

1 **VOTER SIGNATURE VERIFICATION AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Wayne A. Harper

7 **LONG TITLE**

8 **Committee Note:**

9 The Government Operations Interim Committee recommended this bill.

10 Legislative Vote: 10 voting for 3 voting against 1 absent

11 **General Description:**

12 This bill addresses voter signature verification, voter accessibility, and related issues.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ provides guidance for determining when a signature submitted with a ballot
- 16 corresponds to a signature in a voter registration record;
- 17 ▶ establishes requirements for contacting a voter when the voter's ballot is rejected;
- 18 ▶ establishes record-keeping and reporting requirements in relation to rejected ballots;
- 19 ▶ requires an election officer to provide an accessible voting option for a voter with a
- 20 disability;
- 21 ▶ requires the director of elections to make rules regarding signature verification for
- 22 individuals who are unable to sign their name consistently due to a disability;
- 23 ▶ grants rulemaking authority to establish criteria, processes, and training in relation
- 24 to signature comparison;
- 25 ▶ requires that election notices include instructions for how a voter with a disability
- 26 may obtain information on voting in an accessible manner;
- 27 ▶ provides for the disclosure, to a political party or candidate, of certain information



28 relating to a voter whose ballot is rejected;

29 ▶ makes it unlawful for an election officer to willfully neglect, or act corruptly in
30 discharging, the election officer's duty; and

31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **20A-3a-202**, as last amended by Laws of Utah 2022, Chapters 18, 121, and 156

39 **20A-3a-401**, as last amended by Laws of Utah 2022, Chapter 392 and last amended by
40 Coordination Clause, Laws of Utah 2022, Chapter 392

41 **20A-5-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

42 **20A-5-701**, as last amended by Laws of Utah 2013, Chapter 253



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

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

46 **20A-3a-202. Conducting election by mail.**

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

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

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

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

56 (i) a manual ballot;

57 (ii) a return envelope;

58 (iii) instructions for returning the ballot that include an express notice about any

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

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

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

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

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

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

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

73 Subsection (10)(c)(ii); [~~and~~]

74 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
75 include instructions for returning the ballot if the individual to whom the election officer mails
76 the ballot does not live at the address to which the ballot is sent[-];

77 (d) shall provide a method of accessible voting to a voter with a disability who is not
78 able to vote by mail; and

79 (e) shall include, on the election officer's website and with each ballot mailed,
80 instructions regarding how a voter described in Subsection (2)(d) may vote.

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

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

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

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

89 (c) A voter shall provide the completed alternate address request form to the election

90 officer no later than 11 days before the day of the election.

91 (4) The return envelope shall include:

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

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

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

97 "County of ____ State of ____

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

101 _____

102 Signature of Voter"; and

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

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

108 (a) mail a ballot to the voter;

109 (b) instruct the voter to include a copy of the voter's valid voter identification with the
110 return ballot; and

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

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

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

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

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

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

- 121 (8) A county that administers an election:
- 122 (a) shall provide at least one election day voting center in accordance with [~~Chapter 3a,~~
123 ~~Part 7, Election Day Voting Center~~] Part 7, Election Day Voting Center, and at least one
124 additional election day voting center for every 5,000 active voters in the county who have
125 requested to not receive a ballot by mail;
- 126 (b) shall ensure that each election day voting center operated by the county has at least
127 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
128 Pub. L. No. 107-252, for individuals with disabilities;
- 129 (c) may reduce the early voting period described in Section [20A-3a-601](#), if:
- 130 (i) the county clerk conducts early voting on at least four days;
- 131 (ii) the early voting days are within the period beginning on the date that is 14 days
132 before the date of the election and ending on the day before the election; and
- 133 (iii) the county clerk provides notice of the reduced early voting period in accordance
134 with Section [20A-3a-604](#);
- 135 (d) is not required to pay return postage for a ballot; and
- 136 (e) is subject to an audit conducted under Subsection (9).
- 137 (9) (a) The lieutenant governor shall:
- 138 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
139 an election conducted under this section; and
- 140 (ii) after each primary, general, or special election conducted under this section, select
141 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
142 developed under Subsection (9)(a)(i).
- 143 (b) The lieutenant governor shall post the results of an audit conducted under this
144 Subsection (9) on the lieutenant governor's website.
- 145 (10) (a) An individual may request that the election officer not send the individual a
146 ballot by mail in the next and subsequent elections by submitting a written request to the
147 election officer.
- 148 (b) An individual shall submit the request described in Subsection (10)(a) to the
149 election officer before 5 p.m. no later than 60 days before an election if the individual does not
150 wish to receive a ballot by mail in that election.
- 151 (c) An election officer who receives a request from an individual under Subsection

152 (10)(a):

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

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

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

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

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

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

162 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**
163 **Disposition -- Notice.**

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

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

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

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

170 (a) the signatures correspond;

171 (b) the affidavit is sufficient;

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

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

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

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

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

178 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
179 workers determine [~~that~~]:

180 [~~(i) the signatures correspond;~~]

181 (i) in accordance with the rules made under Subsection (11):

182 (A) that the signature on the affidavit of the return envelope is reasonably consistent

183 with the individual's signature in the voter registration records; or

184 (B) for an individual who checks the box described in Subsection (5)(c)(v), that the
 185 signature is verified by alternative means;

186 (ii) that the affidavit is sufficient;

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

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

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

190 (vi) for a voter required to provide valid voter identification, that the voter has

191 provided valid voter identification.

