

## HB0448S02 compared with HB0448S01

~~deleted text~~ shows text that was in HB0448S01 but was deleted in HB0448S02.

inserted text shows text that was not in HB0448S01 but was inserted into HB0448S02.

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**Representative A. Cory Maloy** proposes the following substitute bill:

### **ELECTION CHANGES**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: A. Cory Maloy**

Senate Sponsor: Michael S. Kennedy

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#### **LONG TITLE**

##### **General Description:**

This bill amends provisions of the Election Code and the authority of the lieutenant governor over elections.

##### **Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies and describes the supervisory and oversight authority of the lieutenant governor over elections;
- ▶ describes the duties of a clerk in relation to elections;
- ▶ provides the lieutenant governor with access to records, facilities, equipment, staff, and meetings to assist the lieutenant governor in fulfilling the supervisory and oversight authority described above;

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- ▶ provides a process and method for the lieutenant governor to enforce compliance with the provisions of election law;
- ▶ requires the lieutenant governor to provide, and certain election administrators and employees to complete, training relating to conducting elections;
- ▶ addresses requirements for audits of election processes;
- ▶ modifies publication dates for certain ballot statistics;
- ▶ requires certain studies relating to elections;
- ▶ grants rulemaking authority to the lieutenant governor in relation to:
  - training;
  - audits;
  - maintaining and updating the statewide voter registration system and database;
  - conducting elections;
  - signature comparison and verification;
  - alternative methods of identity verification; and
  - chain of custody and ballot reconciliation;
- ▶ modifies provisions relating to the statewide voter registration system and database, including requirements relating to maintenance and updates;
- ▶ establishes requirements to ensure accessibility of the election system in relation to a person with a disability;
- ▶ modifies ballot curing requirements;
- ▶ enacts ballot chain of custody and reconciliation requirements;
- ▶ establishes requirements relating to election records and election security;
- ▶ requires uniformity of certain election processes and records; and
- ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

~~{None}~~ This bill appropriates in fiscal year 2024:

- ▶ to the Governor's Office – Lt. Governor's Office, as an ongoing appropriation:
  - from the General Fund, \$860,000; and
- ▶ to the Governor's Office – Lt. Governor's Office, as a one-time appropriation:
  - from the General Fund, \$730,000.

### **Other Special Clauses:**

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None

### **Utah Code Sections Affected:**

#### **AMENDS:**

**20A-1-102**, as last amended by Laws of Utah 2022, Chapters 18, 170  
**20A-2-206**, as last amended by Laws of Utah 2021, Chapter 64  
**20A-2-300.6**, as last amended by Laws of Utah 2003, Chapter 117  
**20A-3a-202**, as last amended by Laws of Utah 2022, Chapters 18, 121 and 156  
**20A-3a-401**, as last amended by Laws of Utah 2022, Chapter 392  
**20A-3a-401.5**, as enacted by Laws of Utah 2021, Chapter 100  
**20A-3a-405**, as enacted by Laws of Utah 2022, Chapter 380  
**20A-4-102**, as last amended by Laws of Utah 2022, Chapter 342  
**20A-4-104**, as last amended by Laws of Utah 2022, Chapter 380  
**20A-4-106**, as last amended by Laws of Utah 2020, Chapter 31  
**20A-4-202**, as last amended by Laws of Utah 2022, Chapter 156  
**20A-4-304**, as last amended by Laws of Utah 2022, Chapter 342  
**20A-5-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15  
**20A-5-403.5**, as last amended by Laws of Utah 2022, Chapter 156  
**53-18-103**, as last amended by Laws of Utah 2022, Chapter 367  
**67-1a-2**, as last amended by Laws of Utah 2022, Chapter 18

#### **ENACTS:**

**20A-1-105**, Utah Code Annotated 1953  
**20A-1-106**, Utah Code Annotated 1953  
**20A-1-107**, Utah Code Annotated 1953  
**20A-1-108**, Utah Code Annotated 1953  
**20A-2-501**, Utah Code Annotated 1953  
**20A-2-507**, Utah Code Annotated 1953  
**20A-3a-106**, Utah Code Annotated 1953  
**20A-3a-401.1**, Utah Code Annotated 1953  
**20A-3a-402.5**, Utah Code Annotated 1953  
**20A-4-109**, Utah Code Annotated 1953

#### **RENUMBERS AND AMENDS:**

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**20A-2-502**, (Renumbered from 20A-2-109, as last amended by Laws of Utah 2018, Chapter 19)

**20A-2-503**, (Renumbered from 20A-2-304.5, as last amended by Laws of Utah 2012, Chapter 52)

**20A-2-504**, (Renumbered from 20A-2-305, as last amended by Laws of Utah 2022, Chapter 121)

**20A-2-505**, (Renumbered from 20A-2-306, as last amended by Laws of Utah 2022, Chapter 121)

**20A-2-506**, (Renumbered from 20A-2-308, as last amended by Laws of Utah 2022, Chapter 156)

### **REPEALS:**

**20A-1-101**, as enacted by Laws of Utah 1993, Chapter 1

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

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

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

As used in this title:

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

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

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

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

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

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

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

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- (f) a judicial retention question;
- (g) an incorporation of a city or town; or
- (h) any other ballot question specifically authorized by the Legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(b) does not include:

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

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

(18) "Elected official" means:

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

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

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(b)(ii).

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

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

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

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

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

(b) act as the presiding election judge; or

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

(23) "Election officer" means:

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

(b) the county clerk for:

(i) a county ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

(i) a municipal ballot and election; and

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(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

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

(i) a local district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

(e) the business administrator or superintendent of a school district for:

(i) a school district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

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

(25) "Election results" means:

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

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

(26) "Election returns" includes:

(a) the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form; and

(b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a ballot.

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

(28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection [~~20A-2-306(4)(c)(i) or (ii)~~] 20A-2-505(4)(c)(i) or (ii).

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

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

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

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

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

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

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

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

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

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

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

(38) "Municipal executive" means:

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

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

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

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

(40) "Municipal legislative body" means:



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

(b) the council of a metro township.

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

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

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

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

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

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

(a) the ballot as an official ballot;

(b) the date of the election; and

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

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

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

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

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

(b) "Poll worker" includes election judges.

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

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

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

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

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

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

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

(a) is built into a voting machine; and

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

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

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

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

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

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

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

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

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

(i) elected to public office; or

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

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

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

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

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

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

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

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

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

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

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

(68) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.

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

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

(a) is spoiled by the voter;

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

(c) lacks the official endorsement.

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

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

(73) "Ticket" means a list of:

(a) political parties;

(b) candidates for an office; or

(c) ballot propositions.

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

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

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or other cause.

(76) "Valid voter identification" means:

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

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
  - (A) the state; or
  - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;
- (b) one of the following identification cards, whether or not the card includes a

photograph of the voter:

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid social security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

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(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

(C) a college, university, technical school, or professional school located within the state; or

(xiii) a current Utah vehicle registration.

(77) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

(a) mailing the ballot to the location designated in the mailing; or

(b) depositing the ballot in a ballot drop box designated by the election officer.

(79) "Voter" means an individual who:

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

(80) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

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

(82) "Voting booth" means:

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

(b) a voting device that is free standing.

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

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

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

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

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

Section 2. Section **20A-1-105** is enacted to read:

### **Part 1. Elections: General Provisions and Election Oversight**

**20A-1-105.** Chief election officer of the state -- Duties, authority, and enforcement.

(1) The lieutenant governor:

(a) is the chief election officer of the state;

(b) is responsible to oversee, and generally supervise, all elections and functions relating to elections in the state; and

(c) shall enforce compliance by election officers with all legal requirements relating to elections, including:

(i) Public Law 103-31, the National Voter Registration Act of 1993;

(ii) Public Law 107-252, the Help America Vote Act of 2002;

(iii) all other applicable provisions of federal law and rule relating to elections;

(iv) state law relating to elections;

(v) the requirements of this title; and

(vi) rules made under this title.

(2) To the extent that the lieutenant governor determines the following is useful in fulfilling the responsibilities described in Subsection (1), the lieutenant governor has:

(a) full access to closely observe, examine, and copy all records, documents, recordings, and other information in the custody or control of an election officer or a board of canvassers;

(b) full access to closely observe, examine, and copy all voter registration records, ballots, ballot envelopes, vote tallies, canvassing records, and other election returns in the custody or control of an election officer or a board of canvassers;

(c) full access to closely observe and examine all facilities, storage areas, and equipment, and to closely observe, examine, or copy all materials, in the custody or control of an election officer or a board of canvassers;

(d) full access to all staff, including full-time, part-time, and volunteer staff of an election officer or a board of canvassers;

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(e) full access to closely observe, examine, and copy all records and information relating to election audits that are conducted, directed, or commissioned by a county clerk;

(f) the right to attend any meeting, including a closed meeting, relating to a matter within the scope of authority or responsibility of the lieutenant governor described in this chapter or Subsection 67-1a-2(2); and

(g) the right to closely observe and examine any work or other process relating to a matter within the scope of authority or responsibility of the lieutenant governor described in this chapter or Subsection 67-1a-2(2).

