

# HB0313S02 compared with HB0313

~~{deleted text}~~ shows text that was in HB0313 but was deleted in HB0313S02.

inserted text shows text that was not in HB0313 but was inserted into HB0313S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jon Hawkins proposes the following substitute bill:

## ELECTION SECURITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon Hawkins**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill addresses election security and voter confidence.

#### Highlighted Provisions:

This bill:

- ▶ clarifies that it is unlawful to vote in the same election in Utah and outside of Utah;
- ▶ requires an individual who ~~{is voting for the first time in a Utah election to provide photo identification;~~

~~→ requires additional}~~ did not provide valid voter identification ~~{information to be included with the return envelope for a ballot;~~

~~→ requires the disclosure of certain information in relation to an individual who assists a voter}~~ when registering to vote to provide valid voter identification when voting;

- ▶ prohibits an election officer from soliciting, accepting, or using funds donated for an

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election by a person other than a government entity;

- ▶ requires video surveillance of unattended ballot drop boxes and institutes other requirements and security measures for ballot drop boxes;
- ▶ requires the director of elections to make rules establishing:
  - requirements for election officials regarding ballot security, including ballot custody, processing, and tabulation;
  - minimum standards for preserving the security of election equipment, including use, storage, and maintenance;
  - software validation procedures to verify that voting system files have not been tampered with; and
  - minimum requirements that a vendor must meet to be eligible to print ballots to be used in an election;
- ▶ requires the lieutenant governor to conduct an annual voter registration audit;
- ▶ restricts access to election equipment and prohibits connecting certain election equipment to the Internet;
- ▶ modifies a county clerk's responsibilities;
- ▶ provides for the security of election equipment and information;
- ▶ requires increased record keeping for security purposes;
- ▶ requires an election official to check available resources to determine whether an individual registers to vote, or votes, in more than one state or precinct; and
- ▶ addresses printing and mailing of ballots.

### Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2023:

▶ to the Governor's Office – Governor's Office – Lt. Governor's Office as a one-time appropriation:

- from the General Fund, One-time, \$500,000.

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

~~{20A-1-102, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354}~~

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- ~~20A-1-603~~, as last amended by Laws of Utah 2020, Chapter 31  
20A-2-304, as last amended by Laws of Utah 2021, Chapter 100  
20A-2-308, as last amended by Laws of Utah 2014, Chapter 373  
20A-3a-202, as last amended by Laws of Utah 2021, Chapter 100  
20A-3a-204, as enacted by Laws of Utah 2020, Chapter 31  
~~{ 20A-3a-401, as renumbered and amended by Laws of Utah 2020, Chapter 31~~  
‡ 20A-5-403.5, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

ENACTS:

- 20A-3a-404, Utah Code Annotated 1953  
20A-5-207, Utah Code Annotated 1953  
20A-5-901, Utah Code Annotated 1953  
20A-5-902, Utah Code Annotated 1953  
20A-5-903, Utah Code Annotated 1953  
20A-5-904, Utah Code Annotated 1953  
20A-5-905, Utah Code Annotated 1953  
20A-6-108, Utah Code Annotated 1953

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

Section 1. Section ~~{20A-1-102}~~20A-1-603 is amended to read:

~~{ 20A-1-102. Definitions:~~

~~As used in this title:~~

- ~~(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.~~
- ~~(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.~~
- ~~(3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.~~
- ~~(b) "Ballot" does not include a record to tally multiple votes.~~
- ~~(4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:~~
- ~~(a) an opinion question specifically authorized by the Legislature;~~

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- ~~—— (b) a constitutional amendment;~~
- ~~—— (c) an initiative;~~
- ~~—— (d) a referendum;~~
- ~~—— (e) a bond proposition;~~
- ~~—— (f) a judicial retention question;~~
- ~~—— (g) an incorporation of a city or town; or~~
- ~~—— (h) any other ballot question specifically authorized by the Legislature.~~
- ~~—— (5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.~~
- ~~—— (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.~~
- ~~—— (7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.~~
- ~~—— (8) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.~~
- ~~—— (9) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.~~
- ~~—— (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.~~
- ~~—— (11) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.~~
- ~~—— (12) "Convention" means the political party convention at which party officers and delegates are selected.~~
- ~~—— (13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.~~
- ~~—— (14) "Counting judge" means a poll worker designated to count the ballots during election day.~~
- ~~—— (15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.~~
- ~~—— (16) "County officers" means those county officers that are required by law to be~~

