

VOTING REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Phil Lyman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to elections and voting.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ removes a ballot drop box as a location where an individual may deposit a ballot;
- ▶ modifies voter registration forms;
- ▶ removes voting by mail as the primary voting method in the state and replaces it with in-person voting;
- ▶ addresses the form, handling, depositing, and tabulation of ballots;
- ▶ establishes an absentee ballot process for certain voters who are unable to vote at a polling place during early voting or on election day;
- ▶ makes it unlawful to engage in voter registration harvesting;
- ▶ modifies the period of time for which certain election items must be preserved;
- ▶ requires an independent post-election audit and describes the requirements for that audit;
- ▶ requires a recount based on certain audit results;
- ▶ prohibits drive-through polling locations;
- ▶ imposes election security and transparency requirements;
- ▶ modifies ballot printing and tracking requirements; and



28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 **AMENDS:**

35 **20A-1-102**, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354

36 **20A-1-603**, as last amended by Laws of Utah 2020, Chapter 31

37 **20A-1-605**, as last amended by Laws of Utah 2020, Chapter 31

38 **20A-2-104**, as last amended by Laws of Utah 2021, Chapter 100

39 **20A-2-108**, as last amended by Laws of Utah 2021, Chapter 100

40 **20A-2-301**, as last amended by Laws of Utah 2020, Chapter 31

41 **20A-2-306**, as last amended by Laws of Utah 2021, Chapters 11 and 100

42 **20A-3a-201**, as enacted by Laws of Utah 2020, Chapter 31

43 **20A-3a-202**, as last amended by Laws of Utah 2021, Chapter 100

44 **20A-3a-204**, as enacted by Laws of Utah 2020, Chapter 31

45 **20A-3a-301**, as renumbered and amended by Laws of Utah 2020, Chapter 31

46 **20A-3a-401**, as renumbered and amended by Laws of Utah 2020, Chapter 31

47 **20A-3a-401.5**, as enacted by Laws of Utah 2021, Chapter 100

48 **20A-3a-402**, as last amended by Laws of Utah 2021, Chapter 62

49 **20A-3a-501**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 17

50 **20A-3a-702**, as renumbered and amended by Laws of Utah 2020, Chapter 31

51 **20A-4-102**, as last amended by Laws of Utah 2020, Chapters 31 and 49

52 **20A-4-107**, as last amended by Laws of Utah 2020, Chapter 31

53 **20A-4-202**, as last amended by Laws of Utah 2020, Chapter 31

54 **20A-5-403**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

55 **20A-5-804**, as last amended by Laws of Utah 2020, Chapter 31

56 **20A-6-101**, as last amended by Laws of Utah 2020, Chapter 31

57 **20A-7-613**, as last amended by Laws of Utah 2021, Chapter 140

58 **ENACTS:**

- 59 **20A-3a-302**, Utah Code Annotated 1953
- 60 **20A-3a-303**, Utah Code Annotated 1953
- 61 **20A-3a-304**, Utah Code Annotated 1953
- 62 **20A-3a-404**, Utah Code Annotated 1953
- 63 **20A-4-407**, Utah Code Annotated 1953
- 64 **20A-5-901**, Utah Code Annotated 1953

65 REPEALS:

- 66 **20A-4-101**, as last amended by Laws of Utah 2020, Chapter 31
- 67 **20A-5-403.5**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15



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

70 Section 1. Section **20A-1-102** is amended to read:

71 **20A-1-102. Definitions.**

72 As used in this title:

73 (1) "Active voter" means a registered voter who has not been classified as an inactive
74 voter by the county clerk.

75 (2) "Automatic tabulating equipment" means apparatus that automatically examines
76 and counts votes recorded on ballots and tabulates the results.

77 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
78 storage medium, that records an individual voter's vote.

79 (b) "Ballot" does not include a record to tally multiple votes.

80 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
81 on the ballot for their approval or rejection including:

82 (a) an opinion question specifically authorized by the Legislature;

83 (b) a constitutional amendment;

84 (c) an initiative;

85 (d) a referendum;

86 (e) a bond proposition;

87 (f) a judicial retention question;

88 (g) an incorporation of a city or town; or

89 (h) any other ballot question specifically authorized by the Legislature.

90 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
91 together using staples or another means in at least three places across the top of the paper in the
92 blank space reserved for securing the paper.

93 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
94 20A-4-306 to canvass election returns.

95 (7) "Bond election" means an election held for the purpose of approving or rejecting
96 the proposed issuance of bonds by a government entity.

97 (8) "Business reply mail envelope" means an envelope that may be mailed free of
98 charge by the sender.

99 (9) "Canvass" means the review of election returns and the official declaration of
100 election results by the board of canvassers.

101 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
102 the canvass.

103 (11) "Contracting election officer" means an election officer who enters into a contract
104 or interlocal agreement with a provider election officer.

105 (12) "Convention" means the political party convention at which party officers and
106 delegates are selected.

107 (13) "Counting center" means one or more locations selected by the election officer in
108 charge of the election for the automatic counting of ballots.

109 (14) "Counting judge" means a poll worker designated to count the ballots during
110 election day.

111 (15) "Counting room" means a suitable and convenient private place or room for use
112 by the poll workers and counting judges to count ballots.

113 (16) "County officers" means those county officers that are required by law to be
114 elected.

115 (17) "Date of the election" or "election day" or "day of the election":

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

118 (b) does not include:

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

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

123 (18) "Elected official" means:

124 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,

125 Municipal Alternate Voting Methods Pilot Project;

126 (b) a person who is considered to be elected to a municipal office in accordance with

127 Subsection 20A-1-206(1)(c)(ii); or

128 (c) a person who is considered to be elected to a local district office in accordance with

129 Subsection 20A-1-206(3)(c)(ii).

130 (19) "Election" means a regular general election, a municipal general election, a
131 statewide special election, a local special election, a regular primary election, a municipal
132 primary election, and a local district election.

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

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

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

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

139 (b) act as the presiding election judge; or

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

141 (23) "Election officer" means:

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

143 (b) the county clerk for:

144 (i) a county ballot and election; and

145 (ii) a ballot and election as a provider election officer as provided in Section

146 20A-5-400.1 or 20A-5-400.5;

147 (c) the municipal clerk for:

148 (i) a municipal ballot and election; and

149 (ii) a ballot and election as a provider election officer as provided in Section

150 20A-5-400.1 or 20A-5-400.5;

151 (d) the local district clerk or chief executive officer for:

- 152 (i) a local district ballot and election; and
- 153 (ii) a ballot and election as a provider election officer as provided in Section
- 154 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 155 (e) the business administrator or superintendent of a school district for:
- 156 (i) a school district ballot and election; and
- 157 (ii) a ballot and election as a provider election officer as provided in Section
- 158 [20A-5-400.1](#) or [20A-5-400.5](#).
- 159 (24) "Election official" means any election officer, election judge, or poll worker.
- 160 (25) "Election results" means:
- 161 (a) for an election other than a bond election, the count of votes cast in the election and
- 162 the election returns requested by the board of canvassers; or
- 163 (b) for bond elections, the count of those votes cast for and against the bond
- 164 proposition plus any or all of the election returns that the board of canvassers may request.
- 165 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
- 166 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
- 167 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 168 the total votes cast form.
- 169 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
- 170 or logically associated with a record and executed or adopted by a person with the intent to sign
- 171 the record.
- 172 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
- 173 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).
- 174 (29) "Judicial office" means the office filled by any judicial officer.
- 175 (30) "Judicial officer" means any justice or judge of a court of record or any county
- 176 court judge.
- 177 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
- 178 Local Government Entities - Local Districts, and includes a special service district under Title
- 179 17D, Chapter 1, Special Service District Act.
- 180 (32) "Local district officers" means those local district board members that are required
- 181 by law to be elected.
- 182 (33) "Local election" means a regular county election, a regular municipal election, a

183 municipal primary election, a local special election, a local district election, and a bond
184 election.

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

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

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

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

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

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

198 (38) "Municipal executive" means:

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

200 (b) the mayor in the council-manager form of government defined in Subsection
201 10-3b-103(7); or

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

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

206 (40) "Municipal legislative body" means:

207 (a) the council of the city or town in any form of municipal government; or

208 (b) the council of a metro township.

209 (41) "Municipal office" means an elective office in a municipality.

210 (42) "Municipal officers" means those municipal officers that are required by law to be
211 elected.

212 (43) "Municipal primary election" means an election held to nominate candidates for
213 municipal office.

- 214 (44) "Municipality" means a city, town, or metro township.
- 215 (45) "Official ballot" means the ballots distributed by the election officer for voters to
216 record their votes.
- 217 (46) "Official endorsement" means the information on the ballot that identifies:
218 (a) the ballot as an official ballot;
219 (b) the date of the election; and
220 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
221 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
222 (ii) for a ballot prepared by a county clerk, the words required by Subsection
223 20A-6-301(1)(b)(iii).
- 224 (47) "Official register" means the official record furnished to election officials by the
225 election officer that contains the information required by Section 20A-5-401.
- 226 (48) "Political party" means an organization of registered voters that has qualified to
227 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
228 and Procedures.
- 229 (49) (a) "Poll worker" means a person assigned by an election official to assist with an
230 election, voting, or counting votes.
231 (b) "Poll worker" includes election judges.
232 (c) "Poll worker" does not include a watcher.
- 233 (50) "Pollbook" means a record of the names of voters in the order that they appear to
234 cast votes.
- 235 (51) "Polling place" means a building where voting is conducted.
- 236 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
237 in which the voter marks the voter's choice.
- 238 (53) "Presidential Primary Election" means the election established in Chapter 9, Part
239 8, Presidential Primary Election.
- 240 (54) "Primary convention" means the political party conventions held during the year
241 of the regular general election.
- 242 (55) "Protective counter" means a separate counter, which cannot be reset, that:
243 (a) is built into a voting machine; and
244 (b) records the total number of movements of the operating lever.

245 (56) "Provider election officer" means an election officer who enters into a contract or
246 interlocal agreement with a contracting election officer to conduct an election for the
247 contracting election officer's local political subdivision in accordance with Section
248 [20A-5-400.1](#).

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

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

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

252 (c) whose identity was not sufficiently established by a poll worker.

253 (58) "Provisional ballot envelope" means an envelope printed in the form required by
254 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
255 verify a person's legal right to vote.

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

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

260 (i) elected to public office; or

261 (ii) appointed to fill a vacancy in an elected public office.

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

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

266 (62) "Registration form" means a form by which an individual may register to vote
267 under this title.

268 (63) "Regular ballot" means a ballot that is not a provisional ballot.

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

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

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

276 (67) "Return envelope" means the envelope, described in Subsection [~~20A-3a-202(4)~~
277 [20A-3a-303\(3\)](#)], provided to a voter with a manual ballot:

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

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

281 (68) "Sample ballot" means a mock ballot similar in form to the official ballot printed
282 and distributed as provided in Section [20A-5-405](#).

283 (69) "Special election" means an election held as authorized by Section [20A-1-203](#).

284 (70) "Spoiled ballot" means each ballot that:

285 (a) is spoiled by the voter;

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

287 (c) lacks the official endorsement.

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

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

292 (73) "Ticket" means a list of:

293 (a) political parties;

294 (b) candidates for an office; or

295 (c) ballot propositions.

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

298 (75) "Vacancy" means the absence of a person to serve in any position created by
299 statute, whether that absence occurs because of death, disability, disqualification, resignation,
300 or other cause.

301 (76) "Valid voter identification" means:

302 (a) a form of identification that bears the name and photograph of the voter which may
303 include:

304 (i) a currently valid Utah driver license;

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

306 (A) the state; or

- 307 (B) a branch, department, or agency of the United States;
- 308 (iii) a currently valid Utah permit to carry a concealed weapon;
- 309 (iv) a currently valid United States passport; or
- 310 (v) a currently valid United States military identification card;
- 311 (b) one of the following identification cards, whether or not the card includes a
- 312 photograph of the voter:
- 313 (i) a valid tribal identification card;
- 314 (ii) a Bureau of Indian Affairs card; or
- 315 (iii) a tribal treaty card; or
- 316 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
- 317 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 318 may include:
- 319 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 320 election;
- 321 (ii) a bank or other financial account statement, or a legible copy thereof;
- 322 (iii) a certified birth certificate;
- 323 (iv) a valid social security card;
- 324 (v) a check issued by the state or the federal government or a legible copy thereof;
- 325 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 326 (vii) a currently valid Utah hunting or fishing license;
- 327 (viii) certified naturalization documentation;
- 328 (ix) a currently valid license issued by an authorized agency of the United States;
- 329 (x) a certified copy of court records showing the voter's adoption or name change;
- 330 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 331 (xii) a currently valid identification card issued by:
- 332 (A) a local government within the state;
- 333 (B) an employer for an employee; or
- 334 (C) a college, university, technical school, or professional school located within the
- 335 state; or
- 336 (xiii) a current Utah vehicle registration.
- 337 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in

338 candidate by following the procedures and requirements of this title.

339 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter,
340 by~~[-(a)]~~ mailing the ballot to the location designated in the mailing~~[-or]~~.

341 ~~[(b) depositing the ballot in a ballot drop box designated by the election officer.]~~

342 (79) "Voter" means an individual who:

343 (a) meets the requirements for voting in an election;

344 (b) meets the requirements of election registration;

345 (c) is registered to vote; and

346 (d) is listed in the official register book.

347 (80) "Voter registration deadline" means the registration deadline provided in Section
348 [20A-2-102.5](#).

349 (81) "Voting area" means the area within six feet of the voting booths, voting
350 machines, and ballot box.