(3) An election officer shall fully assist, and cooperate with, the lieutenant governor in:

(a) fulfillment, by the lieutenant governor, of the responsibilities described in Subsection (1); and

(b) obtaining the access and exercising the rights described in Subsection (2).

(4) If the lieutenant governor determines that an election officer is in violation of a law or rule described in Subsection (1)(c), the lieutenant governor, in an effort to remedy the violation and bring the election officer into compliance with the law or rule:

(a) shall consult with the election officer; and

(b) may provide training and other assistance to the election officer to the extent the lieutenant governor determines warranted.

(5) If a violation continues after the lieutenant governor complies with Subsection (4)(a), the lieutenant governor shall issue a written order to the election officer that:

(a) describes the violation;

(b) describes the action taken under Subsection (4) to remedy the violation and bring the election officer into compliance with the law or rule;

(c) directs the election officer to remedy and cease the violation;

(d) describes the specific actions the election officer must take to comply with the order;

(e) states the deadline for the election officer to comply with the order; and

(f) describes the actions the election officer must take to verify compliance with the order.

(6) (a) An order described in Subsection (5) has the force of law.

(b) An election officer shall fully comply with an order described in Subsection (5)

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unless the election officer obtains a court order rescinding or modifying the order in accordance with Subsections (7) through (9).

(7) An election officer desiring to seek a court order described in Subsection (6) shall file an action seeking a court order within 10 days after the day on which the lieutenant governor issues the order described in Subsection (5).

(8) A court may not rescind or modify an order described in Subsection (5) unless, and only to the extent that:

(a) the order is arbitrary or capricious;  
(b) the court finds that the violation alleged by the lieutenant governor did not occur; or  
(c) the court determines that the violation alleged by the lieutenant governor is not a violation of law or rule.

(9) An election officer who files an action described in Subsection (7) has the burden of proof.

(10) This section does not prohibit the lieutenant governor from bringing a legal action, at any time, to compel an election officer to comply with the law and rules described in Subsection (1).

Section 3. Section **20A-1-106** is enacted to read:

### **20A-1-106. Duties of a clerk.**

(1) As used in this section, "clerk" means an election officer other than the lieutenant governor.

(2) A clerk shall:

(a) comply with all of the following in relation to elections:  
(i) federal and state law;  
(ii) federal and state rules; and  
(iii) the policies and direction of the lieutenant governor; and  
(b) diligently learn and become familiar with the law, rules, policies, and direction described in Subsection (2)(a).

Section 4. Section **20A-1-107** is enacted to read:

### **20A-1-107. Elections training -- Training required -- Reimbursement.**

(1) As used in this section, "election administrator" means:

(a) a county clerk; and



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(b) if the county clerk employs one or more individuals who assist with elections:

(i) the most senior employee who assists with elections; or

(ii) if more than one employee qualifies as the most senior employee under Subsection

(1)(b)(i), one of those employees, as designated by the election officer.

(2) The lieutenant governor shall, in accordance with this section:

(a) design and provide training to election officers and government workers who perform functions relating to elections; and

(b) provide the training described in this section without charge to the officers and workers described in Subsection (2)(a).

(3) The training shall include:

(a) a course designed for election administrators:

(i) that may include multiple sessions;

(ii) that may require attendance on multiple occasions; and

(iii) for which the lieutenant governor may, notwithstanding Section 63G-22-103, require live attendance; and

(b) a course designed for government workers, who perform functions relating to elections, that consists of modules relating to individual election processes.

(4) (a) An election administrator who was elected, appointed, or hired before May 3, 2023, shall:

(i) begin the first session described in Subsection (3)(a) before July 1, 2024; and

(ii) complete all sessions within four years after the election administrator takes the first session.

(b) An election administrator who is elected, appointed, or hired on or after May 3, 2023, shall:

(i) begin the first session described in Subsection (3)(a) within one year after the day on which the election administrator is elected, appointed, or hired; and

(ii) complete all sessions within four years after the election administrator takes the first session.

(5) The lieutenant governor shall reimburse an election administrator who is required under this section to attend the training described in Subsection (3)(a) per diem and travel expenses for attending the training, in accordance with:

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(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) An individual may not perform an election process for which the lieutenant governor has developed an online training module described in Subsection (3)(b), unless the individual has completed the training module developed for that election process.

(7) The director of elections, within the Office of the Lieutenant Governor, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for:

(a) complying with the training requirements described in this section; and

(b) supplemental or refresher training that the lieutenant governor determines is needed to ensure the integrity of elections in the state.

Section 5. Section **20A-1-108** is enacted to read:

### **20A-1-108. Audits -- Studies relating to elections.**

(1) Except as provided in Subsection (2):

(a) the director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements and procedures for an audit described in this title; and

(b) an election officer shall ensure that, when an audit is conducted of work done during ballot processing, the individual who performs the audit does not audit the individual's own work.

(2) Subsection (1) does not relate to an audit conducted by the legislative auditor general or the lieutenant governor.

(3) The lieutenant governor shall keep the Government Operations Interim Committee informed of advances in election technology that the committee may want to study for use in Utah's elections.

(4) The lieutenant governor shall:

(a) study methods to improve post-election audits to confirm that the election correctly identified the winning candidates, including evaluating:

(i) different risk-limiting audit methods; and

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(ii) other confirmation methods; and

(b) at or before the last 2023 meeting of the Government Operations Interim

Committee, report to the committee on:

(i) the methods studied; and

(ii) recommendations for post-election audit requirements.

(5) The Driver License Division shall, in cooperation with the lieutenant governor:

(a) study:

(i) the options for improving the quality of signatures collected by the Driver License

Division that are used for signature verification in an election; and

(ii) the technology needs and costs associated with the options described in Subsection

(5)(a)(i); and

(b) at or before the last 2023 meeting of the Government Operations Interim

Committee, report to the committee on:

(i) the options, technology needs, and costs described in Subsection (5)(a); and

(ii) recommendations regarding the options described in Subsection (5)(a)(i).

Section 6. Section **20A-2-206** is amended to read:

### **20A-2-206. Electronic registration.**

(1) The lieutenant governor shall create and maintain an electronic system that is publicly available on the Internet for an individual to apply for voter registration or preregistration.

(2) An electronic system for voter registration or preregistration shall require:

(a) that an applicant have a valid driver license or identification card, issued under Title 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place of residence;

(b) that the applicant provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and ~~[(4)]~~ (5);

(c) that the applicant attest to the truth of the information provided; and

(d) that the applicant authorize the lieutenant governor's and county clerk's use of the applicant's:

(i) driver license or identification card signature, obtained under Title 53, Chapter 3,

## **HB0448S02 compared with HB0448S01**

Uniform Driver License Act, for voter registration purposes; or

(ii) signature on file in the lieutenant governor's statewide voter registration database developed under Section [~~20A-2-109~~] 20A-2-502.

(3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for voter registration or preregistration created under this section is not required to complete a printed registration form.

(4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

(5) The lieutenant governor shall:

(a) obtain a digital copy of the applicant's driver license or identification card signature from the Driver License Division; or

(b) ensure that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section [~~20A-2-109~~] 20A-2-502.

(6) The lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304 after:

(a) receiving all information from an applicant; and

(b) (i) receiving all information from the Driver License Division; or

(ii) ensuring that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section [~~20A-2-109~~] 20A-2-502.

(7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.

(8) If an individual applies to register under this section no later than 11 calendar days before the date of an election, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

(i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(ii) notify the individual that the individual is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section

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20A-2-101.1.

(9) If an individual applies to register under this section after the deadline described in Subsection (8), the county clerk shall, unless the individual is preregistering to vote:

(a) accept the application for registration; and

(b) except as provided in Subsection 20A-2-207(6), if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(10) The lieutenant governor shall provide a means by which a registered voter shall sign the application form.

Section 7. Section **20A-2-300.6** is amended to read:

### **Part 3. Voter Registration Responsibilities**

**20A-2-300.6. Voter registration activities -- Coordination among local, state, and federal officials.**

~~[(1) The lieutenant governor is Utah's chief elections officer. (2)]~~ The lieutenant governor shall:

~~[(a) oversee all of Utah's:]~~

~~[(i) voter registration activities; and]~~

~~[(ii) other responsibilities established by:]~~

~~[(A) Public Law 103-31, the National Voter Registration Act of 1993; and]~~

~~[(B) Public Law 107-252, the Help America Vote Act of 2002; and]~~

(1) oversee, manage, and coordinate all voter registration activities in the state; and

~~[(b)]~~ (2) coordinate with local, state, and federal officials to ensure compliance with state and federal election laws.

~~[(3) The lieutenant governor, in cooperation with the county clerks, shall develop a general program to obtain change of address information in order to remove the names of ineligible voters from the official register.]~~

Section 8. Section **20A-2-501** is enacted to read:

### **20A-2-501. Definitions.**

As used in this part:

(1) "Annual maintenance utility" means a tool within the system that:

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- (a) is designed to comply with Section 20A-2-305;
- (b) a county clerk is required to run on an annual basis; and
- (c) identifies each inactive voter and each voter to be removed from the voter

registration database.

