

1. The] the number of signatures required for a given office as set forth in Subsections 20A-9-403(3)[4-408.3](a)(ii) and 20A-9-408(8)(b).

(4) "Reasonably consistent" means the same thing as substantially similar for the purposes of this rule.

(5) "Reviewing officer" for the purposes of this rule means:

(a) the lieutenant governor for federal, state, and multicounty legislative and state school board races;  
(b) a County Clerk with whom the lieutenant governor has contracted to provide nomination petition signature verification services; or

(c) the County Clerk for single county legislative and state school board races within the County Clerk's county.

(6) "Substantially similar" means that two or more signatures share significant characteristics and resemble each other to a considerable extent, but are not necessarily identical.

(7) "Verification criteria" for signatures means the same thing as it is defined in Section R623-11-3.

**R623-4-4. Uniform Nomination Petition Processing Standards.**

[A-] A. Nomination Petition Packet Submission Procedure.

1. Any] (1) A nomination submission packet shall be submitted in the following manner:

(a) A candidate who submits a nomination petition for verification shall submit [their]the nomination petition packets, personally or by a designated agent, to the [filing]reviewing officer before the deadlines established in Sections 20A-9-403 and 20A-9-408.

[2-] (b) A candidate's initial submission of nomination petition signatures [must]shall contain sufficient signatures to meet or exceed the qualification threshold.

[3. At the time of] (c) When submitting any nomination petition, a candidate or designated agent [must provide the following, on a form provided by] shall comply with and supply the [filing officer]:

a. The candidate's contact information;  
b. The estimated number of nomination petition packets in the submission;  
c. The estimated number of signatures in the submission;  
d. For a candidate's initial submission of petition signatures, a signed statement that the initial submission contains the amount of signatures]documents required [to meet the qualification threshold.]under Subsections 20A-9-408.3(1) through (3).

[4-] (2) The [filing]reviewing officer shall provide the candidate with a [receipt]copy of the submission documents that includes the following:

a. The] (a) the signature of the person making the submission;  
(b) the signature of the person authorized to receive the submission;

(c) the date and time of submission[time.]; and

[b. A copy](d) a list of any packet numbers included in the [form required by Subsection (A)(3)].

5. The filing officer shall reject a]submission[if.].

[a. the candidate fails to provide the form required in Subsection (A)(3);

\_\_\_\_\_ b. for a candidate's initial submission of petition signatures, the submission does not contain the amount of signatures required to meet or exceed the qualification threshold;

\_\_\_\_\_ c. the candidate did not meet the submission deadline established in Sections 20A-9-403 and 20A-9-408; or

\_\_\_\_\_ d. the candidate has already met the qualification threshold.

\_\_\_\_\_ 6.] \_\_\_\_\_ (3) If the [filing]reviewing officer rejects a submission[ in accordance with Subsection (A)(5), the filing]:

\_\_\_\_\_ (a) the reviewing officer shall provide the candidate with a written explanation [of]for the rejection[.]; and

\_\_\_\_\_ B. Supplementing Nomination Petition Packets.

\_\_\_\_\_ 1. Candidates-] \_\_\_\_\_ (b) the rejected submission is not returned to the candidate.

\_\_\_\_\_ (4) A candidate may [submit]supplement a nomination petition packet by submitting an unlimited number of supplemental nomination petition packets following [their]the initial submission until the [filing officer notifies the candidate that they have met the qualification threshold in accordance with Subsection (E)(1) or until the deadlines]applicable deadline established in Sections 20A-9-403 and 20A-9-408[, whichever comes first].

\_\_\_\_\_ [2-] \_\_\_\_\_ (a) The intake of supplemental nomination petition packets shall comply with [Subsection (A)(1) and ]Subsections [(A)(3)]R623-4-4(1) through [(A)(6)].

\_\_\_\_\_ [3-] \_\_\_\_\_ (b) The processing of supplemental nomination petition packets shall comply with Subsection [(C)(1) through (E)(1)]R623-4-4(5) and Section R623-4-5.

\_\_\_\_\_ C. Order of Nomination Petition Packet Verification.

\_\_\_\_\_ 1. The filing officer shall verify nomination petition submissions in] \_\_\_\_\_ (5) When completing the order [received.

\_\_\_\_\_ 2. The filing]of nomination petition packet verification, the reviewing officer shall ensure that nomination petition packets for different candidates [for]within the same [office]race:

\_\_\_\_\_ (a) are verified in the order of submission; and

\_\_\_\_\_ (b) may not be verified simultaneously.

\_\_\_\_\_ D. Verifying]

#### **R623-4-5. Procedure for Verification of Nomination Petition Packets.**

\_\_\_\_\_ (1[-]) The [filing]reviewing officer shall verify nomination petition packets in accordance with Section 20A-[7-206.3]1-1002, Subsection 20A-9-403(3), and Rule R623-11.

\_\_\_\_\_ (2[-]) If an individual signed two candidate nomination petitions for the same office, the signature on the first submitted nomination petition that meets the requirements of Section 20A-1-1002, Subsection [(A)(2) shall be]20A-9-403(3), and Rule R623-11, is valid in accordance with Section 20A-9-411.

\_\_\_\_\_ (3[-]) The [filing]reviewing officer shall [verify]review and certify each signature [of]submitted for a [nomination petition until the]candidate [has sufficient signatures to meet the qualification threshold.]in accordance with Subsection 20A-9-408(9)(f).

\_\_\_\_\_ (4[-]) The [filing]reviewing officer may discontinue the verification of a nomination petition if[ the-], in writing, a candidate [officially]withdraws[ their]:

\_\_\_\_\_ (a) candidacy; or[ withdraws their]

\_\_\_\_\_ (b) the notice of intent to gather signatures.

\_\_\_\_\_ E. Communication of Results to the Candidate.

\_\_\_\_\_ 1. Within] \_\_\_\_\_ (5) The reviewing officer shall review each signature in an individual packet once review of that packet has begun.

\_\_\_\_\_ (6) The reviewing officer shall:

\_\_\_\_\_ (a) communicate results to a candidate within one business day after [verifying each]the signature audit described in [a candidate's submission, the filing officer shall]Section R623-12-5 is conducted; and

\_\_\_\_\_ (b) notify [the]a candidate [of the total number of valid signatures]in [the submission and whether]writing that the candidate has met the qualification threshold.

\_\_\_\_\_ 2. Within one business day after the candidate meets or exceeds the qualification threshold, the filing officer shall notify the candidate that the candidate has met the qualification threshold.]

#### **R623-4-[5]6. Withdrawal of Petition Packets and Petition Signatures.**

\_\_\_\_\_ [A-] \_\_\_\_\_ (1) A candidate may not withdraw or take possession of a nomination petition packet once it is [submitted in accordance with Subsection R623-4-4(A).]presented to the election officer, regardless of whether it has been accepted or rejected.

\_\_\_\_\_ [B-] \_\_\_\_\_ (2) A voter who has signed a candidate's nomination petition may have the voter's signature removed from the petition by submitting to the [filing]reviewing officer a statement [requesting that the voter's signature be removed.]in accordance with Subsection 20A-9-408(9)(d).

\_\_\_\_\_ C. The statement shall include:

\_\_\_\_\_ 1. the name of the voter;

\_\_\_\_\_ 2. the name of the candidate;

\_\_\_\_\_ 3. the resident address at which the voter is registered to vote;

\_\_\_\_\_ 4. the signature of the voter; and

\_\_\_\_\_ 5. the date of the signature described in Subsection R623-4-5(C)(4).

\_\_\_\_\_ D. To increase the likelihood of a voter's signature being identified and removed, the statement may include the voter's birth date or age.

\_\_\_\_\_ E. A voter may not submit a statement by email or other electronic means.

\_\_\_\_\_ F. In order for the signature to be removed, the statement must be received before the candidate submits any petition signatures for verification in accordance with Subsection R623-4-4(A).