351 (82) "Voting booth" means:

352 (a) the space or compartment within a polling place that is provided for the preparation
353 of ballots, including the voting enclosure or curtain; or

354 (b) a voting device that is free standing.

355 (83) "Voting device" means any device provided by an election officer for a voter to
356 vote a mechanical ballot.

357 (84) "Voting precinct" means the smallest geographical voting unit, established under
358 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

359 (85) "Watcher" means an individual who complies with the requirements described in
360 Section [20A-3a-801](#) to become a watcher for an election.

361 (86) "Write-in ballot" means a ballot containing any write-in votes.

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

364 Section 2. Section **20A-1-603** is amended to read:

365 **20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records**
366 **-- Penalties.**

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

- 369 (i) voting more than once at any one election;
- 370 (ii) knowingly handing in two or more ballots folded together;
- 371 (iii) changing any ballot after the ballot is cast [~~or~~], deposited in the ballot box, [~~or~~
372 ~~ballot drop box,~~] or mailed;
- 373 (iv) adding or attempting to add any ballot or vote to those legally polled at any
374 election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either
375 before or after the ballots have been counted;
- 376 (v) adding to or mixing or attempting to add or mix, other ballots with the ballots
377 lawfully polled while those ballots are being counted or canvassed, or at any other time; or
- 378 (vi) voting in a voting district or precinct when the individual knew or should have
379 known that the individual was not eligible for voter registration in that district or precinct,
380 unless the individual is legally entitled to vote the ballot under Section 20A-4-107 or another
381 provision of this title.
- 382 (b) A person may not fraudulently interfere with an election by:
- 383 (i) willfully tampering with, detaining, mutilating, or destroying any election returns;
- 384 (ii) in any manner, interfering with the officers holding an election or conducting a
385 canvass, or with the voters lawfully exercising their rights of voting at an election, so as to
386 prevent the election or canvass from being fairly held or lawfully conducted;
- 387 (iii) engaging in riotous conduct at any election, or interfering in any manner with any
388 election official in the discharge of the election official's duties;
- 389 (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or
390 declare the result of any election or to give or make any certificate, document, or evidence in
391 relation to any election, to violate or refuse to comply with the election officer's duty or any law
392 regulating the election officer's duty;
- 393 (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or
394 other thing from a polling place, or from the possession of the person authorized by law to have
395 the custody of that thing; or
- 396 [~~(vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or~~
397 ~~the contents of a ballot drop box; or]~~
- 398 [~~(vii)] (vi) aiding, counseling, providing, procuring, advising, or assisting any person to~~
399 do any of the acts described in this section.

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

402 Section 3. Section 20A-1-605 is amended to read:

403 **20A-1-605. Mutilating certificate of nomination -- Forging declination or**
404 **resignation -- Tampering with ballots.**

405 (1) It is unlawful for any person to:

406 (a) falsely mark or willfully deface or destroy:

407 (i) any certificate of nomination or any part of a certificate of nomination; or

408 (ii) any letter of declination or resignation;

409 (b) file any certificate of nomination or letter of declination or resignation knowing it,
410 or any part of it, to be falsely made;

411 (c) suppress any certificate of nomination, or letter of declination or resignation, or any
412 part of a certificate of nomination or letter of declination or resignation that has been legally
413 filed;

414 (d) forge any letter of declination or resignation;

415 (e) falsely make the official endorsement on any ballot;

416 (f) willfully destroy or deface any ballot;

417 (g) willfully delay the delivery of any ballots;

418 (h) examine any ballot offered or cast at the polls or found in any ballot box [~~or ballot~~
419 ~~drop box~~] for any purpose other than to determine which candidate was elected; [~~and~~] or

420 (i) make or place any mark or device on any ballot in order to determine the name of
421 any person for whom the elector has voted.

422 (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), any
423 person convicted of any of the offenses established by this section is guilty of a class A
424 misdemeanor.

425 Section 4. Section 20A-2-104 is amended to read:

426 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

427 (1) (a) As used in this section:

428 (i) "Candidate for public office" means an individual:

429 (A) who files a declaration of candidacy for a public office;

430 (B) who files a notice of intent to gather signatures under Section 20A-9-408; or

431 (C) employed by, under contract with, or a volunteer of, an individual described in
432 Subsection (1)(a)(i)(A) or (B) for political campaign purposes.

433 (ii) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
434 the federal Violence Against Women Act of 1994, as amended.

435 (iii) "Domestic violence" means the same as that term is defined in Section 77-36-1
436 and the federal Violence Against Women Act of 1994, as amended.

437 (b) An individual applying for voter registration, or an individual preregistering to
438 vote, shall complete a voter registration form in substantially the following form:

439 -----

440 UTAH ELECTION REGISTRATION FORM

441 Are you a citizen of the United States of America? Yes No

442 If you checked "no" to the above question, do not complete this form.

443 Will you be 18 years of age on or before election day? Yes No

444 If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to
445 vote? Yes No

446 If you checked "no" to both of the prior two questions, do not complete this form.

447 Name of Voter

448 _____

449 First Middle Last

450 Utah Driver License or Utah Identification Card Number _____

451 Date of Birth _____

452 Street Address of Principal Place of Residence

453 _____

454 City County State Zip Code

455 Telephone Number (optional) _____

456 Email Address (optional) _____

457 Last four digits of Social Security Number _____

458 Last former address at which I was registered to vote (if

459 known) _____

460 _____

461 City County State Zip Code

462 Political Party
 463 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by
 464 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)
 465 Unaffiliated (no political party preference) Other (Please specify)_____

466 I do swear (or affirm), subject to penalty of law for false statements, that the
 467 information contained in this form is true, and that I am a citizen of the United States and a
 468 resident of the state of Utah, residing at the above address. Unless I have indicated above that I
 469 am preregistering to vote in a later election, I will be at least 18 years of age and will have
 470 resided in Utah for 30 days immediately before the next election. I am not a convicted felon
 471 currently incarcerated for commission of a felony.

472 Signed and sworn
 473 _____
 474 Voter's Signature
 475 _____(month/day/year).

476 PRIVACY INFORMATION

477 Voter registration records contain some information that is available to the public, such
 478 as your name and address, some information that is available only to government entities, and
 479 some information that is available only to certain third parties in accordance with the
 480 requirements of law.

481 Your driver license number, identification card number, social security number, email
 482 address, full date of birth, and phone number are available only to government entities. Your
 483 year of birth is available to political parties, candidates for public office, certain third parties,
 484 and their contractors, employees, and volunteers, in accordance with the requirements of law.

485 You may request that all information on your voter registration records be withheld
 486 from all persons other than government entities, political parties, candidates for public office,
 487 and their contractors, employees, and volunteers, by indicating here:

488 _____ Yes, I request that all information on my voter registration records be withheld
 489 from all persons other than government entities, political parties, candidates for public office,
 490 and their contractors, employees, and volunteers.

491 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

492 In addition to the protections provided above, you may request that all information on

493 your voter registration records be withheld from all political parties, candidates for public
494 office, and their contractors, employees, and volunteers, by submitting a withholding request
495 form, and any required verification, as described in the following paragraphs.

496 A person may request that all information on the person's voter registration records be
497 withheld from all political parties, candidates for public office, and their contractors,
498 employees, and volunteers, by submitting a withholding request form with this registration
499 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
500 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

501 A person may request that all information on the person's voter registration records be
502 withheld from all political parties, candidates for public office, and their contractors,
503 employees, and volunteers, by submitting a withholding request form and any required
504 verification with this registration form, or to the lieutenant governor or a county clerk, if the
505 person is, or resides with a person who is, a law enforcement officer, a member of the armed
506 forces, a public figure, or protected by a protective order or a protection order.

507 CITIZENSHIP AFFIDAVIT

508 Name:

509 Name at birth, if different:

510 Place of birth:

511 Date of birth:

512 Date and place of naturalization (if applicable):

513 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
514 citizen and that to the best of my knowledge and belief the information above is true and
515 correct.

516 _____

517 Signature of Applicant

518 In accordance with Section [20A-2-401](#), the penalty for willfully causing, procuring, or
519 allowing yourself to be registered or preregistered to vote if you know you are not entitled to
520 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

521 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
522 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
523 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND

524 PHOTOGRAPH; OR
525 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
526 CURRENT ADDRESS.

527 FOR OFFICIAL USE ONLY

528 Type of I.D. _____

529 Voting Precinct _____

530 Voting I.D. Number _____

531 -----

532 (c) Beginning May 1, 2022, the voter registration form described in Subsection (1)(b)
533 shall include a section in substantially the following form:

534 -----

BALLOT NOTIFICATIONS

536 If you have provided a phone number or email address, you can receive notifications by
537 text message or email regarding the status of a ballot that [~~is mailed to you or a ballot that you~~
538 ~~deposit in the mail or in a ballot drop box~~] you cast, by indicating here:

539 _____ Yes, I would like to receive electronic notifications regarding the status of my
540 ballot.

541 -----

542 (2) (a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy
543 of each voter registration form in a permanent countywide alphabetical file, which may be
544 electronic or some other recognized system.

545 (b) The county clerk may transfer a superseded voter registration form to the Division
546 of Archives and Records Service created under Section [63A-12-101](#).

547 (3) (a) Each county clerk shall retain lists of currently registered voters.

548 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

549 (c) If there are any discrepancies between the two lists, the county clerk's list is the
550 official list.

551 (d) The lieutenant governor and the county clerks may charge the fees established
552 under the authority of Subsection [63G-2-203](#)(10) to individuals who wish to obtain a copy of
553 the list of registered voters.

554 (4) (a) As used in this Subsection (4), "qualified person" means:

- 555 (i) a government official or government employee acting in the government official's or
556 government employee's capacity as a government official or a government employee;
- 557 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or
558 independent contractor of a health care provider;
- 559 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or
560 independent contractor of an insurance company;
- 561 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
562 independent contractor of a financial institution;
- 563 (v) a political party, or an agent, employee, or independent contractor of a political
564 party;
- 565 (vi) a candidate for public office, or an employee, independent contractor, or volunteer
566 of a candidate for public office; or
- 567 (vii) a person, or an agent, employee, or independent contractor of the person, who:
568 (A) provides the year of birth of a registered voter that is obtained from the list of
569 registered voters only to a person who is a qualified person;
- 570 (B) verifies that a person, described in Subsection (4)(a)(vii)(A), to whom a year of
571 birth that is obtained from the list of registered voters is provided, is a qualified person;
- 572 (C) ensures, using industry standard security measures, that the year of birth of a
573 registered voter that is obtained from the list of registered voters may not be accessed by a
574 person other than a qualified person;
- 575 (D) verifies that each qualified person, other than a qualified person described in
576 Subsection (4)(a)(i), (v), or (vi), to whom the person provides the year of birth of a registered
577 voter that is obtained from the list of registered voters, will only use the year of birth to verify
578 the accuracy of personal information submitted by an individual or to confirm the identity of a
579 person in order to prevent fraud, waste, or abuse;
- 580 (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the
581 person provides the year of birth of a registered voter that is obtained from the list of registered
582 voters, will only use the year of birth in the qualified person's capacity as a government official
583 or government employee; and
- 584 (F) verifies that each qualified person described in Subsection (4)(a)(v) or (vi), to
585 whom the person provides the year of birth of a registered voter that is obtained from the list of

586 registered voters, will only use the year of birth for a political purpose of the political party or
587 candidate for public office.

588 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
589 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when
590 providing the list of registered voters to a qualified person under this section, include, with the
591 list, the years of birth of the registered voters, if:

592 (i) the lieutenant governor or a county clerk verifies the identity of the person and that
593 the person is a qualified person; and

594 (ii) the qualified person signs a document that includes the following:

595 (A) the name, address, and telephone number of the person requesting the list of
596 registered voters;

597 (B) an indication of the type of qualified person that the person requesting the list
598 claims to be;

599 (C) a statement regarding the purpose for which the person desires to obtain the years
600 of birth;

601 (D) a list of the purposes for which the qualified person may use the year of birth of a
602 registered voter that is obtained from the list of registered voters;

603 (E) a statement that the year of birth of a registered voter that is obtained from the list
604 of registered voters may not be provided or used for a purpose other than a purpose described
605 under Subsection (4)(b)(ii)(D);

606 (F) a statement that if the person obtains the year of birth of a registered voter from the
607 list of registered voters under false pretenses, or provides or uses the year of birth of a
608 registered voter that is obtained from the list of registered voters in a manner that is prohibited
609 by law, is guilty of a class A misdemeanor and is subject to a civil fine;

610 (G) an assertion from the person that the person will not provide or use the year of
611 birth of a registered voter that is obtained from the list of registered voters in a manner that is
612 prohibited by law; and

613 (H) notice that if the person makes a false statement in the document, the person is
614 punishable by law under Section 76-8-504.

