

Senator Wayne A. Harper proposes the following substitute bill:

VOTER SIGNATURE VERIFICATION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Wayne A. Harper

Cosponsor: Matthew H. Gwynn

LONG TITLE

General Description:

This bill addresses voter signature verification, voter accessibility, 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;
- ▶ requires an election officer to provide an accessible voting option for a voter with a disability;
- ▶ requires the director of elections to make rules regarding signature verification for individuals who are unable to sign their name consistently due to a disability;
- ▶ grants rulemaking authority to establish criteria, processes, and training in relation to signature comparison;
- ▶ requires that election notices include instructions for how a voter with a disability may obtain information on voting in an accessible manner;



- 25 ▶ makes it unlawful for an election officer to willfully neglect, or act corruptly in
- 26 discharging, the election officer's duty; and
- 27 ▶ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **20A-3a-202**, as last amended by Laws of Utah 2021, Chapter 100
- 35 **20A-3a-401**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 36 **20A-5-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 37 **20A-5-410**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 38 **20A-5-701**, as last amended by Laws of Utah 2013, Chapter 253



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

41 Section 1. Section **20A-3a-202** is amended to read:

42 **20A-3a-202. Conducting election by mail.**

43 (1) Except as otherwise provided for an election conducted entirely by mail under
44 Section **20A-7-609.5**, an election officer shall administer an election primarily by mail, in
45 accordance with this section.

46 (2) An election officer who administers an election:

47 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
48 and no later than seven days before election day, mail to each active voter within a voting
49 precinct:

50 (i) a manual ballot;

51 (ii) a return envelope;

52 (iii) instructions for returning the ballot that include an express notice about any
53 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

54 (iv) for an election administered by a county clerk, information regarding the location
55 and hours of operation of any election day voting center at which the voter may vote or a

56 website address where the voter may view this information;

57 (v) for an election administered by an election officer other than a county clerk, if the
58 election officer does not operate a polling location or an election day voting center, a warning,
59 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
60 the instructions included with the ballot, the voter will be unable to vote in that election
61 because there will be no polling place for the voting precinct on the day of the election; and

62 (vi) after May 1, 2022, instructions on how a voter may sign up to receive electronic
63 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#);

64 [~~and~~]

65 (b) may not mail a ballot under this section to:

66 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

67 (ii) a voter whom the election officer is prohibited from sending a ballot under

68 Subsection (10)(c)(ii)~~[-]; and~~

69 (c) shall:

70 (i) provide a method of accessible voting to a voter with a disability who is not able to
71 vote by mail; and

72 (ii) include, on the election officer's website and with each ballot mailed, instructions
73 regarding how a voter described in Subsection (2)(c)(i) may vote.

74 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail
75 the manual ballot to the address:

76 (i) provided at the time of registration; or

77 (ii) if, at or after the time of registration, the voter files an alternate address request
78 form described in Subsection (3)(b), the alternate address indicated on the form.

79 (b) The lieutenant governor shall make available to voters an alternate address request
80 form that permits a voter to request that the election officer mail the voter's ballot to a location
81 other than the voter's residence.

82 (c) A voter shall provide the completed alternate address request form to the election
83 officer no later than 11 days before the day of the election.

84 (4) The return envelope shall include:

85 (a) the name, official title, and post office address of the election officer on the front of
86 the envelope;

87 (b) a space where a voter may write an email address and phone number by which the
88 election officer may contact the voter if the voter's ballot is rejected;

89 (c) a printed affidavit in substantially the following form:

90 "County of ____ State of ____

91 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
92 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
93 currently incarcerated for commission of a felony.

94 _____

95 Signature of Voter"; and

96 (d) a warning that the affidavit must be signed by the individual to whom the ballot
97 was sent and that the ballot will not be counted if the signature on the affidavit does not match
98 the signature on file with the election officer of the individual to whom the ballot was sent.

99 (5) If the election officer determines that the voter is required to show valid voter
100 identification, the election officer may:

101 (a) mail a ballot to the voter; and

102 (b) instruct the voter to include a copy of the voter's valid voter identification with the
103 return ballot.

104 (6) An election officer who administers an election shall:

105 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the
106 election; or

107 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
108 and

109 (b) maintain the signatures on file in the election officer's office.

110 (7) Upon receipt of a returned ballot, the election officer shall review and process the
111 ballot under Section [20A-3a-401](#).

112 (8) A county that administers an election:

113 (a) shall provide at least one election day voting center in accordance with [~~Chapter~~
114 ~~3a~~] Part 7, Election Day Voting Center, and at least one additional election day voting center
115 for every 5,000 active voters in the county who have requested to not receive a ballot by mail;

116 (b) shall ensure that each election day voting center operated by the county has at least
117 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,

118 Pub. L. No. 107-252, for individuals with disabilities;

119 (c) may reduce the early voting period described in Section 20A-3a-601, if:

120 (i) the county clerk conducts early voting on at least four days;

121 (ii) the early voting days are within the period beginning on the date that is 14 days

122 before the date of the election and ending on the day before the election; and

123 (iii) the county clerk provides notice of the reduced early voting period in accordance
124 with Section 20A-3a-604;

125 (d) is not required to pay return postage for a ballot; and

126 (e) is subject to an audit conducted under Subsection (9).