(2) "Database" means the statewide voter registration database, described in Subsection 20A-2-502(1)(a) that:

- (a) is maintained and updated via the system; and
- (b) uses information relative to voter registration and voting, including information that is obtained from a voter, a governmental entity, as defined in Section 63G-2-103, or another state.

(3) "Duplicate voter utility" means a tool within the system that runs a set of queries to identify potential duplicate voter records.

(4) "System" means the statewide voter registration system described in Subsection 20A-2-502(1)(a), including the database and all information within the system or database.

(5) "Voter identification verification tool" means a tool within the system that compares data in a voter registration record to Driver License Division data and Social Security Administration data to verify voter identification.

Section 9. Section **20A-2-502**, which is renumbered from Section 20A-2-109 is renumbered and amended to read:

~~[20A-2-109].~~        **20A-2-502.** Statewide voter registration system --

**Maintenance and update of system -- Record security -- List of incarcerated felons --**

**Public document showing compliance by county clerks.**

(1) ~~[(a)-(i)]~~ The lieutenant governor shall:

(a) develop, manage, and maintain a statewide voter registration [database.] system to be used by county clerks to maintain an updated statewide voter registration database in accordance with this section and rules made under Section 20A-2-507;

(b) except as provided in Subsection (2)(c), regularly update the system with information relevant to voter registration, as follows:

(i) on at least a weekly basis, information received from the Driver License Division in relation to:

(A) voter registration;

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(B) a registered voter's change of address; or

(C) a registered voter's change of name;

(ii) on at least a weekly basis, the information described in Subsection 26-2-13(11) from the state registrar, regarding deceased individuals;

(iii) on at least a monthly basis, the information described in Subsection (3), received from the Department of Corrections regarding incarcerated individuals;

(iv) on at least a monthly basis, information received from other states, including information received under an agreement described in Subsection (2); and

(v) within 31 days after receiving information relevant to voter registration, other than the information described in Subsections (1)(b)(i) through (v);

(c) regularly monitor the system to ensure that each county clerk complies with the requirements of this part and rules made under Section 20A-2-507;

~~[(ii)(A) The lieutenant governor may compare the information in the statewide voter registration database with information submitted by a registered voter to a state agency to identify a change in a registered voter's principal place of residence or name.]~~

~~[(B) The lieutenant governor shall]~~ (d) establish matching criteria and security measures for identifying a change described in Subsection [(1)(a)(ii)(A)] (1)(b) to ensure the accuracy of a voter registration record[-]; and

~~[(C) The lieutenant governor shall]~~ (e) on at least a monthly basis:

(i) use the matching criteria and security measures described in Subsection (1)(d) to compare information in the database to identify duplicate data, contradictory data, and changes in data;

(ii) notify the applicable county clerk of the data identified; and

(iii) notify the county clerk of the county in which [the] a voter's principal place of residence is located of [the change in the] a change in a registered voter's principal place of residence or name.

~~[(b) Each county clerk shall utilize the statewide voter registration database when recording or modifying voter registration records.]~~

~~[(2)(a) The lieutenant governor shall establish and implement a procedure to maintain the accuracy of the statewide voter registration database by using information available from:]~~

~~[(i) a voter;]~~

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~~[(ii) a governmental entity, as defined by Section 63G-2-103; or]~~

~~[(iii) another state.]~~

~~[(b)]~~ (2) (a) Subject to Subsection ~~[(2)(c)]~~ (2)(b), the lieutenant governor may cooperate or enter into an agreement with a governmental entity or another state to share information ~~[to implement the procedure established under Subsection (2)(a)]~~ and increase the accuracy of the database.

~~[(c)]~~ (b) For a record shared under Subsection ~~[(2)(b)]~~ (2)(a), the lieutenant governor shall ensure:

(i) that the record is only used to maintain the accuracy of ~~[a voter registration]~~ the database;

(ii) compliance with Section 63G-2-206; and

(iii) that the record is secure from unauthorized use by employing data encryption or another similar technology security system.

(c) The lieutenant governor is not required to comply with an updating requirement described in Subsection (1)(b) to the extent that the person responsible to provide the information to the lieutenant governor fails to provide the information.

(3) (a) The lieutenant governor shall maintain a current list of all incarcerated felons in Utah.

(b) ~~[(i)]~~ The Department of Corrections shall provide the lieutenant governor's office with ~~[a list of]~~:

(i) the name and last-known address of each ~~[person]~~ individual who:

(A) was convicted of a felony in a Utah state court; and

(B) is currently incarcerated for commission of a felony~~[-]; and~~

~~[(ii) The lieutenant governor shall establish the frequency of receipt of the information and the method of transmitting the information after consultation with the Department of Corrections.]~~

~~[(c) (i)]~~ (ii) ~~[The Department of Corrections shall provide the lieutenant governor's office with a list containing]~~ the name of each convicted felon who has been released from incarceration.

~~[(ii) The lieutenant governor shall establish the frequency of receipt of the information and the method of transmitting the information after consultation with the Department of~~



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Corrections:]

(4) The lieutenant governor shall maintain on the lieutenant governor's website a document that:

(a) describes the utilities and tools within the system that a county clerk is required to run;

(b) describes the actions, if any, that a county clerk is required to take in relation to the results of running a utility or tool;

(c) lists, by date, the recurring deadlines by which a county clerk must comply with Subsection (4)(a) or (b); and

(d) indicates, by county:

(i) whether the county clerk timely complies with each deadline described in Subsection (4)(c); and

(ii) if the county clerk fails to timely comply with a deadline described in Subsection (4)(c), whether the county clerk subsequently complies with the deadline and the date on which the county clerk complies.

Section 10. Section **20A-2-503**, which is renumbered from Section 20A-2-304.5 is renumbered and amended to read:

~~[20A-2-304.5].~~      **20A-2-503.** County clerk's responsibilities -- Updating voter registration.

(1) (a) Each county clerk shall use the system to record or modify all voter registration records.

(b) A county clerk shall:

(i) at the time the county clerk enters a voter registration record into the system, run the system's voter identification verification tool in relation to the record; and

(ii) in accordance with rules made under Section 20A-2-507, regularly report to the lieutenant governor the information described in Subsection 20A-2-502(4).

~~[(+)]~~ (2) A county clerk who receives notification from the lieutenant governor, as provided in Subsection ~~[20A-2-109(+)]~~ 20A-2-502(1)(e), of a change in a registered voter's principal place of residence or name may verify the change with the registered voter.

~~[(2)]~~ (3) Unless the county clerk verifies that a change described in Subsection ~~[(+)]~~ (2) is incorrect, the county clerk shall:

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(a) change the voter registration record to show the registered voter's current name and address; and

(b) notify the registered voter of the change to the voter registration record.

(4) A county clerk shall, in accordance with rules made under Section 20A-2-507:

(a) on at least a monthly basis, run the duplicate voter utility and take the action required to resolve potential duplicate data identified by the utility; and

(b) every December, run the annual maintenance utility.

~~[(3)]~~ (5) (a) If a voter does not vote in any election during the period beginning on the date of any regular general election and ending on the day after the date of the next regular general election, and the county clerk has not sent the voter a notice described in Section ~~[20A-2-306]~~ 20A-2-505 during the period, the county clerk shall, within 14 days after the ~~period,~~ day on which the county clerk runs the annual maintenance utility, send to the voter a preaddressed return form in substantially the following form:

### "VOTER REGISTRATION ADDRESS"

To ensure the address on your voter registration is correct, please complete and return this form if your address has changed. What is your current street address?

---

Street	City	County	State	ZIP
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Signature of Voter

(b) The county clerk shall mail the form described in Subsection ~~[(3)]~~ (5) ~~(a)~~ (a) with a postal service that will notify the county clerk if the voter has changed the voter's address.

Section 11. Section **20A-2-504**, which is renumbered from Section 20A-2-305 is renumbered and amended to read:

~~[20A-2-305].~~      **20A-2-504. Removing names from the official register --**

### **General requirements.**

(1) The county clerk may not remove a voter's name from the official register solely because the voter has failed to vote in an election.

(2) The county clerk shall remove a voter's name from the official register if:

(a) the voter dies and the requirements of Subsection (3) are met;

(b) the county clerk, after complying with the requirements of Section ~~[20A-2-306]~~

## HB0448S02 compared with HB0448S01

20A-2-505, receives written confirmation from the voter that the voter no longer resides within the county clerk's county;

(c) [~~the county clerk has:~~]

(i) [~~obtained~~] the county clerk obtains evidence that the voter's residence has changed;

(ii) [~~mailed~~] the county clerk mails notice to the voter as required [~~by~~] under Section [~~20A-2-306~~] 20A-2-505;

(iii) the county clerk:

(A) [~~received~~] receives no response from the voter; or

(B) [~~not received~~] does not receive information that confirms the voter's residence; and

(iv) the voter [~~has failed to~~] does not vote or appear to vote in an election during the period beginning on the date of the notice described in Section [~~20A-2-306~~] 20A-2-505 and ending on the day after the date of the second regular general election occurring after the date of the notice;

(d) the voter requests, in writing, that the voter's name be removed from the official register;

(e) the county clerk receives notice that a voter has been convicted of any felony or a misdemeanor for an offense under this title and the voter's right to vote has not been restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or

(f) the county clerk receives notice that a voter has registered to vote in another state after the day on which the voter registered to vote in this state.