]

**KEY: candidate petitions, election law, elections**

**Date of Last Change: [December 8, 2020]2025**

**Notice of Continuation: December 8, 2020**

**Authorizing, and Implemented or Interpreted Law: Art. VII, Secs. 1 and 14; 20A-9**

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## NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** Amendment

**Rule or section number:**

R623-6

**Filing ID:** 57429

### Agency Information

<b>1. Title catchline:</b>	Lieutenant Governor, Elections	
<b>Building:</b>	Utah State Capitol	
<b>Street address:</b>	350 State Street, Suite 220	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142220	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2220	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

### General Information

**2. Rule or section catchline:**

R623-6. Verification of Requests to Withhold Voter Registration Information

**4. Purpose of the new rule or reason for the change:**

This amendment is part of a routine review and update to ensure administrative rules are still relevant.

These changes are being made by the Office of the Lieutenant Governor to clarify and update existing language and to update procedures for records retention and storage of materials for protected voters.

**5. Summary of the new rule or change:**

This amendment strengthens and clarifies withholding procedures by adding clearer standards on processing withholding requests and instructions regarding the retention of voter registration documents.

Additionally, this amendment makes style and formatting changes to align with the Rulewriting Manual for Utah.

### Fiscal Information

**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A. State budget:**

The state budget is not anticipated to incur any fiscal impact, as this rule change does not include any processes that involve state procedures.

**B. Local governments:**

Local governments, including city and county election offices, may incur a cost if they need to obtain additional storage spaces to retain voter documents.

A potential cost may include purchasing a storage space or entering a contract with a vendor to help with document storage.

The Office of the Lieutenant Governor is unable to determine a specific cost, as the needs of each local government vary.

**C. Small businesses** ("small business" means a business employing 1-49 persons):

Small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to small businesses.

**D. Non-small businesses** ("non-small business" means a business employing 50 or more persons):

Non-small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to non-small businesses.					
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):					
Other persons are not anticipated to incur any fiscal impact, as this rule change does not apply to other persons.					
<b>F. Compliance costs for affected persons:</b>					
There are no direct compliance costs, though the cost of additional storage may be a secondary cost for affected persons.					
<b>G. Regulatory Impact Summary Table</b> (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
<b>Regulatory Impact Summary Table</b>					
<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
The Director of Elections, Ryan Cowley, has reviewed and approved this regulatory impact analysis.					

#### Citation Information

<b>7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>					
Section 20A-2-104					

#### Public Notice Information

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>					
<b>A. Comments will be accepted until:</b>	10/15/2025				
<b>10. This rule change MAY become effective on:</b> 10/22/2025					
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.					

#### Agency Authorization Information

<b>Agency head or designee and title:</b>	Ryan Cowley, Director of Elections	<b>Date:</b>	08/28/2025
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#### **R623. Lieutenant Governor, Elections.**

#### **R623-6. Verification of Requests to Withhold Voter Registration Information.**

##### **R623-6-1. Purpose and Authority.**

(1) This administrative rule establishes verification requirements for individuals who submit a request to withhold the individual's voter registration information to the lieutenant governor or the county clerk.

(2) This administrative rule is authorized by Section 20A-2-104.

**R623-6-2. Verification Requirements for Requests to Withhold Voter Registration Information.**

(1) An individual who submits a request to withhold voter registration information ~~[must]~~shall provide verification described in ~~[subsection (2)]~~Subsection (3) if the individual indicates on the request that the individual is, or resides with an individual who is:

- (a) ~~[A]~~a law enforcement officer;
- (b) ~~[A]~~a member of the armed forces, as defined in Section 20A-1-513;
- (c) ~~[A]~~a public figure, as defined in Section 20A-1-102; or
- (d) protected by a protective order or protection order.

(2) An individual shall provide verification by submitting a written statement with the request that explains why the individual is eligible to withhold voter information.

(3) If an individual does not submit the verification required by ~~[subsection]~~Subsection (2) or the lieutenant governor or county clerk reasonably believes that the individual is not an eligible individual listed in ~~[subsection]~~Subsection (1), the lieutenant governor or county clerk may require the individual to submit additional documentation to verify eligibility.

(a) For an individual who indicates that the individual is a law enforcement officer, additional documentation may include:

- (i) employee identification card;
- (ii) copy of the individual's Peace Officer Standards and Training Certification;
- (iii) law enforcement badge if it includes identifying information;
- (iv) letter from the individual's employer verifying the individual's position as a law enforcement officer; or
- (v) other documents, at the lieutenant governor's or county clerk's discretion, that verify the individual's position as ~~[ - ]~~a law enforcement officer.

(b) For an individual who indicates that the individual is a member of the armed forces, additional documentation may include:

- (i) military identification card;
- (ii) copy of military orders;
- (iii) letter from the individual's employer verifying the individual's membership in the armed forces; or
- (iv) other documents, at the lieutenant governor's or county clerk's discretion, that verify the individual's membership in the armed forces.

(c) For an individual who indicates that the individual is a public figure, additional documentation may include:

(i) documents that ~~[indicate]~~show the individual is being considered for, currently holding, or held a position of prominence in a public or private capacity or holds celebrity status;

(ii) documents or information that ~~[indicate]~~show the individual has an increased risk of safety due to their position or status; or

(iii) other documents, at the lieutenant governor's or county clerk's discretion, that verify the individual is a public figure as defined in Section 20A-1-102.

(d) For an individual who indicates that the individual is protected by a protective order or protection order, additional documentation may include:

- (i) a copy of the protective or protection order; or
- (ii) other documents, at the lieutenant governor's or county clerk's discretion, that verify the individual is protected by a protective order or protection order.

(e) For an individual who resides with an individual described in ~~[subsections]~~Subsection (3)(a), (3)(b), (3)(c), or (3)(d), additional documentation may include documents, at the lieutenant governor's or county clerk's discretion, that ~~[indicate]~~show that the individual lives with the individual described in ~~[subsections]~~Subsection (3)(a), (3)(b), (3)(c), or (3)(d).

(4) Withholding requests shall be processed within seven days of receipt.

(a) County Clerks shall notify voters within 30 days if their withholding request has been approved or denied.

(b) If the withholding request is denied, the clerk shall provide a written explanation for the denial.

(5) Documents provided to the county clerks under this rule shall be retained in a separate storage file by the county clerk who maintains the individual's voter registration.

(6)(a) Documents retained under this rule shall:

(i) contain a reference number that correlates the documents in the storage file with a dated note in the voter's record which also contains the county where the documents were submitted;

(ii) contain the voter identification number;

(iii) be kept in a storage file that is separate from the voter registration system; and

(iv) be retained during the time in which the voter is eligible for withheld status.

(b) Documents may be transferred to a different county clerk when the voter moves and the new county clerk requests the documentation in writing.

**KEY: voter registration, record classification, privacy**

**Date of Last Change: [August 1, 2020]2025**

**Notice of Continuation: July 18, 2025**

**Authorizing, and Implemented or Interpreted Law: 20A-2-104**

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## NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** Amendment

**Rule or section number:**

R623-7

**Filing ID:** 57430

### Agency Information

<b>1. Title catchline:</b>	Lieutenant Governor, Elections	
<b>Building:</b>	Utah State Capitol	
<b>Street address:</b>	350 State Street, Suite 220	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142220	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2220	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

### General Information

<b>2. Rule or section catchline:</b>
R623-7. Vote Tabulation Software Validation Rule
<b>4. Purpose of the new rule or reason for the change:</b>
This amendment is part of a routine review and update to ensure administrative rules are still relevant.
<b>5. Summary of the new rule or change:</b>
This amendment is part of a routine review and update to ensure the rule remains clear, accurate, and aligned with current practices, standards, and administrative needs.
This amendment aligns the rule text with other rules under Title R623, as well as standards and guidelines set in the Rulewriting Manual for Utah.

