

Effective 10/14/2025

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20A-3a-401 Custody of voted ballots mailed or deposited in a ballot drop box -- Disposition -- Notice -- Disclosures relating to unresolved ballots.

- (1) This section governs ballots returned by mail, via a ballot drop box, or by other legal means.
- (2) Poll workers shall process return envelopes containing manual ballots that are in the custody of the poll workers in accordance with this section.
- (3) Poll workers shall examine a return envelope to make the determinations described in Subsection (4).
- (4) The poll workers shall take the action described in Subsection (5)(a) if the poll workers determine:
 - (a) for an election held before January 1, 2029:
 - (i) that the return envelope contains the last four digits of the voter's Utah driver license number, Utah state identification card number, or social security number; or
 - (ii) if the return envelope does not contain the digits described in Subsection (4)(a)(i), that:
 - (A) in accordance with the rules made under Subsection (13), the signature on the affidavit of the return envelope is reasonably consistent with the individual's signature in the voter registration records; or
 - (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by alternative means;
 - (b) for an election held on or after January 1, 2029:
 - (i) that the return envelope contains the last four digits of the voter's Utah driver license number, Utah state identification card number, or social security number;
 - (ii) if the return envelope does not contain the digits described in Subsection (4)(b)(i), that the voter included in the return envelope a copy of the identification described in Subsection 20A-3a-204(2)(c)(ii); or
 - (iii) for a voter described in Subsection 20A-3a-301(7), that the voter complied with Subsection 20A-3a-301(7);
 - (c) that the affidavit is sufficient;
 - (d) that the voter is registered to vote in the correct precinct;
 - (e) that the voter's right to vote the ballot has not been challenged;
 - (f) that the voter has not already voted in the election; and
 - (g) for a voter who has not yet provided valid voter identification with the voter's voter registration, whether the voter has provided valid voter identification with the return envelope.
- (5)
 - (a) If the poll workers make all of the findings described in Subsection (4), the poll workers shall:
 - (i) remove the manual ballot from the return envelope in a manner that does not destroy the affidavit on the return envelope;
 - (ii) ensure that the ballot is not examined in connection with the return envelope; and
 - (iii) place the ballot with the other ballots to be counted.
 - (b) If the poll workers do not make all of the findings described in Subsection (4), the poll workers shall:
 - (i) disallow the vote;
 - (ii) except as provided in Subsection (6), without opening the return envelope, record the ballot as "rejected" and state the reason for the rejection; and
 - (iii) except as provided in Subsection (6), place the return envelope, unopened, with the other rejected return envelopes.

- (6) A poll worker may open a return envelope, if necessary, to determine compliance with Subsection (4)(b)(ii), (4)(b)(iii), or (4)(g).
- (7)
- (a) If the poll workers reject an individual's ballot because the poll workers determine that the return envelope does not comply with Subsection (4), the election officer shall:
 - (i) contact the individual in accordance with Subsection (8); and
 - (ii) inform the individual:
 - (A) that the identification information provided on the return envelope is in question;
 - (B) how the individual may resolve the issue; and
 - (C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (7)(d).
 - (b) If, under Subsection (4)(a)(ii)(A), the poll workers reject an individual's ballot because the poll workers determine, in accordance with rules made under Subsection (13), that the signature on the return envelope is not reasonably consistent with the individual's signature in the voter registration records, the election officer shall:
 - (i) contact the individual in accordance with Subsection (8); and
 - (ii) inform the individual:
 - (A) that the individual's signature is in question;
 - (B) how the individual may resolve the issue; and
 - (C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (7)(d).
 - (c) The election officer shall ensure that the notice described in Subsection (7)(a) or (b) includes:
 - (i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (7)(d) and a courtesy reply envelope;
 - (ii) when communicating the notice electronically, a link to a copy of the affidavit described in Subsection (7)(d) or information on how to obtain a copy of the affidavit; or
 - (iii) when communicating the notice by phone, either during a direct conversation with the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit described in Subsection (7)(d), either in person from the clerk's office, by mail, or electronically.
 - (d) An affidavit described in Subsection (7)(a)(ii)(C) or (7)(b)(ii)(C) shall include:
 - (i) an attestation that the individual voted the ballot;
 - (ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;
 - (iii) a space for the individual to sign the affidavit;
 - (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and county clerk's use of the information in the affidavit and the individual's signature on the affidavit for voter identification purposes; and
 - (v) a check box accompanied by language in substantially the following form: "I am a voter with a qualifying disability under the Americans with Disabilities Act that impacts my ability to sign my name consistently. I can provide appropriate documentation upon request. To discuss accommodations, I can be contacted at _____".
 - (e) In order for an individual described in Subsection (7)(a) or (b) to have the individual's ballot counted, the individual shall deliver the affidavit described in Subsection (7)(d) to the election officer.
 - (f) An election officer who receives a signed affidavit under Subsection (7)(e) shall immediately:

- (i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter registration database developed under Section 20A-2-502;
 - (ii) if the election officer receives the affidavit no later than noon on the last business day before the day on which the canvass begins, count the individual's ballot; and
 - (iii) if the check box described in Subsection (7)(d)(v) is checked, comply with the rules described in Subsection (13)(c).
- (8)
- (a) The election officer shall, within two business days after the day on which an individual's ballot is rejected, notify the individual of the rejection and the reason for the rejection, by phone, mail, email, or, if consent is obtained, text message, unless:
 - (i) the ballot is cured within one business day after the day on which the ballot is rejected; or
 - (ii) the ballot is rejected because the ballot is received late or for another reason that cannot be cured.
 - (b) If an individual's ballot is rejected for a reason described in Subsection (8)(a)(ii), the election officer shall notify the individual of the rejection and the reason for the rejection by phone, mail, email, or, if consent is obtained, text message, within the later of:
 - (i) 30 calendar days after the day of the rejection; or
 - (ii) 30 calendar days after the day of the election.
 - (c) The election officer may, when notifying an individual by phone under this Subsection (8), use auto-dial technology.
- (9) An election officer may not count the ballot of an individual whom the election officer contacts under Subsection (7) or (8) unless, no later than noon on the last business day before the day on which the canvass begins, the election officer:
- (a) receives a signed affidavit from the individual under Subsection (7); or
 - (b)
 - (i) contacts the individual;
 - (ii) if the election officer has reason to believe that an individual, other than the voter to whom the ballot was sent, signed the ballot affidavit, informs the individual that it is unlawful to sign a ballot affidavit for another person, even if the person gives permission;
 - (iii) verifies the identity of the individual by:
 - (A) requiring the individual to provide at least two types of personal identifying information for the individual; and
 - (B) comparing the information provided under Subsection (9)(b)(iii)(A) to records relating to the individual that are in the possession or control of an election officer; and
 - (iv) documents the verification described in Subsection (9)(b)(iii), by recording:
 - (A) the name and voter identification number of the individual contacted;
 - (B) the name of the individual who conducts the verification;
 - (C) the date and manner of the communication;
 - (D) the type of personal identifying information provided by the individual;
 - (E) a description of the records against which the personal identifying information provided by the individual is compared and verified; and
 - (F) other information required by the lieutenant governor.
- (10)
- (a) The election officer shall retain and preserve:
 - (i) the return envelopes in accordance with Subsection 20A-4-202(2); and
 - (ii) the documents described in Subsection (9)(b)(iv) in accordance with Subsection 20A-4-202(3).

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

(11)

- (a) The election officer shall record the following in the database used in the verification process:
 - (i) any initial rejection of a ballot under Subsection (5)(b), within one business day after the day on which the election officer rejects the ballot; and
 - (ii) any resolution of a rejection of a ballot under Subsection (9), within one business day after the day on which the ballot rejection is resolved.
- (b) An election officer shall include, in the canvass report, a final report of the disposition of all rejected and resolved ballots, including, for ballots rejected, the following:
 - (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
 - (ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do not correspond.

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

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

- (a) criteria and processes for use by poll workers in determining if a signature corresponds with the signature on file for the voter under Subsection (4)(a)(ii)(A);
- (b) training and certification requirements for election officers and employees of election officers regarding the criteria and processes described in Subsection (13)(a); and
- (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the identity of an individual who checks the box described in Subsection (7)(d)(v).

(14)

- (a) Upon request, and subject to Subsections (14)(b) and (c), an election officer may disclose the name and address of a voter whose ballot has been rejected and not yet resolved with:
 - (i) a candidate in the election;
 - (ii) an individual who represents the candidate's campaign;
 - (iii) the sponsors of an initiative or referendum appearing on the ballot; or
 - (iv) for a ballot proposition appearing on the ballot, an individual who represents a political issues committee, as defined in Section 20A-11-101, if the political issues committee supports or opposes the ballot proposition.
- (b) If an election officer discloses the information described in Subsection (14)(a), the election officer shall:
 - (i) make the disclosure within two business days after the day on which the request is made;
 - (ii) respond to each request in the order the requests were made; and
 - (iii) make each disclosure in a manner, and within a period of time, that does not reflect favoritism to one requestor over another.
- (c) A disclosure described in this Subsection (14) may not include the name or address of a protected individual, as defined in Subsection 20A-2-104(1).