(3) The county clerk shall remove a voter's name from the official register within five business days after the day on which the county clerk receives confirmation from the [~~Department of Health's Bureau~~] Office of Vital Records that the voter is deceased.

(4) No later than 90 days before each primary and general election, the county clerk shall update the official register by reviewing the official register and taking the actions permitted or required by law under this section, Section [~~20A-2-304.5~~] 20A-2-503, and Section [~~20A-2-306~~] 20A-2-505.

Section 12. Section **20A-2-505**, which is renumbered from Section 20A-2-306 is renumbered and amended to read:

**[~~20A-2-306~~].            20A-2-505. Removing names from the official register -- Determining and confirming change of residence.**

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

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

(b) (i) ~~[has not voted]~~ does not vote in an election during the period beginning on the date of the notice ~~[required by]~~ described in Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and

(ii) ~~[has failed to]~~ does not respond to the notice ~~[required by]~~ described in Subsection (3).

(2) (a) ~~[When a]~~ Within 31 days after the day on which a county clerk obtains information that a voter's address has changed, ~~[and]~~ if it appears that the voter still resides within the same county, the county clerk shall:

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

(ii) send to the voter, by forwardable mail, the notice ~~[required by]~~ described in Subsection (3) ~~[printed on a postage prepaid, preaddressed return form]~~.

(b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice ~~[required by]~~ described in Subsection (3), printed on a postage prepaid, preaddressed return form.

(3) (a) Each county clerk shall use substantially the following form to notify voters whose addresses have changed:

### "VOTER REGISTRATION NOTICE

We have been notified that your residence has changed. Please read, complete, and return this form so that we can update our voter registration records. What is your current street address?

---

Street	City	County	State	Zip
What is your current phone number (optional)? _____				
What is your current email address (optional)? _____				

If you have not changed your residence, or have moved but stayed within the same county, you must complete and return this form to the county clerk so that it is received by the

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county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to return this form within that time:

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

- if you fail to vote at least once, from the date this notice was mailed until the passing of two regular general elections, you will no longer be registered to vote. If you have changed your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

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Signature of Voter

### **PRIVACY INFORMATION**

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

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

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

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

### **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

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

A person may request that all information on the person's voter registration records be

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withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form with this registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

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

(b) Beginning May 1, 2022, the form described in Subsection (3)(a) shall also include a section in substantially the following form:

---

### BALLOT NOTIFICATIONS

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

\_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my ballot.

---

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

(b) The county clerk may remove the names of voters from the official register during the 90 days before a regular primary election [~~and~~] or the 90 days before a regular general election if:

- (i) the voter requests, in writing, that the voter's name be removed; or
- (ii) the voter [~~has died~~] dies.

(c) (i) After a county clerk mails a notice [~~as required in~~] under this section, the county clerk [~~may~~] shall, unless otherwise prohibited by law, list that voter as inactive.

- (ii) If a county clerk receives a returned voter identification card, determines that there

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was no clerical error causing the card to be returned, and has no further information to contact the voter, the county clerk [~~may~~] shall, unless otherwise prohibited by law, list that voter as inactive.

(iii) An inactive voter [~~shall be allowed to~~] may vote, sign petitions, and have all other privileges of a registered voter.

(iv) A county is not required to:

(A) send routine mailings to an inactive voter [~~and is not required to~~]; or

(B) count inactive voters when dividing precincts and preparing supplies.

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

(6) A county clerk shall, within ten business days after the day on which the county clerk receives the information described in Subsection (5) or Subsections 26-2-13(11) and (12) relating to a decedent whose name appears on the official register, remove the decedent's name from the official register.

(7) Ninety days before each primary and general election the lieutenant governor shall compare the information the lieutenant governor has received under Subsection 26-2-13(11) with the official register of voters to ensure that all deceased voters have been removed from the official register.

Section 13. Section **20A-2-506**, which is renumbered from Section 20A-2-308 is renumbered and amended to read:

~~[20A-2-308].~~        **20A-2-506. Lieutenant governor and county clerks to preserve records.**

(1) As used in this section:

(a) "Voter registration record" means a record concerning the implementation of programs and activities conducted for the purpose of ensuring that the official register is accurate and current.

(b) "Voter registration record" does not include a record that:

(i) relates to a person's decision to decline to register to vote; or

(ii) identifies the particular public assistance agency, discretionary voter registration agency, or Driver License Division through which a particular voter registered to vote.

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(2) The lieutenant governor and each county clerk shall:

(a) preserve for at least two years all records relating to voter registration, including:

(i) the official register; and

(ii) ~~[the names and addresses of all persons]~~ the name and address of each individual to whom the notice required by Section ~~[20A-2-306]~~ 20A-2-505 was sent and a notation ~~[as to whether or not the person]~~ regarding whether the individual responded to the notice;

(b) make a voter registration record available for public inspection, except for a voter registration record, or part of a voter registration record that is classified as private under Section 63G-2-302; and

(c) allow a record or part of a record described in Subsection (2)(b) that is not classified as a private record to be photocopied for a reasonable cost.

(3) The lieutenant governor shall take, and store for at least 22 months, a static copy of the official register made at the following times:

(a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);

(b) the day of the election; and

(c) the last day of the canvass.

Section 14. Section **20A-2-507** is enacted to read:

### **20A-2-507. Rulemaking authority relating to voter registration records.**

The director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(1) to regulate the use, security, maintenance, data entry, and update of the system;

(2) establishing duties and deadlines for a county clerk to:

(a) ensure that the database is updated, accurate, and secure; and

(b) regularly report to the lieutenant governor the information described in Subsection 20A-2-502(4); and

(3) establishing requirements for a county clerk in relation to:

(a) running the utilities and tools in the system;

(b) actions that the county clerk is required to take in response to the matters identified, or the results produced, from running the utilities and tools; and

(c) documenting and reporting compliance with the requirements of this part and rules made under this section.



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Section 15. Section **20A-3a-106** is enacted to read:

### **20A-3a-106. Rulemaking authority relating to conducting an election.**

The director of elections, within the Office of the Lieutenant Governor, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for:

(1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and security of the envelopes;

(2) complying with the signature comparison audit requirements described in Section 20A-3a-402.5; or

(3) conducting and documenting the identity verification process described in Subsection 20A-3a-401(7)(b).

Section 16. Section **20A-3a-202** is amended to read:

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

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

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

(2) An election officer who administers an election:

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

(i) a manual ballot;

(ii) a return envelope;

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

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

(v) for an election administered by an election officer other than a county clerk, if the election officer does not operate a polling place or an election day voting center, a warning, on

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a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the ballot, the voter will be unable to vote in that election because there will be no polling place for the voting precinct on the day of the election; and

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

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

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

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

Subsection ~~[(10)(c)(ii); and]~~ (9)(c)(ii);

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

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

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

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

(i) provided at the time of registration; or

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

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

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

(4) The return envelope shall include:

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

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

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

"County of \_\_\_\_ State of \_\_\_\_

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

\_\_\_\_\_  
Signature of Voter"; and

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

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

(a) mail a ballot to the voter;

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

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

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

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

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

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

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

(8) A county that administers an election:

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

(b) shall ensure that each election day voting center operated by the county has at least

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one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities;

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

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

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

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

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

~~[(e) is subject to an audit conducted under Subsection (9):]~~

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

~~[(f) develop procedures for conducting an audit of affidavit signatures on ballots cast in an election conducted under this section; and]~~

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

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

~~[(10)]~~ (9) (a) An individual may request that the election officer not send the individual a ballot by mail in the next and subsequent elections by submitting a written request to the election officer.

(b) An individual shall submit the request described in Subsection ~~[(10)(a)]~~ (9)(a) to the election officer before 5 p.m. no later than 60 days before an election if the individual does not wish to receive a ballot by mail in that election.

(c) An election officer who receives a request from an individual under Subsection ~~[(10)(a)]~~ (9)(a):

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

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

(A) the next election, if the individual submits the request described in Subsection ~~[(10)(a)]~~ (9)(a) before the deadline described in Subsection ~~[(10)(b)]~~ (9)(b); or

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(B) an election after the election described in Subsection ~~[(10)(c)(ii)(A)]~~ (9)(c)(ii)(A).

(d) An individual who submits a request under Subsection ~~[(10)(a)]~~ (9)(a) may resume the individual's receipt of a ballot by mail by submitting a written request to the election officer.