### Fiscal Information

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The Office of the Lieutenant Governor and the State of Utah will likely not incur additional costs or savings based on the changes made in this rule because the changes to this rule do not alter the substance or application of this rule.
<b>B. Local governments:</b>
Local governments are not anticipated to incur additional costs or savings based on the changes made in this rule because the changes to this rule do not alter the substance or application of this rule.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
Small businesses are not anticipated to incur any fiscal impact based on the changes made in this rule because the changes to this rule do not alter the substance or application of this rule.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
Non-small businesses are not anticipated to incur any fiscal impact because the changes to this rule do not alter the substance or application of this rule.

**E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Other persons are not anticipated to incur any fiscal impact because this amendment does not alter any existing procedures, obligations, or agreements.

**F. Compliance costs for affected persons:**

Affected persons are not anticipated to incur any fiscal impact because the changes to this rule do not alter the substance or application of this rule.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

**Regulatory Impact Summary Table**

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Director of Elections, Ryan Cowley, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 20A-5-905

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

**A. Comments will be accepted until:** 10/15/2025

**10. This rule change MAY become effective on:** 10/22/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Ryan Cowley, Director of Elections	<b>Date:</b>	08/28/2025
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**R623. Lieutenant Governor, Elections.**

**R623-7. Vote Tabulation Software Validation Rule.**

**R623-7-1. Purpose.**

Section 20A-5-905 requires the director of elections within the Office of the Lieutenant Governor to make rules establishing software validation procedures that an election officer shall comply with to verify that voting system files have not been tampered.

#### **R623-7-2. Authority.**

This rule is authorized by Subsection 20A-5-905(1) and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

#### **R623-7-3. Definitions.**

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

- (1) "Designee" means a full-time employee of the election officer or a full-time employee of the political subdivision of the election officer given authority by the election officer to perform software validations.
- (2) "Election [Officer]officer" means the county clerk or municipal clerk responsible for maintaining the system where the software is in use<sub>[,]</sub> or will be<sub>[,]</sub> installed.
- (3) "Installation" means installing vote tabulation software, updating vote tabulation software, or overwriting existing vote tabulation software.
- (4) "Software" means a computer program that is used to tabulate votes, otherwise generally known as an election management system (EMS), with the exception of software used in reference to [Section]Title 20A[-], Chapter 4[-], Part 6, Municipal Alternate Voting Methods Pilot Project.
- (5) "Validation" means obtaining the hash validation of installed software and comparing it against the trusted build hash validation from the US Election Assistance Commission (EAC) using instructions approved by the [Lieutenant Governor]Office of the Lieutenant Governor.
- (6) "Voting [Equipment]equipment" means equipment that is maintained and used by the election officer to scan, tabulate, or mark ballots; otherwise generally known as ballot marking devices and direct-recording electronic (DRE) voting machines.

#### **R623-7-4. General.**

- (1) Software [must]shall be validated, with no errors or unknown warnings, in accordance with this rule and Section 20A-5-802 [at the time of installation]when installing and at least once every two years thereafter.
- (2) The election officer shall validate software against the trusted build hash validation from the EAC using instructions approved by the [Lieutenant Governor]Office of the Lieutenant Governor.
- (3) Validation [must]shall be performed by the election officer, [their]a designee, or someone authorized to perform the validation by the [Lieutenant Governor]Office of the Lieutenant Governor.
- (4) Before using any voting equipment, and before each election, the election officer shall verify that the firmware version on any voting equipment matches the firmware version that is certified by the EAC.
- (5) The election officer shall make and [retain]keep a signed record of each software validation and voting equipment verification that is performed for 24 months after the software or voting equipment is no longer in use.
- (6)(a) The [Lieutenant Governor]Office of the Lieutenant Governor shall select at least five jurisdictions each year and supervise the performance of software validations and voting equipment verifications for those jurisdictions.  
(b) These validations may be in addition to any other validation performed by the election officer.
- (7) Nothing in this rule prevents an election officer from performing more validations than are required by this rule, but each validation [must]shall follow the procedures outlined in this rule.

#### **R623-7-5. Software Certification.**

- (1) Software shall be certified in accordance with Subsection 20A-5-802(2)(a)(iii).
- (2) Hash validation files are obtained by the Office of the Lieutenant Governor or the county clerk from:
  - (a) the EAC;
  - (b) or a certifying lab described in Subsections 20A-5-802(2)(a)(iii)(A) and (B).

#### **R623-7-6. Software Installation.**

- (1) Election officers must obtain written permission from the lieutenant governor before the installation of any software.
- (2) The election officer, or [their]a designee, [must be]shall always be present during software installation.
- (3) Before deploying the installation, the election officer, or [their]a designee, must verify that they have a full backup of each election conducted within the last 22 months.

#### **R623-7-7. Software Validation.**

- (1)(a) The election officer shall be responsible for ensuring that each computer with software on it is validated [at the time of installation]when installing.  
(b) If the hash values do not match then the software may not be used<sub>[, and the]</sub>. The election officer shall notify the lieutenant governor within one business day of the identification of the mismatch.
- (2) Systems must pass validation with no errors or unknown warnings [at the time of] during installation, or during any validation review, or they may not be used in an election until the system has been successfully validated.
- (3) The election officer, or [their]a designee, [must be]shall always be present during the validation.
- (4) The election officer, or [their]a designee<sub>[, must]</sub>, shall perform the validation, unless written permission is obtained from the Office of the Lieutenant Governor before the validation is performed.

**R623-7-8. Records.**

- (1) A record of any vote tabulation software installations shall be made on a form provided by the lieutenant governor and shall be signed by the election officer, their designee if used, and the representative of the vendor who performed the installation, if used.
- (2) The signed record of any software installations shall be retained by the election officer for 24 months after the software is no longer in use.
- (3) At each canvass, the election officer shall certify that the software and voting equipment [has]have been properly maintained in accordance with this rule and that a record of any installation performed on each piece of equipment has been kept in accordance with Subsection 20A-5-902(2).

**KEY: elections, lieutenant governor, software, validation, voting, equipment, hash**

**Date of Last Change: [January 24, 2023]2025**

**Authorizing, and Implemented or Interpreted Law: 20A-5-905(1)**

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NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
Rule or section number:	R623-8	Filing ID: 57431
<b>Agency Information</b>		
1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
<b>Contact persons:</b>		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		
<b>General Information</b>		
2. Rule or section catchline:	R623-8. Ballot Chain of Custody	
4. Purpose of the new rule or reason for the change:	The Office of the Lieutenant Governor is submitting this amendment to align ballot chain of custody requirements with state law, as recommended in Recommendation 3.2 of the 2024 Audit Report (A Performance Audit of Utah's Election System).	
5. Summary of the new rule or change:	This amendment enhances ballot processing security by clarifying previously ambiguous language related to monitoring ballot processing centers and by updating chain of custody requirements to align with current statutory monitoring standards. Additionally, this amendment makes style and formatting changes to align with the Rulewriting Manual for Utah.	
<b>Fiscal Information</b>		
6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:		
A. State budget:	The state budget is not anticipated to incur any fiscal impact, as this rule change does not affect state procedures.	
B. Local governments:	Local governments, including city and county election offices, may incur a cost if they need to purchase monitoring equipment for ballot boxes. A potential cost may include purchasing and setting up the additional monitoring equipment for ballot boxes. The Office of the Lieutenant Governor is unable to determine a specific cost, as the needs of each local government vary.	
C. Small businesses ("small business" means a business employing 1-49 persons):	Small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to small businesses.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	Non-small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to non-small businesses.	

**E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Other persons are not anticipated to incur any fiscal impact, as this rule change does not apply to other persons.