127 (9) (a) The lieutenant governor shall:

128 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
129 an election conducted under this section; and

130 (ii) after each primary, general, or special election conducted under this section, select
131 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
132 developed under Subsection (9)(a)(i).

133 (b) The lieutenant governor shall post the results of an audit conducted under this
134 Subsection (9) on the lieutenant governor's website.

135 (10) (a) An individual may request that the election officer not send the individual a
136 ballot by mail in the next and subsequent elections by submitting a written request to the
137 election officer.

138 (b) An individual shall submit the request described in Subsection (10)(a) to the
139 election officer before 5 p.m. no later than 60 days before an election if the individual does not
140 wish to receive a ballot by mail in that election.

141 (c) An election officer who receives a request from an individual under Subsection
142 (10)(a):

143 (i) shall remove the individual's name from the list of voters who will receive a ballot
144 by mail; and

145 (ii) may not send the individual a ballot by mail for:

146 (A) the next election, if the individual submits the request described in Subsection
147 (10)(a) before the deadline described in Subsection (10)(b); or

148 (B) an election after the election described in Subsection (10)(c)(ii)(A).

149 (d) An individual who submits a request under Subsection (10)(a) may resume the
150 individual's receipt of a ballot by mail by submitting a written request to the election officer.

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

152 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**

153 **Disposition -- Notice.**

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

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

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

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

160 (a) the signatures correspond;

161 (b) the affidavit is sufficient;

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

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

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

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

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

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

170 (i) (A) the signatures correspond, in accordance with Subsection (4)(d); or

171 (B) if the signatures do not correspond and the voter qualifies for application of the
172 alternative signature verification rules described in Subsection (11)(c), the voter's signature is
173 verified in accordance with the rules described in Subsection (11)(c);

174 (ii) the affidavit is sufficient;

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

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

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

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

180 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
181 workers shall:

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

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

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

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

189 (i) disallow the vote;

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

191 (A) "Rejected as defective"; or

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

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

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

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

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

203 (ii) inform the individual:

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

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

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

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

211 (i) when communicating the notice by mail, a printed copy of the affidavit described in
212 Subsection (5)(c) and a return envelope with pre-paid postage;

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

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

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

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

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

223 (iii) a space for the individual to sign the affidavit; ~~[and]~~

224 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
225 governor's and county clerk's use of the individual's signature on the affidavit for voter
226 identification purposes~~[-]; and~~

227 (v) a check box accompanied by language in substantially the following form:

228 "I am a voter with a qualifying disability under the Americans with Disabilities Act that
229 impacts my ability to sign my name consistently. I can provide appropriate documentation upon
230 request. To discuss accommodations, I can be contacted at _____".

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

234 ~~[(d)]~~ (e) An election officer who receives a signed affidavit under Subsection ~~[(5)(c)]~~
235 (5)(d) shall immediately:

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

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

240 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the
241 rules described in Subsection (11)(c).

242 (6) (a) If the poll workers reject an individual's ballot for any reason, [~~other than the~~
 243 ~~reason described in Subsection (5)(a);~~] the election officer shall notify the individual of the
 244 rejection [~~in accordance with Subsection (7) by mail, email, text message, or phone and specify~~
 245 ~~the reason for the rejection;~~], and the reason for the rejection:

246 (i) within 24 hours after the ballot is rejected, by any means; or

247 (ii) if the reason for the rejection is not cured within 24 hours after the ballot is
 248 rejected, by each of the following methods for which the election officer has contact
 249 information in relation to the individual, including information provided by the individual on
 250 the individual's return envelope:

251 (A) within one business day after the day on which the 24-hour period described in
 252 Subsection (6)(a)(i) ends, by phone, mail, and SMS text message; and

253 (B) within two business days after the ballot is rejected, by mail.

254 (b) The election officer may, when notifying an individual by phone under Subsection
 255 (6)(a)(ii)(A), use auto-dial technology.

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

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

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

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

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

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

267 [~~(8)~~] (7) An election officer may not count the ballot of an individual whom the
 268 election officer contacts under Subsection (5) or (6) unless:

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

272 (b) (i) the election officer or the election officer's employee communicates directly with

273 the voter;

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

276 (iii) the election officer maintains written documentation of compliance with
277 Subsections (7)(b)(i) and (ii).

278 ~~[(9)]~~ (8) The election officer shall retain and preserve the return envelopes in the
279 manner provided by law for the retention and preservation of ballots voted at that election.

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

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

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

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

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

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

291 (iii) the number of ballots rejected for which the voter subsequently submitted an
292 affidavit stating, under Subsection (5)(c)(iv), that the reason for a voter's rejected signature was
293 the voter's disability.

