

VOTER SIGNATURE VERIFICATION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses voter signature verification and related issues.

Highlighted Provisions:

This bill:

- ▶ provides guidance for determining when a signature submitted with a ballot corresponds to a signature in a voter registration record;
- ▶ establishes requirements for contacting a voter when the voter's ballot is rejected;
- ▶ establishes record-keeping and reporting requirements in relation to rejected ballots;
- ▶ grants rulemaking authority to establish criteria, processes, and training in relation to signature comparison;
- ▶ makes it unlawful for an election officer to willfully neglect, or act corruptly in discharging, the election officer's duty; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-3a-401, as renumbered and amended by Laws of Utah 2020, Chapter 31



28 20A-5-410, as renumbered and amended by Laws of Utah 2020, Chapter 31

29 20A-5-701, as last amended by Laws of Utah 2013, Chapter 253



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

32 Section 1. Section 20A-3a-401 is amended to read:

33 20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --

34 **Disposition -- Notice.**

35 (1) This section governs ballots returned by mail or via a ballot drop box.

36 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in
37 the custody of the poll workers in accordance with Subsection (2)(b).

38 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
39 the return envelope to the signature of the voter in the voter registration records.

40 (3) After complying with Subsection (2), the poll workers shall determine whether:

41 (a) the signatures correspond;

42 (b) the affidavit is sufficient;

43 (c) the voter is registered to vote in the correct precinct;

44 (d) the voter's right to vote the ballot has been challenged;

45 (e) the voter has already voted in the election;

46 (f) the voter is required to provide valid voter identification; and

47 (g) if the voter is required to provide valid voter identification, whether the voter has
48 provided valid voter identification.

49 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
50 workers determine that:

51 (i) the signatures correspond, in accordance with Subsection (4)(d);

52 (ii) the affidavit is sufficient;

53 (iii) the voter is registered to vote in the correct precinct;

54 (iv) the voter's right to vote the ballot has not been challenged;

55 (v) the voter has not already voted in the election; and

56 (vi) for a voter required to provide valid voter identification, that the voter has
57 provided valid voter identification.

58 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll

59 workers shall:

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

62 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
63 with the return envelope; and

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

65 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
66 the poll workers shall:

67 (i) disallow the vote;

68 (ii) without opening the return envelope, mark across the face of the return envelope:

69 (A) "Rejected as defective"; or

70 (B) "Rejected as not a registered voter"; and

71 (iii) place the return envelope, unopened, with the other rejected return envelopes.

72 (d) A signature corresponds under Subsection (4)(a)(i) if, in accordance with rules
73 made under Subsection (11), the poll workers determine that the signature on a ballot's
74 affidavit return envelope is reasonably consistent with the individual's signature in the voter
75 registration records.

76 (5) (a) If the poll workers reject an individual's ballot because the poll workers
77 determine that the signature on the return envelope does not [~~match~~] correspond with the
78 individual's signature in the voter registration records, the election officer shall:

79 (i) contact the individual in accordance with Subsection [~~(7) by mail, email, text~~
80 message, or phone, and] (6); and

81 (ii) inform the individual:

82 [~~(i)~~] (A) that the individual's signature is in question;

83 [~~(ii)~~] (B) how the individual may resolve the issue; and

84 [~~(iii)~~] (C) that, in order for the ballot to be counted, the individual is required to deliver
85 to the election officer a correctly completed affidavit, provided by the county clerk, that meets
86 the requirements described in Subsection [~~(5)(b)~~] (5)(c).

87 (b) The election officer shall ensure that the notice described in Subsection (5)(a)
88 includes:

89 (i) when communicating the notice by mail, a printed copy of the affidavit described in

90 Subsection (5)(c) and a return envelope with pre-paid postage;

91 (ii) when communicating the notice by email or SMS text message, a link to a copy of
92 the affidavit described in Subsection (5)(c) that the county clerk's website hosts; or

93 (iii) when communicating the notice by phone, either during a direct conversation with
94 the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit
95 described in Subsection (5)(c), either in person from the clerk's office, by mail, or electronically
96 on the clerk's website.

97 ~~[(b)]~~ (c) An affidavit described in Subsection ~~[(5)(a)(iii)]~~ (5)(a)(ii)(C) shall include:

98 (i) an attestation that the individual voted the ballot;

99 (ii) a space for the individual to enter the individual's name, date of birth, and driver
100 license number or the last four digits of the individual's social security number;

101 (iii) a space for the individual to sign the affidavit; and

102 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
103 governor's and county clerk's use of the individual's signature on the affidavit for voter
104 identification purposes.

105 ~~[(e)]~~ (d) In order for an individual described in Subsection (5)(a) to have the
106 individual's ballot counted, the individual shall deliver the affidavit described in Subsection
107 ~~[(5)(b)]~~ (5)(c) to the election officer.

108 (e) If the reason that a signature does not correspond under Subsection (5)(a) is due to
109 an individual's disability, the individual may include related information in the affidavit
110 described in Subsection (5)(a)(ii)(C).

111 ~~[(d)]~~ (f) An election officer who receives a signed affidavit under Subsection ~~[(5)(e)]~~
112 (5)(d) shall immediately:

113 (i) scan the signature on the affidavit electronically and keep the signature on file in the
114 statewide voter registration database developed under Section 20A-2-109; ~~[and]~~

115 (ii) if the election officer receives the affidavit no later than 5 p.m. the day before the
116 canvass, count the individual's ballot~~[-];~~ and

117 (iii) if the affidavit discloses that the signature does not correspond due to an
118 individual's disability, the election officer shall modify policies as appropriate for the
119 individual in accordance with Title II of the Americans 130 with Disabilities Act of 1990, 42
120 U.S.C. Secs. 12131-12165.