**F. Compliance costs for affected persons:**

There are no direct compliance costs, though the cost of additional monitoring equipment may be a secondary cost for affected persons.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

**Regulatory Impact Summary Table**

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Director of Elections, Ryan Cowley, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 20A-3a-401.1(9)	Subsection 20A-3a-404(1)	Subsection 20A-3a-106(4)
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**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:	10/15/2025
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**10. This rule change MAY become effective on:** 10/22/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Ryan Cowley, Director of Elections	<b>Date:</b>	08/28/2025
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**R623. Lieutenant Governor, Elections.**

**R623-8. Ballot Chain of Custody.**

**R623-8-1. Purpose.**

This rule establishes requirements and guidelines for an election official regarding ballot security, including the custody, documentation of custody, handling, processing, disposition, and tabulation of ballots.

**R623-8-2. Authority.**

This rule is authorized by [Section]Subsections 20A-3a-106(4), 20A-3a-401.1(9), and 20A-3a-404(1) and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

**R623-8-3. Definitions.**

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

- (1) "Active ballot" means a ballot that is being processed for a current election.
- (2) "Chain of [Custody]custody" means the sequence of custody, control, and transfer of materials.

**R623-8-4. General Duties.**

An election official shall be accompanied by at least one additional election official when active ballots are handled, collected, delivered to ballot processing centers, or processed.

**R623-8-5. Ballot Collection.**

(1) An election official shall document the following information each time active ballots are collected:

- (a) [names]the name of any election official collecting ballots;
- (b) the name of the collection site, for example, drop box or post office;
- (c) date and time of the ballot collection;
- (d) the seal number used to secure the ballots; and
- (e) any damage to ballots, ballot box, and concerns, including unusual situations or irregularities.

(2) An election official shall document the following information each time an active [ballots are]ballot is received by the ballot processing center:

- (a) the time and date an active [ballots are]ballot is returned to the ballot processing center;
- (b) seal numbers when received at the ballot processing center; and
- (c) the recorded number of active ballots received at the ballot processing center.

(3) An election official shall be identifiable as an election official through the use of a badge, uniform, or other markings when engaging in ballot collection.

**R623-8-6. Ballot Processing.**

(1) [Active ballots]Any active ballot shall be processed in a secure location where access is controlled by an election official.

(2) An election official shall ensure that any active [ballots]ballot in a processing center [are secured or]is monitored[.] in accordance with Subsection 20A-3a-401.1(5)(g).

(3) An election official shall ensure that active ballots are:

- (a) divided into batches and separated from other active ballots through each step of the process; and
- (b) clearly identified as to which stage of the process [they]the active ballots are in.

(4) On each day that tabulation is performed, any tabulated active ballots shall be reconciled by an election official at least once a day against:

- (a) the statewide voter registration database; and
- (b) the number of processed active ballots for that processing session.

(5) An election official shall ensure that each batch of active ballots is documented, noting the completion of each step according to Section R623-8-10.

(6) An election official shall ensure that the name of each watcher is documented[,- potentially via a sign in and out] with the date and time.

(7) An election official shall provide clear and consistent instructions to watchers when checking in in accordance with Section 20A-3a-801.

(8) An election official shall ensure that counted and uncounted active ballots are clearly marked as such and are segregated from each other.

(9) An election official shall ensure that each replicated active ballot is documented in accordance with Subsection 20A-4-104(3).

(10) An election official shall document the following when adjudicating an active [ballots]ballot:

- (a) the names of each election official adjudicating the active ballot; and
- (b) a record of which active ballots the official adjudicated.

(11) [Ballot]An election official shall ensure that a ballot processing [centers may be]center is monitored [by cameras; if so, a retention policy shall be developed and implemented regarding the storage of camera footage.]in accordance with Subsection 20A-3a-401.1(5)(g).

[—— (12) Ballot processing centers shall be viewable to the public, but accessible only to authorized personnel.  
——]

**R623-8-7. Polling Place Ballots.**

(1) An election official shall ensure that the number of voters checked in at a polling place shall be reconciled with the number of voted active ballots received at the polling place.

(2) At the polling place, an election official shall ensure that the following information is documented:

- (a) the name of each election official receiving and delivering active ballots; and

(b) how many active ballots were received at the ballot processing center.

**R623-8-8. Equipment.**

- (1) The county clerk, or a designee, shall document each election official that has access to each piece of equipment and the level of access maintained by each election official.
- (2) An election official shall ensure the following:
  - (a) each piece of election equipment has a barcode or control number on an access point that can be tracked; and
  - (b) each barcode or control number is documented.
- (3) An election official shall ensure that any election equipment maintenance is documented in accordance with Subsection 20A-5-902(2).
- (4) An election official shall be present for any equipment maintenance.

**R623-8-9. Certificate of Compliance.**

[A]The election officer shall ensure that a certificate of compliance [shall be]is included with any election return in accordance with Subsection 20A-3a-404(2).

**R623-8-10. Election Return Archiving.**

- (1) An election official shall ensure that archived material, including every ballot after an election, is stored and sealed in a receptacle and clearly labeled with the following information:
  - (a) a description of the contents;
  - (b) the name and date of the election; and
  - (c) the destruction date.
- (2) Archived material shall include:
  - (a) any electronic or physical ballot images and back-ups; and
  - (b) any external storage medium used to collect ballot images or back-ups.
- (3) Archived material containers shall be sealed and seal numbers, if used, shall be documented.
- (4) Any access to archived material containers shall be documented.
- (5) The storage area shall be secure and accessible only to authorized [County Clerk]county clerk staff and personnel.
- (6) Chain of custody documentation shall be retained in accordance with Section 20A-4-202.

**R623-8-11. Physical Areas.**

The county clerk or [designees]a designee shall ensure that any party who accesses the ballot processing center or server rooms shall be properly authorized to enter.

**R623-8-12. Documenting Problems.**

Any documentation required in this rule shall include [any]reporting any problems or irregularities, and, if applicable, shall include:

- (1) details of any observed [issues]issue or [problems]problem;
- (2) the date and time of when [issues]any issue or [problems]problem occurred;
- (3) any action taken in response to [issues]any issue or [problems]problem; and
- (4) any resolution to [issues]any issue or [problems]problem.

**KEY: elections, custody, [Lieutenant Governor]lieutenant governor, ballots**

**Date of Last Change: [February 21, 2023]2025**

**Authorizing, and Implemented or Interpreted Law: 20A-3a-401.1(9); 20A-3a-404(1); 20A-3a-106(4)**

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## NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** Amendment

**Rule or section number:** R623-9

**Filing ID:** 57433

### Agency Information

<b>1. Title catchline:</b>	Lieutenant Governor, Elections	
<b>Building:</b>	Utah State Capitol	
<b>Street address:</b>	350 State Street, Suite 220	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142220	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2220	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

### General Information

<b>2. Rule or section catchline:</b>	R623-9. Ballot Printing, Handling, and Envelope Standards	
<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.	
<b>If yes, any bill number and session:</b>	HB 300 (2025 General Session)	
<b>4. Purpose of the new rule or reason for the change:</b>	HB 300, passed in the 2025 General Session, introduced changes to ballot envelope requirements and updated mailing regulations.	
The Office of the Lieutenant Governor updated this rule's contents to reflect and implement those changes.		
<b>5. Summary of the new rule or change:</b>	This amendment strengthens election security by clarifying the definition of personally identifiable information and ensuring that it is not visible on the outside of a ballot envelope.	
Additionally, this amendment makes style and formatting changes to align with the Rulewriting Manual for Utah.		

### Fiscal Information

<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The state budget is not anticipated to incur any fiscal impact, as this rule change does not affect state processes.
<b>B. Local governments:</b>
Counties could incur some costs related to ordering and redesigning ballot envelopes; however, the Office of the Lieutenant Governor is unable to determine a specific cost, as ballot printing costs in each local government varies. It is possible that these new envelopes may be ordered during a period when a new order was already scheduled, which could help minimize costs.
These costs were noted in the fiscal note of HB 300 (2025), available to view at <a href="https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0300S04.fn.pdf">https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0300S04.fn.pdf</a> .
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.