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

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

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

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

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

201 (i) disallow the vote;

202 (ii) without opening the return envelope, mark "rejected," and the reason for the
 203 rejection, across the face of the return envelope; and[:]

204 [~~(A) "Rejected as defective"; or~~]

205 [~~(B) "Rejected as not a registered voter"; and~~]

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

207 (5) (a) If the poll workers reject an individual's ballot because the poll workers
 208 determine, in accordance with rules made under Subsection (11), that the signature on the
 209 return envelope does not [~~match~~] correspond with the individual's signature in the voter
 210 registration records, the election officer shall:

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

213 (ii) inform the individual:

214 [(i)] (A) that the individual's signature is in question;
 215 [(ii)] (B) how the individual may resolve the issue; and
 216 [(iii)] (C) that, in order for the ballot to be counted, the individual is required to deliver
 217 to the election officer a correctly completed affidavit, provided by the county clerk, that meets
 218 the requirements described in Subsection [~~(5)(b)~~] (5)(c).

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

221 (i) when communicating the notice by mail, a printed copy of the affidavit described in
 222 Subsection (5)(c) and a courtesy reply envelope;

223 (ii) when communicating the notice electronically, a link to a copy of the affidavit
 224 described in Subsection (5)(c) or information on how to obtain a copy of the affidavit; or

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

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

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

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

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

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

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

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

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

244 [(d)] (e) An election officer who receives a signed affidavit under Subsection [~~(5)(e)~~]

245 (5)(d) shall immediately:

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

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

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

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

256 (6) (a) The election officer shall, within two business days after the day on which an
257 individual's ballot is rejected, notify the individual of the rejection and the reason for the
258 rejection, by phone, mail, email, or SMS text message, unless:

259 (i) the ballot is cured within one business day after the day on which the ballot is
260 rejected; or

261 (ii) the ballot is rejected because the ballot is received late or for another reason that
262 cannot be cured.

263 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii),
264 the election officer shall notify the individual of the rejection and the reason for the rejection by
265 phone, mail, email, or SMS text message, within the later of:

266 (i) 30 days after the day of the rejection; or

267 (ii) 30 days after the day of the election.

268 (c) The election officer may, when notifying an individual by phone under this
269 Subsection (6), use auto-dial technology.

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

272 ~~[(a) if the election officer rejects the ballot before election day:]~~

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

275 ~~[(ii) two business days after the day on which the election officer rejects the ballot, if~~

276 ~~the election officer gives the notice by postal mail or phone;~~

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

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

281 ~~[(8)]~~ (7) An election officer may not count the ballot of an individual whom the
282 election officer contacts under Subsection (5) or (6) unless:

283 (a) the election officer receives a signed affidavit from the individual under Subsection
284 (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's
285 identity; and

286 (b) the affidavit described in Subsection ~~[(8)]~~ (7)(a) is received, or the confirmation
287 described in Subsection ~~[(8)]~~ (7)(a) occurs, no later than 5 p.m. three days before the day on
288 which the canvass begins.

289 ~~[(9)]~~ (8) The election officer shall retain and preserve the return envelopes in the
290 manner provided by law for the retention and preservation of ballots voted at that election.

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

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

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

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

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

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

302 (iii) the number of ballots rejected for which the voter subsequently submitted an
303 affidavit stating, under Subsection (5)(c)(v), that the reason for a voter's rejected signature was
304 the voter's disability.

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

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

310 (a) criteria and processes for use by poll workers in determining if a signature
311 corresponds with the signature on file for the voter under Subsections (3)(a) and (4)(a)(i)(A);

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

314 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42
315 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the signature of an
316 individual who checks the box described in Subsection (5)(c)(v).

317 (12) If, in accordance with the requirements of law, an election officer discloses the
318 name or address of voters whose ballots have been rejected and not yet resolved, the election
319 officer may only make the disclosure by posting the information on the election officer's
320 website where any member of the public may access the information.

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

322 **20A-5-101. Notice of election.**

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

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

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

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

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

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

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

337 (B) by posting one notice, and at least one additional notice per 2,000 population of the

338 county, in places within the county that are most likely to give notice of the election to the
339 voters in the county, subject to a maximum of 10 notices; or

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

341 (iii) by posting notice on the Utah Public Notice Website, created in Section
342 63A-16-601, for seven days before the day of the election; and

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

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

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

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

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

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

352 (a) the date of election;

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

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

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

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

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

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

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

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

368 (ii) at least two days before the day of the election, by posting one notice, and at least

369 one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction
370 that are most likely to give notice of the election to the voters in the jurisdiction, subject to a
371 maximum of 10 notices; or

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

374 (b) by posting notice on the Utah Public Notice Website, created in Section
375 63A-16-601, for two days before the day of the election; and

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

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

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

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

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

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

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

389 (iii) a mailing address and telephone number.

390 Section 4. Section 20A-5-701 is amended to read:

391 **20A-5-701. Willful neglect of duty or corrupt conduct -- Penalty.**

392 (1) It is unlawful for [~~any~~] an election officer or poll worker to willfully neglect the
393 election officer's or poll worker's duty or to willfully act corruptly in discharging the election
394 officer's or poll worker's duty.

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