615 (c) The lieutenant governor or a county clerk may not disclose the year of birth of a
616 registered voter to a person that the lieutenant governor or county clerk reasonably believes:

- 617 (i) is not a qualified person or a person described in Subsection (4)(l); or
618 (ii) will provide or use the year of birth in a manner prohibited by law.
- 619 (d) The lieutenant governor or a county clerk may not disclose the voter registration
620 form of a person, or information included in the person's voter registration form, whose voter
621 registration form is classified as private under Subsection (4)(h) to a person other than:
- 622 (i) a government official or government employee acting in the government official's or
623 government employee's capacity as a government official or government employee; or
624 (ii) except as provided in Subsection (7) and subject to Subsection (4)(e), a person
625 described in Subsection (4)(a)(v) or (vi) for a political purpose.
- 626 (e) When disclosing a record or information under Subsection (4)(d)(ii), the lieutenant
627 governor or county clerk shall exclude the information described in Subsection
628 [63G-2-302\(1\)\(j\)](#), other than the year of birth.
- 629 (f) The lieutenant governor or a county clerk may not disclose a withholding request
630 form, described in Subsections (7) and (8), submitted by an individual, or information obtained
631 from that form, to a person other than a government official or government employee acting in
632 the government official's or government employee's capacity as a government official or
633 government employee.
- 634 (g) A person is guilty of a class A misdemeanor if the person:
- 635 (i) obtains the year of birth of a registered voter from the list of registered voters under
636 false pretenses;
- 637 (ii) uses or provides the year of birth of a registered voter that is obtained from the list
638 of registered voters in a manner that is not permitted by law;
- 639 (iii) obtains a voter registration record described in Subsection [63G-2-302\(1\)\(k\)](#) under
640 false pretenses;
- 641 (iv) uses or provides information obtained from a voter registration record described in
642 Subsection [63G-2-302\(1\)\(k\)](#) in a manner that is not permitted by law;
- 643 (v) unlawfully discloses or obtains a voter registration record withheld under
644 Subsection (7) or a withholding request form described in Subsections (7) and (8); or
645 (vi) unlawfully discloses or obtains information from a voter registration record
646 withheld under Subsection (7) or a withholding request form described in Subsections (7) and
647 (8).

648 (h) The lieutenant governor or a county clerk shall classify the voter registration record
649 of a voter as a private record if the voter:

650 (i) submits a written application, created by the lieutenant governor, requesting that the
651 voter's voter registration record be classified as private;

652 (ii) requests on the voter's voter registration form that the voter's voter registration
653 record be classified as a private record; or

654 (iii) submits a withholding request form described in Subsection (7) and any required
655 verification.

656 (i) The lieutenant governor or a county clerk may not disclose to a person described in
657 Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter
658 registration record, if the record is withheld under Subsection (7).

659 (j) In addition to any criminal penalty that may be imposed under this section, the
660 lieutenant governor may impose a civil fine against a person who violates a provision of this
661 section, in an amount equal to the greater of:

662 (i) the product of 30 and the square root of the total number of:

663 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
664 dollar; or

665 (B) records from which information is obtained, provided, or used unlawfully, rounded
666 to the nearest whole dollar; or

667 (ii) \$200.

668 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
669 voter, if the year of birth is obtained from the list of registered voters or from a voter
670 registration record, unless the person:

671 (i) is a government official or government employee who obtains, provides, or uses the
672 year of birth in the government official's or government employee's capacity as a government
673 official or government employee;

674 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
675 uses the year of birth only to verify the accuracy of personal information submitted by an
676 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;

677 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
678 provides, or uses the year of birth for a political purpose of the political party or candidate for

679 public office; or

680 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
681 uses the year of birth to provide the year of birth to another qualified person to verify the
682 accuracy of personal information submitted by an individual or to confirm the identity of a
683 person in order to prevent fraud, waste, or abuse.

684 (l) The lieutenant governor or a county clerk may provide a year of birth to a member
685 of the media, in relation to an individual designated by the member of the media, in order for
686 the member of the media to verify the identity of the individual.

687 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
688 information from a voter registration record for a purpose other than a political purpose.

689 (5) When political parties not listed on the voter registration form qualify as registered
690 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
691 lieutenant governor shall inform the county clerks of the name of the new political party and
692 direct the county clerks to ensure that the voter registration form is modified to include that
693 political party.

694 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
695 clerk's designee shall:

696 (a) review each voter registration form for completeness and accuracy; and

697 (b) if the county clerk believes, based upon a review of the form, that an individual
698 may be seeking to register or preregister to vote who is not legally entitled to register or
699 preregister to vote, refer the form to the county attorney for investigation and possible
700 prosecution.

701 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
702 person described in Subsection (4)(a)(i), the voter registration record, and information obtained
703 from the voter registration record, of an individual:

704 (a) who submits a withholding request form, with the voter registration record or to the
705 lieutenant governor or a county clerk, if:

706 (i) the individual indicates on the form that the individual, or an individual who resides
707 with the individual, is a victim of domestic violence or dating violence or is likely to be a
708 victim of domestic violence or dating violence; or

709 (ii) the individual indicates on the form and provides verification that the individual, or

710 an individual who resides with the individual, is:

711 (A) a law enforcement officer;

712 (B) a member of the armed forces, as defined in Section 20A-1-513;

713 (C) a public figure; or

714 (D) protected by a protective order or protection order; or

715 (b) whose voter registration record was classified as a private record at the request of
716 the individual before May 12, 2020.

717 (8) (a) The lieutenant governor shall design and distribute the withholding request form
718 described in Subsection (7) to each election officer and to each agency that provides a voter
719 registration form.

720 (b) An individual described in Subsection (7)(a)(i) is not required to provide
721 verification, other than the individual's attestation and signature on the withholding request
722 form, that the individual, or an individual who resides with the individual, is a victim of
723 domestic violence or dating violence or is likely to be a victim of domestic violence or dating
724 violence.

725 (c) The director of elections within the Office of the Lieutenant Governor shall make
726 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
727 establishing requirements for providing the verification described in Subsection (7)(a)(ii).

728 (9) An election officer or an employee of an election officer may not encourage an
729 individual to submit, or discourage an individual from submitting, a withholding request form.

730 Section 5. Section 20A-2-108 is amended to read:

731 **20A-2-108. Driver license or state identification card registration form --**

732 **Transmittal of information.**

733 (1) As used in this section, "qualifying form" means:

734 (a) a driver license application form; or

735 (b) a state identification card application form.

736 (2) The lieutenant governor and the Driver License Division shall design each
737 qualifying form to include:

738 (a) the following question, which an applicant is required to answer: "Do you authorize
739 the use of information in this form for voter registration purposes? YES ____ NO ____";

740 (b) the following statement:

741 "PRIVACY INFORMATION

742 Voter registration records contain some information that is available to the public, such
743 as your name and address, some information that is available only to government entities, and
744 some information that is available only to certain third parties in accordance with the
745 requirements of law.

746 Your driver license number, identification card number, social security number, email
747 address, full date of birth, and phone number are available only to government entities. Your
748 year of birth is available to political parties, candidates for public office, certain third parties,
749 and their contractors, employees, and volunteers, in accordance with the requirements of law.

750 You may request that all information on your voter registration records be withheld
751 from all persons other than government entities, political parties, candidates for public office,
752 and their contractors, employees, and volunteers, by indicating here:

753 _____ Yes, I request that all information on my voter registration records be withheld
754 from all persons other than government entities, political parties, candidates for public office,
755 and their contractors, employees, and volunteers.

756 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

757 In addition to the protections provided above, you may request that all information on
758 your voter registration records be withheld from all political parties, candidates for public
759 office, and their contractors, employees, and volunteers, by submitting a withholding request
760 form, and any required verification, as described in the following paragraphs.

761 A person may request that all information on the person's voter registration records be
762 withheld from all political parties, candidates for public office, and their contractors,
763 employees, and volunteers, by submitting a withholding request form with this registration
764 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
765 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

766 A person may request that all information on the person's voter registration records be
767 withheld from all political parties, candidates for public office, and their contractors,
768 employees, and volunteers, by submitting a withholding request form and any required
769 verification with this registration form, or to the lieutenant governor or a county clerk, if the
770 person is, or resides with a person who is, a law enforcement officer, a member of the armed
771 forces, a public figure, or protected by a protective order or a protection order."; and

772 (c) beginning May 1, 2022, a section in substantially the following form:

773 -----

774 BALLOT NOTIFICATIONS

775 If you have provided a phone number or email address, you can receive notifications by
776 text message or email regarding the status of a ballot [~~that is mailed to you or a ballot that you~~
777 ~~deposit in the mail or in a ballot drop box;~~] you cast by indicating here:

778 _____ Yes, I would like to receive electronic notifications regarding the status of my
779 ballot.

780 -----

781 (3) The lieutenant governor and the Driver License Division shall ensure that a
782 qualifying form contains:

783 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and
784 Utah residency, and that the information provided in the form is true;

785 (b) a records disclosure that is similar to the records disclosure on a voter registration
786 form described in Section 20A-2-104;

787 (c) a statement that if an applicant declines to register or preregister to vote, the fact
788 that the applicant has declined to register or preregister will remain confidential and will be
789 used only for voter registration purposes;

790 (d) a statement that if an applicant does register or preregister to vote, the office at
791 which the applicant submits a voter registration application will remain confidential and will be
792 used only for voter registration purposes; and

793 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space
794 where an individual may, if desired:

795 (i) indicate the individual's desired political affiliation from a listing of each registered
796 political party, as defined in Section 20A-8-101;

797 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the
798 individual desires to affiliate; or

799 (iii) indicate that the individual does not wish to affiliate with a political party.

800 Section 6. Section 20A-2-301 is amended to read:

801 **20A-2-301. County clerk responsibilities -- Voter registration forms.**

802 (1) Each county clerk shall provide voter registration forms for use in the voter

803 registration process.

804 (2) (a) Each county clerk shall provide a copy of the voter registration form to each
805 public assistance agency and discretionary voter registration agency.

806 (b) Each county clerk may provide a copy of the voter registration form to public
807 school districts and nonpublic schools as provided in Section [20A-2-302](#).

808 (3) (a) The clerk shall make a copy of the voter registration form available to any
809 person upon request.

810 (b) A person may make multiple copies of the voter registration form at the person's
811 own expense.

812 (c) A person shall provide all completed voter registration forms in the person's
813 possession to the county clerk at or before 5 p.m. on the day of the voter registration deadline.

814 (4) The county clerk may not refuse to register an individual to vote for failing to
815 provide a telephone number on the voter registration form.

816 (5) (a) It is unlawful for any person in possession of a completed voter registration
817 form, other than the person's own completed voter registration form, to willfully fail or refuse
818 to timely deliver the completed voter registration form to the county clerk.

819 (b) A person who violates this Subsection (5) is guilty of a class B misdemeanor.

820 (6) This section does not authorize an individual to possess or control a completed or
821 signed voter registration form in violation of Section [20A-3a-501](#).

822 Section 7. Section **20A-2-306** is amended to read:

823 **20A-2-306. Removing names from the official register -- Determining and**
824 **confirming change of residence.**

825 (1) A county clerk may not remove a voter's name from the official register on the
826 grounds that the voter has changed residence unless the voter:

827 (a) confirms in writing that the voter has changed residence to a place outside the
828 county; or

829 (b) (i) has not voted in an election during the period beginning on the date of the notice
830 required by Subsection (3), and ending on the day after the date of the second regular general
831 election occurring after the date of the notice; and

832 (ii) has failed to respond to the notice required by Subsection (3).

833 (2) (a) When a county clerk obtains information that a voter's address has changed and

834 it appears that the voter still resides within the same county, the county clerk shall:

835 (i) change the official register to show the voter's new address; and

836 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)

837 printed on a postage prepaid, preaddressed return form.

838 (b) When a county clerk obtains information that a voter's address has changed and it

839 appears that the voter now resides in a different county, the county clerk shall verify the

840 changed residence by sending to the voter, by forwardable mail, the notice required by

841 Subsection (3) printed on a postage prepaid, preaddressed return form.

842 (3) (a) Each county clerk shall use substantially the following form to notify voters

843 whose addresses have changed:

844 "VOTER REGISTRATION NOTICE

845 We have been notified that your residence has changed. Please read, complete, and

846 return this form so that we can update our voter registration records. What is your current

847 street address?

848 _____

849 Street City County State Zip

850 What is your current phone number (optional)? _____

851 What is your current email address (optional)? _____

852 If you have not changed your residence or have moved but stayed within the same

853 county, you must complete and return this form to the county clerk so that it is received by the

854 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to

855 return this form within that time:

856 - you may be required to show evidence of your address to the poll worker before being
857 allowed to vote in either of the next two regular general elections; or

858 - if you fail to vote at least once from the date this notice was mailed until the passing
859 of two regular general elections, you will no longer be registered to vote. If you have changed

860 your residence and have moved to a different county in Utah, you may register to vote by
861 contacting the county clerk in your county.

862 _____

863 Signature of Voter

864 PRIVACY INFORMATION

865 Voter registration records contain some information that is available to the public, such
866 as your name and address, some information that is available only to government entities, and
867 some information that is available only to certain third parties in accordance with the
868 requirements of law.

869 Your driver license number, identification card number, social security number, email
870 address, full date of birth, and phone number are available only to government entities. Your
871 year of birth is available to political parties, candidates for public office, certain third parties,
872 and their contractors, employees, and volunteers, in accordance with the requirements of law.

873 You may request that all information on your voter registration records be withheld
874 from all persons other than government entities, political parties, candidates for public office,
875 and their contractors, employees, and volunteers, by indicating here:

876 _____ Yes, I request that all information on my voter registration records be withheld
877 from all persons other than government entities, political parties, candidates for public office,
878 and their contractors, employees, and volunteers.

879 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

880 In addition to the protections provided above, you may request that all information on
881 your voter registration records be withheld from all political parties, candidates for public
882 office, and their contractors, employees, and volunteers, by submitting a withholding request
883 form, and any required verification, as described in the following paragraphs.