<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):					
Non-small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to non-small businesses.					
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):					
Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.					
<b>F. Compliance costs for affected persons:</b>					
Compliance costs for affected persons were accounted for in HB 300 (2025).					
<b>G. Regulatory Impact Summary Table</b> (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
<b>Regulatory Impact Summary Table</b>					
<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
The Director of Elections, Ryan Cowley, has reviewed and approved this regulatory impact analysis.					

<b>Citation Information</b>	
<b>7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>	
Section 20A-6-108	Section 20A-3a-106
<b>Public Notice Information</b>	
<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	10/15/2025
<b>10. This rule change MAY become effective on:</b>	10/22/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

<b>Agency Authorization Information</b>			
Agency head or designee and title:	Ryan Cowley, Director of Elections	Date:	08/28/2025

**R623. Lieutenant Governor, Elections.**

**R623-9. Ballot Printing, Handling, and Envelope Standards.**

**R623-9-1. Purpose.**

This rule establishes minimum requirements a vendor must meet and follow to be eligible to print ballots to be used in an election in Utah. This rule establishes standards for what is printed on ballot envelopes.

**R623-9-2. Authority.**

This rule is authorized by Sections 20A-6-108 and 20A-3a-106, and is enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

**R623-9-3. Definitions.**

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

- (1) "Chain of custody" means the sequence of custody, control, and transfer of materials.
- (2) "Intelligent mail barcode services" or "IMb" means using a barcode that complies with USPS standards for IMb which provides tracking data for ballots through the postal system.
- (3) "Personally identifiable information" or "PII" means information that can be used to identify, or infer the identity of the person to which the information belongs, and for the purposes of this rule includes, email, telephone number, social security number, driver license number, and state identification number.
- [ ] (4) "Vendor" means a company that prints, handles, sorts, or mails ballots on behalf of an election officer.
- [ ] (5) "Subcontractor" means a business or person that carries out any portion of the work described in this rule that is not performed by the vendor.
- (5) "Vendor" means a company that prints, handles, sorts, or mails ballots on behalf of an election officer.

**R623-9-4. Vendor Requirements.**

- (1) A vendor shall have:
  - (a) a secure facility that[ ,] includes:
    - (i) processing areas where public access is restricted through badge access with logging of the date, time, and operator of each ballot process;
    - (ii) 24-hour facility security through on-site security staffing, alarm system, or video surveillance; or
    - (iii) another method of similar security with logging of the date, time, and operator of each ballot process.
  - (b) documented continuity of operations plan that includes:
    - (i) secure data transfer, storage, backups, and redundancy;
    - (ii) printer and equipment redundancy; and
    - (iii) documented disaster recovery plan; and
  - (c) a documented chain of custody plan describing how ballots will be printed and delivered to a postal facility for mailing.
- (2) A vendor may not subcontract any portion of the ballot printing processes described in this section without obtaining written consent from the contracting county.
- (3) A vendor shall:
  - (a) disclose to the election officer any subcontractors, including freight handlers along with their primary point of contact;
  - (b) maintain the ability to track ballots through each process while ballots are in the custody of a subcontractor;
  - (c) disclose the following:
    - (i) how blank ballot stock and printed ballot stock are securely stored;
    - (ii) the process for securely destroying spoiled ballots;
    - (iii) the policy on conducting any employee background checks; and
    - (iv) how they encrypt and protect the data stated in Subsection R623-9-4(3)(d);
  - (d) encrypt and protect any sensitive data or PII of voters; and
  - (e) provide full access to the ballot processing facility and full access to any of the records described in this rule to the lieutenant governor, legislative auditors, and any county clerk for which they provide ballot printing services while contracted work is being performed including access to facilities and records of subcontractors.
- (4) A vendor subcontractor shall maintain the ability to provide to the vendor and election officer a log that shows the date, time, and quantity of ballots each time ballots are transferred between the vendor and a subcontractor.

**R623-9-5. Ballots.**

- (1) A vendor shall ensure that the initial mailing of ballots for an election is mailed from a location [within Utah] in accordance with Section 20A-6-108.
- (2) A vendor shall ensure that transportation to and within Utah is secure and trackable with the capability of regular updates or real-time location information provided to the election officer.
- (3) A vendor shall provide IMb services for the mailing of ballots and adhere to industry standards for election mail.
- (4) A vendor shall create a postal record for the mailing of each county's ballots. A vendor shall ensure that ballots are never [eomngled]commingled with other non-election mail or ballots from another country.
- (5) Subsections R623-9-5(1) and R623-9-5(2) do not apply to ballots subject to Federal UOCAVA requirements.

**R623-9-6. Envelopes.**

The county clerk shall ensure that envelopes used to mail out and return ballots meet the requirements of this section. The provisions in this section take effect by the sooner of [the 2024 General Election]January 1, 2026 or the next time ballot envelopes are ordered.

- (1) Return and ballot envelopes [must]shall meet USPS Official Election Mail[—]-Graphic Guidelines and Logos standards, Publication 631, incorporated by reference in this rule.
- (2) Return ballot envelopes [must]shall comply with Subsection 20A-3a-202(4).
- (3) Return envelopes [must]shall contain the address of the election office or county clerk where the ballots are to be returned as both the addressee and the return address.
- (4) [The addresses described in Subsection (3), or any envelope used to deliver or return ballots, may contain the position title of the election officer, but not the name of any candidate running for political office.]
- (5) [Each envelope [must]shall contain markings that show the election to which the envelope belongs. If the affidavit is removed from the envelope, both the envelope and the affidavit [must]shall contain the date of the election.]
- (6) [Each PII provided by the voter for ballot verification shall not be visible on the outside of the envelope once sealed.]
- (7) Return ballot envelopes [must]shall contain cross-hatching unless other measures are taken to ensure that a ballot cannot be read through the envelope.

**KEY:** ballot, ballot envelope, ballot printing

**Date of Last Change:** [November 10, 2023]2025

**Authorizing, and Implemented or Interpreted Law:** 20A-6-108, 20A-3a-106

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## NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** Amendment

**Rule or section number:**

R623-10

**Filing ID:** 57434

### Agency Information

<b>1. Title catchline:</b>	Lieutenant Governor, Elections	
<b>Building:</b>	Utah State Capitol	
<b>Street address:</b>	350 State Street, Suite 220	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142220	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2220	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

### General Information

**2. Rule or section catchline:**

R623-10. Voter Registration Database Security and Voter List Maintenance Rule

**4. Purpose of the new rule or reason for the change:**

These changes are part of a routine update and review of this rule by the Office of the Lieutenant Governor.

**5. Summary of the new rule or change:**

This amendment is part of a routine review and update to ensure this rule remains clear, accurate, and aligned with current practices, standards, and administrative needs.

This amendment aligns this rule text with other rules under Title R623, as well as standards and guidelines set in the Rulewriting Manual for Utah.

### Fiscal Information

**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A. State budget:**

The state budget is not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to state functions but instead rewrites existing requirements to align formatting with the Rulewriting Manual for Utah.

**B. Local governments:**

Local governments are not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to local government functions but instead rewrites existing requirements to align formatting with the Rulewriting Manual for Utah.

**C. Small businesses** ("small business" means a business employing 1-49 persons):

Small businesses are not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to small businesses.

**D. Non-small businesses** ("non-small business" means a business employing 50 or more persons):

Non-small businesses are not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to non-small businesses.

**E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

Other persons are not anticipated to incur any fiscal impact, as this rule change does not substantially modify any procedures or processes related to other persons.

**F. Compliance costs for affected persons:**

There are no direct compliance costs, though the cost of additional monitoring equipment may be a secondary cost for affected persons.