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~~elected:~~

~~—— (17) "Date of the election" or "election day" or "day of the election":~~

~~—— (a) means the day that is specified in the calendar year as the day that the election occurs; and~~

~~—— (b) does not include:~~

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

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

~~—— (18) "Elected official" means:~~

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

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

~~—— (c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).~~

~~—— (19) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election:~~

~~—— (20) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252:~~

~~—— (21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.~~

~~—— (22) "Election judge" means a poll worker that is assigned to:~~

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

~~—— (b) act as the presiding election judge; or~~

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

~~—— (23) "Election officer" means:~~

~~—— (a) the lieutenant governor, for all statewide ballots and elections;~~

~~—— (b) the county clerk for:~~

~~—— (i) a county ballot and election; and~~

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- ~~—— (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;~~
- ~~—— (c) the municipal clerk for:~~
  - ~~—— (i) a municipal ballot and election; and~~
  - ~~—— (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;~~
- ~~—— (d) the local district clerk or chief executive officer for:~~
  - ~~—— (i) a local district ballot and election; and~~
  - ~~—— (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or~~
- ~~—— (e) the business administrator or superintendent of a school district for:~~
  - ~~—— (i) a school district ballot and election; and~~
  - ~~—— (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.~~
- ~~—— (24) "Election official" means any election officer, election judge, or poll worker.~~
- ~~—— (25) "Election results" means:~~
  - ~~—— (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or~~
  - ~~—— (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.~~
- ~~—— (26) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.~~
- ~~—— (27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.~~
- ~~—— (28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).~~
- ~~—— (29) "Judicial office" means the office filled by any judicial officer.~~
- ~~—— (30) "Judicial officer" means any justice or judge of a court of record or any county~~

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court judge:

———(31) "~~Local district~~" means a local government entity under Title 17B, Limited Purpose Local Government Entities – Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

———(32) "~~Local district officers~~" means those local district board members that are required by law to be elected.

———(33) "~~Local election~~" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election.

———(34) "~~Local political subdivision~~" means a county, a municipality, a local district, or a local school district.

———(35) "~~Local special election~~" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

———(36) "~~Manual ballot~~" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

———(37) "~~Mechanical ballot~~" means a record, including a paper record, electronic record, or mechanical record, that:

———(a) is created via electronic or mechanical means; and

———(b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

———(38) "~~Municipal executive~~" means:

———(a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

———(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7); or

———(c) the chair of a metro township form of government defined in Section 10-3b-102.

———(39) "~~Municipal general election~~" means the election held in municipalities and, as applicable, local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

———(40) "~~Municipal legislative body~~" means:

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- ~~—— (a) the council of the city or town in any form of municipal government; or~~
- ~~—— (b) the council of a metro township;~~
- ~~—— (41) "Municipal office" means an elective office in a municipality.~~
- ~~—— (42) "Municipal officers" means those municipal officers that are required by law to be elected.~~
- ~~—— (43) "Municipal primary election" means an election held to nominate candidates for municipal office.~~
- ~~—— (44) "Municipality" means a city, town, or metro township.~~
- ~~—— (45) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.~~
- ~~—— (46) "Official endorsement" means the information on the ballot that identifies:~~
  - ~~—— (a) the ballot as an official ballot;~~
  - ~~—— (b) the date of the election; and~~
  - ~~—— (c) (i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or~~
    - ~~—— (ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).~~
- ~~—— (47) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.~~
- ~~—— (48) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.~~
- ~~—— (49) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.~~
  - ~~—— (b) "Poll worker" includes election judges.~~
  - ~~—— (c) "Poll worker" does not include a watcher.~~
- ~~—— (50) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.~~
- ~~—— (51) "Polling place" means a building where voting is conducted.~~
- ~~—— (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.~~



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~~—— (53) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election:~~

~~—— (54) "Primary convention" means the political party conventions held during the year of the regular general election:~~

~~—— (55) "Protective counter" means a separate counter, which cannot be reset, that:~~