884 A person may request that all information on the person's voter registration records be
885 withheld from all political parties, candidates for public office, and their contractors,
886 employees, and volunteers, by submitting a withholding request form with this registration
887 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
888 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

889 A person may request that all information on the person's voter registration records be
890 withheld from all political parties, candidates for public office, and their contractors,
891 employees, and volunteers, by submitting a withholding request form and any required
892 verification with this registration form, or to the lieutenant governor or a county clerk, if the
893 person is, or resides with a person who is, a law enforcement officer, a member of the armed
894 forces, a public figure, or protected by a protective order or a protection order."

895 (b) Beginning May 1, 2022, the form described in Subsection (3)(a) shall also include a

896 section in substantially the following form:

897 -----

898 BALLOT NOTIFICATIONS

899 If you have provided a phone number or email address, you can receive notifications by
900 text message or email regarding the status of a ballot [~~that is mailed to you or a ballot that you~~
901 ~~deposit in the mail or in a ballot drop box,~~] you cast by indicating here:

902 _____ Yes, I would like to receive electronic notifications regarding the status of my
903 ballot.

904 -----

905 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the
906 names of any voters from the official register during the 90 days before a regular primary
907 election and the 90 days before a regular general election.

908 (b) The county clerk may remove the names of voters from the official register during
909 the 90 days before a regular primary election and the 90 days before a regular general election
910 if:

911 (i) the voter requests, in writing, that the voter's name be removed; or

912 (ii) the voter has died.

913 (c) (i) After a county clerk mails a notice as required in this section, the county clerk
914 may list that voter as inactive.

915 (ii) If a county clerk receives a returned voter identification card, determines that there
916 was no clerical error causing the card to be returned, and has no further information to contact
917 the voter, the county clerk may list that voter as inactive.

918 (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other
919 privileges of a registered voter.

920 (iv) A county is not required to send routine mailings to an inactive voter and is not
921 required to count inactive voters when dividing precincts and preparing supplies.

922 (5) Beginning on or before January 1, 2022, the lieutenant governor shall make
923 available to a county clerk United States Social Security Administration data received by the
924 lieutenant governor regarding deceased individuals.

925 (6) A county clerk shall, within ten business days after the day on which the county
926 clerk receives the information described in Subsection (5) or Subsections 26-2-13(11) and (12)

927 relating to a decedent whose name appears on the official register, remove the decedent's name
928 from the official register.

929 (7) Ninety days before a regular primary election and 90 days before a regular general
930 election the lieutenant governor shall compare the information the lieutenant governor has
931 received under Subsection [26-2-13](#)(11) with the official register of voters to ensure that all
932 deceased voters have been removed from the official register.

933 Section 8. Section **20A-3a-201** is amended to read:

934 **20A-3a-201. Voting methods.**

935 (1) Except for an election on a referendum challenging a local tax law that is conducted
936 entirely by mail under Section [20A-7-609.5](#), a voter may vote as follows:

937 ~~[(a) by mail;]~~

938 ~~[(b)]~~ (a) at a polling ~~[location]~~ place during early voting hours;

939 ~~[(c)]~~ (b) at a polling ~~[location]~~ place on election day when the polls are open;

940 ~~[(d)]~~ (c) if the voter is an individual with a disability, by voting remotely, via a
941 mechanical ballot or via electronic means if approved by the election officer;

942 ~~[(e)]~~ (d) electronically or via a federal write-in absentee ballot if the voter is a covered
943 voter, as defined in Section [20A-16-102](#); ~~[or]~~

944 ~~[(f)]~~ (e) by emergency ballot, in accordance with Part 3, Emergency Ballots~~[-];~~ or

945 (f) by absentee ballot, in accordance with Sections [20A-3a-302](#), [20A-3a-303](#), and
946 [20A-3a-304](#).

947 (2) A voter may not vote at a polling place if the voter voted ~~[by mail or]~~ remotely or in
948 a manner described in Subsections (1)(d) through (f).

949 Section 9. Section **20A-3a-202** is amended to read:

950 **20A-3a-202. Conducting an election.**

951 (1) Except ~~[as otherwise provided]~~ for an election on a referendum challenging a local
952 tax law that is conducted entirely by mail under Section [20A-7-609.5](#), an election officer shall
953 administer an election primarily by ~~[mail]~~ in-person voting at a polling place, in accordance
954 with this section.

955 ~~[(2) An election officer who administers an election:]~~

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

958 precinct:]

959 ~~[(i) a manual ballot;]~~

960 ~~[(ii) a return envelope;]~~

961 ~~[(iii) instructions for returning the ballot that include an express notice about any~~

962 ~~relevant deadlines that the voter must meet in order for the voter's vote to be counted;]~~

963 ~~[(iv) for an election administered by a county clerk, information regarding the location~~

964 ~~and hours of operation of any election day voting center at which the voter may vote or a~~

965 ~~website address where the voter may view this information;]~~

966 ~~[(v) for an election administered by an election officer other than a county clerk, if the~~

967 ~~election officer does not operate a polling location or an election day voting center, a warning,~~

968 ~~on a separate page of colored paper in bold face print, indicating that if the voter fails to follow~~

969 ~~the instructions included with the ballot, the voter will be unable to vote in that election~~

970 ~~because there will be no polling place for the voting precinct on the day of the election; and]~~

971 ~~[(vi) after May 1, 2022, instructions on how a voter may sign up to receive electronic~~

972 ~~ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5;~~

973 ~~and]~~

974 ~~[(b) may not mail a ballot under this section to:]~~

975 ~~[(i) an inactive voter, unless the inactive voter requests a manual ballot; or]~~

976 ~~[(ii) a voter whom the election officer is prohibited from sending a ballot under~~

977 ~~Subsection (10)(c)(ii).]~~

978 ~~[(3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail~~

979 ~~the manual ballot to the address:]~~

980 ~~[(i) provided at the time of registration; or]~~

981 ~~[(ii) if, at or after the time of registration, the voter files an alternate address request~~

982 ~~form described in Subsection (3)(b), the alternate address indicated on the form.]~~

983 ~~[(b) The lieutenant governor shall make available to voters an alternate address request~~

984 ~~form that permits a voter to request that the election officer mail the voter's ballot to a location~~

985 ~~other than the voter's residence.]~~

986 ~~[(c) A voter shall provide the completed alternate address request form to the election~~

987 ~~officer no later than 11 days before the day of the election.]~~

988 ~~[(4) The return envelope shall include:]~~

989 ~~[(a) the name, official title, and post office address of the election officer on the front~~
 990 ~~of the envelope;]~~

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

993 ~~[(c) a printed affidavit in substantially the following form:]~~

994 ~~["County of _____ State of _____]~~

995 ~~[I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct~~
 996 ~~in _____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon~~
 997 ~~currently incarcerated for commission of a felony.]~~

998 ~~[_____]~~

999 ~~[Signature of Voter"; and]~~

1000 ~~[(d) a warning that the affidavit must be signed by the individual to whom the ballot~~
 1001 ~~was sent and that the ballot will not be counted if the signature on the affidavit does not match~~
 1002 ~~the signature on file with the election officer of the individual to whom the ballot was sent.]~~

1003 ~~[(5) If the election officer determines that the voter is required to show valid voter~~
 1004 ~~identification, the election officer may:]~~

1005 ~~[(a) mail a ballot to the voter; and]~~

1006 ~~[(b) instruct the voter to include a copy of the voter's valid voter identification with the~~
 1007 ~~return ballot.]~~

1008 ~~[(6)] (2) An election officer who administers an election shall:~~

1009 ~~(a) prepare an adequate number of manual ballots and security envelopes for the~~
 1010 ~~election;~~

1011 ~~[(a)] (b) (i) before the election, obtain the signatures of each voter qualified to vote in~~
 1012 ~~the election; or~~

1013 ~~(ii) obtain the signature of each voter within the voting precinct from the county clerk;~~
 1014 ~~and~~

1015 ~~[(b)] (c) maintain the signatures on file in the election officer's office.~~

1016 ~~[(7)] (3) Upon receipt of a returned absentee ballot, the election officer shall review~~
 1017 ~~and process the ballot under Section [20A-3a-401](#).~~

1018 ~~[(8)] (4) A county that administers an election:~~

1019 ~~(a) shall provide at least one election day voting center in accordance with Chapter 3a,~~

1020 Part 7, Election Day Voting Center, and at least one additional election day voting center for
1021 every 5,000 active voters in the county [~~who have requested to not receive a ballot by mail~~];

1022 (b) shall ensure that each election day voting center operated by the county has at least
1023 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
1024 Pub. L. No. 107-252, for individuals with disabilities;

1025 (c) may reduce the early voting period described in Section 20A-3a-601, if:

1026 (i) the county clerk conducts early voting on at least four days;

1027 (ii) the early voting days are within the period beginning on the date that is 14 days
1028 before the date of the election and ending on the day before the election; and

1029 (iii) the county clerk provides notice of the reduced early voting period in accordance
1030 with Section 20A-3a-604; and

1031 [~~(d) is not required to pay return postage for a ballot; and~~]

1032 [~~(e)~~] (d) is subject to an audit conducted under Subsection [(9)] (5).

1033 [(9)] (5) (a) The lieutenant governor shall:

1034 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
1035 an election conducted under this section; and

1036 (ii) after each primary, general, or special election conducted under this section, select
1037 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
1038 developed under Subsection [(9)] (5)(a)(i).

1039 (b) The lieutenant governor shall post the results of an audit conducted under this
1040 Subsection [(9)] (5) on the lieutenant governor's website.

1041 [(10)(a) An individual may request that the election officer not send the individual a
1042 ballot by mail in the next and subsequent elections by submitting a written request to the
1043 election officer.]

1044 [(b) An individual shall submit the request described in Subsection (10)(a) to the
1045 election officer before 5 p.m. no later than 60 days before an election if the individual does not
1046 wish to receive a ballot by mail in that election.]

1047 [(c) An election officer who receives a request from an individual under Subsection
1048 (10)(a):]

1049 [(i) shall remove the individual's name from the list of voters who will receive a ballot
1050 by mail; and]

1051 ~~[(ii) may not send the individual a ballot by mail for:]~~
 1052 ~~[(A) the next election, if the individual submits the request described in Subsection~~
 1053 ~~(10)(a) before the deadline described in Subsection (10)(b); or]~~
 1054 ~~[(B) an election after the election described in Subsection (10)(c)(ii)(A).]~~
 1055 ~~[(d) An individual who submits a request under Subsection (10)(a) may resume the~~
 1056 ~~individual's receipt of a ballot by mail by submitting a written request to the election officer.]~~
 1057 Section 10. Section **20A-3a-204** is amended to read:
 1058 **20A-3a-204. Marking and depositing ballots.**
 1059 (1) To vote ~~[by mail]~~ by manual ballot:
 1060 (a) except as provided in Subsection (6), the voter shall prepare the voter's manual
 1061 ballot by marking the appropriate space with a mark opposite the name of each candidate of the
 1062 voter's choice for each office to be filled;
 1063 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the
 1064 appropriate space with a mark opposite the answer the voter intends to make;
 1065 (c) except as provided in Subsection (6), the voter shall record a write-in vote in
 1066 accordance with Subsection [20A-3a-206\(1\)](#);
 1067 (d) except as provided in Subsection (6), a mark is not required opposite the name of a
 1068 write-in candidate; and
 1069 ~~[(e) the voter shall:]~~
 1070 ~~[(i) complete and sign the affidavit on the return envelope;]~~
 1071 ~~[(ii) place the voted ballot in the return envelope;]~~
 1072 ~~[(iii) securely seal the return envelope; and]~~
 1073 ~~[(iv) (A) attach postage, if necessary, and deposit the return envelope in the mail; or]~~
 1074 ~~[(B) place the return envelope in a ballot drop box, designated by the election officer,~~
 1075 ~~for the precinct where the voter resides.]~~
 1076 (e) the voter shall, after sealing the ballot in a security envelope, place the ballot and
 1077 security envelope in the ballot box.
 1078 (2) ~~[(a)]~~ Except as otherwise provided in Section [20A-16-404](#), to be valid, ~~[a]~~ an
 1079 absentee ballot that is mailed must be:
 1080 ~~[(i)]~~ (a) clearly postmarked before election day, or otherwise clearly marked by the post
 1081 office as received by the post office before election day; and

1082 [(i)] (b) received in the office of the election officer before noon on the day of the
1083 official canvass following the election.

1084 [~~(b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls
1085 close on election day, be deposited in:~~]

1086 [~~(i) a ballot box at a polling place; or]~~

1087 [~~(ii) a ballot drop box designated by an election officer for the jurisdiction to which the
1088 ballot relates.]~~

1089 [~~(c) An election officer may, but is not required to, forward a ballot deposited in a
1090 ballot drop box in the wrong jurisdiction to the correct jurisdiction.]~~

1091 [~~(d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a
1092 ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to
1093 deposit the ballot in the ballot drop box.]~~

1094 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall,
1095 [after] in addition to complying with Subsections (1)(a) through (d):

1096 (a) sign the official register or pollbook; and

1097 (b) (i) after sealing the ballot in the security envelope, place the ballot in the ballot box;

1098 or

1099 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
1100 envelope, complete the information printed on the provisional ballot envelope, and deposit the
1101 provisional ballot envelope in the provisional ballot box.

1102 (4) [(a)] An individual [~~with a~~] who, due to age or disability, is unable to vote a manual
1103 ballot may vote a mechanical ballot at a polling place.

1104 [~~(b) An individual other than an individual with a disability may vote a mechanical
1105 ballot at a polling place if permitted by the election officer.]~~

1106 (5) To vote a mechanical ballot, the voter shall:

1107 (a) make the selections according to the instructions provided for the voting device;

1108 and

1109 (b) subject to Subsection (6), record a write-in vote by:

1110 (i) selecting the appropriate position for entering a write-in candidate; and

1111 (ii) using the voting device to enter the name of the valid write-in candidate for whom
1112 the voter wishes to vote.

