

Representative Michael J. Petersen proposes the following substitute bill:

VOTING ADMINISTRATION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the administration of elections.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that an election officer is not required to mail a ballot to certain "dormant" voters, unless the voters request a ballot;
- ▶ establishes a deadline to cure a rejected ballot; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



26 [20A-5-804](#), as last amended by Laws of Utah 2020, Chapter 31

27

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

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

30 **20A-1-102. Definitions.**

31 As used in this title:

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

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

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

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

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

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

42 (b) a constitutional amendment;

43 (c) an initiative;

44 (d) a referendum;

45 (e) a bond proposition;

46 (f) a judicial retention question;

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

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

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

52 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
53 [20A-4-306](#) to canvass election returns.

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

56 (8) "Business reply mail envelope" means an envelope that may be mailed free of

57 charge by the sender.

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

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

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

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

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

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

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

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

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

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

77 (b) does not include:

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

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

82 (18) "Elected official" means:

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

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

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

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

89 (19) "Election" means a regular general election, a municipal general election, a
90 statewide special election, a local special election, a regular primary election, a municipal
91 primary election, and a local district election.

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

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

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

- 97 (a) preside over other poll workers at a polling place;
- 98 (b) act as the presiding election judge; or
- 99 (c) serve as a canvassing judge, counting judge, or receiving judge.

100 (23) "Election officer" means:

- 101 (a) the lieutenant governor, for all statewide ballots and elections;
- 102 (b) the county clerk for:
 - 103 (i) a county ballot and election; and
 - 104 (ii) a ballot and election as a provider election officer as provided in Section
105 20A-5-400.1 or 20A-5-400.5;
- 106 (c) the municipal clerk for:
 - 107 (i) a municipal ballot and election; and
 - 108 (ii) a ballot and election as a provider election officer as provided in Section
109 20A-5-400.1 or 20A-5-400.5;
- 110 (d) the local district clerk or chief executive officer for:
 - 111 (i) a local district ballot and election; and
 - 112 (ii) a ballot and election as a provider election officer as provided in Section
113 20A-5-400.1 or 20A-5-400.5; or
- 114 (e) the business administrator or superintendent of a school district for:
 - 115 (i) a school district ballot and election; and
 - 116 (ii) a ballot and election as a provider election officer as provided in Section
117 20A-5-400.1 or 20A-5-400.5.

118 (24) "Election official" means any election officer, election judge, or poll worker.

119 (25) "Election results" means:

120 (a) for an election other than a bond election, the count of votes cast in the election and
121 the election returns requested by the board of canvassers; or

122 (b) for bond elections, the count of those votes cast for and against the bond
123 proposition plus any or all of the election returns that the board of canvassers may request.

124 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
125 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
126 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
127 the total votes cast form.

128 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
129 or logically associated with a record and executed or adopted by a person with the intent to sign
130 the record.

131 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
132 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).

133 (29) "Judicial office" means the office filled by any judicial officer.

134 (30) "Judicial officer" means any justice or judge of a court of record or any county
135 court judge.

136 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
137 Local Government Entities - Local Districts, and includes a special service district under Title
138 17D, Chapter 1, Special Service District Act.

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

141 (33) "Local election" means a regular county election, a regular municipal election, a
142 municipal primary election, a local special election, a local district election, and a bond
143 election.

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

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

149 (36) "Manual ballot" means a paper document produced by an election officer on

150 which an individual records an individual's vote by directly placing a mark on the paper
151 document using a pen or other marking instrument.

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

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

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

157 (38) "Municipal executive" means:

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

159 (b) the mayor in the council-manager form of government defined in Subsection
160 10-3b-103(7); or

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

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

165 (40) "Municipal legislative body" means:

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

167 (b) the council of a metro township.

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

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

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

173 (44) "Municipality" means a city, town, or metro township.

174 (45) "Official ballot" means the ballots distributed by the election officer for voters to
175 record their votes.

176 (46) "Official endorsement" means the information on the ballot that identifies:

177 (a) the ballot as an official ballot;

178 (b) the date of the election; and

179 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
180 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

181 (ii) for a ballot prepared by a county clerk, the words required by Subsection
182 20A-6-301(1)(b)(iii).

183 (47) "Official register" means the official record furnished to election officials by the
184 election officer that contains the information required by Section 20A-5-401.

185 (48) "Political party" means an organization of registered voters that has qualified to
186 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
187 and Procedures.