Section 17. Section **20A-3a-401** is amended to read:

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

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

(2) (a) Poll workers shall open return envelopes containing manual ballots that are in the custody of the poll workers in accordance with ~~[Subsection (2)(b)]~~ this section.

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

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

(a) the signatures correspond;

(b) the affidavit is sufficient;

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

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

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

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

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

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

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

(i) in accordance with the rules made under Subsection (9):

(A) that the signature on the affidavit of the return envelope is reasonably consistent with the individual's signature in the voter registration records; or

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

(ii) that the affidavit is sufficient;

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

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(iv) that the voter's right to vote the ballot has not been challenged;  
(v) that the voter has not already voted in the election; and  
(vi) for a voter required to provide valid voter identification, that the voter has provided valid voter identification.

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

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

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

(i) disallow the vote;  
(ii) without opening the return envelope, ~~[mark across the face of the return envelope:]~~  
record the ballot as "rejected" and state the reason for the rejection; and

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

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

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

(5) (a) If the poll workers reject an individual's ballot because the poll workers determine, in accordance with rules made under Subsection (9), that the signature on the return envelope ~~[does not match]~~ is not reasonably consistent with the individual's signature in the voter registration records, the election officer shall:

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

(ii) inform the individual:

~~[(i)]~~ (A) that the individual's signature is in question;

~~[(ii)]~~ (B) how the individual may resolve the issue; and

~~[(iii)]~~ (C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection ~~[(5)(b)]~~ (5)(c).

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(b) The election officer shall ensure that the information provided under Subsection (5)(a) includes:

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

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

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

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

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

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

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

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

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

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

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

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

(i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter registration database developed under Section ~~[20A-2-109; and]~~ 20A-2-502;

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

(iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the

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rules described in Subsection (9)(c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(8)]~~ (7) An election officer may not count the ballot of an individual whom the



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election officer contacts under Subsection (5) or (6) unless, no later than 5 p.m. three days before the day on which the canvass begins, the election officer:

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

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

(a) receives a signed affidavit from the individual under Subsection (5); or

(b) (i) contacts the individual;

(ii) informs the individual that it is unlawful to sign a ballot affidavit for another person, even if the person gives permission;

(iii) verifies the identity of the individual by:

(A) requiring the individual to provide at least two types of personal identifying information for the individual;

(B) comparing the information provided under Subsection (7)(b)(iii)(A) to records relating to the individual that are in the possession or control of an election officer; and

(iv) documenting the verification described in Subsection (7)(b)(iii), by recording:

(A) the name and voter identification number of the individual contacted;

(B) the name of the individual who conducts the verification;

(C) the date and manner of the communication;

(D) the type of personal identifying information provided by the individual;

(E) a description of the records against which the personal identifying information provided by the individual is compared and verified; and

(F) other information required by the lieutenant governor.

~~[(9)]~~ (8) The election officer shall:

(a) retain and preserve the return envelopes in the manner provided by law for the retention and preservation of ballots voted at that election[.];

(b) retain and preserve the documentation described in Subsection (7)(b)(iv) in the voter's voter registration record; and

(c) make a record of the name and voter identification number of each voter contacted

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under Subsection (7)(b).

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

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

(b) training and certification requirements for election officers and employees of election officers regarding the criteria and processes described in Subsection (9)(a); and

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

Section 18. Section **20A-3a-401.1** is enacted to read:

### **20A-3a-401.1. Ballot chain of custody.**

(1) As used in this section:

(a) "Batch" means a grouping of a specified number of ballots:

(i) that is assembled by poll workers, and given a number to distinguish the grouping from other groupings, when the ballots are first received for processing;

(ii) that is kept together in the same grouping, and kept separate from other groupings, throughout ballot processing; and

(iii) for which a log is kept to document the chain of custody of the grouping.

(b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a return envelope that a poll worker has not separated from a ballot, as follows:

(i) starting with receiving the ballot;

(ii) each step taken in relation to a ballot as part of conducting an election; and

(iii) ending after the ballots are counted and stored.

(2) An election officer shall preserve the chain of custody of all ballots in accordance with this section.

(3) An election officer shall maintain an accurate, updated count of the number of ballots that the election officer:

(a) mails or otherwise provides to a voter;

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- (b) receives from a voter;
- (c) counts;
- (d) rejects;
- (e) resolves after rejecting; or
- (f) does not resolve after rejecting.

(4) Upon receiving ballots cast by voters, the election officer shall ensure that poll workers immediately count the number of ballots received and divide the ballots into batches.

(5) The election officer shall ensure that:

- (a) ballots in each batch are kept separate from the ballots in other batches;
- (b) a ballot is not separated from a batch, except as necessary to the election process;
- (c) if a ballot is separated from a batch, the batch log indicates:
  - (i) the ballot number;
  - (ii) the date and time of removal;
  - (iii) the identity of the individual who removes the ballot; and
  - (iv) the reason the ballot is removed;
- (d) poll workers affix to, and keep with, each batch a log that includes:
  - (i) a unique identifying code or number for the batch;
  - (ii) the number of ballots in the batch;
  - (iii) the date that the ballots were received; and
  - (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:
    - (A) the date and time that the ballots are handled;
    - (B) a description of what is done with the ballots;
    - (C) the identity of the poll workers who handle the ballots; and
    - (D) any other information required by rule under Subsection (7);
- (e) an election official who performs a ballot processing function performs the function in the presence of at least one other election official;
- (f) to the extent reasonably possible, the poll workers who perform a ballot processing function for a batch complete performing that function for the entire batch; and
- (g) each part of the processing of all ballots is monitored by recorded video, without audio.

(6) An election officer shall:

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- (a) keep the recordings described in Subsection (5)(g) until the later of:
  - (i) the end of the calendar year in which the election was held; or
  - (ii) if the election is contested, when the contest is resolved; and
- (b) ensure that a camera, a video, or a recording of a video described in Subsection (5)(g) may only be accessed:
  - (i) by the election officer;
  - (ii) by a custodian of the camera, video, or recording;
  - (iii) by the lieutenant governor;
  - (iv) by the legislative auditor general, when performing an audit; or
  - (v) by, or pursuant to an order of, a court of competent jurisdiction.
- (7) An individual may not view a video, or a recording of a video, described in

### Subsection (5)(g):

- (a) unless the individual is an individual described in Subsection (6)(b); and
- (b) the individual views the video to the extent necessary to:
  - (i) ensure compliance with Subsection (5)(g) or (6); or
  - (ii) investigate a concern relating to the processing of ballots.
- (8) The director of elections within the Office of the Lieutenant Governor may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing specific requirements and procedures for an election officer or poll worker to:
  - (a) fulfill the chain of custody requirements described in this section;
  - (b) perform the signature verification audits described in Section 20A-3a-402.5; and
  - (c) comply with the reconciliation requirements described in Subsection 20A-4-304(2)(h).

Section 19. Section **20A-3a-401.5** is amended to read:

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

- (1) As used in this section:
  - (a) "Ballot tracking system" means the system described in this section to track and confirm the status of trackable ballots.
  - (b) "Change in the status" includes:
    - (i) when a trackable ballot is mailed to a voter;
    - (ii) when an election official receives a voted trackable ballot; and

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(iii) when a voted trackable ballot is counted.

(c) "Trackable ballot" means a manual ballot that is:

(i) mailed to a voter in accordance with Section 20A-3a-202;

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

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

(d) "Voter registration database" means the ~~[statewide voter registration database described in Section 20A-2-109]~~ database, as defined in Section 20A-2-501.

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

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

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

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

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

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

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

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

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

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

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

Section 20. Section **20A-3a-402.5** is enacted to read:

**20A-3a-402.5. Signature verification audits.**

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(1) An election officer shall, in accordance with this section and rules made under Section 20A-3a-106, conduct regular audits of signature comparisons made between signatures on envelopes and voter signatures maintained by the election officer.

(2) An individual who conducts an audit of signature comparisons may not audit the individual's own work.

(3) Before separating ballots from return envelopes, the election officer shall:

(a) audit 1% of all signature comparisons of the envelopes to be separated to determine the accuracy of the comparisons made; and

(b) provide additional training or staff reassignments, as needed, based on the results of the audit.

(4) An election officer shall submit to the lieutenant governor and the board of canvassers a record of:

(a) the audits performed under this section;

(b) the results of the audits; and

(c) any remedial action taken.

Section 21. Section **20A-3a-405** is amended to read:

### **20A-3a-405. Ballot statistics.**

(1) ~~[An]~~ Except as provided in Subsection (5)(a), an election officer shall post and update the data described in Subsection (2) on the election officer's website, on the following days, after the election officer finishes processing ballots on that day:

(a) the day on which the election officer begins mailing ballots;

(b) ~~[except as provided in Subsection (5)(a), until the day described in Subsection (1)(c),]~~ each Monday, Wednesday, and Friday after the day described in Subsection (1)(a), until the final posting described in Subsection (1)(c); and

(c) the ~~[Friday before]~~ Wednesday after the day of the election.