**G. Regulatory Impact Summary Table** (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

**Regulatory Impact Summary Table**

<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Director of Elections, Ryan Cowley, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 20A-2-507

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**

**A. Comments will be accepted until:** 10/15/2025

**10. This rule change MAY become effective on:** 10/22/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Ryan Cowley, Director of Elections	<b>Date:</b>	08/28/2025
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**R623. Lieutenant Governor, Elections.**

**R623-10. Voter Registration Database Security and Voter List Maintenance Rule.**

**R623-10-1. Purpose.**

Section 20A-2-507 requires the director of elections within the Office of the Lieutenant Governor to:

(1) make rules regulating the use, security, maintenance, data entry, and updates to the voter registration system; and

(2) make rules to establish requirements to maintain the registration system by identifying tools and utilities for county clerks to run as well as documenting and reporting compliance.

**R623-10-2. Authority.**

This rule is authorized by Section 20A-2-507, and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

**R623-10-3. Definitions.**

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

- (1) "[Registration system]NCOA" means the [voter registration database described in Subsection 20A-2-502(1)(a).]National Change of Address data set maintained by the United States Postal Service.
- (2) "Registration form" means a form described in Section 20A-2-104 or 20A-2-206 that is submitted to an election official for registering to vote.
- (3) "[NCOA]Registration system" means the [National Change of Address data set maintained by the United States Postal Service.]voter registration database described in Subsection 20A-2-502(1)(a).
- (4) "Voter verification utility" means the functionality within the registration system that verifies the information of the voter in the registration system with information from the Driver License Division.

**R623-10-4. County Registration System Users.**

- (1) Before receiving access to the county registration system, county registration system users shall:
  - (a) be employed by the county clerk with job duties that are directly related to elections and require access to the registration system;
  - (b) be authorized by the county clerk and approved by the [Lieutenant Governor]lieutenant governor; and
  - (c) complete security training [is required and]provided by the [Lieutenant Governor]lieutenant governor before using the registration system.
- (2) A county clerk shall:
  - (a) ensure county users have completed the training [before the user performs an election process] for which an online training module has been developed under Section 20A-1-107[.] before the user performs a process covered by the training.
  - (b) agree to abide by a disclosure agreement provided by the [Lieutenant Governor]lieutenant governor that outlines how data from within the registration system is protected, including:
    - (i) only using voter registration data for election related purposes as outlined and in accordance with Utah law;
    - (ii) only sharing registration data with those [that]who are authorized under Utah law; and
    - (iii) never using voter registration data for personal use;
  - (c) the clerk shall keep a copy of the form described in Subsection (2)(b) for a period no less than 1 year after access to the registration system has been removed.
  - (d)(i) immediately disable any user account that is no longer active or authorized to have access;
  - (ii) complete a monthly review of the list of authorized users in their county;
  - (iii) certify monthly reviews and disabled accounts with the [Lieutenant Governor]lieutenant governor no later than the 5th day of the following month;
- (d)e) conduct an annual review of county users by the last business day in December as directed by the [Lieutenant Governor]lieutenant governor that includes:
  - (i) verification that each active user meets the criteria of a county user as outlined in this section;
  - (ii) the job title of each county user;
  - (iii) a brief description of the election related duties of each county user; and
  - (iv) removal of users [that]who have not accessed the system within the calendar year of the annual review.
- (3) A county clerk's failure to complete the annual review under Subsection (2)(d)(iv)e) will result in the revocation of access to the registration system for that county until the necessary review has been completed.

**R623-10-5. State Registration System Users.**

- (1) Before receiving access to the state registration system, state registration system users shall:
  - (a) be employed by the [Lieutenant Governor]lieutenant governor with job duties that are directly related to elections and require access to the registration system;
  - (b) complete security training [required and]provided by the [Lieutenant Governor]lieutenant governor before using the registration system;
  - (c) agree to abide by a disclosure agreement provided by the [Lieutenant Governor]lieutenant governor that outlines how data in the registration system is protected including:
    - (i) using voter registration data for election related purposes as outlined and in accordance with Utah law;
    - (ii) only sharing registration data with those that are authorized under Utah law; and
    - (iii) never using voter registration data for personal use.
  - (d) keep a copy of the disclosure agreement described in Subsection (1)(c) for a period no less than 1 year after access to the registration system has been removed.
- (2) The [Lieutenant Governor]lieutenant governor shall:

(a) ensure state registration system users have completed training [before the user performs an election process] for which an online training module has been developed under Section 20A-1-107 before the user performs a process covered by the training; and

(b) immediately disable access for users [that]who no longer meet the requirements of Subsection (1).

(3) Each month, the [Lieutenant Governor]lieutenant governor shall review the list of authorized state registration system users and remove any user account that does not meet the requirements of Subsection (1).

#### **R623-10-6. Other System Users.**

(1) If a request for access is received by the [Lieutenant Governor]lieutenant governor for someone [that]who is not a county or state user, the [Lieutenant Governor]lieutenant governor will review that request and determine whether to grant access.

(2) If the [Lieutenant Governor]lieutenant governor grants access under Subsection (1), the user [must]shall follow the security procedures outlined for a state user in Section R623-10-5.

#### **R623-10-7. Registration System Hosting and Maintenance.**

Hosting and maintenance of the registration system [must]shall follow the rules and policies, incorporated by reference in this rule, set forth by the Division of Technology Services (DTS) governing the hosting, maintenance, security requirements, development, and usage of the registration system and its components, including storage and transmission of any related data policy:

- (1) DTS POLICY 4000-0001 - Enterprise Application and Database Deployment Policy, [Last Revised]last revised October 2015;
- (2) DTS POLICY 4000-0002 - Enterprise User Authentication Standards Policy, [Last Revised]last revised November 2021; and
- (3) DTS POLICY 5000-0002 - Information Security Policy, [Last Revised]last revised June 2023.

#### **R623-10-8. Voter List Maintenance Tools and Utilities.**

(1) A county clerk shall maintain the registration system by using the following utilities:

(a) process each voter registration form within 7 days of receiving the form and certify to the [Lieutenant Governor]lieutenant governor that each registration form received within 7 days of the end of the month has been processed, unless the registration was received during the period from the voter registration deadline described in Section 20A-2-102.5 through the canvass as outlined in Section 20A-4-301;

(b) run the voter verification utility each time a clerk receives a voter registration form;

(c) process and remove a deceased voter from the voter rolls in accordance with Section 20A-2-504;

(d) perform a duplicate voter check in accordance with Subsection 20A-2-503(4); and

(e) perform the annual maintenance utility in accordance with Subsection 20A-2-503(4)(a).

(2) 90 days before each election, a county clerk shall certify to the [Lieutenant Governor]lieutenant governor that the county clerk has performed, or will perform, an NCOA check before mailing the county's main ballot extract.

(3)(a) A county clerk shall certify monthly to the [Lieutenant Governor]lieutenant governor that they have properly run each utility listed in Subsection (1).

(b) Certification shall be made to the [Lieutenant Governor]lieutenant governor no later than the 5th day of the following month.

(4) The [Lieutenant Governor]lieutenant governor shall maintain a record of the certifications made by the county clerks on the [Lieutenant Governor's]lieutenant governor's website in accordance with Subsection 20A-2-502([4]5).

**KEY: voter registration, election, voter list maintenance**

**Date of Last Change: [October 30, 2023]2025**

**Authorizing, and Implemented or Interpreted Law: 20A-2-507**

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NOTICE OF SUBSTANTIVE CHANGE		
<b>TYPE OF FILING:</b> Amendment		
Rule or section number:	R623-11	Filing ID: 57435

Agency Information		
1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
<b>Contact persons:</b>		
Name:	Phone:	Email:
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
<b>Please address questions regarding information on this notice to the persons listed above.</b>		

General Information		
<b>2. Rule or section catchline:</b>	R623-11. Signature Verification Standards	
<b>4. Purpose of the new rule or reason for the change:</b>	The Office of the Lieutenant Governor is submitting this amendment to clarify signature verification standards, as recommended in Recommendation 4.1 the 2024-20 - A Performance Audit of Utah's Election System: Strengthening Election Integrity and Audit 2024-16 - A Performance Audit of the Signature Verification Process: Improving Controls and Transparency recommendation 1.3.	
<b>5. Summary of the new rule or change:</b>	This amendment enhances the minimum standards for county clerks in verifying signatures on ballot envelopes and candidate nomination petitions and introduces criteria to assist local officials in determining signature validity.	