1113 (6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,
1114 Municipal Alternate Voting Methods Pilot Project, a voter:

1115 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
1116 first preference for the office; and

1117 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
1118 order of the voter's preference.

1119 (7) A voter who votes at a polling place:

1120 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting
1121 area after voting; and

1122 (b) may not:

1123 (i) occupy a voting booth occupied by another, except as provided in Section
1124 [20A-3a-208](#);

1125 (ii) remain within the voting area more than 10 minutes; or

1126 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
1127 voters are waiting to occupy a voting booth.

1128 (8) If the official register shows any voter as having voted, that voter may not reenter
1129 the voting area during that election unless that voter is an election official or watcher.

1130 (9) A poll worker may not, at a polling place, allow more than four voters more than
1131 the number of voting booths into the voting area at one time unless those excess voters are:

1132 (a) election officials;

1133 (b) watchers; or

1134 (c) assisting voters with a disability.

1135 Section 11. Section **20A-3a-301** is amended to read:

1136 **Part 3. Emergency and Absentee Ballots**

1137 **20A-3a-301. Emergency ballots.**

1138 (1) As used in this section, "hospitalized voter" means a registered voter who:

1139 (a) is hospitalized or otherwise confined to a medical or long-term care institution;

1140 (b) does not have [~~a manual~~] an absentee ballot in the voter's immediate possession;

1141 (c) is able to vote a manual ballot; and

1142 (d) is not able to timely acquire [~~a manual ballot without the assistance of another~~
1143 ~~individual~~] an absentee ballot.

1144 (2) A hospitalized voter may, in accordance with this section, obtain a manual ballot to
1145 use as an emergency ballot and vote at any time after the election officer [~~mails manual ballots~~
1146 ~~to the majority of voters~~] begins mailing absentee ballots and before the close of polls on
1147 election day.

1148 (3) (a) Any individual may obtain an emergency ballot application, a manual ballot,
1149 and [~~a manual~~] an emergency ballot envelope from the election officer on behalf of a
1150 hospitalized voter by requesting a ballot and application in person at the election officer's office
1151 during business hours.

1152 (b) The election officer shall require the individual to sign a statement identifying the
1153 individual and the hospitalized voter.

1154 (4) To vote, the hospitalized voter shall complete the emergency ballot application,
1155 complete and sign the affidavit on the [~~manual~~] emergency ballot envelope, mark the voter's
1156 votes on the manual ballot, place the manual ballot into the envelope, and seal the envelope
1157 unless a different method is authorized under Section [20A-1-308](#).

1158 (5) To be counted, the emergency voter application and the sealed [~~manual~~] emergency
1159 ballot envelope must be returned to the election officer's office in accordance with the
1160 requirements of this chapter.

1161 Section 12. Section **20A-3a-302** is enacted to read:

1162 **20A-3a-302. Application for absentee ballot.**

1163 (1) An individual who votes under the provisions of Chapter 16, Uniform Military and
1164 Overseas Voters Act, is not required to comply with the provisions of this part.

1165 (2) An individual who is registered to vote may apply for an absentee ballot if the
1166 individual:

1167 (a) is eligible to vote in the election for which the individual applies for an absentee
1168 ballot; and

1169 (b) is not able to vote at a polling place during early voting or on election day:

1170 (i) due to a disability;

1171 (ii) due to the individual's age;

1172 (iii) due to anticipated hospitalization or other anticipated medical treatment; or

1173 (iv) because the individual will be outside Utah during early voting and on election
1174 day.

1175 (3) The lieutenant governor shall create an absentee ballot request form that includes
1176 the following:

1177 (a) for a general election:

1178 I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah apply
1179 for an official absentee ballot to be voted by me for the _____ election, to be held on _____.

1180 I am not able to vote at a polling place on election day or during early voting for this
1181 election (check all that apply):

1182 _____ due to a disability;

1183 _____ due to my age;

1184 _____ because I will be hospitalized or undergoing other medical treatment; or

1185 _____ because I will be outside of Utah.

1186 Date (month/day/year)

1187 Signed

1188 _____ Voter; and

1189 (b) for a primary election:

1190 I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah,
1191 apply for an official absentee ballot to be voted by me for the _____ political party
1192 for the _____ election, to be held on _____.

1193 I am not able to vote at a polling place on election day or during early voting for this
1194 election (check all that apply):

1195 _____ due to a disability;

1196 _____ due to my age;

1197 _____ because I will be hospitalized or undergoing other medical treatment; or

1198 _____ because I will be outside of Utah.

1199 I understand that I must be affiliated with or authorized to vote the political party's
1200 ballot that I request.

1201 Dated (month/day/year)

1202 Signed

1203 _____ Voter.

1204 (4) An individual described in Subsection (2) who desires to vote via absentee ballot
1205 shall:

- 1206 (a) complete and submit the absentee ballot request form described in Subsection (3) to
- 1207 the election officer for the jurisdiction where the individual is eligible to vote; and
- 1208 (b) include with the application a copy of the individual's valid voter identification.
- 1209 (5) In order to receive an absentee ballot, the election officer must receive the
- 1210 documents described in Subsection (4) no later than 45 days before the day of the election.
- 1211 (6) Except as provided in Subsection 20A-3a-304(3), a registered voter may not vote
- 1212 in-person if the voter voted by absentee ballot.

1213 Section 13. Section 20A-3a-303 is enacted to read:

1214 **20A-3a-303. Mailing absentee ballots -- Return envelopes for absentee or**

1215 **emergency ballots.**

1216 (1) An election officer shall, no sooner than 21 days before election day and no later

1217 than seven days before election day, mail to each individual who submits a valid, timely

1218 request for an absentee ballot in accordance with Section 20A-3a-302:

- 1219 (a) a manual ballot;
- 1220 (b) a return absentee envelope;
- 1221 (c) instructions for the individual to include a copy of the individual's valid voter
- 1222 identification in the return absentee envelope;
- 1223 (d) instructions for returning the ballot that include notice of any relevant deadlines
- 1224 that the individual must meet in order for the individual's vote to be counted;
- 1225 (e) instructions on how a voter may cancel an absentee ballot application; and
- 1226 (f) after May 1, 2022, instructions on how a voter may sign up to receive electronic
- 1227 ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.
- 1228 (2) An election officer shall mail the items described in Subsection (1) to the address
- 1229 provided on the absentee ballot request form.

1230 (3) The return envelope for an absentee ballot or an emergency ballot shall include:

- 1231 (a) the name, official title, and post office address of the election officer on the front of
- 1232 the envelope;
- 1233 (b) a space where a voter may write an email address and phone number by which the
- 1234 election officer may contact the voter if the voter's ballot is rejected;
- 1235 (c) a printed affidavit in substantially the following form: "County of _____, State of
- 1236 _____, I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct

1237 in _____ County, Utah, and that I am entitled to vote in this election. I am not a convicted felon
1238 currently incarcerated for commission of a felony.

1239 _____
1240 Signature of Absentee Voter"; and

1241 (d) a warning that the affidavit must be signed by the individual to whom the ballot
1242 was sent or provided and that the ballot will not be counted if the signature on the affidavit
1243 does not match the signature on file with the election officer of the individual to whom the
1244 ballot was sent or provided.

1245 (4) Upon receipt of a returned absentee or emergency ballot, the election officer shall
1246 review and process the ballot under Section [20A-3a-401](#).

1247 (5) (a) A county clerk shall establish an absentee voter list containing the name of each
1248 voter who:

1249 (i) requests absentee voter status for a particular election; and
1250 (ii) meets the requirements of this section.

1251 (b) The clerk shall provide a copy of the absentee voter list to election officers for use
1252 in elections.

1253 Section 14. Section **20A-3a-304** is enacted to read:

1254 **20A-3a-304. Voting and returning an absentee or emergency ballot.**

1255 (1) To vote an absentee or emergency ballot, the voter shall:

1256 (a) complete and sign the affidavit on the return envelope;

1257 (b) mark the votes on the absentee ballot;

1258 (c) place the voted absentee ballot and a copy of the voter's valid voter identification in
1259 the return envelope;

1260 (d) securely seal the envelope; and

1261 (e) (i) for an absentee ballot, attach postage and deposit the envelope in the mail to the
1262 election officer from whom the ballot was obtained; or

1263 (ii) for an emergency ballot, provide the sealed envelope to the individual who
1264 delivered the emergency ballot to the voter.

1265 (2) An absentee ballot is not valid unless the ballot is:

1266 (a) (i) clearly postmarked before election day, or otherwise clearly marked by the post
1267 office as received by the post office before election day; or

1268 (ii) in the case of a military-overseas ballot, submitted in accordance with Section
1269 20A-16-404;

1270 (b) accompanied by valid voter identification; and

1271 (c) received in the office of the election officer before noon on the day of the official
1272 canvass following the election.

1273 (3) An absentee voter may submit an absentee ballot at a polling location for the voting
1274 precinct where the voter resides, request that the ballot be declared spoiled, and vote in person.

1275 Section 15. Section **20A-3a-401** is amended to read:

1276 **20A-3a-401. Custody of voted absentee and emergency ballots -- Disposition --**
1277 **Notice.**

1278 (1) This section governs absentee ballots returned by mail [~~or via a ballot drop box~~]
1279 and emergency ballots delivered to a polling place.

1280 (2) (a) Poll workers shall open return envelopes containing [~~manual~~] absentee or
1281 emergency ballots that are in the custody of the poll workers in accordance with Subsection
1282 (2)(b).

1283 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
1284 the [~~return~~] absentee or emergency ballot envelope to the signature of the voter in the voter
1285 registration records.

1286 (3) After complying with Subsection (2), the poll workers shall determine whether:

1287 (a) the signatures correspond;

1288 (b) the affidavit is sufficient;

1289 (c) the voter is registered to vote in the correct precinct;

1290 (d) the voter's right to vote the ballot has been challenged;

1291 (e) the voter has already voted in the election; and

1292 [~~(f) the voter is required to provide valid voter identification; and]~~

1293 [~~(g) if the voter is required to provide valid voter identification, whether]~~

1294 (f) the voter has provided valid voter identification.

1295 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
1296 workers determine that:

1297 (i) the signatures correspond;

1298 (ii) the affidavit is sufficient;

- 1299 (iii) the voter is registered to vote in the correct precinct;
- 1300 (iv) the voter's right to vote the ballot has not been challenged;
- 1301 (v) the voter has not already voted in the election; and
- 1302 (vi) ~~[for a voter required to provide valid voter identification, that]~~ the voter has
1303 provided valid voter identification.
- 1304 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
1305 workers shall:
- 1306 (i) remove the manual ballot from the return envelope in a manner that does not
1307 destroy the affidavit on the [return] envelope;
- 1308 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
1309 with the return envelope; and
- 1310 (iii) place the ballot with the other ballots to be counted.
- 1311 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
1312 the poll workers shall:
- 1313 (i) disallow the vote;
- 1314 (ii) without opening the return envelope, mark across the face of the [return] envelope:
1315 (A) "Rejected as defective"; or
1316 (B) "Rejected as not a registered voter"; and
- 1317 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 1318 (5) (a) If the poll workers reject an individual's ballot because the poll workers
1319 determine that the signature on the return envelope does not match the individual's signature in
1320 the voter registration records, the election officer shall contact the individual in accordance
1321 with Subsection (7) by mail, email, text message, or phone, and inform the individual:
- 1322 (i) that the individual's signature is in question;
- 1323 (ii) how the individual may resolve the issue;
- 1324 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
1325 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
1326 requirements described in Subsection (5)(b).
- 1327 (b) An affidavit described in Subsection (5)(a)(iii) shall include:
- 1328 (i) an attestation that the individual voted the ballot;
- 1329 (ii) a space for the individual to enter the individual's name, date of birth, and driver

1330 license number or the last four digits of the individual's social security number;

1331 (iii) a space for the individual to sign the affidavit; and

1332 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
1333 governor's and county clerk's use of the individual's signature on the affidavit for voter
1334 identification purposes.

1335 (c) In order for an individual described in Subsection (5)(a) to have the individual's
1336 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) and
1337 valid voter identification to the election officer.

1338 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
1339 immediately:

1340 (i) scan the signature on the affidavit electronically and keep the signature on file in the
1341 statewide voter registration database developed under Section [20A-2-109](#); and

1342 (ii) if the election officer receives the affidavit and valid voter identification no later
1343 than 5 p.m. the day before the canvass, count the individual's ballot.

1344 (6) If the poll workers reject an individual's ballot for any reason, other than the reason
1345 described in Subsection (5)(a), the election officer shall notify the individual of the rejection in
1346 accordance with Subsection (7) by mail, email, text message, or phone and specify the reason
1347 for the rejection.

1348 (7) An election officer who is required to give notice under Subsection (5) or (6) shall
1349 give the notice no later than:

1350 (a) if the election officer rejects the ballot before election day:

1351 (i) one business day after the day on which the election officer rejects the ballot, if the
1352 election officer gives the notice by email or text message; or

1353 (ii) two business days after the day on which the election officer rejects the ballot, if
1354 the election officer gives the notice by postal mail or phone;

1355 (b) seven days after election day if the election officer rejects the ballot on election day;
1356 or

1357 (c) seven days after the canvass if the election officer rejects the ballot after election
1358 day and before the end of the canvass.