(2) The data that an election officer is required to post under Subsection (1) includes:

(a) the number of ballots in the county clerk's possession; and

(b) of the number of ballots described in Subsection (2)(a):

(i) the number of ballots that have not yet begun processing;

(ii) the number of ballots in process; and

(iii) the number of ballots processed.

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(3) Except as provided in Subsection (5)(b), an election officer shall post and update the data described in Subsection (4) on the election officer's website on the following days:

(a) the Friday after the day of the election;

(b) ~~[until the day described in Subsection (3)(c);]~~ each Monday, Wednesday, and Friday after the day described in Subsection (3)(a), until the final posting described in Subsection (3)(c); and

(c) on the last day of the canvass.

(4) The data that an election officer is required to post under Subsection (3) includes:

(a) a best estimate of the number of ballots received, to date, by the election officer;

(b) the number of ballots in possession of the election officer that have been rejected and are not yet cured;

(c) the number of provisional ballots in the possession of the election officer that have not been processed;

(d) the number of ballots that need to be adjudicated, but have not yet been adjudicated;

(e) the number of ballots awaiting replication; and

(f) the number of ballots that have been replicated.

(5) (a) ~~[Except for the Monday described in Subsection (1)(c), an]~~ An election officer is not required to update the data described in Subsection (2) on a Monday if the election officer does not process any ballots the preceding Saturday or Sunday.

(b) An election officer is not required to update the data described in Subsection (4) on a Monday if the election officer does not process any ballots the preceding Saturday or Sunday.

Section 22. Section **20A-4-102** is amended to read:

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

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

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

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

(b) Except as provided in Subsection (2) or a rule made under Subsection 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in

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the order that they are specified.

(c) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:

(i) to the extent applicable, Section 20A-4-105; and

(ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

(2) (a) First, the election judges shall count the number of ballots in the ballot box.

(b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.

(ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.

(c) (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.

(ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.

(iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.

(d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.

(3) The judges shall:

(a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and

(b) seal that envelope or container.

(4) The judges shall:

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

(b) seal that envelope or container.

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



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(b) In regular primary elections the judges shall:

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

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

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

(6) (a) In all elections, the counting judges shall, except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection 20A-4-101(2)(f)(i):

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

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

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

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

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

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

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

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

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

~~(7) [(7)]~~ (a) ~~[Only]~~ Except as provided in Subsection (7)(b), only an election judge and a watcher may be present at the place where counting is conducted until the count is completed.

(b) The lieutenant governor may be present at the place where counting is conducted, regardless of whether the count is completed.

Section 23. Section **20A-4-104** is amended to read:

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### **20A-4-104. Counting ballots electronically.**

(1) (a) Before beginning to count ballots using automatic tabulating equipment, the election officer shall test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures.

(b) The election officer shall provide public notice of the time and place of the test:

(i) (A) by publishing notice at least 48 hours before the test in a newspaper of general circulation in the county, municipality, or jurisdiction where the equipment is used;

(B) at least 10 days before the day of the test, by posting one notice, and at least one additional notice per 2,000 population of the county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction that are most likely to give notice to the voters in the county, municipality, or jurisdiction, subject to a maximum of 10 notices; or

(C) at least 10 days before the day of the test, by mailing notice to each registered voter in the county, municipality, or jurisdiction where the equipment is used;

(ii) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for four weeks before the day of the test; and

(iii) if the county, municipality, or jurisdiction has a website, by posting notice on the website for four weeks before the day of the test.

(c) The election officer shall conduct the test by processing a preaudited group of ballots.

(d) The election officer shall ensure that:

(i) a predetermined number of valid votes for each candidate and measure are recorded on the ballots;

(ii) for each office, one or more ballots have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and

(iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.

(e) If any error is detected, the election officer shall determine the cause of the error and correct it.

(f) The election officer shall ensure that:

(i) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and

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(ii) [~~the automatic tabulating equipment passes the same test at the end of the count~~  
~~]before the election returns are approved as official[;], the automatic tabulating equipment~~  
passes a post election audit conducted in accordance with the rules described in Subsection  
20A-1-108(1).

(2) (a) The election officer or the election officer's designee shall supervise and direct all proceedings at the counting center.

(b) (i) Proceedings at the counting center are public and may be observed by interested persons.

(ii) Only those persons authorized to participate in the count may touch any ballot or return.

(c) The election officer shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.

(3) (a) If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officer shall ensure that two counting judges jointly:

- (i) make a true replication of the ballot with an identifying serial number;
- (ii) substitute the replicated ballot for the damaged or defective ballot;
- (iii) label the replicated ballot "replicated"; and
- (iv) record the replicated ballot's serial number on the damaged or defective ballot.

(b) The lieutenant governor shall provide to each election officer a standard form on which the election officer shall maintain a log of all replicated ballots, that includes, for each ballot:

- (i) the serial number described in Subsection (3)(a);
- (ii) the identification of the individuals who replicated the ballot;
- (iii) the reason for the replication; and
- (iv) any other information required by the lieutenant governor.

(c) An election officer shall:

(i) maintain the log described in Subsection (3)(b) in a complete and legible manner, as ballots are replicated;

(ii) at the end of each day during which one or more ballots are replicated, make an

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electronic copy of the log; and

(iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.

(4) The election officer may:

(a) conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public;

(b) release unofficial returns from time to time after the polls close; and

(c) report the progress of the count for each candidate during the actual counting of ballots.

(5) Beginning on the day after the date of the election, if an election officer releases early unofficial returns or reports the progress of the count for each candidate under Subsection (4), the election officer shall, with each release or report, disclose an estimate of the total number of voted ballots in the election officer's custody that have not yet been counted.

(6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

(7) (a) The election officer or the election officer's designee shall:

(i) separate, count, and tabulate any ballots containing valid write-in votes; and

(ii) complete the standard form provided by the clerk for recording valid write-in votes.

(b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.

(8) (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

(b) Upon completion of the count, the election officer shall make official returns open to the public.

(9) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.

(10) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-202.

Section 24. Section **20A-4-106** is amended to read:

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### **20A-4-106. Manual ballots -- Sealing.**

(1) After the official canvas of an election, the election officer shall store all election returns in containers that identify the containers' contents.

(2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except as follows:

(a) when examined during a recount conducted under the authority of Section 20A-4-401 or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project[-]; or

(b) the lieutenant governor may examine the ballots:

(i) until the later of:

(A) the end of the calendar year in which the election was held; or

(B) if the election is contested, when the contest is resolved; or

(ii) at any time via a subpoena or other legal process.

Section 25. Section **20A-4-109** is enacted to read:

### **20A-4-109. Ballot reconciliation -- Rulemaking authority.**

(1) In accordance with this section and rules made under Subsection (2), an election officer whose office processes ballots shall:

(a) conduct ballot reconciliations every time ballots are tabulated;

(b) conduct a final ballot reconciliation when an election officer concludes processing all ballots;

(c) document each ballot reconciliation;

(d) publicly release the results of each ballot reconciliation; and

(e) in conducting ballot reconciliations:

(i) ensure that the number of ballots received for processing, the number of ballots processed, and the number of voters given credit for voting, are equal; or

(ii) if the numbers described in Subsection (1)(e)(i) are not equal, account for and explain the differences in the numbers.

(2) The director of elections within the Office of the Lieutenant Governor may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing procedures and requirements for conducting, documenting, and publishing a ballot reconciliation.

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Section 26. Section **20A-4-202** is amended to read:

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

- (1) Upon receipt of the election returns from the poll workers, the election officer shall:
  - (a) ensure that the poll workers have provided all of the ballots and election returns;
  - (b) inspect the ballots and election returns to ensure that they are sealed;
  - (c) for manual ballots, deposit and lock the ballots and election returns in a safe and secure place;
  - (d) for mechanical ballots:
    - (i) count the ballots; and
    - (ii) deposit and lock the ballots and election returns in a safe and secure place; and
  - (e) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.
- (2) Each election officer shall:
  - (a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;
  - (b) preserve ballots for 22 months after the election or until the time has expired during which the ballots could be used in an election contest;
  - (c) preserve all other official election returns for at least 22 months after an election; and
  - (d) after that time, destroy them without opening or examining them.
- (3) (a) The election officer shall package and retain all tabulating cards and other materials used in the programming of the automatic tabulating equipment.
  - (b) The election officer:
    - (i) may access these tabulating cards and other materials;
    - (ii) may make copies of these materials and make changes to the copies;
    - (iii) may not alter or make changes to the materials themselves; and
    - (iv) within 22 months after the election in which they were used, may dispose of those materials or retain them.
- (4) (a) If an election contest is begun within 12 months, the election officer shall,

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except as provided in Subsection (4)(c):

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

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

(b) [~~When~~] Except as provided in Subsection (4)(c), when all election contests arising from an election are complete, the election officer shall either:

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

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

(c) The lieutenant governor may examine the ballots and election returns described in this Subsection (4).