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

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

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

301 (b) training and certification requirements for election officers and employees of
302 election officers regarding the criteria and processes described in Subsection (11)(a); and

303 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42

304 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the signature of an
305 individual who checks the box described in Subsection (5)(c)(v).

306 Section 3. Section **20A-5-101** is amended to read:

307 **20A-5-101. Notice of election.**

308 (1) On or before November 15 in the year before each regular general election year, the
309 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

310 (a) designates the offices to be filled at the next year's regular general election;

311 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
312 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
313 and [20A-9-408](#) for those offices; and

314 (c) contains a description of any ballot propositions to be decided by the voters that
315 have qualified for the ballot as of that date.

316 (2) (a) No later than seven business days after the day on which the lieutenant governor
317 transmits the written notice described in Subsection (1), each county clerk shall provide notice,
318 in accordance with Subsection (3):

319 (i) by posting notice in a conspicuous place most likely to give notice of the election to
320 the voters in each voting precinct within the county;

321 (ii) (A) by publishing notice in a newspaper of general circulation in the county;

322 (B) by posting one notice, and at least one additional notice per 2,000 population of the
323 county, in places within the county that are most likely to give notice of the election to the
324 voters in the county, subject to a maximum of 10 notices; or

325 (C) by mailing notice to each registered voter in the county;

326 (iii) by posting notice on the Utah Public Notice Website, created in Section
327 [63A-16-601](#), for seven days before the day of the election; and

328 (iv) by posting notice on the county's website for seven days before the day of the
329 election.

330 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a)(i),
331 showing a copy of the notice and the places where the notice was posted.

332 (3) The notice described in Subsection (2) shall:

333 (a) designate the offices to be voted on in that election; and

334 (b) identify the dates for filing a declaration of candidacy for those offices.

335 (4) Except as provided in Subsection (6), before each election, the election officer shall
336 give printed notice of the following information:

337 (a) the date of election;

338 (b) the hours during which the polls will be open;

339 (c) the polling places for each voting precinct, early voting polling place, and election
340 day voting center;

341 (d) the address of the Statewide Electronic Voter Information Website and, if available,
342 the address of the election officer's website, with a statement indicating that the election officer
343 will post on the website any changes to the location of a polling place and the location of any
344 additional polling place;

345 (e) a phone number that a voter may call to obtain information regarding the location of
346 a polling place; ~~and~~

347 (f) the qualifications for persons to vote in the election[-]; and

348 (g) instructions regarding how an individual with a disability, who is not able to vote a
349 manual ballot by mail, may obtain information on voting in an accessible manner.

350 (5) The election officer shall provide the notice described in Subsection (4):

351 (a) (i) by publishing the notice in a newspaper of general circulation in the jurisdiction
352 to which the election pertains, at least two days before the day of the election;

353 (ii) at least two days before the day of the election, by posting one notice, and at least
354 one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction
355 that are most likely to give notice of the election to the voters in the jurisdiction, subject to a
356 maximum of 10 notices; or

357 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to
358 which the election pertains at least five days before the day of the election;

359 (b) by posting notice on the Utah Public Notice Website, created in Section
360 [63A-16-601](#), for two days before the day of the election; and

361 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
362 two days before the day of the election.

363 (6) Instead of including the information described in Subsection (4) in the notice, the
364 election officer may give printed notice that:

365 (a) is entitled "Notice of Election";

366 (b) includes the following: "A [indicate election type] will be held in [indicate the
367 jurisdiction] on [indicate date of election]. Information relating to the election, including
368 polling places, polling place hours, and qualifications of voters may be obtained from the
369 following sources:"; and

370 (c) specifies the following sources where an individual may view or obtain the
371 information described in Subsection (4):

372 (i) if the jurisdiction has a website, the jurisdiction's website;

373 (ii) the physical address of the jurisdiction offices; and

374 (iii) a mailing address and telephone number.

375 Section 4. Section **20A-5-410** is amended to read:

376 **20A-5-410. Election officer to provide voting history information and status.**

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

379 (2) (a) Each election officer shall maintain, in the election officer's office, a voting
380 history record of those voters registered to vote in the election officer's jurisdiction.

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

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

386 (a) for voting by mail:

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

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

389 (b) for early voting:

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

391 (ii) the date the individual voted; and

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

394 (4) Beginning January 1, 2024, the election officer shall ensure that the voting history
395 record includes the information described in Subsection [20A-3a-401\(9\)\(b\)](#).

396 [~~4~~] (5) (a) Notwithstanding the time limits for response to a request for records under

397 Section 63G-2-204 or the time limits for a request for records established in any ordinance, the
398 election officer shall ensure that the information required by this section is recorded and made
399 available to the public no later than one business day after its receipt in the election officer's
400 office.

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

404 Section 5. Section 20A-5-701 is amended to read:

405 **20A-5-701. Willful neglect of duty or corrupt conduct -- Penalty.**

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

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