188 (49) (a) "Poll worker" means a person assigned by an election official to assist with an
189 election, voting, or counting votes.

190 (b) "Poll worker" includes election judges.

191 (c) "Poll worker" does not include a watcher.

192 (50) "Pollbook" means a record of the names of voters in the order that they appear to
193 cast votes.

194 (51) "Polling place" means a building where voting is conducted.

195 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
196 in which the voter marks the voter's choice.

197 (53) "Presidential Primary Election" means the election established in Chapter 9, Part
198 8, Presidential Primary Election.

199 (54) "Primary convention" means the political party conventions held during the year
200 of the regular general election.

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

202 (a) is built into a voting machine; and

203 (b) records the total number of movements of the operating lever.

204 (56) "Provider election officer" means an election officer who enters into a contract or
205 interlocal agreement with a contracting election officer to conduct an election for the
206 contracting election officer's local political subdivision in accordance with Section
207 20A-5-400.1.

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

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

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

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

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

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

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

219 (i) elected to public office; or

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

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

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

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

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

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

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

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

235 (67) "Return envelope" means the envelope, described in Subsection
236 20A-3a-202~~(4)~~(5), provided to a voter with a manual ballot:

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

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

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

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

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

244 (a) is spoiled by the voter;

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

246 (c) lacks the official endorsement.

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

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

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

252 (a) political parties;

253 (b) candidates for an office; or

254 (c) ballot propositions.

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

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

260 (76) "Valid voter identification" means:

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

263 (i) a currently valid Utah driver license;

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

265 (A) the state; or

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

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

268 (iv) a currently valid United States passport; or

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

270 (b) one of the following identification cards, whether or not the card includes a
271 photograph of the voter:

272 (i) a valid tribal identification card;

273 (ii) a Bureau of Indian Affairs card; or

- 274 (iii) a tribal treaty card; or
275 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
276 the name of the voter and provide evidence that the voter resides in the voting precinct, which
277 may include:
- 278 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
279 election;
 - 280 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 281 (iii) a certified birth certificate;
 - 282 (iv) a valid social security card;
 - 283 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 284 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 285 (vii) a currently valid Utah hunting or fishing license;
 - 286 (viii) certified naturalization documentation;
 - 287 (ix) a currently valid license issued by an authorized agency of the United States;
 - 288 (x) a certified copy of court records showing the voter's adoption or name change;
 - 289 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 290 (xii) a currently valid identification card issued by:
 - 291 (A) a local government within the state;
 - 292 (B) an employer for an employee; or
 - 293 (C) a college, university, technical school, or professional school located within the
294 state; or
 - 295 (xiii) a current Utah vehicle registration.
- 296 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
297 candidate by following the procedures and requirements of this title.
- 298 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
299 (a) mailing the ballot to the location designated in the mailing; or
300 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 301 (79) "Voter" means an individual who:
302 (a) meets the requirements for voting in an election;
303 (b) meets the requirements of election registration;
304 (c) is registered to vote; and

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

306 (80) "Voter registration deadline" means the registration deadline provided in Section
307 [20A-2-102.5](#).

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

310 (82) "Voting booth" means:

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

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

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

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

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

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

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

323 Section 2. Section **20A-3a-202** is amended to read:

324 **20A-3a-202. Conducting election by mail.**

325 (1) As used in this section:

326 (a) "Current voter" means a registered voter:

327 (i) who voted in the last presidential election;

328 (ii) who voted in at least one of the last two regular primary elections;

329 (iii) who voted in at least one of the last two regular general elections;

330 (iv) who registered to vote, or updated the voter's voter registration, within the
331 preceding four years; or

332 (v) from whom, after becoming a dormant voter, and no later than 10 days before
333 election day, the election officer receives a written request for a mailed ballot.

334 (b) "Dormant voter" means a registered voter who:

335 (i) did not vote in the last presidential election;

- 336 (ii) did not vote in at least one of the last two regular primary elections;
337 (iii) did not vote in at least one of the last two regular general elections; and
338 (iv) did not register to vote, nor update the voter's voter registration, within the
339 preceding two years.

340 ~~[(1)]~~ (2) Except as otherwise provided for an election conducted entirely by mail under
341 Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in
342 accordance with this section.

