

**Representative Phil Lyman** proposes the following substitute bill:

**INDEPENDENT ELECTION EVALUATIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Phil Lyman**

Senate Sponsor: Curtis S. Bramble

---

---

**LONG TITLE**

**General Description:**

This bill requires an independent attestation engagement in relation to certain election matters.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the lieutenant governor to contract with an independent accounting firm to conduct an attestation engagement to evaluate the accuracy, validity, and completeness of certain election audits, statistics, and results;
- ▶ describes contract requirements;
- ▶ provides for access by the independent accounting firm to, and for the protection of, records needed for the attestation engagement; and
- ▶ requires public reporting in relation to the attestation engagement.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 ENACTS:

27 [20A-4-407](#), Utah Code Annotated 1953



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

30 Section 1. Section [20A-4-407](#) is enacted to read:

31 **[20A-4-407](#). Independent attestation engagement -- Requirements -- Reporting.**

32 (1) As used in this section:

33 (a) "Attestation engagement" means an evaluation by an independent accounting firm  
34 of a specified subject matter, and the results generated or conclusions reached in relation to that  
35 subject matter, to determine, to a limited degree of assurance, the accuracy, validity, and  
36 completeness of the results or conclusions.

37 (b) "Committee" means the Government Operations Interim Committee.

38 (c) "Firm" means the qualified independent accounting firm that the lieutenant  
39 governor contracts with under Subsection (2).

40 (2) Each even-numbered year, before the regular primary election, the lieutenant  
41 governor shall, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, and  
42 Subsection (5), contract with a qualified independent accounting firm to conduct an attestation  
43 engagement focused on providing limited assurance of the accuracy, validity, and completeness  
44 of:

45 (a) the results of the voter registration audit described in Section [20A-5-901](#);

46 (b) the lieutenant governor's summary of election results of both the regular primary  
47 election and the regular general election; and

48 (c) the statistics posted under Subsection [20A-3a-405\(3\)\(c\)](#).

49 (3) To ensure that the firm has access to the election records needed to complete the  
50 attestation engagement described in Subsection (2), the lieutenant governor shall, before  
51 executing a contract under Subsection (2), negotiate with the firm and incorporate into the  
52 contract:

53 (a) the access that the firm will have to election records; and

54 (b) requirements that the firm must comply with to ensure the security and chain of  
55 custody of the election records.

56 (4) The lieutenant governor shall, within 60 days after the date of the regular general

- 57 election:
- 58 (a) complete a post-election report describing the results of the attestation engagement
- 59 described in Subsection (2);
- 60 (b) send a copy of the post-election report to the committee; and
- 61 (c) upon request by the committee or the committee chairs, present, or assign the
- 62 director of elections to present, the post-election report, in-person, to the committee.
- 63 (5) The lieutenant governor shall ensure, via the procurement process and the resulting
- 64 contract, that the firm:
- 65 (a) will not have access to the personal privacy information of a voter;
- 66 (b) will only have access to data that is aggregated and deidentified;
- 67 (c) provides a process plan that includes the methodology to be used during the
- 68 attestation engagement;
- 69 (d) ensures that all materials are handled securely, transparently, and consistently;
- 70 (e) is not affiliated with a foreign government;
- 71 (f) does not harvest data for the purpose of reproducing or distributing the data to
- 72 others; and
- 73 (g) meets industry standards for cybersecurity and data privacy.