Fiscal Information		
<b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>		
<b>A. State budget:</b>	The state budget is not anticipated to incur any fiscal impact, as this rule change does not affect state procedures.	
<b>B. Local governments:</b>	This rule change is procedural in nature, adding additional criteria for clerks to consider; however, it is not expected to require extra man-hours or equipment, and, as such, local governments are not anticipated to incur any fiscal impact.	
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):	Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.	
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):	Non-small businesses are not anticipated to incur any fiscal impact, as this rule change does not apply to non-small businesses.	
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):	Other persons are not anticipated to incur any fiscal impact, as this rule change does not apply to other persons.	

<b>F. Compliance costs for affected persons:</b>					
Affected persons are not anticipated to incur any fiscal impact, as this rule change does not apply to affected persons.					
<b>G. Regulatory Impact Summary Table</b> (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
<b>Regulatory Impact Summary Table</b>					
<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
The Director of Elections, Ryan Cowley, has reviewed and approved this regulatory impact analysis.					

#### Citation Information

<b>7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>		
Subsection 20A-31-401(13)	Subsection 20A-3a-106(3)	

#### Public Notice Information

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>		
<b>A. Comments will be accepted until:</b>		10/15/2025

<b>10. This rule change MAY become effective on:</b>	10/22/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

#### Agency Authorization Information

<b>Agency head or designee and title:</b>	Ryan Cowley, Director of Elections	<b>Date:</b>	08/28/2025
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#### R623. Lieutenant Governor, Elections.

##### R623-11. Signature Verification Standards.

###### R623-11-1. Purpose.

This rule establishes minimum standards for county clerks to verify signatures on ballot envelopes and to comply with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. [Sees]Sec. 12131.

###### R623-11-2. Authority.

This rule is authorized by Subsection 20A-3a-[401(9)]401(13) and enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

###### R623-11-3. Definitions.

In addition to the terms defined in Section 20A-1-102, the following definitions apply to this rule:

- (1) "ADA box" means the information required under Subsection 20A-3a-401([§]7)(d).

(2) "Cured ballot" means a ballot for which the notice described in Subsection 20A-3a-401(6) has been returned and is eligible to be counted.

(3) "Verification criteria" for signatures means:

- (a) general agreement in style and appearance;
- (b) consistency in terms of size and proportion of individual letters; and
- (c) similarity in flow, slant, and spacing.

(4) "Considerations" for signatures means:

- (a) accounting for change in signature due to age, disability, accident, or other factors that may impact the quality or consistency of a signature; and
- (b) no threshold of minor discrepancies should outweigh the general character of two signatures that appear so similar that they must have been written by the same hand.

(5) "Substantially similar" means that two or more signatures share significant characteristics and resemble each other to a considerable extent, but are not necessarily identical.

(6) "Reasonably consistent" means the same thing as substantially similar for the purposes of this rule.

**R623-11-4. Signature Verification Standards for Ballots.**

(1) The election officer shall ensure that each signature on the affidavit of each ballot is reviewed [and that it is reasonably consistent with any signature found in the voter's registration record] in accordance with the verification criteria and considerations. If the signature demonstrates significant conformity to the verification criteria, it should be accepted.

(2) The election officer shall ensure that each election worker reviewing ballot affidavit signatures has completed the training required under Subsection 20A-3a-401([9]13) before reviewing the signatures on any ballot affidavit.

**R623-11-5. Signature Verification Standards for Candidate Nomination Petitions.**

(1) In accordance with Subsection 20A-9-401(1), verification of candidate nomination petition signatures should be construed liberally. Election staff should operate under the assumption that the signature is that of the voter.

(2) The election officer shall ensure that each signature is reviewed in accordance with the verification criteria and considerations. If the signature is more likely than not to be that of the voter, it should be accepted.

(3) The election officer shall ensure that each election worker reviewing candidate nomination petition signatures has completed the training required under Subsection 20A-3a-401(13) before reviewing any signatures.

**R623-11-6. Alternative Verification for Voters with a Qualifying Disability.**

(1) Each rejected ballot affidavit required under Subsection 20A-3a-401([5]7)(d) shall include an ADA box.

(2) The election officer shall contact a voter [that] who has a cured ballot where the ADA box was marked and mutually agree upon a method to affirmatively know that the voter themself has cast their ballot.

(3) The election officer shall mark in the voter's record that they are a voter with a disability and maintain a list of voters that meet the qualifications of Subsection 20A-3a-401([5]7)(d)(v). The election officer shall ensure that a voter who marks the ADA box and has complied with this section does not receive the notice described in Subsection 20A-3a-401([6]7)(a).

**KEY: Elections, Lieutenant Governor, signature, verification, ADA, disability, voting**

**Date of Last Change: [April 4, 2024]2025**

**Authorizing, and Implemented or Interpreted Law: 20A-3a-401[9](13); 20A-3a-106(3)**

--dar--

## NOTICE OF SUBSTANTIVE CHANGE

**TYPE OF FILING:** Amendment

**Rule or section number:**

R623-12

**Filing ID:** 57427

### Agency Information

<b>1. Title catchline:</b>	Lieutenant Governor, Elections	
<b>Building:</b>	Utah State Capitol	
<b>Street address:</b>	350 State Street, Suite 220	
<b>City, state:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142220	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2220	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov

**Please address questions regarding information on this notice to the persons listed above.**

### General Information

**2. Rule or section catchline:**

R623-12. Audits

<b>3. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>If yes, any bill number and session:</b>	SB 164 (2025 General Session)
<b>4. Purpose of the new rule or reason for the change:</b>	
SB 164, passed in the 2025 General Session, authorizes the director of elections within the Office of the Lieutenant Governor to make rules overseeing the auditing process for state elections, including establishing the requirements and procedures for an election officer to perform signature comparison audits and fulfill chain of custody requirements.	
The 2024 Audit Report (A Performance Audit of Utah's Election System) also recommended the establishment of requirements and procedures regarding post-election audits.	
<b>5. Summary of the new rule or change:</b>	
This rule establishes processes to ensure that, before election returns are certified as official, automatic tabulating equipment undergoes a post-election audit to verify accurate ballot tabulation.	
It also sets procedures for auditing signature comparisons between envelope signatures and voter records, as well as for auditing signatures on candidate nomination petitions.	

### Fiscal Information

**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A. State budget:**

The Office of the Lieutenant Governor may incur a cost in extra personnel hours for preparing training materials and training election officials on the new requirements in this rule.

The Office of the Lieutenant Governor is unable to determine what this cost may be, as the training needs for each election official may be different.

The bulk of the costs come from the legislation, not the processes outlined in this rule. Costs captured in SB 164 (2025) are available to view in the fiscal note for that bill at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0164S03.fn.pdf>.

**B. Local governments:**

County clerk's offices may incur a cost in hiring new personnel or in additional current personnel hours to perform the required audits.

The Office of the Lieutenant Governor is unable to determine a specific cost, as the needs of each local government vary.

The main driver for costs is the legislatively mandated audits and not the procedures created by this rule. Costs captured in SB 164 (2025) are available to view in the fiscal note for that bill at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0164S03.fn.pdf>.

<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):					
Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.					
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):					
Non-small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to non-small businesses.					
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):					
Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.					
<b>F. Compliance costs for affected persons:</b>					
Affected persons are not anticipated to incur any fiscal impact, as this rule does not apply to affected persons.					
<b>G. Regulatory Impact Summary Table</b> (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
<b>Regulatory Impact Summary Table</b>					
<b>Fiscal Cost</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H. Department head comments on fiscal impact and approval of regulatory impact analysis:</b>					
The Director of Elections, Ryan Cowley, has reviewed and approved this regulatory impact analysis.					