~~—— (a) is built into a voting machine; and~~

~~—— (b) records the total number of movements of the operating lever:~~

~~—— (56) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1:~~

~~—— (57) "Provisional ballot" means a ballot voted provisionally by a person:~~

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

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

~~—— (c) whose identity was not sufficiently established by a poll worker:~~

~~—— (58) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote:~~

~~—— (59) (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety:~~

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

~~—— (i) elected to public office; or~~

~~—— (ii) appointed to fill a vacancy in an elected public office:~~

~~—— (60) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected:~~

~~—— (61) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling location and provides the voter with a ballot:~~

~~—— (62) "Registration form" means a form by which an individual may register to vote under this title:~~

~~—— (63) "Regular ballot" means a ballot that is not a provisional ballot:~~

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~~———— (64) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.~~

~~———— (65) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.~~

~~———— (66) "Resident" means a person who resides within a specific voting precinct in Utah.~~

~~———— (67) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:~~

~~———— (a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and~~

~~———— (b) that includes the voter affidavit and a place for the voter's signature.~~

~~———— (68) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.~~

~~———— (69) "Special election" means an election held as authorized by Section 20A-1-203.~~

~~———— (70) "Spoiled ballot" means each ballot that:~~

~~———— (a) is spoiled by the voter;~~

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

~~———— (c) lacks the official endorsement.~~

~~———— (71) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.~~

~~———— (72) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.~~

~~———— (73) "Ticket" means a list of:~~

~~———— (a) political parties;~~

~~———— (b) candidates for an office; or~~

~~———— (c) ballot propositions.~~

~~———— (74) "Transfer case" means the sealed box used to transport voted ballots to the counting center.~~

~~———— (75) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation,~~

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~~or other cause:~~

~~—— (76) "Valid voter identification" means:~~

~~—— (a) for an individual voting for the first time in a Utah election, only a Utah driver license or a Utah identification card;~~

~~—— [(a)] (b) except as provided in Subsection (76)(a), a form of identification that bears the name and photograph of the voter which may include:~~

~~—— (i) a currently valid Utah driver license;~~

~~—— (ii) a currently valid identification card that is issued by:~~

~~—— (A) the state; or~~

~~—— (B) a branch, department, or agency of the United States;~~

~~—— (iii) a currently valid Utah permit to carry a concealed weapon;~~

~~—— (iv) a currently valid United States passport; or~~

~~—— (v) a currently valid United States military identification card;~~

~~—— [(b)] (c) except as provided in Subsection (76)(a), one of the following identification cards, whether or not the card includes a photograph of the voter:~~

~~—— (i) a valid tribal identification card;~~

~~—— (ii) a Bureau of Indian Affairs card; or~~

~~—— (iii) a tribal treaty card; or~~

~~—— [(c)] (d) except as provided in Subsection (76)(a), two forms of identification not listed under Subsection [(76)(a) or (b)] (76)(b) or (c) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:~~

~~—— (i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;~~

~~—— (ii) a bank or other financial account statement, or a legible copy thereof;~~

~~—— (iii) a certified birth certificate;~~

~~—— (iv) a valid social security card;~~

~~—— (v) a check issued by the state or the federal government or a legible copy thereof;~~

~~—— (vi) a paycheck from the voter's employer, or a legible copy thereof;~~

~~—— (vii) a currently valid Utah hunting or fishing license;~~

~~—— (viii) certified naturalization documentation;~~

~~—— (ix) a currently valid license issued by an authorized agency of the United States;~~

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- ~~—— (x) a certified copy of court records showing the voter's adoption or name change;~~
- ~~—— (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;~~
- ~~—— (xii) a currently valid identification card issued by:~~
  - ~~—— (A) a local government within the state;~~
  - ~~—— (B) an employer for an employee; or~~
  - ~~—— (C) a college, university, technical school, or professional school located within the state; or~~
- ~~—— (xiii) a current Utah vehicle registration.~~
- ~~—— (77) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.~~
- ~~—— (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:~~
  - ~~—— (a) mailing the ballot to the location designated in the mailing; or~~
  - ~~—— (b) depositing the ballot in a ballot drop box designated by the election officer.~~
- ~~—— (79) "Voter" means an individual who:~~
  - ~~—— (a) meets the requirements for voting in an election;~~
  - ~~—— (b) meets the requirements of election registration;~~
  - ~~—— (c) is registered to vote; and~~
  - ~~—— (d) is listed in the official register book.~~
- ~~—— (80) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.~~
- ~~—— (81) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.~~
- ~~—— (82) "Voting booth" means:~~
  - ~~—— (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or~~
  - ~~—— (b) a voting device that is free standing.~~
- ~~—— (83) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.~~
- ~~—— (84) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.~~
- ~~—— (85) "Watcher" means an individual who complies with the requirements described in~~