343 ~~[(2)]~~ (3) An election officer who administers an election:

344 (a) shall in accordance with Subsection ~~[(3)]~~ (4), no sooner than 21 days before
345 election day and no later than seven days before election day, mail to each ~~[active]~~ current
346 voter within a voting precinct:

347 (i) a manual ballot;

348 (ii) a return envelope;

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

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

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

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

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

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

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

364 Subsection ~~[(10)]~~ (11)(c)(ii).

365 ~~[(3)]~~ (4) (a) An election officer who mails a manual ballot under Subsection ~~[(2)]~~ (3)
366 shall mail the manual ballot to the address:

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

368 (ii) if, at or after the time of registration, the voter files an alternate address request
369 form described in Subsection [~~(3)~~] (4)(b), the alternate address indicated on the form.

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

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

375 [~~(4)~~] (5) The return envelope shall include:

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

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

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

381 "County of ____ State of ____

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

385 _____
386 Signature of Voter"; and

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

390 [~~(5)~~] (6) If the election officer determines that the voter is required to show valid voter
391 identification, the election officer may:

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

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

395 [~~(6)~~] (7) An election officer who administers an election shall:

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

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

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

401 ~~[(7)]~~ (8) Upon receipt of a returned ballot, the election officer shall review and process
402 the ballot under Section 20A-3a-401.

403 ~~[(8)]~~ (9) A county that administers an election:

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

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

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

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

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

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

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

417 (e) is subject to an audit conducted under Subsection ~~[(9)]~~ (10).

418 ~~[(9)]~~ (10) (a) The lieutenant governor shall:

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

421 (ii) after each primary, general, or special election conducted under this section, select
422 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
423 developed under Subsection ~~[(9)]~~ (10)(a)(i).

424 (b) The lieutenant governor shall post the results of an audit conducted under this
425 Subsection ~~[(9)]~~ (10) on the lieutenant governor's website.

426 ~~[(10)]~~ (11) (a) An individual may request that the election officer not send the
427 individual a ballot by mail in the next and subsequent elections by submitting a written request
428 to the election officer.

429 (b) An individual shall submit the request described in Subsection [~~(10)~~] (11)(a) to the
430 election officer before 5 p.m. no later than 60 days before an election if the individual does not
431 wish to receive a ballot by mail in that election.

432 (c) An election officer who receives a request from an individual under Subsection
433 [~~(10)~~] (11)(a):

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

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

437 (A) the next election, if the individual submits the request described in Subsection
438 [~~(10)~~] (11)(a) before the deadline described in Subsection [~~(10)~~] (11)(b); or

439 (B) an election after the election described in Subsection [~~(10)~~] (11)(c)(ii)(A).

440 (d) An individual who submits a request under Subsection [~~(10)~~] (11)(a) may resume
441 the individual's receipt of a ballot by mail by submitting a written request to the election
442 officer.

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

444 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**
445 **Disposition -- Notice.**

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

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

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

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

452 (a) the signatures correspond;

453 (b) the affidavit is sufficient;

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

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

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

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

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

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

- 462 (i) the signatures correspond;
- 463 (ii) the affidavit is sufficient;
- 464 (iii) the voter is registered to vote in the correct precinct;
- 465 (iv) the voter's right to vote the ballot has not been challenged;
- 466 (v) the voter has not already voted in the election; and
- 467 (vi) for a voter required to provide valid voter identification, that the voter has

468 provided valid voter identification.

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

- 471 (i) remove the manual ballot from the return envelope in a manner that does not
472 destroy the affidavit on the return envelope;
- 473 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
474 with the return envelope; and
- 475 (iii) place the ballot with the other ballots to be counted.

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

- 478 (i) disallow the vote;
- 479 (ii) without opening the return envelope, mark across the face of the return envelope:
480 (A) "Rejected as defective"; or
481 (B) "Rejected as not a registered voter"; and
- 482 (iii) place the return envelope, unopened, with the other rejected return envelopes.

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

- 487 (i) that the individual's signature is in question;
- 488 (ii) how the individual may resolve the issue; and
- 489 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
490 the election officer a correctly completed affidavit, provided by the county clerk, that meets the

491 requirements described in Subsection (5)(b).

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

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

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

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

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

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

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

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

507 (ii) if the election officer receives the affidavit no later than 5 p.m. [~~the day before~~]
508 three days before the day on which the canvass begins, count the individual's ballot.