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

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

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

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

Section 27. Section **20A-4-304** is amended to read:

### **20A-4-304. Declaration of results -- Canvassers' report.**

(1) Each board of canvassers shall:

(a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

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- (B) were submitted only to the voters within the board's jurisdiction; or
- (ii) "rejected" those ballot propositions that:
  - (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and
  - (B) were submitted only to the voters within the board's jurisdiction;
  - (c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and
  - (d) if applicable, certify the results of each local district election to the local district clerk.
- (2) ~~[As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain]~~ The election officer shall submit a report to the board of canvassers that includes the following information:
  - (a) the total number of votes cast in the board's jurisdiction;
  - (b) the names of each candidate whose name appeared on the ballot;
  - (c) the title of each ballot proposition that appeared on the ballot;
  - (d) each office that appeared on the ballot;
  - (e) from each voting precinct:
    - (i) the number of votes for each candidate;
    - (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each ballot-counting phase; and
  - (iii) the number of votes for and against each ballot proposition;
  - (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;
  - (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
    - (i) the number of ballots counted;
    - (ii) provisional ballots; and
    - (iii) the number of ballots [that were] rejected; [and]
  - (h) a final ballot reconciliation report;



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(i) other information required by law to be provided to the board of canvassers; and

~~[(h)]~~ (j) a statement certifying that the information contained in the report is accurate.

(3) The election officer and the board of canvassers shall:

(a) review the report to ensure that ~~[(it)]~~ the report is correct; and

(b) sign the report.

(4) The election officer shall:

(a) record or file the certified report in a book kept for that purpose;

(b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;

(c) publish a copy of the certified report in accordance with Subsection (5); and

(d) file a copy of the certified report with the lieutenant governor.

(5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2):

(a) (i) by publishing notice at least once in a newspaper of general circulation within the jurisdiction;

(ii) by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents of the jurisdiction, subject to a maximum of 10 notices; or

(iii) by mailing notice to each residence within the jurisdiction;

(b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for one week; and

(c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for one week.

(6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:

(a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and

(b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:

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- (i) if the jurisdiction has a website, the jurisdiction's website;
- (ii) the physical address for the jurisdiction; and
- (iii) a mailing address and telephone number.

(7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:

(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and

(b) transmit the separate report by registered mail to the lieutenant governor.

(8) In each county election, municipal election, school election, local district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.

(9) In a regular primary election and in a presidential primary election, the board shall transmit to the lieutenant governor:

(a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not later than the second Tuesday after the election; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Section 28. Section **20A-5-101** is amended to read:

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

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

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

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

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

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

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in accordance with Subsection (3):

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

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

(B) by posting one notice, and at least one additional notice per 2,000 population of the county, in places within the county that are most likely to give notice of the election to the voters in the county, subject to a maximum of 10 notices; or

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

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

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

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

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

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

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

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

(a) the date of election;

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

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

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

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

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

(g) instructions regarding how an individual with a disability, who is not able to vote a

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manual ballot by mail, may obtain information on voting in an accessible manner.

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

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

(ii) at least two days before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction, subject to a maximum of 10 notices; or

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

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

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

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

(a) is entitled "Notice of Election";

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

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

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

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

(iii) a mailing address and telephone number.

Section 29. Section **20A-5-403.5** is amended to read:

**20A-5-403.5. Ballot drop boxes.**

~~(1)~~ ~~(a)~~ (a) An election officer:

~~(a)~~ (i) shall designate at least one ballot drop box in each municipality and reservation located in the jurisdiction to which the election relates;

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~~[(b)]~~ (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;

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

~~[(d)]~~ (iv) shall provide 24-hour recorded video surveillance, without audio, of each unattended ballot drop box; ~~[and]~~

~~[(e)]~~ (v) shall post a sign on or near each unattended ballot drop box indicating that the ballot drop box is under 24-hour video surveillance~~[-];~~;

~~\_\_\_\_\_ (vi) shall keep a recording described in Subsection (1)(a)(iv) until the later of:~~

~~\_\_\_\_\_ (A) the end of the calendar year in which the election was held; or~~

~~\_\_\_\_\_ (B) if the election is contested, when the contest is resolved;}~~ and

~~(~~fvii~~vi)~~ (vi) shall ensure that a camera, a video, or a recording of a video described in Subsection (1)(a)(iv) may only be accessed:

(A) by the election officer;

(B) by a custodian of the camera, video, or recording;

(C) by the lieutenant governor;

(D) by the legislative auditor general, when performing an audit; or

(E) by, or pursuant to an order of, a court of competent jurisdiction.

(b) An individual may not view a video, or a recording of a video, described in Subsection (1)(a)(iv), unless the individual:

(i) is an individual described in Subsection (1)(a)(~~fvii~~vi); and

(ii) views the video to the extent necessary to:

(A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (~~fvii~~1)(c); or

(B) investigate a concern relating to ballots or the ballot box.

(c) The election officer, or the custodian of the recording, shall keep a recording described in Subsection (1)(a)(iv) until the later of:

(i) the end of the calendar year in which the election was held; or

(ii) if the election is contested, when the contest is resolved.

(2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at least 19 days before the date of the election, provide notice of the location of each ballot drop box designated under Subsection (1):

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(a) (i) by publishing notice in at least one issue of a newspaper of general circulation in the jurisdiction holding the election;

(ii) by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction holding the election, in places within the jurisdiction that are most likely to give notice to the residents in the jurisdiction, subject to a maximum of 10 notices; or

(iii) by mailing notice to each registered voter in the jurisdiction holding the election;

(b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for 19 days before the day of the election; and

(c) by posting notice on the jurisdiction's website for 19 days before the day of the election.

(3) Instead of including the location of ballot drop boxes, a notice required under Subsection (2) may specify the following sources where a voter may view or obtain a copy of all ballot drop box locations:

(a) the jurisdiction's website;

(b) the physical address of the jurisdiction's offices; and

(c) a mailing address and telephone number.

(4) The election officer shall include in the notice described in Subsection (2):

(a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each ballot drop box, including any changes to the location of a ballot drop box and the location of additional ballot drop boxes; and

(b) a phone number that a voter may call to obtain information regarding the location of a ballot drop box.

(5) (a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in Subsection (2):

(i) if necessary, change the location of a ballot drop box; or

(ii) if the election officer determines that the number of ballot drop boxes is insufficient due to the number of registered voters who are voting, designate additional ballot drop boxes.

(b) Except as provided in Section 20A-1-308, if an election officer changes the location of a ballot box or designates an additional ballot drop box location, the election officer

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shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or the additional ballot drop box location:

- (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;
- (ii) by posting the information on the website of the election officer, if available; and
- (iii) by posting notice:

(A) for a change in the location of a ballot drop box, at the new location and, if possible, the old location; and

(B) for an additional ballot drop box location, at the additional ballot drop box location.

(6) An election officer may, at any time, authorize two or more poll workers to remove a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

(7) (a) At least two poll workers must be present when a poll worker collects ballots from a ballot drop box and delivers the ballots to the location where the ballots will be opened and counted.

(b) An election officer shall ensure that the chain of custody of ballots placed in a ballot box are recorded and tracked from the time the ballots are removed from the ballot box until the ballots are delivered to the location where the ballots will be opened and counted.

Section 30. Section **53-18-103** is amended to read:

### **53-18-103. Internet posting of personal information of public safety employees -- Prohibitions.**

(1) (a) A state or local governmental agency that receives the form described in Subsection (1)(b) from a public safety employee may not publicly post on the Internet the personal information of the public safety employee employed by the state or local governmental agency.

(b) Each state or local government agency employing a public safety employee shall:

(i) provide a form for a public safety employee to request the removal or concealment of the public safety employee's personal information from the state or local government agencies' publicly accessible websites and databases;

(ii) inform the public safety employee how to submit a form under this section;

(iii) upon request, assist a public safety employee in completing the form;

(iv) include on the form a disclaimer informing the public safety employee that by

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submitting a completed form the public safety employee may not receive official announcements affecting the public safety employee's property, including notices about proposed annexations, incorporation, or zoning modifications; and

(v) require a form submitted by a public safety employee to be signed by:

(A) for a public safety employee who is a law enforcement officer, the highest ranking elected or appointed official in the officer's chain of command certifying that the individual requesting removal or concealment is a law enforcement officer; or

(B) for a public safety employee who is not a law enforcement officer, the public safety employee's supervisor.

(2) A county clerk, upon receipt of the form described in Subsection (1)(b) from a public safety employee, completed and submitted under this section, shall:

(a) classify the public safety employee's voter registration record in the ~~[lieutenant governor's statewide voter registration database developed under Section 20A-2-109]~~ system, as defined in Section 20A-2-501, as a private record; and

(b) classify the public safety employee's marriage licenses and marriage license applications, if any, as private records.

(3) A county recorder, treasurer, auditor, or tax assessor, upon receipt of the form described in Subsection (1)(b) from a public safety employee, completed and submitted under this section, shall:

(a) provide a method for the assessment roll and index and the tax roll and index that will block public access to the public safety employee's personal information; and

(b) provide to the public safety employee who submits the form a written disclaimer informing the public safety employee that the public safety employee may not receive official announcements affecting the public safety employee's property, including notices about proposed annexations, incorporations, or zoning modifications.