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~~Section 20A-3a-801 to become a watcher for an election:~~

~~—— (86) "Write-in ballot" means a ballot containing any write-in votes:~~

~~—— (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title:~~

~~—— Section 2. Section 20A-1-603 is amended to read:~~

‡ **20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records -- Penalties.**

(1) (a) An individual may not fraudulently vote on the individual's behalf or on behalf of another, by:

(i) voting more than once at any one election, regardless of whether one of the elections is in a state or territory of the United States outside of Utah;

(ii) knowingly handing in two or more ballots folded together;

(iii) changing any ballot after the ballot is cast or deposited in the ballot box, or ballot drop box, or mailed;

(iv) adding or attempting to add any ballot or vote to those legally polled at any election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either before or after the ballots have been counted;

(v) adding to or mixing or attempting to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time; or

(vi) voting in a voting district or precinct when the individual knew or should have known that the individual was not eligible for voter registration in that district or precinct, unless the individual is legally entitled to vote the ballot under Section 20A-4-107 or another provision of this title.

(b) A person may not fraudulently interfere with an election by:

(i) willfully tampering with, detaining, mutilating, or destroying any election returns;

(ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;

(iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;

(iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or

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declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;

(v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing;

(vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or the contents of a ballot drop box; or

(vii) aiding, counseling, providing, procuring, advising, or assisting any person to do any of the acts described in this section.

(2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a class A misdemeanor.

(3) The lieutenant governor ~~and each county clerk~~ shall take, and store for at least 22 months, a static copy of the official register made at the following times:

(a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);

(b) the day of the election; and

(c) the last day of the canvass.

Section 2. Section 20A-2-304 is amended to read:

### **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

Each county clerk shall:

(1) register to vote each individual who meets the requirements for registration and who:

(a) submits a completed voter registration form to the county clerk;

(b) submits a completed voter registration form, as defined in Section 20A-2-204, to the Driver License Division;

(c) submits a completed voter registration form to a public assistance agency or a discretionary voter registration agency; or

(d) mails a completed voter registration form to the county clerk; and

(2) within 30 days after the day on which the county clerk processes a voter registration form, send a notice to the individual who submits the form that:

(a) (i) informs the individual that the individual's voter registration form has been

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accepted and that the individual is registered to vote;

(ii) informs the individual of the procedure for designating or changing the individual's political affiliation;

(iii) informs the individual of the procedure to cancel a voter registration; ~~and~~

~~(iv) after May 1, 2022: {~~

~~(A); }~~

(iv) provides instructions to the voter on how the voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5; and

~~(A) (v) confirms that the individual has chosen to receive electronic ballot status notifications if the individual opted to receive electronic ballot status notifications on the voter registration form; or~~

~~(B) notifies the individual how to receive electronic ballot status notifications if the individual did not opt to receive electronic ballot status notifications on the voter registration form; }~~

(b) informs the individual that the individual's voter registration form has been rejected and the reason for the rejection; or

(c) (i) informs the individual that the individual's voter registration form is being returned to the individual for further action because the form is incomplete; and

(ii) gives instructions to the individual on how to properly complete the form.

Section 3. Section **20A-2-308** is amended to read:

### **20A-2-308. Lieutenant governor and county clerks to preserve records.**

(1) As used in this section:

(a) "Voter registration record" means a record concerning the implementation of programs and activities conducted for the purpose of ensuring that the official register is accurate and current.

(b) "Voter registration record" does not include a record that:

(i) relates to a person's decision to decline to register to vote; or

(ii) identifies the particular public assistance agency, discretionary voter registration agency, or Driver License Division through which a particular voter registered to vote.

(2) The lieutenant governor and each county clerk shall:

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- (a) preserve for at least two years all records relating to voter registration, including:
  - (i) the official register; and
  - (ii) the names and addresses of all persons to whom the notice required by Section 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;
- (b) make a voter registration record available for public inspection, except for a voter registration record, or part of a voter registration record that is classified as private under Section 63G-2-302; and
- (c) allow a record or part of a record described in Subsection (2)(b) that is not classified as a private record to be photocopied for a reasonable cost.