121 (6) If the poll workers reject an individual's ballot for any reason, ~~[other than the reason~~
122 ~~described in Subsection (5)(a);]~~ the election officer shall notify the individual of the rejection
123 ~~[in accordance with Subsection (7) by mail, email, text message, or phone and specify the~~
124 ~~reason for the rejection.], and the reason for the rejection, by each of the following methods for~~
125 ~~which the election officer has contact information in relation to the individual, including~~
126 ~~information provided by the individual on the individual's return envelope:~~

127 (a) within one business day after the day on which poll workers reject the ballot, by
128 phone, email, and SMS text message; and

129 (b) within two business days after the day on which poll workers reject the ballot, by
130 mail.

131 ~~[(7) An election officer who is required to give notice under Subsection (5) or (6) shall~~
132 ~~give the notice no later than:]~~

133 ~~[(a) if the election officer rejects the ballot before election day.]~~

134 ~~[(i) one business day after the day on which the election officer rejects the ballot, if the~~
135 ~~election officer gives the notice by email or text message; or]~~

136 ~~[(ii) two business days after the day on which the election officer rejects the ballot, if~~
137 ~~the election officer gives the notice by postal mail or phone;]~~

138 ~~[(b) seven days after election day if the election officer rejects the ballot on election~~
139 ~~day; or]~~

140 ~~[(c) seven days after the canvass if the election officer rejects the ballot after election~~
141 ~~day and before the end of the canvass.]~~

142 ~~[(8)]~~ (7) An election officer may not count the ballot of an individual whom the
143 election officer contacts under Subsection (5) or (6) unless;

144 (a) the election officer receives a signed affidavit from the individual [under
145 Subsection (5)(b) or is otherwise able to establish contact with the individual to confirm the
146 individual's identity;] under Subsection (5)(a)(ii)(C); or

147 (b) (i) the election officer or the election officer's employee communicates directly with
148 the voter;

149 (ii) the voter provides identifying information to the officer or employee that the officer
150 or employee verifies using the voter's voter registration file; and

151 (iii) the election officer maintains written documentation of compliance with

152 Subsections (7)(b)(i) and (ii).

153 ~~[(9)]~~ (8) The election officer shall retain and preserve the return envelopes in the
154 manner provided by law for the retention and preservation of ballots voted at that election.

155 (9) (a) The election officer shall record the following in the statewide database of
156 registered voters:

157 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day
158 after the day on which the election officer rejects the ballot; and

159 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business
160 day after the day on which the ballot rejection is resolved.

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

163 (i) the number of ballots rejected because the voter did not sign the voter's ballot;

164 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in
165 records on file, do not correspond; and

166 (iii) the number of ballots rejected for which the voter subsequently submitted an
167 affidavit described in Subsections (5)(a)(ii)(C) and (5)(e) stating that the reason for a voter's
168 rejected signature was the voter's disability.

169 (10) Willful failure to comply with this section constitutes willful neglect of duty under
170 Section [20A-5-701](#).

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

174 (a) criteria and processes for use by poll workers in determining if a signature
175 corresponds with the signature on file for the voter under Subsection (4)(d); and

176 (b) training and certification requirements for election officers and employees of
177 election officers regarding the criteria and processes described in Subsection (11)(a).

178 Section 2. Section **20A-5-410** is amended to read:

179 **20A-5-410. Election officer to provide voting history information and status.**

180 (1) As used in this section, "voting history record" means the information about the
181 existence and status of absentee ballot requests required by this section.

182 (2) (a) Each election officer shall maintain, in the election officer's office, a voting

183 history record of those voters registered to vote in the election officer's jurisdiction.

184 (b) Except as it relates to a voter whose voter registration record is classified as private
185 under Subsection [63G-2-302\(1\)\(k\)](#), the voting history record is a public record under Title 63G,
186 Chapter 2, Government Records Access and Management Act.

187 (3) The election officer shall ensure that the voting history record for each voting
188 precinct contains:

189 (a) for voting by mail:

190 (i) the date that the manual ballot was mailed to the voter; and

191 (ii) the date that the voted manual ballot was received by the election officer;

192 (b) for early voting:

193 (i) the name and address of each individual who participated in early voting; and

194 (ii) the date the individual voted; and

195 (c) for voting on election day, the name and address of each individual who voted on
196 election day.

197 (4) The election officer shall ensure that the voting history record includes the
198 information described in Subsection [20A-3a-401\(9\)\(b\)](#).

199 [~~4~~] (5) (a) Notwithstanding the time limits for response to a request for records under
200 Section [63G-2-204](#) or the time limits for a request for records established in any ordinance, the
201 election officer shall ensure that the information required by this section is recorded and made
202 available to the public no later than one business day after its receipt in the election officer's
203 office.

204 (b) Notwithstanding the fee requirements of Section [63G-2-203](#) or the fee requirements
205 established in any ordinance, the election officer shall make copies of the voting history record
206 available to the public for the actual cost of production or copying.

207 Section 3. Section **20A-5-701** is amended to read:

208 **20A-5-701. Willful neglect of duty or corrupt conduct -- Penalty.**

209 (1) It is unlawful for any election officer or poll worker to willfully neglect the election
210 officer's or poll worker's duty or to willfully act corruptly in discharging the election officer's or
211 poll worker's duty.

212 (2) [~~Any~~] An election officer or poll worker who violates this section is guilty of a
213 third degree felony.