(4) A form submitted under this section remains in effect for the shorter of:

(a) four years from the date on which the form was signed by the public safety employee, regardless of whether the public safety employee's qualifying employment is terminated during the four years; or

(b) one year after official notice of the public safety employee's death is transmitted by the public safety employee's immediate family or the public safety employee's employing



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agency to all state and local government agencies that are reasonably expected to have records containing personal information of the deceased public safety employee.

(5) Notwithstanding Subsection (4), the public safety employee, or the public safety employee's immediate family if the public safety employee is deceased, may rescind the form at any time.

(6) (a) An individual may not, with intent to frighten or harass a public safety employee, publicly post on the Internet the personal information of a public safety employee knowing the public safety employee is a public safety employee.

(b) Except as provided in Subsection (6)(c), a violation of Subsection (6)(a) is a class B misdemeanor.

(c) A violation of Subsection (6)(a) that results in bodily injury to the public safety employee, or a member of the public safety employee's immediate family, is a class A misdemeanor.

(d) (i) Each act against a separate individual in violation of Subsection (6)(a) is a separate offense.

(ii) A defendant may also be charged separately with the commission of any other criminal conduct related to the commission of an offense under Subsection (6)(a).

(7) (a) A business or association may not publicly post or publicly display on the Internet the personal information of a public safety employee if the public safety employee has, either directly or through an agent designated under Subsection (7)(c), provided to that business or association a written demand to not disclose the public safety employee's personal information.

(b) A written demand made under Subsection (7)(a) by a public safety employee is effective for four years beginning on the day the demand is delivered, regardless of whether the public safety employee's employment as a public safety employee has terminated during the four years.

(c) A public safety employee may designate in writing the public safety employee's employer or, for a public safety employee who is a law enforcement officer, a representative of a voluntary professional association of law enforcement officers to act on behalf of the officer and as the officer's agent to make a written demand under this chapter.

(d) (i) A business or association that receives a written demand from a public safety

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employee under Subsection (7)(a) shall remove the public safety employee's personal information from public display on the Internet, including the removal of information provided to cellular telephone applications, within 24 hours of the delivery of the written demand, and shall ensure that the information is not posted again on the same Internet website or any other Internet website over which the recipient of the written demand maintains or exercises control.

(ii) After receiving the public safety employee's written demand, the person, business, or association may not publicly post or publicly display on the Internet, the personal information of the public safety employee.

(iii) This Subsection (7)(d) does not prohibit a telephone corporation, as defined in Section 54-2-1, or the telephone corporation's affiliate or other voice service provider, including providers of interconnected voice over Internet protocol service as defined in 47 C.F.R. 9.3, from transferring the public safety employee's personal information to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, terms of service, or tariff, or is necessary in the event of an emergency, or to collect a debt owed by the public safety employee to the telephone corporation or its affiliate.

(iv) This Subsection (7)(d) does not apply to a telephone corporation or other voice service provider, including providers of interconnected voice over Internet protocol service, with respect to directories or directories listings to the extent the entity offers a nonpublished listing option.

(8) (a) A public safety employee whose personal information is made public as a result of a violation of Subsection (7) may bring an action seeking injunctive or declarative relief in a court of competent jurisdiction.

(b) If a court finds that a violation has occurred, the court may grant injunctive or declarative relief and shall award the public safety employee court costs and reasonable attorney fees.

(c) If the defendant fails to comply with an order of the court issued under Subsection (8)(b), the court may impose a civil penalty of not more than \$1,000 for the defendant's failure to comply with the court's order.

(9) (a) A person, business, or association may not solicit, sell, or trade on the Internet the personal information of a public safety employee, if:

(i) the dissemination of the personal information poses an imminent and serious threat

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to the public safety employee's safety or the safety of the public safety employee's immediate family; and

(ii) the person making the information available on the Internet knows or reasonably should know of the imminent and serious threat.

(b) (i) A public safety employee whose personal information is knowingly publicly posted or publicly displayed on the Internet may bring an action in a court of competent jurisdiction.

(ii) If a jury or court finds that a defendant has committed a violation of Subsection (9)(a), the jury or court shall award damages to the public safety employee in the amount of triple the cost of actual damages or \$4,000, whichever is greater.

(10) An interactive computer service or access software is not liable under Subsections (7)(d)(i) and (9) for information or content provided by another information content provider.

(11) Unless a state or local government agency receives a completed form directly from a public safety employee in accordance with Subsection (1), a state or local government official who makes information available for public inspection in accordance with state law is not in violation of this chapter.

Section 31. Section **67-1a-2** is amended to read:

### **67-1a-2. Duties enumerated.**

(1) The lieutenant governor shall:

(a) perform duties delegated by the governor, including assignments to serve in any of the following capacities:

(i) as the head of any one department, if so qualified, with the advice and consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation;

(ii) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs;

(iii) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests;

(iv) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the

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interests of the state;

(v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and

(vi) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;

(b) serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;

(c) serve as the chief election officer of the state as required by Subsection (2);

(d) keep custody of the Great Seal of the State of Utah;

(e) keep a register of, and attest, the official acts of the governor;

(f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

(g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.

(2) (a) As the chief election officer, the lieutenant governor shall:

(i) exercise oversight, and general supervisory authority, over all elections;

(ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those races;

(iii) [~~assist county clerks in unifying~~] establish uniformity in the election ballot;

(iv) (A) prepare election information for the public as required by [~~statute~~] law and as determined appropriate by the lieutenant governor; and

(B) make the information [~~under~~] described in Subsection (2)(a)(iv)(A) available to the public and to news media, on the Internet, and in other forms as required by [~~statute or~~] law and as determined appropriate by the lieutenant governor;

(v) receive and answer election questions and maintain an election file on opinions received from the attorney general;

(vi) maintain a current list of registered political parties as defined in Section 20A-8-101;

(vii) maintain election returns and statistics;

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(viii) certify to the governor the names of [~~those persons who have received the highest number of votes for any~~] individuals nominated to run for, or elected to, office;

(ix) ensure that all voting equipment purchased by the state complies with the requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;

(x) during a declared emergency, to the extent that the lieutenant governor determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:

(A) voting on election day;

(B) early voting;

(C) the transmittal or voting of an absentee ballot or military-overseas ballot;

(D) the counting of an absentee ballot or military-overseas ballot; or

(E) the canvassing of election returns; and

(xi) exercise all other election authority, and perform other election duties, as provided in Title 20A, Election Code.

(b) As chief election officer, the lieutenant governor:

(i) shall oversee all elections, and functions relating to elections, in the state;

(ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by an election officer with legal requirements relating to elections; and

(iii) may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.

(3) (a) The lieutenant governor shall:

(i) determine a new municipality's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the municipality's population using the population estimate from the Utah Population Committee; and

(ii) (A) prepare a certificate indicating the class in which the new municipality belongs based on the municipality's population; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the municipality's legislative body.

(b) The lieutenant governor shall:

(i) determine the classification under Section 10-2-301 of a consolidated municipality

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upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,  
Consolidation of Municipalities, using population information from:

(A) each official census or census estimate of the United States Bureau of the Census;

or

(B) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census; and

(ii) (A) prepare a certificate indicating the class in which the consolidated municipality belongs based on the municipality's population; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the consolidated municipality's legislative body.

(c) The lieutenant governor shall:

(i) determine a new metro township's classification under Section 10-2-301.5 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, based on the metro township's population using the population estimates from the Utah Population Committee; and

(ii) prepare a certificate indicating the class in which the new metro township belongs based on the metro township's population and, within 10 days after preparing the certificate, deliver a copy of the certificate to the metro township's legislative body.

(d) The lieutenant governor shall monitor the population of each municipality using population information from:

(i) each official census or census estimate of the United States Bureau of the Census; or

(ii) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census.

(e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a municipality's population has increased beyond the population for its current class, the lieutenant governor shall:

(i) prepare a certificate indicating the class in which the municipality belongs based on the increased population figure; and

(ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.

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(f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a municipality's population has decreased below the population for its current class, the lieutenant governor shall send written notification of that fact to the municipality's legislative body.

(ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose population has decreased below the population for its current class, the lieutenant governor shall:

(A) prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.

### Section 32. **Repealer.**

This bill repeals:

Section **20A-1-101, Title.**

### Section 33. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

#### ITEM 1

##### To Governor's Office

<u>From General Fund</u>	<u>860,000</u>
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<u>From General Fund, One-Time</u>	<u>730,000</u>
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##### Schedule of Programs:

<u>Lt. Governor's Office</u>	<u>1,590,000</u>
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##### The Legislature intends that:

(1) under Section 63J-1-603, up to \$250,000 of the money appropriated to the Governor's Office in Item 1 of 2022 Laws of Utah, Chapter 156, not lapse at the end of Fiscal Year 2023; and

(2) on or after July 1, 2023, the lieutenant governor may use the nonlapsing funds

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described in Subsection (1) to assist political subdivisions with election security costs,  
including the expanded video surveillance described in this bill.