(3) The lieutenant governor ~~and each county clerk~~ shall take, and store for at least 22 months, a static copy of the official register made at the following times:

- (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);
- (b) the day of the election; and
- (c) the last day of the canvass.

Section 4. Section **20A-3a-202** is amended to read:

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

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

(b) ~~{To vote, an}~~ An individual who ~~{is voting in a Utah election for the first time is required to present or provide a copy of the individual's Utah driver license or Utah}~~ did not provide valid voter identification {card} at the time the voter registered to vote shall provide valid voter identification before voting.

(2) An election officer who administers an election:

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

- (i) a manual ballot;
- (ii) a return envelope;
- (iii) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;



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(iv) for an election administered by a county clerk, information regarding the location and hours of operation of any election day voting center at which the voter may vote or a website address where the voter may view this information;

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

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

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

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

(ii) a voter whom the election officer is prohibited from sending a ballot under Subsection (10)(c)(ii).

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

(i) provided at the time of registration; or

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

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

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

(4) The return envelope shall include:

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

(b) a space ~~{, in a location that cannot be observed from the outside of a sealed return envelope.}~~ where a voter ~~{~~

~~(i) shall write the voter's Utah driver license number, Utah voter identification number, or the last four digits of the voter's social security number, and~~

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~~\_\_\_\_\_ (ii) }~~ may write an email address and phone number by which the election officer may contact the voter if the voter's ballot is rejected;

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

"County of \_\_\_\_\_ State of \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Voter"; ~~{}~~ and ~~{}~~

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

~~\_\_\_\_\_ (c) a statement indicating that an individual who is voting in a Utah election for this first time is required to include, in the return envelope, a copy of the individual's Utah driver license or Utah identification card.~~

~~\_\_\_\_\_ };~~

(5) If the election officer determines that ~~{, for a reason other than the reason described in Subsection (1)(b),}~~ the voter is required to show valid voter identification, the election officer may:

(a) mail a ballot to the voter; ~~[and]~~

(b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot ~~[,]; and~~

~~(c) provide instructions to the voter on how the voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.~~

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

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

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

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

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

(8) A county that administers an election:

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

(b) shall ensure that each election day voting center operated by the county has at least one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities;

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

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

(ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and

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

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

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

(9) (a) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

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

Section 5. Section **20A-3a-204** is amended to read:

### **20A-3a-204. Marking and depositing ballots.**

(1) To vote by mail:

(a) except as provided in Subsection (6), the voter shall prepare the voter's manual ballot by marking the appropriate space with a mark opposite the name of each candidate of the voter's choice for each office to be filled;

(b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the appropriate space with a mark opposite the answer the voter intends to make;

(c) except as provided in Subsection (6), the voter shall record a write-in vote in accordance with Subsection 20A-3a-206(1);

(d) except as provided in Subsection (6), a mark is not required opposite the name of a write-in candidate; and

(e) the voter shall:

(i) complete and sign the affidavit on the return envelope;

~~{ (ii) write the voter's Utah driver license number, Utah voter identification number, or the last four digits of the voter's social security number;~~

~~{ (ii)-(iii) }~~ place the voted ballot in the return envelope;

~~{ (iv)-(iii) }~~ if required, place a copy of the voter's valid voter identification in the return envelope;

~~{ (v) if an individual assists the voter in voting or providing the information on the return envelope, place in the return envelope a statement, signed by the individual who assisted the~~

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voter, that states the name of the individual, the relationship of the individual to the voter, and whether the individual was paid for the assistance;

† [(iii)] (~~(vii)~~iv) securely seal the return envelope; and

[(iv)] (~~(viii)~~v) (A) attach postage, if necessary, and deposit the return envelope in the mail; or

(B) place the return envelope in a ballot drop box, designated by the election officer, for the precinct where the voter resides.

(2) (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is mailed must be:

(i) clearly postmarked before election day, or otherwise clearly marked by the post office as received by the post office before election day; and

(ii) received in the office of the election officer before noon on the day of the official canvass following the election.

(b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls close on election day, be deposited in:

(i) a ballot box at a polling place; or

(ii) a ballot drop box designated by an election officer for the jurisdiction to which the ballot relates.

(c) An election officer may, but is not required to, forward a ballot deposited in a ballot drop box in the wrong jurisdiction to the correct jurisdiction.