<b>Citation Information</b>	
<b>7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:</b>	
Section 20A-3a-106	Section 20A-1-108

<b>Public Notice Information</b>	
<b>9. The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	10/15/2025
<b>10. This rule change MAY become effective on:</b>	10/22/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

<b>Agency Authorization Information</b>			
<b>Agency head or designee and title:</b>	Ryan Cowley, Director of Elections	<b>Date:</b>	08/28/2025

**R623. Lieutenant Governor, Elections.**

**R623-12. Audits.**

**R623-12-1. Purpose.**

(1) Pursuant to Subsection 20A-4-104(1)(f), this rule outlines processes to ensure that before each election return is approved as official, the automatic tabulating equipment passes a post election audit to ensure that each ballot was tabulated accurately.

(2) Pursuant to Section 20A-3a-402.5, this rule outlines procedures for an audit of signature comparisons made between signatures on envelopes and voter signatures maintained by the election officer.

(3) Pursuant to Subsection 20A-9-408(9), this rule outlines procedures for audits of signatures reviewed for candidate nomination petitions.

**R623-12-2. Definitions.**

"Conflicted race" means a race where:

- (1) the governor is seeking reelection;
- (2) the reviewing officer is seeking reelection; or
- (3) the reviewing officer is the reviewing officer and the race is for an office that the reviewing officer is seeking.

**R623-12-3. General Requirements of Election Audits.**

(1) An Auditor shall conduct each audit in the view of the public.

(2) An auditor shall only audit a different auditor's work.

(3) The same auditor may not perform the entirety of an audit.

(4) The election officer shall document that each auditor has completed each required training for the process that auditor is auditing as required under Section 20A-1-107 within the current calendar year.

(5) Each auditor shall take a current oath of office under Utah Constitution Article IV, Section 10.

(a) An oath of office taken by a current officeholder is sufficient.

(b) An election officer may create an office policy to help determine whether an oath of office is current.

(6) Each auditor shall be free from other duties, responsibilities, and distractions during the time they are conducting an audit.

(7) The election officer shall provide additional training or make staff reassignments, as needed, based on the results of audits conducted under this rule. Additional training should be documented and included with the audit findings.

(8) The election officer shall create and sign documentation for each audit that records:

(a) the full name of the auditor who performed the audit;

(b) the date and time of the audit;

(c) a summary of what was audited;

(d) results of the audit, including any discrepancies or adverse findings;

(e) any remedial action taken as a result of findings of an audit conducted under this rule, which may include further review of work being audited, additional training, or the removal of the worker from the task where discrepancies or adverse findings are present;

(f) an acknowledgement that each auditor took the oath of office in accordance with Subsection (5); and

(g) an acknowledgement that each auditor completed any required training for the process being audited as required under Subsection (2)(4).

(9) Each auditor shall sign an affidavit created by the election officer that:

(a) contains an acknowledgment of having a current oath of office;

(b) contains an acknowledgment of having taken any required training for the process being audited under Section 20A-1-107;

(c) identifies what was audited;

(d) lists any exceptions that were found; and

(e) in the case of a common affidavit, is signed by any auditors who worked together on an audit.

(10) The results and documentation for audits conducted under this rule are a public record and, unless otherwise specified by law, shall be retained for 22 months from the date of the audit.

(11) Except for Subsection R 623-12-6(2), the Office of the Lieutenant Governor shall establish a written audit policy that provides direction on election audits conducted under this rule.

(12) The Office of the Lieutenant Governor shall provide clarification and resolve any question that is raised about the audit rule or audit policy created by the Office of the Lieutenant Governor.

**R623-12-4. Post Election Audits.**

(1) The purpose of a post election audit is to ensure that the tabulation equipment has properly scanned and tabulated ballots cast.

(2) The Office of the Lieutenant Governor shall establish a post election audit policy that, in addition to the requirements of Section R623-12-3, shall:

(a) be completed after election day and before the local canvass;

(b) be noticed as a class A notice at least 48 hours before the audit;

(c) establish standards for when audit materials shall be sent to the Office of the Lieutenant Governor;

(d)(i) consist of at least 1% of any ballots in batches up to 1,000 ballots;

(ii) At least one batch from each scanner that was used shall also be included in the audit;

(e) require counties to audit a minimum of 50 ballots;

(f) require that complete batches be audited;

(g) create a uniform audit summary form for use by the county clerks; and

(h) require the county clerk to submit a signed audit summary form that was also presented to the county clerk's board of canvassers with the canvass documents sent to the Office of the Lieutenant Governor.

**R623-12-5. Ballot Envelope Signature Audit.**

(1) The purpose of the signature verification audit is to ensure that election workers perform signature verification by properly passing or challenging ballots before tabulation.

(2)(a) The Office of the Lieutenant Governor shall establish a signature audit policy that, in addition to the requirements of Section R623-12-3, shall:

(i) be performed on 1% of ballot envelopes before any passed ballots in that group are separated from that ballot's envelope;

(ii) be performed on 1% of every challenged ballot before notification is sent to voters; and

(iii) require election officials to create a written policy for determining the 1% selection of ballot envelopes the election official will audit.

(b) The written policy established in Subsection (2)(a)(iii) shall:

(i) state that it is ideal to select random samples that check signatures in multiple batches and involve multiple election workers;

- (ii) allow for variation in procedures based on county-specific processes and equipment; and
- (iii) be provided to the Office of the Lieutenant Governor and made available to anyone who requests a copy.

(c)(i) Each auditor shall compare the signature on the envelope to the signature on file in VISTA to determine if the correct decision was made to count or challenge the ballot.

(ii) If the auditor finds a discrepancy, that auditor should note the issue and audit a larger sample of the individual who performed the initial work that is being audited.

(d) require an audit summary report to be signed by the County Clerk, presented to the board of canvass, and then transmitted with other canvass materials to the Office of the Lieutenant Governor, as required by Subsection 20A-3a-402.5(4).

**R623-12-6. Candidate Nomination Petition Signature Audit.**

(1)(a) The lieutenant governor shall establish a written audit policy for candidate nomination petitions establishing procedures to comply with Subsection 20A-9-408(9) where the lieutenant governor is the reviewing officer.

(b) The contracted county clerk may not perform the audit unless it is for a conflicted race, or unless authorized by the Director of Elections in the Office of the Lieutenant Governor.

(2)(a) Each county clerk shall develop a written audit policy establishing procedures to comply with Subsection 20A-9-408(9) for nomination petitions where the county clerk is the reviewing officer.

(b) The policy shall include the designation of another elected official to conduct audits of a conflicted race.

(3) The audit policies established by the lieutenant governor or a county clerk shall meet the following minimum standards in addition to the requirements of Section R623-12-3:

- (a) the audit is conducted on 1% of each reviewed signature, including a sampling of valid and rejected signatures;
- (b) the audit may not be performed until after the required threshold has been met;
- (c) the audit shall be completed no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate in accordance with Subsection 20A-9-408(9)(c); and
- (d) the audit shall be performed on a random selection of signatures, not packets.

(4) A county clerk shall ensure that an audit contains a review verifying:

- (a) that each selected signature is assigned to the correct packet and candidate by ensuring the number on the physical packet matches the packet number associated with the signature and the correct candidate in the petition verification system;
- (b) that, for a signature that is rejected, the reason was properly marked in the packet and logged in the petition verification system; and
- (c) for a signature that is accepted as valid:
  - (i) the determination of the reviewing officer;
  - (ii) if the signer resides in the same district as the candidate;
  - (iii) if the signer belongs to a political party eligible to sign the nomination petition;
  - (iv) the signatures were properly marked as valid in the packet and logged into the petition verification system; and
  - (v) if the reviewer was sworn in and properly trained.

**KEY: Elections, Election Audits, Post Election Audits, Ballot Envelope Signature Audit, Candidate Nomination Petition Signature Audits**

**Date of Last Change: 2025**

**Authorizing, and Implemented or Interpreted Law: 20A-3a-106; 20A-1-108**

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