1359 (8) An election officer may not count the ballot of an individual whom the election
1360 officer contacts under Subsection (5) or (6) unless the election officer receives a signed

1361 affidavit and valid voter identification from the individual under Subsection (5)(b) [~~or is~~
1362 ~~otherwise able to establish contact with the individual to confirm the individual's identity~~].

1363 (9) The election officer shall retain and preserve the return envelopes in the manner
1364 provided by law for the retention and preservation of ballots voted at that election.

1365 Section 16. Section **20A-3a-401.5** is amended to read:

1366 **20A-3a-401.5. Ballot tracking system.**

1367 (1) As used in this section:

1368 (a) "Ballot tracking system" means the system described in this section to track and
1369 confirm the status of trackable ballots.

1370 (b) "Change in the status" includes:

1371 (i) when a trackable ballot is mailed to a voter;

1372 (ii) when an election official receives a voted trackable ballot; and

1373 (iii) when a voted trackable ballot is counted.

1374 (c) "Trackable ballot" means a manual ballot that [~~is:~~] includes a quick response code
1375 described in Subsection [20A-6-101\(1\)\(f\)\(i\)](#).

1376 [~~(i) mailed to a voter in accordance with Section [20A-3a-202](#);~~]

1377 [~~(ii) deposited in the mail by a voter in accordance with Section [20A-3a-204](#); or~~]

1378 [~~(iii) deposited in a ballot drop box by a voter in accordance with Section [20A-3a-204](#).]~~

1379 (d) "Voter registration database" means the statewide voter registration database
1380 described in Section [20A-2-109](#).

1381 (2) (a) The lieutenant governor shall develop and maintain a statewide or locally based
1382 system to track and confirm when there is a change in the status of a trackable ballot.

1383 (b) The ballot tracking system shall be operational on or before May 1, 2022.

1384 (3) Beginning on May 1, 2022, if a voter elects to receive electronic notifications
1385 regarding the status of the voter's trackable ballot, the ballot tracking system shall, when there
1386 is a change in the status of the voter's trackable ballot:

1387 (a) send a text message notification to the voter if the voter's information in the voter
1388 registration database includes a mobile telephone number;

1389 (b) send an email notification to the voter if the voter's information in the voter
1390 registration database includes an email address; and

1391 (c) send a notification by another electronic means directed by the lieutenant governor.

1392 (4) The lieutenant governor shall ensure that the ballot tracking system and the
1393 state-provided website described in Section 20A-7-801 automatically share appropriate
1394 information to ensure that a voter is able to confirm the status of the voter's trackable ballot via
1395 the state-provided website free of charge.

1396 (5) The ballot tracking system shall include a toll-free telephone number or other
1397 offline method by which a voter can confirm the status of the voter's trackable ballot.

1398 (6) The lieutenant governor shall ensure that the ballot tracking system:

1399 (a) is secure from unauthorized use by employing data encryption or other security
1400 measures; and

1401 (b) is only used for the purposes described in this section.

1402 Section 17. Section 20A-3a-402 is amended to read:

1403 **20A-3a-402. Custody of ballots voted at a polling place -- Disposition -- Counting**
1404 **-- Release of number of ballots cast.**

1405 (1) This section governs ballots voted at a polling place.

1406 (2) (a) The election officer shall deliver all return envelopes containing valid ballots
1407 and valid provisional ballots that are in the election officer's custody to the counting center
1408 before noon on the day of the official canvass following the election.

1409 (b) Valid ballots, including valid provisional ballots, may be processed and counted:

1410 (i) by the election officer, or poll workers acting under the supervision of the election
1411 officer, before the date of the canvass; and

1412 (ii) at the canvass, by the election officer or poll workers, acting under the supervision
1413 of the official canvassers of the election.

1414 (c) When processing ballots, the election officer and poll workers shall comply with
1415 the procedures and requirements of Section 20A-3a-401 in opening envelopes, verifying
1416 signatures, confirming eligibility of the ballots, and depositing ballots in preparation for
1417 counting.

1418 (3) (a) After all valid ballots, including valid provisional ballots have been deposited,
1419 the ballots shall be counted in the usual manner.

1420 (b) ~~[After the polls close on]~~ On the date of the election, the election officer shall
1421 publicly release the results of those ballots, including provisional ballots, that ~~[have been~~
1422 ~~counted on or before the date of the election]~~ are counted after the polls close on election day.

1423 (c) Except as provided in Subsection (3)(d), on each day, beginning on the day after the
1424 date of the election and ending on the day before the date of the canvass, the election officer
1425 shall publicly release:

1426 (i) the results of all ballots, including provisional ballots, counted on that day; and

1427 (ii) an estimate of the total number of voted ballots in the custody of the election
1428 officer that have not yet been counted.

1429 (d) (i) If complying with Subsection (3)(c) on a particular day will likely result in
1430 disclosing a vote cast by an individual voter, the election officer shall request permission from
1431 the lieutenant governor to delay compliance for the minimum number of days necessary to
1432 protect against disclosure of the voter's vote.

1433 (ii) The lieutenant governor shall grant a request made under Subsection (3)(d)(i) if the
1434 lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's
1435 vote.

1436 (e) On the date of the canvass, the election officer shall provide a tally of all ballots,
1437 including provisional ballots, counted, and the resulting tally shall be added to the official
1438 canvass of the election.

1439 (4) (a) On the day after the date of the election, the election officer shall determine the
1440 number of ballots received by the election officer at that time and shall make that number
1441 available to the public.

1442 (b) The election officer may elect to publicly release updated totals for the number of
1443 ballots received by the election officer up through the date of the canvass.

1444 Section 18. Section **20A-3a-404** is enacted to read:

1445 **20A-3a-404. Counting ballots.**

1446 An election officer may not count ballots before polls close on election day.

1447 Section 19. Section **20A-3a-501** is amended to read:

1448 **20A-3a-501. Prohibited conduct at polling place -- Other prohibited activities.**

1449 (1) As used in this section:

1450 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to
1451 refrain from voting or to vote for or vote against any candidate or issue; and

1452 (b) "polling place" means the physical place where ballots are cast [~~and includes the~~
1453 ~~physical place where a ballot drop box is located~~].

1454 (2) (a) An individual may not, within a polling place or in any public area within 150
1455 feet of the building where a polling place is located:

- 1456 (i) do any electioneering;
- 1457 (ii) circulate cards or handbills of any kind;
- 1458 (iii) solicit signatures to any kind of petition; or
- 1459 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts
1460 the administration of the polling place.

1461 (b) A county, municipality, school district, or local district may not prohibit
1462 electioneering that occurs more than 150 feet from the building where a polling place is
1463 located, but may regulate the place and manner of that electioneering to protect the public
1464 safety.

1465 (3) (a) An individual may not obstruct the doors or entries to a building in which a
1466 polling place is located or prevent free access to and from any polling place.

1467 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the
1468 obstruction of the entrance to a polling place and may arrest an individual creating an
1469 obstruction.

1470 (4) An individual may not solicit any voter to show the voter's ballot.

1471 (5) (a) An individual may not knowingly possess or control another individual's voted
1472 manual ballot, unless:

- 1473 (i) the individual is an election official or postal worker acting in the capacity of an
1474 election official or postal worker;
- 1475 (ii) the individual possesses or controls the voted ballot in accordance with Section
1476 [20A-3a-301](#), relating to emergency ballots;
- 1477 (iii) the possession or control is authorized in order to deliver a military-overseas ballot
1478 in accordance with Chapter 16, Uniform Military and Overseas Voters Act;
- 1479 (iv) subject to Section [20A-3a-208](#), the individual is authorized by a voter to possess or
1480 control the voter's voted ballot if the voter needs assistance delivering the ballot due to the
1481 voter's age, illness, or disability; or
- 1482 (v) the individual resides in the same household as the voter.

1483 (b) A violation of Subsection (5)(a) does not invalidate the ballot.

1484 (6) (a) An individual may not knowingly possess or control another individual's

1485 completed or signed voter registration form, unless:

1486 (i) the individual is an election official or postal worker acting in the capacity of an
1487 election official or postal worker;

1488 (ii) the individual is a government employee who possesses or controls the voter
1489 registration form in fulfillment of a job responsibility of the government employee;

1490 (iii) the individual possesses or controls the registration form in accordance with
1491 Chapter 16, Uniform Military and Overseas Voters Act;

1492 (iv) the individual is authorized by the other individual to possess or control the other
1493 individual's voter registration form because the other individual needs assistance delivering the
1494 ballot due to the voter's age, illness, or disability; or

1495 (v) the individual resides in the same household as the voter.

1496 (b) A violation of Subsection (6)(a) does not invalidate the voter registration form.

1497 ~~[(6)]~~ (7) An individual who violates any provision of this section is, in addition to the
1498 penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.

1499 ~~[(7)]~~ (8) A political subdivision may not prohibit political signs that are located more
1500 than 150 feet away from a polling place, but may regulate their placement to protect public
1501 safety.

1502 Section 20. Section 20A-3a-702 is amended to read:

1503 **20A-3a-702. Election day voting center -- Hours of operation -- Compliance with**
1504 **Election Code.**

1505 (1) Except as provided in Section 20A-7-609.5, an election officer may operate an
1506 election day voting center in one or more locations designated under Section 20A-3a-703.

1507 (2) An election officer shall provide for voting at an election day voting center by:

1508 (a) regular ballot if:

1509 (i) (A) the election day voting center is designated under Section 20A-5-403 as the
1510 polling place for the voting precinct in which the voter resides; and

1511 (B) the voter is eligible to vote a regular ballot at the election day voting center in
1512 accordance with this title; or

1513 (ii) (A) the voter resides within the political subdivision holding the election;

1514 (B) the voter is otherwise eligible to vote a regular ballot in accordance with this title;

1515 and

1516 (C) the jurisdiction holding the election uses a method that confirms that the voter has
1517 not voted previously in the election;

1518 (b) voting center ballot if:

1519 (i) the election day voting center is not designated under Section 20A-5-403 as the
1520 polling place for the voting precinct in which the voter resides;

1521 (ii) the voter resides within the political subdivision holding the election; and

1522 (iii) the voter is otherwise eligible to vote a regular ballot in accordance with this title;

1523 or

1524 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
1525 accordance with this title.

1526 (3) An election officer shall ensure that an election day voting center:

1527 (a) is open on election day during the time period specified under Section 20A-1-302;

1528 (b) allows an eligible voter to vote if the voter:

1529 (i) resides within the political subdivision holding an election; and

1530 (ii) arrives at the election day voting center by the designated closing time in

1531 accordance with Section 20A-1-302; and

1532 (c) is administered according to the requirements of this title.

1533 [~~4) An individual may submit a completed manual ballot at an election day voting
1534 center for the political subdivision in which the individual resides.]~~

1535 Section 21. Section 20A-4-102 is amended to read:

1536 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at
1537 polling place on day of election after polls close.**

1538 (1) (a) This section governs counting manual ballots on the day of an election, if:

1539 (i) the ballots are cast at a polling place; and

1540 (ii) the ballots are counted at the polling place after the polls close.

1541 (b) Except as provided in Subsection (2) or a rule made under Subsection

1542 [~~20A-4-101(2)(f)(i)~~] (1)(d), as soon as the polls have been closed and the last qualified voter

1543 has voted, the election judges shall count the ballots by performing the tasks specified in this

1544 section in the order that they are specified.

1545 (c) To resolve questions that arise during the counting of ballots, a counting judge shall

1546 apply the standards and requirements of:

- 1547 (i) to the extent applicable, Section [20A-4-105](#); and
- 1548 (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate
- 1549 Voting Methods Pilot Project, Subsection [20A-4-603](#)(3).
- 1550 (d) The director of elections within the Office of the Lieutenant Governor shall make
- 1551 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1552 describing the procedures that a counting judge is required to follow for counting ballots in an
- 1553 instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project.
- 1554 (e) When counting ballots in an instant runoff voting race described in Part 6,
- 1555 Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the
- 1556 procedures established under Subsection (1)(d) and Part 6, Municipal Alternate Voting
- 1557 Methods Pilot Project.
- 1558 (2) (a) First, the election judges shall count the number of ballots in the ballot box.
- 1559 (b) (i) If there are more ballots in the ballot box than there are names entered in the
- 1560 pollbook, the judges shall examine the official endorsements on the ballots.
- 1561 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper
- 1562 official endorsement, the judges shall put those ballots in an excess ballot file and not count
- 1563 them.
- 1564 (c) (i) If, after examining the official endorsements, there are still more ballots in the
- 1565 ballot box than there are names entered in the pollbook, the judges shall place the remaining
- 1566 ballots back in the ballot box.
- 1567 (ii) One of the judges, without looking, shall draw a number of ballots equal to the
- 1568 excess from the ballot box.
- 1569 (iii) The judges shall put those excess ballots into the excess ballot envelope and not
- 1570 count them.
- 1571 (d) When the ballots in the ballot box equal the number of names entered in the
- 1572 pollbook, the judges shall count the votes.
- 1573 (3) The judges shall:
- 1574 (a) place all unused ballots in the envelope or container provided for return to the
- 1575 county clerk or city recorder; and
- 1576 (b) seal that envelope or container.
- 1577 (4) The judges shall:

1578 (a) place all of the provisional ballot envelopes in the envelope provided for them for
1579 return to the election officer; and

1580 (b) seal that envelope or container.

1581 (5) (a) In counting the votes, the election judges shall read and count each ballot
1582 separately.

1583 (b) In regular primary elections the judges shall:

1584 (i) count the number of ballots cast for each party;

1585 (ii) place the ballots cast for each party in separate piles; and

1586 (iii) count all the ballots for one party before beginning to count the ballots cast for
1587 other parties.