(d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to deposit the ballot in the ballot drop box.

(3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after complying with Subsections (1)(a) through (d):

(a) sign the official register or pollbook; and

(b) (i) place the ballot in the ballot box; or

(ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope, complete the information printed on the provisional ballot envelope, and deposit the provisional ballot envelope in the provisional ballot box.

(4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

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(b) An individual other than an individual with a disability may vote a mechanical ballot at a polling place if permitted by the election officer.

(5) To vote a mechanical ballot, the voter shall:

(a) make the selections according to the instructions provided for the voting device;  
and

(b) subject to Subsection (6), record a write-in vote by:

(i) selecting the appropriate position for entering a write-in candidate; and

(ii) using the voting device to enter the name of the valid write-in candidate for whom the voter wishes to vote.

(6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a voter:

(a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's first preference for the office; and

(b) may indicate, as directed on the ballot, the names of the remaining candidates in order of the voter's preference.

(7) A voter who votes at a polling place:

(a) shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting; and

(b) may not:

(i) occupy a voting booth occupied by another, except as provided in Section 20A-3a-208;

(ii) remain within the voting area more than 10 minutes; or

(iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy a voting booth.

(8) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.

(9) A poll worker may not, at a polling place, allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:

(a) election officials;

(b) watchers; or

(c) assisting voters with a disability.

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Section 6. Section ~~{20A-3a-401}~~ 20A-3a-404 is ~~{amended to read:~~

~~20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --~~  
~~Disposition -- Notice:~~

- ~~(1) This section governs ballots returned by mail or via a ballot drop box.~~
- ~~(2) (a) Poll workers shall open return envelopes containing manual ballots that are in the custody of the poll workers in accordance with Subsection (2)(b).~~
- ~~(b) The poll workers shall[, first,]:~~
  - ~~(i) compare the signature of the voter on the affidavit of the return envelope to the signature of the voter in the voter registration records[.]; and~~
  - ~~(ii) compare the Utah driver license number, the Utah identification card number, or the last four digits of the social security number provided by the voter to the information on the voter in the voter registration records.~~
- ~~(3) After complying with Subsection (2), the poll workers shall determine whether:~~
  - ~~(a) the signatures correspond;~~
  - ~~(b) the number described in Subsection (2)(b)(ii) corresponds;~~
  - ~~[(b)] (c) the affidavit is sufficient;~~
  - ~~[(c)] (d) the voter is registered to vote in the correct precinct;~~
  - ~~[(d)] (e) the voter's right to vote the ballot has been challenged;~~
  - ~~[(e)] (f) the voter has already voted in the election;~~
  - ~~[(f)] (g) the voter is required to provide valid voter identification; and~~
  - ~~[(g)] (h) if the voter is required to provide valid voter identification, whether the voter has provided valid voter identification.~~
- ~~(4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll workers determine that:~~
  - ~~(i) the signatures correspond;~~
  - ~~(ii) the number described in Subsection (2)(b)(ii) corresponds;~~
  - ~~[(ii)] (iii) the affidavit is sufficient;~~
  - ~~[(iii)] (iv) the voter is registered to vote in the correct precinct;~~
  - ~~[(iv)] (v) the voter's right to vote the ballot has not been challenged;~~
  - ~~[(v)] (vi) the voter has not already voted in the election; and~~
  - ~~[(vi)] (vii) for a voter required to provide valid voter identification, that the voter has~~

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~~provided valid voter identification:~~

~~—— (b) If the poll workers make all of the findings described in Subsection (4)(a), 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 does not unfold and is not otherwise examined in connection with the return envelope; and~~

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

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

~~—— (i) disallow the vote;~~

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

~~—— (A) "Rejected as defective"; or~~

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

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

~~—— (5) (a) If the poll workers reject an individual's ballot because the poll workers determine that the signature on the return envelope does not match the individual's signature in the voter registration records, or that the identification number provided by the voter does not match the information on the voter in the voter registration record, the election officer shall contact the individual in accordance with Subsection (7) by mail, email, text message, or phone, and inform the individual:~~

~~—— (i) that the individual's signature or identification number is in question;~~

