

HB0313S03 compared with HB0313S02

~~{deleted text}~~ shows text that was in HB0313S02 but was deleted in HB0313S03.

inserted text shows text that was not in HB0313S02 but was inserted into HB0313S03.

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}~~Senator Daniel McCay proposes the following substitute bill:

ELECTION SECURITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Hawkins

Senate Sponsor: ~~{~~Daniel McCay

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 did not provide valid voter identification when registering to vote to provide valid voter identification when voting;
- ▶ prohibits an election officer from soliciting, accepting, or using funds donated for an 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:

HB0313S03 compared with HB0313S02

- 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 ~~{,}~~; and
 - ▶ addresses legal requirements relating to copies of ballots and election returns made as part of a legislative audit.

Money Appropriated in this Bill:

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}~~ \$1,000,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

HB0313S03 compared with HB0313S02

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-4-202, as last 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

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

Section 1. 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

HB0313S03 compared with HB0313S02

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 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 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:

HB0313S03 compared with HB0313S02

(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 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:]~~

(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:

HB0313S03 compared with HB0313S02

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:

(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 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) An individual who did not provide valid voter identification at the time the voter registered to vote shall provide valid voter identification before voting.

HB0313S03 compared with HB0313S02

(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;

(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

HB0313S03 compared with HB0313S02

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 where a voter 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.

(5) If the election officer determines that 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.

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

HB0313S03 compared with HB0313S02

(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.

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

HB0313S03 compared with HB0313S02

(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) place the voted ballot in the return envelope;

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

~~(iii)~~ (iv) securely seal the return envelope; and

~~(iv)~~ (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

HB0313S03 compared with HB0313S02

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.

(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

HB0313S03 compared with HB0313S02

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.

Section 6. 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:

HB0313S03 compared with HB0313S02

(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 7. Section 20A-4-202 is amended to read:

20A-4-202. Election officers -- Disposition of ballots -- Release of number of provisional ballots cast.

(1) Upon receipt of the election returns from the poll workers, the election officer shall:

(a) ensure that the poll workers have provided all of the ballots and election returns;

(b) inspect the ballots and election returns to ensure that they are sealed;

(c) for manual ballots, deposit and lock the ballots and election returns in a safe and secure place;

(d) for mechanical ballots:

(i) count the ballots; and

(ii) deposit and lock the ballots and election returns in a safe and secure place; and

(e) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.

(2) Each election officer shall:

(a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;

(b) preserve ballots for 22 months after the election or until the time has expired during which the ballots could be used in an election contest;

(c) preserve all other official election returns for at least 22 months after an election; and

(d) after that time, destroy them without opening or examining them.

(3) (a) The election officer shall package and retain all tabulating cards and other materials used in the programming of the automatic tabulating equipment.

(b) The election officer:

(i) may access these tabulating cards and other materials;

(ii) may make copies of these materials and make changes to the copies;

(iii) may not alter or make changes to the materials themselves; and

HB0313S03 compared with HB0313S02

(iv) within 22 months after the election in which they were used, may dispose of those materials or retain them.

(4) (a) If an election contest is begun within 12 months, the election officer shall:

(i) keep the ballots and election returns unopened and unaltered until the contest is complete; or

(ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the contest when ordered or subpoenaed to do so by that court.

(b) When all election contests arising from an election are complete, the election officer shall either:

(i) retain the ballots and election returns until the time for preserving them under this section has run; or

(ii) destroy the ballots and election returns remaining in the election officer's custody without opening or examining them if the time for preserving them under this section has run.

(5) (a) Notwithstanding the provisions of this section, the legislative auditor general:

(i) may make and keep copies of ballots or election returns as part of a legislative audit; and

(ii) may not examine, make copies, or keep copies, of a ballot in a manner that identifies a ballot with the voter who casts the ballot.

(b) A copy described in Subsection (5)(a) is not a record, and not subject to disclosure, under Title 63G, Chapter 2, Government Records Access and Management Act.

Section ~~{7}~~8. 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 ~~{8}~~9. Section **20A-5-403.5** is amended to read:

20A-5-403.5. Ballot drop boxes.

(1) An election officer:

(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]

HB0313S03 compared with HB0313S02

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

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

(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.

HB0313S03 compared with HB0313S02

(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

(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 ballots placed in a ballot box are recorded and tracked from the time the ballots are removed from the ballot box until the ballots are delivered to the location where the ballots will be opened and counted.

Section ~~9~~10. 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:

HB0313S03 compared with HB0313S02

- (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.
- (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 ~~{10}~~11. 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 ~~{11}~~12. 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

HB0313S03 compared with HB0313S02

connected to the Internet:

- (a) tabulation servers;
- (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 ~~{12}~~13. 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 ~~{13}~~14. 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; and
- (c) any changes made to the voter database.

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

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

HB0313S03 compared with HB0313S02

(1) Before January 2023, the director of elections within the Office 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}~~16. **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

From General Fund, One-time ~~500~~1,000,000

Schedule of Programs:

Lt. Governor's Office ~~500~~1,000,000

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).