1588 (6) (a) In all elections, the counting judges shall, except as provided in Part 6,
1589 Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection

1590 [20A-4-101\(2\)\(f\)\(i\)](#):

1591 (i) count one vote for each candidate designated by the marks in the squares next to the
1592 candidate's name;

1593 (ii) count each vote for each write-in candidate who has qualified by filing a
1594 declaration of candidacy under Section [20A-9-601](#);

1595 (iii) read every name marked on the ballot and mark every name upon the tally sheets
1596 before another ballot is counted;

1597 (iv) evaluate each ballot and each vote based on the standards and requirements of
1598 Section [20A-4-105](#);

1599 (v) write the word "spoiled" on the back of each ballot that lacks the official
1600 endorsement and deposit it in the spoiled ballot envelope; and

1601 (vi) read, count, and record upon the tally sheets the votes that each candidate and
1602 ballot proposition received from all ballots, except excess or spoiled ballots.

1603 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or
1604 persons clearly not eligible to qualify for office.

1605 (c) The judges shall certify to the accuracy and completeness of the tally list in the
1606 space provided on the tally list.

1607 (d) When the judges have counted all of the voted ballots, they shall record the results
1608 on the total votes cast form.

1609 (7) Only an election judge and a watcher may be present at the place where counting is
 1610 conducted until the count is completed.

1611 Section 22. Section **20A-4-107** is amended to read:

1612 **20A-4-107. Review and disposition of provisional ballot envelopes.**

1613 (1) As used in this section, an individual is "legally entitled to vote" if:

1614 (a) the individual:

1615 (i) is registered to vote in the state;

1616 (ii) votes the ballot for the voting precinct in which the individual resides; and

1617 (iii) provides valid voter identification to the poll worker;

1618 (b) the individual:

1619 (i) is registered to vote in the state;

1620 (ii) ~~[(A)]~~ provided valid voter identification to the poll worker; ~~[(or)]~~ and

1621 ~~[(B) either failed to provide valid voter identification or the documents provided as~~
 1622 ~~valid voter identification were inadequate and the poll worker recorded that fact in the official~~
 1623 ~~register but the county clerk verifies the individual's identity and residence through some other~~
 1624 ~~means; and]~~

1625 (iii) did not vote in the individual's precinct of residence, but the ballot that the
 1626 individual voted was from the individual's county of residence and includes one or more
 1627 candidates or ballot propositions on the ballot voted in the individual's precinct of residence; or

1628 (c) the individual:

1629 (i) is registered to vote in the state;

1630 (ii) either failed to provide valid voter identification or the documents provided as
 1631 valid voter identification were inadequate and the poll worker recorded that fact in the official
 1632 register; and

1633 ~~[(iii) (A) the county clerk verifies the individual's identity and residence through some~~
 1634 ~~other means as reliable as photo identification; or]~~

1635 ~~[(B)]~~ (iii) the individual provides valid voter identification to the county clerk or an
 1636 election officer who is administering the election ~~[by]~~ before the close of normal office hours
 1637 on Monday after the date of the election.

1638 (2) (a) Upon receipt of a provisional ballot form, the election officer shall review the
 1639 affirmation on the provisional ballot form and determine if the individual signing the

1640 affirmation is:

1641 (i) registered to vote in this state; and

1642 (ii) legally entitled to vote:

1643 (A) the ballot that the individual voted; or

1644 (B) if the ballot is from the individual's county of residence, for at least one ballot
1645 proposition or candidate on the ballot that the individual voted.

1646 (b) Except as provided in Section 20A-2-207, if the election officer determines that the
1647 individual is not registered to vote in this state or is not legally entitled to vote in the county or
1648 for any of the ballot propositions or candidates on the ballot that the individual voted, the
1649 election officer shall retain the ballot form, uncounted, for the period specified in Section
1650 20A-4-202 unless ordered by a court to produce or count it.

1651 (c) If the election officer determines that the individual is registered to vote in this state
1652 and is legally entitled to vote in the county and for at least one of the ballot propositions or
1653 candidates on the ballot that the individual voted, the election officer shall place the provisional
1654 ballot with the regular ballots to be counted with those ballots at the canvass.

1655 (d) The election officer may not count, or allow to be counted a provisional ballot
1656 unless the individual's identity and residence is established by a preponderance of the evidence.

1657 (3) If the election officer determines that the individual is registered to vote in this
1658 state, or if the voter registers to vote in accordance with Section 20A-2-207, the election officer
1659 shall ensure that the voter registration records are updated to reflect the information provided
1660 on the provisional ballot form.

1661 (4) Except as provided in Section 20A-2-207, if the election officer determines that the
1662 individual is not registered to vote in this state and the information on the provisional ballot
1663 form is complete, the election officer shall:

1664 (a) consider the provisional ballot form a voter registration form for the individual's
1665 county of residence; and

1666 (b) (i) register the individual if the individual's county of residence is within the
1667 county; or

1668 (ii) forward the voter registration form to the election officer of the individual's county
1669 of residence, which election officer shall register the individual.

1670 (5) Notwithstanding any provision of this section, the election officer shall place a

1671 provisional ballot with the regular ballots to be counted with those ballots at the canvass, if:

1672 (a) (i) the election officer determines, in accordance with the provisions of this section,
1673 that the sole reason a provisional ballot may not otherwise be counted is because the voter
1674 registration was filed less than 11 days before the election;

1675 (ii) 11 or more days before the election, the individual who cast the provisional ballot:

1676 (A) completed and signed the voter registration; and

1677 (B) provided the voter registration to another person to file;

1678 (iii) the late filing was made due to the individual described in Subsection (5)(a)(ii)(B)

1679 filing the voter registration late; and

1680 (iv) the election officer receives the voter registration before 5 p.m. no later than one
1681 day before the day of the election; or

1682 (b) the provisional ballot is cast on or before election day and is not otherwise

1683 prohibited from being counted under the provisions of this chapter.

1684 Section 23. Section **20A-4-202** is amended to read:

1685 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**
1686 **provisional ballots cast.**

1687 (1) Upon receipt of the election returns from the poll workers, the election officer shall:

1688 (a) ensure that the poll workers have provided all of the ballots and election returns;

1689 (b) inspect the ballots and election returns to ensure that they are sealed;

1690 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and

1691 secure place;

1692 (d) for mechanical ballots:

1693 (i) count the ballots; and

1694 (ii) deposit and lock the ballots and election returns in a safe and secure place; and

1695 (e) for bond elections, provide a copy of the election results to the board of canvassers

1696 of the local political subdivision that called the bond election.

1697 (2) Each election officer shall:

1698 (a) before 5 p.m. on the day after the date of the election, determine the number of
1699 provisional ballots cast within the election officer's jurisdiction and make that number available
1700 to the public;

1701 (b) preserve ballots for [~~22~~] 36 months after the election or until the time has expired

1702 during which the ballots could be used in an election contest;

1703 (c) preserve all other official election returns for at least ~~[22]~~ 36 months after an
1704 election; and

1705 (d) after that time, destroy them without opening or examining them.

1706 (3) (a) The election officer shall package and retain all tabulating cards and other
1707 materials used in the programming of the automatic tabulating equipment.

1708 (b) ~~[The]~~ In relation to the items described in Subsection (3)(a), the election officer:

1709 (i) may access ~~[these tabulating cards and other materials]~~ those items;

1710 (ii) may make copies of ~~[these materials]~~ those items and make changes to the copies;

1711 (iii) may not alter or make changes to the ~~[materials themselves]~~ original items; and

1712 (iv) ~~[within 22]~~ 36 or more months after the election in which ~~[they]~~ the items were
1713 used, may dispose of ~~[those materials or retain them]~~ the items.

1714 (4) (a) If an election contest is begun within 12 months, the election officer shall:

1715 (i) keep the ballots and election returns unopened and unaltered until the contest is
1716 complete; or

1717 (ii) surrender the ballots and election returns to the custody of the court having
1718 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

1719 (b) When all election contests arising from an election are complete, the election
1720 officer shall either:

1721 (i) retain the ballots and election returns until the time for preserving them under this
1722 section has run; or

1723 (ii) destroy the ballots and election returns remaining in the election officer's custody
1724 without opening or examining them if the time for preserving them under this section has run.

1725 Section 24. Section ~~20A-4-407~~ is enacted to read:

1726 **Part 4. Recounts, Elections Contests, and Independent Audits.**

1727 **20A-4-407. Independent post-election audit.**

1728 (1) The lieutenant governor shall, at least 90 days before the day of a regular general
1729 election, contract with an independent auditor to conduct a post-election audit of the accuracy
1730 of electronic vote tabulators in the state.

1731 (2) Except as provided in Subsection (3), the independent auditor shall conduct the
1732 audit for races conducted for:

- 1733 (a) each federal office;
1734 (b) governor; and
1735 (c) of the following offices, the race where the winning candidate won by the smallest
1736 percentage margin:
1737 (i) attorney general;
1738 (ii) state auditor; or
1739 (iii) state treasurer.
1740 (3) The independent auditor shall exclude from the audit a race for which:
1741 (a) a recount is conducted for a reason other than as a result of the audit described in
1742 this section; or
1743 (b) the margin between the top two candidates is greater than 15%.
1744 (4) No later than 10 days after the day of the election, the independent auditor shall:
1745 (a) for each race audited, publicly select a random sample of precincts, from among all
1746 precincts in the race, sufficient in number to ensure by at least a 90% probability that faulty
1747 tabulators would be detected if they would change the outcome of the race;
1748 (b) select precincts for the audits in the following manner:
1749 (i) select precincts for audits of statewide races starting with the statewide race with the
1750 largest winning margin and ending with the statewide race with the smallest winning margin;
1751 (ii) if any precincts previously selected for the audit of a race can be used for the audit
1752 of a race for which precincts are subsequently selected, use the previously selected precincts for
1753 the subsequent race before randomly selecting the necessary number of additional precincts for
1754 that subsequent race; and
1755 (iii) to the extent possible, use the precincts selected under Subsections (4)(b)(i) and
1756 (ii) for audits of United States House of Representatives races before randomly selecting the
1757 necessary number of additional precincts for those races; and
1758 (c) notify the clerks for the precincts selected under Subsection (4)(b).
1759 (5) The clerks described in Subsection (4)(c) shall:
1760 (a) conduct a hand recount of the votes cast for the race in each precinct selected under
1761 Subsection (4)(b);
1762 (b) compare the tally of the hand recount of each precinct with the electronic tabulation
1763 for the precinct; and

1764 (c) report to the independent auditor the results of the recount described in Subsection
1765 (5)(a) and the comparison described in Subsection (5)(b).

1766 (6) The independent auditor shall determine the error rate in the sample for each race.

1767 (7) If, based on the hand recounts described in Subsection (5), the winning margin
1768 decreases and the error rate, based on the difference between the vote totals for the hand
1769 recounts and the original electronic vote totals, exceeds 90% of the winning margin for the
1770 race:

1771 (a) the independent auditor shall randomly select a sample of precincts equal in size to
1772 the previously selected sample; and

1773 (b) the county clerks for those precincts shall:

1774 (i) conduct a hand recount of the votes cast for the race in each precinct selected under
1775 Subsection (7)(a);

1776 (ii) compare the tally of the hand recount of each precinct with the electronic tabulation
1777 for the precinct; and

1778 (iii) report to the independent auditor the results of the recount described in Subsection
1779 (7)(b)(i) and the comparison described in Subsection (7)(b)(ii).

1780 (8) If, based on the hand recounts described in Subsection (7)(a), the winning margin
1781 of the original electronic tabulation decreases and the error rate, based on the difference
1782 between the vote totals for the hand recounts and the original electronic vote totals, exceeds
1783 90% of the winning margin for the race, the county clerks for the precincts that participated in
1784 the race shall conduct a hand recount of all votes in that race.

1785 (9) Poll watchers may observe an audit or hand recount described in this section.

1786 (10) The lieutenant governor and the county clerks shall give the independent auditor
1787 full access to the list of registered voters.

1788 Section 25. Section **20A-5-403** is amended to read:

1789 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**

1790 **Arrangements.**

1791 (1) Except as provided in Section **20A-7-609.5**, each election officer shall:

1792 (a) designate polling places for each voting precinct in the jurisdiction; and

1793 (b) obtain the approval of the county or municipal legislative body or local district
1794 governing board for those polling places.

1795 (2) (a) For each polling place, the election officer shall provide:
1796 (i) an American flag;
1797 (ii) a sufficient number of voting booths or compartments;
1798 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and
1799 supplies necessary to enable a voter to vote;
1800 (iv) the constitutional amendment cards required by Part 1, Election Notices and
1801 Instructions;
1802 (v) the instructions required by Section 20A-5-102; and
1803 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter
1804 identification is required for every voter before the voter may vote and listing the forms of
1805 identification that constitute valid voter identification.
1806 (b) Each election officer shall ensure that:
1807 (i) each voting booth is at a convenient height for writing, and is arranged so that the
1808 voter can prepare the voter's ballot screened from observation;
1809 (ii) there are a sufficient number of voting booths or voting devices to accommodate
1810 the voters at that polling place; and
1811 (iii) there is at least one voting booth or voting device that is configured to
1812 accommodate persons with disabilities.
1813 (c) Each county clerk shall provide a ballot box for each polling place that is large
1814 enough to properly receive and hold the ballots to be cast.
1815 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
1816 access by a person with a disability.
1817 (b) Any issues concerning inaccessibility to polling places by a person with a disability
1818 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
1819 clerk shall be:
1820 (i) forwarded to the Office of the Lieutenant Governor; and
1821 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
1822 either:
1823 (A) remedied at the particular location by the county clerk;
1824 (B) the county clerk shall designate an alternative accessible location for the particular
1825 precinct; or

1826 (C) if no practical solution can be identified, file with the Office of the Lieutenant
1827 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

1828 (c) An election officer may not operate a drive-through polling location.