~~—— (ii) how the individual may resolve the issue;~~

~~—— (iii) 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 (5)(b).~~

~~—— (b) An affidavit described in Subsection (5)(a)(iii) shall include:~~

~~—— (i) an attestation that the individual voted the ballot;~~

~~—— (ii) a space for the individual to enter the individual's:~~

~~—— (A) name[,], and date of birth[,]; and~~

~~—— (B) Utah driver license number, Utah identification card number, or the last four digits~~



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~~of the individual's social security number;~~

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

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

~~—— (c) In order for an individual described in Subsection (5)(a) to have the individual's ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the election officer.~~

~~—— (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall immediately:~~

~~—— (i) scan the signature on the affidavit electronically and keep the signature and other information on file in the statewide voter registration database developed under Section 20A-2-109; and~~

~~—— (ii) if the election officer receives the affidavit no later than 5 p.m. the day before the canvass, count the individual's ballot.~~

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

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

~~—— (a) if the election officer rejects the ballot before election day:~~

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

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

~~—— (b) seven days after election day if the election officer rejects the ballot on election day;~~  
~~or~~

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

~~—— (8) An election officer may not count the ballot of an individual whom the election~~

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~~officer contacts under Subsection (5) or (6) unless the election officer receives a signed affidavit from the individual under Subsection (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's identity.~~

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

~~— Section 7. Section ~~20A-3a-404~~ is } enacted to read:~~

### **20A-3a-404. Rules regarding ballot security -- Affidavit of compliance.**

(1) 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, establishing requirements for election officials regarding ballot security, including the custody, documentation of custody, handling, processing, disposition, and tabulation of ballots.

(2) Beginning in November 2022, an election officer shall include, with all election returns provided to a board of canvassers, an affidavit, signed by the election officer, certifying:

(a) compliance with the rules described in Subsection (1); and

(b) that the county clerk maintains the voter registration database in accordance with federal and state laws and rules.

Section ~~{8}~~7. Section **20A-5-207** is enacted to read:

### **20A-5-207. Donated funding prohibited.**

An election officer may not solicit, accept, or use any funds for an election if those funds are donated by any person other than a government entity.

Section ~~{9}~~8. Section **20A-5-403.5** is amended to read:

### **20A-5-403.5. Ballot drop boxes.**

(1) An election officer:

~~{ (a) may designate }~~ (a) shall designate at least one ballot drop box in each municipality and reservation located in the jurisdiction to which the election relates;

[(a)] (b) may designate additional ballot drop boxes for the election officer's jurisdiction; ~~[and]~~

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

(~~{c}~~) (d) shall provide 24-hour video surveillance of each unattended ballot drop box; and

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(f)(e) shall post a sign on or near each unattended ballot drop box indicating that the ballot drop box is under 24-hour video surveillance.

(2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at least 19 days before the date of the election, provide notice of the location of each ballot drop box designated under Subsection (1):

(a) (i) by publishing notice in at least one issue of a newspaper of general circulation in the jurisdiction holding the election;

(ii) by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction holding the election, in places within the jurisdiction that are most likely to give notice to the residents in the jurisdiction, subject to a maximum of 10 notices; or

(iii) by mailing notice to each registered voter in the jurisdiction holding the election;

(b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for 19 days before the day of the election; and

(c) by posting notice on the jurisdiction's website for 19 days before the day of the election.

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

(a) the jurisdiction's website;

(b) the physical address of the jurisdiction's offices; and

(c) a mailing address and telephone number.

(4) The election officer shall include in the notice described in Subsection (2):

(a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each ballot drop box, including any changes to the location of a ballot drop box and the location of additional ballot drop boxes; and

(b) a phone number that a voter may call to obtain information regarding the location of a ballot drop box.

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

(i) if necessary, change the location of a ballot drop box; or

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(ii) if the election officer determines that the number of ballot drop boxes is insufficient due to the number of registered voters who are voting, designate additional ballot drop boxes.

(b) Except as provided in Section 20A-1-308, if an election officer changes the location of a ballot box or designates an additional ballot drop box location, the election officer shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or the additional ballot drop box location:

(i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

(ii) by posting the information on the website of the election officer, if available; and

(iii) by posting notice:

(A) for a change in the location of a ballot drop box, at the new location and, if possible, the old location; and

(B) for an additional ballot drop box location, at the additional ballot drop box location.

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

(7) (a) At least two poll workers must be present when a poll worker collects ballots from a ballot drop box and delivers the ballots to the location where the ballots will be opened and counted.