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

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

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

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

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

520 (b) seven days after election day if the election officer rejects the ballot on election day;

521 or

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

524 (8) An election officer may not count the ballot of an individual whom the election
525 officer contacts under Subsection (5) or (6) unless:

526 (a) the election officer receives a signed affidavit from the individual under Subsection
527 (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's
528 identity[-]; and

529 (b) the affidavit described in Subsection (8)(a) is received, or the confirmation
530 described in Subsection (8)(a) occurs, no later than 5 p.m. three days before the day on which
531 the canvass begins.

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

534 Section 4. Section **20A-5-804** is amended to read:

535 **20A-5-804. Voting Equipment Grant Program -- Qualifications for receipt --**
536 **Matching funds -- Acceptable uses.**

537 (1) As used in this section:

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

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

540 (i) the total amount of funds appropriated by the Legislature to the program; and

541 (ii) the quotient of:

542 (A) the total number of active voters in a county; and

543 (B) the total number of registered voters in the state.

544 (2) (a) There is created the Voting Equipment Grant Program as a grant program to
545 assist counties in purchasing new voting equipment systems.

546 (b) The lieutenant governor shall administer the program using funds appropriated by
547 the Legislature for the purpose of administering the program.

548 (3) (a) After January 1, 2018, a county may submit a proposal to the Office of the
549 Lieutenant Governor to participate in and receive funds from the program.

550 (b) A proposal described in Subsection (3)(a) shall:

551 (i) describe the current condition of the voting equipment used by the county;

552 (ii) describe the county's need for a new voting equipment system;

553 (iii) describe how the county plans to comply with the requirements described in
554 Subsection (4), including:
555 (A) a description of how the county plans to provide the matching funds described in
556 Subsection (4)(b) if the proposal is accepted; and
557 (B) a schedule by which the requirements will be met; and
558 (iv) contain a detailed estimate of the gross cost of procuring a new voting equipment
559 system.
560 (4) A county that receives funds through a program grant:
561 (a) shall use the funds to purchase a new voting equipment system that:
562 (i) meets the requirements of Section 20A-5-802;
563 (ii) creates a secure and auditable paper record of each vote; and
564 (iii) complies with any additional binding requirement made under Subsection
565 20A-5-803(8) by the Voting Equipment Selection Committee;
566 (b) shall, for the purpose of purchasing a new voting equipment system, appropriate
567 matching funds equal to or greater than the difference of:
568 (i) the amount described in Subsection (3)(b)(iv) in the proposal that the lieutenant
569 governor accepts under Subsection (6)(b); and
570 (ii) the amount the lieutenant governor is required to disburse to the county under
571 Subsection (7)(a);
572 (c) may not use funds disbursed under Subsection (6)(b)(i)(D) or appropriated under
573 Subsection (4)(b) for a purpose or in a manner that is not authorized by this section;
574 (d) except as provided in Subsection (5), may not, after using a new voting equipment
575 system in an election that was purchased under this section, use voting equipment that does not
576 meet the requirements described in Subsection (4)(a); and
577 (e) shall purchase a new voting equipment system described under Subsection (4)(a)
578 that provides the best value to the county with consideration for the new voting equipment
579 system's:
580 (i) cost of maintenance;
581 (ii) estimated operational lifetime; and
582 (iii) cost of replacement.
583 (5) A county that receives funds through the program may use voting equipment that

584 does not comply with the requirements described in Subsection (4)(a)(ii) or (iii):

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

587 [20A-3a-202](#)~~(8)~~(9)(b), [20A-3a-603](#)(1)(c), [20A-5-303](#)(8), or [20A-5-403](#)(2)(b)(iii); or

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

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

592 (a) review the proposal to ensure that:

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

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

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

597 (A) accept the proposal;

598 (B) notify the county clerk of the county that submitted the proposal that the proposal
599 is accepted;

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

601 (D) disburse the funds described in Subsection (7)(a), in accordance with the
602 requirements described in Subsection (7)(b), to the county that submitted the proposal; or

603 (ii) if the proposal does not comply with the requirements described in Subsection (3),
604 the cost estimate does not appear to be reasonable, or sufficient program funds are not
605 available:

606 (A) reject the proposal; and

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

609 (7) The lieutenant governor:

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

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

613 (ii) the proportional reimbursement rate; and

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

- 615 (i) until the county appropriates the matching funds described in Subsection (4)(b); or
- 616 (ii) if the disbursement would cause the county's total receipt of funds from the
- 617 program to exceed the proportional reimbursement rate.