1829 (4) (a) The municipality in which the election is held shall pay the cost of conducting
1830 each municipal election, including the cost of printing and supplies.

1831 (b) (i) Costs assessed by a county clerk to a municipality under this section may not
1832 exceed the actual costs incurred by the county clerk.

1833 (ii) The actual costs shall include:

1834 (A) costs of or rental fees associated with the use of election equipment and supplies;
1835 and

1836 (B) reasonable and necessary administrative costs.

1837 (5) The county clerk shall make detailed entries of all proceedings had under this
1838 chapter.

1839 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time
1840 that an individual waits in line before the individual can vote at a polling location in the county
1841 does not exceed 30 minutes.

1842 (b) The lieutenant governor may require a county clerk to submit a line management
1843 plan before the next election if an individual waits in line at a polling location in the county
1844 longer than 30 minutes before the individual can vote.

1845 (c) The lieutenant governor may consider extenuating circumstances in deciding
1846 whether to require the county clerk to submit a plan described in Subsection (6)(b).

1847 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)
1848 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the
1849 amount of time an individual waits in line before the individual can vote at a polling location in
1850 the county does not exceed 30 minutes.

1851 Section 26. Section **20A-5-804** is amended to read:

1852 **20A-5-804. Voting Equipment Grant Program -- Qualifications for receipt --**
1853 **Matching funds -- Acceptable uses.**

1854 (1) As used in this section:

1855 (a) "Program" means the Voting Equipment Grant Program created in this section.

1856 (b) "Proportional reimbursement rate" means the dollar amount equal to the product of:

- 1857 (i) the total amount of funds appropriated by the Legislature to the program; and
- 1858 (ii) the quotient of:
- 1859 (A) the total number of active voters in a county; and
- 1860 (B) the total number of registered voters in the state.
- 1861 (2) (a) There is created the Voting Equipment Grant Program as a grant program to
- 1862 assist counties in purchasing new voting equipment systems.
- 1863 (b) The lieutenant governor shall administer the program using funds appropriated by
- 1864 the Legislature for the purpose of administering the program.
- 1865 (3) (a) After January 1, 2018, a county may submit a proposal to the Office of the
- 1866 Lieutenant Governor to participate in and receive funds from the program.
- 1867 (b) A proposal described in Subsection (3)(a) shall:
- 1868 (i) describe the current condition of the voting equipment used by the county;
- 1869 (ii) describe the county's need for a new voting equipment system;
- 1870 (iii) describe how the county plans to comply with the requirements described in
- 1871 Subsection (4), including:
- 1872 (A) a description of how the county plans to provide the matching funds described in
- 1873 Subsection (4)(b) if the proposal is accepted; and
- 1874 (B) a schedule by which the requirements will be met; and
- 1875 (iv) contain a detailed estimate of the gross cost of procuring a new voting equipment
- 1876 system.
- 1877 (4) A county that receives funds through a program grant:
- 1878 (a) shall use the funds to purchase a new voting equipment system that:
- 1879 (i) meets the requirements of Section [20A-5-802](#);
- 1880 (ii) creates a secure and auditable paper record of each vote; and
- 1881 (iii) complies with any additional binding requirement made under Subsection
- 1882 [20A-5-803](#)(8) by the Voting Equipment Selection Committee;
- 1883 (b) shall, for the purpose of purchasing a new voting equipment system, appropriate
- 1884 matching funds equal to or greater than the difference of:
- 1885 (i) the amount described in Subsection (3)(b)(iv) in the proposal that the lieutenant
- 1886 governor accepts under Subsection (6)(b); and
- 1887 (ii) the amount the lieutenant governor is required to disburse to the county under

1888 Subsection (7)(a);

1889 (c) may not use funds disbursed under Subsection (6)(b)(i)(D) or appropriated under
1890 Subsection (4)(b) for a purpose or in a manner that is not authorized by this section;

1891 (d) except as provided in Subsection (5), may not, after using a new voting equipment
1892 system in an election that was purchased under this section, use voting equipment that does not
1893 meet the requirements described in Subsection (4)(a); and

1894 (e) shall purchase a new voting equipment system described under Subsection (4)(a)
1895 that provides the best value to the county with consideration for the new voting equipment
1896 system's:

1897 (i) cost of maintenance;

1898 (ii) estimated operational lifetime; and

1899 (iii) cost of replacement.

1900 (5) A county that receives funds through the program may use voting equipment that
1901 does not comply with the requirements described in Subsection (4)(a)(ii) or (iii):

1902 (a) to the extent that using the voting equipment is necessary to accommodate a person
1903 with a disability in accordance with the requirements described in Subsection

1904 [20A-3a-202](#)~~(8)~~[\(4\)](#)(b), [20A-3a-603](#)(1)(c), [20A-5-303](#)(8), or [20A-5-403](#)(2)(b)(iii); or

1905 (b) if the county purchased the voting equipment before receiving grant funds under
1906 Subsection (7)(a).

1907 (6) Upon receipt of a proposal described in Subsection (3), the lieutenant governor
1908 shall:

1909 (a) review the proposal to ensure that:

1910 (i) the proposal complies with the requirements described in Subsection (3); and

1911 (ii) the cost estimate described in Subsection (3)(b)(iv) appears to be reasonable; and

1912 (b) (i) if the proposal complies with the requirements described in Subsection (3), the
1913 cost estimate appears to be reasonably accurate, and sufficient program funds are available:

1914 (A) accept the proposal;

1915 (B) notify the county clerk of the county that submitted the proposal that the proposal
1916 is accepted;

1917 (C) notify the county clerk of the requirements described in Subsection (7); and

1918 (D) disburse the funds described in Subsection (7)(a), in accordance with the

1919 requirements described in Subsection (7)(b), to the county that submitted the proposal; or
 1920 (ii) if the proposal does not comply with the requirements described in Subsection (3),
 1921 the cost estimate does not appear to be reasonable, or sufficient program funds are not
 1922 available:

1923 (A) reject the proposal; and

1924 (B) notify the county clerk of the county that submitted the proposal that the proposal
 1925 is rejected, indicating the reason that the proposal is rejected.

1926 (7) The lieutenant governor:

1927 (a) shall disburse funds under Subsection (6)(b)(i)(D) equal to the lesser of:

1928 (i) 50% of the amount described in Subsection (3)(b)(iv) in the proposal that the
 1929 lieutenant governor accepts under Subsection (6)(b); or

1930 (ii) the proportional reimbursement rate; and

1931 (b) may not disburse funds under Subsection (6)(b)(i)(D):

1932 (i) until the county appropriates the matching funds described in Subsection (4)(b); or

1933 (ii) if the disbursement would cause the county's total receipt of funds from the
 1934 program to exceed the proportional reimbursement rate.

1935 Section 27. Section **20A-5-901** is enacted to read:

1936 **Part 9. Election Security**

1937 **20A-5-901. Election security requirements.**

1938 (1) As the votes of each ballot are counted, a camera shall record an image of the ballot
 1939 that can be viewed by any individual to verify that the votes are counted and recorded correctly.

1940 (2) A camera described in Subsection (1) and any memory, transmission equipment, or
 1941 other equipment connected to the camera, physically, electronically, or otherwise:

1942 (a) shall be completely separate from a voting tabulation machine; and

1943 (b) may not be connected to a voting tabulation machine physically, electronically, or
 1944 otherwise.

1945 (3) An election officer shall, at the time the votes on a ballot are counted:

1946 (a) save a copy of an image of the ballot; and

1947 (b) post the image online in a manner that the ballot may be viewed, and the votes on
 1948 the ballot counted, by any individual.

1949 (4) An election officer shall save each image described in Subsection (3) and make it

1950 available for viewing online, for a least one year after the day on which the image is made.

1951 (5) An election officer may not count a ballot at any time when Subsection (3) cannot
1952 be complied with at the time the ballot is counted.

1953 (6) An election officer shall:

1954 (a) before an update or other maintenance is performed on software or hardware used
1955 in connection with elections or election data, make a complete backup of the data associated
1956 with the software or hardware; and

1957 (b) maintain a copy of the data described in Subsection (6)(a) for at least two years
1958 after the day on which the election officer makes the backup.

1959 Section 28. Section **20A-6-101** is amended to read:

1960 **20A-6-101. General requirements for manual ballots.**

1961 (1) An election officer shall ensure that manual ballots:

1962 (a) are printed using precisely the same quality and tint of plain white paper through
1963 which the printing or writing cannot be seen;

1964 (b) are printed using precisely the same quality and kind of type;

1965 (c) are printed using precisely the same quality and tint of plain black ink;

1966 (d) are uniform in size for all the voting precincts within the election officer's
1967 jurisdiction; [~~and~~]

1968 (e) include, on a ticket for a race in which a voter is authorized to cast a write-in vote
1969 and in which a write-in candidate is qualified under Section **20A-9-601**, a space for a write-in
1970 candidate immediately following the last candidate listed on that ticket[-]; and

1971 (f) include the following security features:

1972 (i) a quick response code that:

1973 (A) is unique to each ballot;

1974 (B) no later than May 1, 2022, a voter may scan to track the voter's ballot; and

1975 (C) is not associated in any way with the voter;

1976 (ii) a light-sensitive watermark; and

1977 (iii) a foil stamp.

1978 (2) Whenever the vote for candidates is to be limited to the voters of a particular
1979 political division, the election officer shall ensure that the names of those candidates are
1980 printed only upon those ballots provided to that political division.

1981 Section 29. Section **20A-7-613** is amended to read:

1982 **20A-7-613. Property tax referendum petition.**

1983 (1) As used in this section, "certified tax rate" means the same as that term is defined in
1984 Section [59-2-924](#).

1985 (2) Except as provided in this section, the requirements of this part apply to a
1986 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
1987 exceeds the certified tax rate.

1988 (3) Notwithstanding Subsection [20A-7-606\(1\)](#), the sponsors or an agent of the sponsors
1989 shall deliver a signed and verified referendum packet to the county clerk of the county in which
1990 the packet was circulated before 5 p.m. no later than the earlier of:

1991 (a) 30 days after the day on which the first individual signs the packet; or

1992 (b) 40 days after the day on which the local clerk complies with Subsection
1993 [20A-7-604\(2\)](#).

1994 (4) Notwithstanding Subsections [20A-7-606\(2\)](#) and (3), the county clerk shall take the
1995 actions required in Subsections [20A-7-606\(2\)](#) and (3) within 10 working days after the day on
1996 which the county clerk receives the signed and verified referendum packet as described in
1997 Subsection (3).

1998 (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two
1999 working days after the day on which the local clerk receives the referendum packets from the
2000 county clerk.

2001 (6) Notwithstanding Subsection [20A-7-608\(2\)](#), the local attorney shall prepare the
2002 ballot title within two working days after the day on which the referendum petition is declared
2003 sufficient for submission to a vote of the people.

2004 (7) Notwithstanding Subsection [20A-7-609\(2\)\(c\)](#), a referendum that qualifies for the
2005 ballot under this section shall appear on the ballot for the earlier of the next regular general
2006 election or the next municipal general election unless a special election is called.

2007 (8) The election officer shall mail manual ballots on a referendum under this section
2008 the later of:

2009 (a) the time provided in Section [~~20A-3a-202~~] [20A-3a-303](#) or [20A-16-403](#); or

2010 (b) the time that ballots are prepared for mailing under this section.

2011 (9) Section [20A-7-402](#) does not apply to a referendum described in this section.

2012 (10) (a) If a majority of voters does not vote against imposing the tax at a rate
2013 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing
2014 entity's legislative body:

2015 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
2016 is its most recent certified tax rate; and

2017 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
2018 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed
2019 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body
2020 before the filing of the referendum petition.

2021 (b) If a majority of voters votes against imposing a tax at the rate established by the
2022 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
2023 taxing entity's most recent certified tax rate.

2024 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
2025 required to comply with the notice and public hearing requirements of Section 59-2-919 if the
2026 taxing entity complies with those notice and public hearing requirements before the referendum
2027 petition is filed.

2028 (11) The ballot title shall, at a minimum, include in substantially this form the
2029 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
2030 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as
2031 budgeted, adopted, and approved by the [name of the taxing entity].".

2032 (12) A taxing entity shall pay the county the costs incurred by the county that are
2033 directly related to meeting the requirements of this section and that the county would not have
2034 incurred but for compliance with this section.

2035 (13) (a) An election officer shall include on a ballot a referendum that has not yet
2036 qualified for placement on the ballot, if:

2037 (i) sponsors file an application for a referendum described in this section;

2038 (ii) the ballot will be used for the election for which the sponsors are attempting to
2039 qualify the referendum; and

2040 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
2041 the day on which the ballot will be printed.

2042 (b) If an election officer includes on a ballot a referendum described in Subsection

2043 (13)(a), the ballot title shall comply with Subsection (11).

2044 (c) If an election officer includes on a ballot a referendum described in Subsection
2045 (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the
2046 voters by any practicable method that the referendum has not qualified for the ballot and that
2047 votes cast in relation to the referendum will not be counted.

2048 Section 30. **Repealer.**

2049 This bill repeals:

2050 Section **20A-4-101**, **Manual ballots cast at a polling place -- Counting manual**
2051 **ballots at polling place on day of election before polls close.**

2052 Section **20A-5-403.5**, **Ballot drop boxes.**