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

Section ~~10~~9. Section **20A-5-901** is enacted to read:

### **Part 9. Election Security**

#### **20A-5-901. Voter registration audit.**

(1) The lieutenant governor shall, on at least an annual basis, conduct an audit of the voter registration database.

(2) The audit shall include:

(a) a random selection of at least .02% of the active registered voters statewide; and

(b) at least one active registered voter from each county.

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(3) For each voter selected for the audit, the auditor shall:

(a) verify that the voter is eligible for registration;

(b) verify that the voter's registration information is accurate and supported by the documentation on file;

(c) verify that there is a signature on file for the voter;

(d) check for duplicate voter registrations; and

(e) search available resources to determine whether the voter is deceased.

(4) The audit report shall identify areas of concern or training needed in response to the audit findings.

(5) The lieutenant governor shall:

(a) share the audit results with the county clerks and verify that the county clerks address the concerns and fulfill the training identified under Subsection (4); and

(b) beginning in 2023, report biannually to the Government Operations Interim Committee on the results of the audits conducted under this section.

Section ~~{11}~~10. Section **20A-5-902** is enacted to read:

### **20A-5-902. Security of election equipment.**

(1) Except when divesting election equipment as surplus property or providing for maintenance, an election officer may not permit an individual, other than an election official, access to election equipment.

(2) An election officer shall keep a record of service work done on voting equipment, including:

(a) a designation of the specific equipment serviced;

(b) the date of service;

(c) the names of all individuals who perform or supervise the service;

(d) the name of each vendor that performs the service; and

(e) a description of the service performed.

Section ~~{12}~~11. Section **20A-5-903** is enacted to read:

### **20A-5-903. Cyber security.**

(1) An election officer shall ensure that the following election equipment is never connected to the Internet:

(a) tabulation servers;

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- (b) tabulation equipment;
- (c) ballot scanners, including central, precinct, and mobile scanners; and
- (d) ballot marking devices.

(2) This section does not prohibit Internet connection of equipment used for voting if the equipment's use of voting is solely for the purpose of:

- (a) complying with Title 20A, Chapter 16, Uniform Military and Overseas Voting Act;

or

- (b) administering the Internet Voting Pilot Project, described in Section 20A-6-103.

Section ~~{13}~~12. Section **20A-5-904** is enacted to read:

### **20A-5-904. Voter fraud.**

An election officer shall:

(1) check available resources to determine whether an individual registers to vote, or votes, in more than one state or precinct; and

(2) report the information to law enforcement or a prosecutor if the election officer has reason to believe that an individual has intentionally committed election fraud.

Section ~~{14}~~13. Section **20A-5-905** is enacted to read:

### **20A-5-905. Software validation -- Database security.**

(1) Before November 2022, 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, establishing software validation procedures that an election officer is required to comply with to verify that voting system files have not been tampered with.

(2) The lieutenant governor and each county clerk shall ensure that a record is made, and stored for at least 22 months, of each time a voter database is accessed by a person, including:

(a) the name of the person accessing the voter database;

(b) the date and time of the access;~~;~~

~~— (c) the purpose of the access;~~ and

~~(d)~~(c) any changes made to the voter database.

Section ~~{15}~~14. Section **20A-6-108** is enacted to read:

### **20A-6-108. Requirements for printing and mailing ballots.**

(1) Before ~~{November 2022}~~January 2023, the director of elections within the Office

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of the Lieutenant Governor shall, in consultation with county clerks, make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing minimum requirements that a vendor must meet to be eligible to print ballots to be used in an election.

(2) Beginning on the effective date of the rules described in Subsection (1), an election officer shall ensure that, when the bulk of ballots are initially mailed to voters, the ballots are mailed from a location in Utah.

### Section 15. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

#### ITEM 1

To Governor's Office -- Governor's Office

<u>From General Fund, One-time</u>	<u>\$500,000</u>
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Schedule of Programs:

<u>Lt. Governor's Office</u>	<u>\$500,000</u>
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The Legislature intends that:

(1) appropriations provided under this section be distributed, in a manner determined by the lieutenant governor, to assist counties and municipalities to obtain video surveillance equipment to comply with Subsection 20A-5-403.5(1); and

(2) under Section 63J-1-603, appropriations provided under this section not lapse at the close of fiscal year 2023 and the use of any nonlapsing funds is limited to the purpose described in Subsection (1).