

1 **ELECTION CHANGES**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: A. Cory Maloy**

5 Senate Sponsor: Michael S. Kennedy

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ modifies and describes the supervisory and oversight authority of the lieutenant
15 governor over elections;
- 16 ▶ provides the lieutenant governor with access to records, facilities, equipment, staff,
17 and meetings to assist the lieutenant governor in fulfilling the supervisory and
18 oversight authority described above;
- 19 ▶ provides a process and method for the lieutenant governor to enforce compliance
20 with the provisions of election law;
- 21 ▶ requires the lieutenant governor to provide, and certain election administrators and
22 employees to complete, training relating to conducting elections;
- 23 ▶ addresses requirements for audits of election processes;
- 24 ▶ modifies publication dates for certain ballot statistics;
- 25 ▶ requires certain studies relating to elections;
- 26 ▶ grants rulemaking authority to the lieutenant governor in relation to:
- 27 • training;



- 28 • audits;
- 29 • maintaining and updating the statewide voter registration system and database;
- 30 • conducting elections;
- 31 • signature comparison and verification;
- 32 • alternative methods of identity verification; and
- 33 • chain of custody and ballot reconciliation;
- 34 ▶ modifies provisions relating to the statewide voter registration system and database,
- 35 including requirements relating to maintenance and updates;
- 36 ▶ establishes requirements to ensure accessibility of the election system in relation to
- 37 a person with a disability;
- 38 ▶ modifies ballot curing requirements;
- 39 ▶ enacts ballot chain of custody and reconciliation requirements;
- 40 ▶ requires uniformity of certain election processes and records; and
- 41 ▶ makes technical and conforming changes.

42 **Money Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 AMENDS:

- 48 **20A-1-102**, as last amended by Laws of Utah 2022, Chapters 18, 170
- 49 **20A-2-206**, as last amended by Laws of Utah 2021, Chapter 64
- 50 **20A-2-300.6**, as last amended by Laws of Utah 2003, Chapter 117
- 51 **20A-3a-202**, as last amended by Laws of Utah 2022, Chapters 18, 121 and 156
- 52 **20A-3a-401**, as last amended by Laws of Utah 2022, Chapter 392
- 53 **20A-3a-401.5**, as enacted by Laws of Utah 2021, Chapter 100
- 54 **20A-3a-405**, as enacted by Laws of Utah 2022, Chapter 380
- 55 **20A-4-304**, as last amended by Laws of Utah 2022, Chapter 342
- 56 **20A-5-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 57 **53-18-103**, as last amended by Laws of Utah 2022, Chapter 367
- 58 **67-1a-2**, as last amended by Laws of Utah 2022, Chapter 18

59 ENACTS:

60 **20A-1-105**, Utah Code Annotated 1953

61 **20A-1-106**, Utah Code Annotated 1953

62 **20A-1-107**, Utah Code Annotated 1953

63 **20A-2-501**, Utah Code Annotated 1953

64 **20A-2-507**, Utah Code Annotated 1953

65 **20A-3a-106**, Utah Code Annotated 1953

66 **20A-3a-401.1**, Utah Code Annotated 1953

67 **20A-3a-402.5**, Utah Code Annotated 1953

68 **20A-4-109**, Utah Code Annotated 1953

69 RENUMBERS AND AMENDS:

70 **20A-2-502**, (Renumbered from 20A-2-109, as last amended by Laws of Utah 2018,
71 Chapter 19)

72 **20A-2-503**, (Renumbered from 20A-2-304.5, as last amended by Laws of Utah 2012,
73 Chapter 52)

74 **20A-2-504**, (Renumbered from 20A-2-305, as last amended by Laws of Utah 2022,
75 Chapter 121)

76 **20A-2-505**, (Renumbered from 20A-2-306, as last amended by Laws of Utah 2022,
77 Chapter 121)

78 **20A-2-506**, (Renumbered from 20A-2-308, as last amended by Laws of Utah 2022,
79 Chapter 156)

80 REPEALS:

81 **20A-1-101**, as enacted by Laws of Utah 1993, Chapter 1



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

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

85 **20A-1-102. Definitions.**

86 As used in this title:

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

89 (2) "Automatic tabulating equipment" means apparatus that automatically examines

90 and counts votes recorded on ballots and tabulates the results.

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

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

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

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

97 (b) a constitutional amendment;

98 (c) an initiative;

99 (d) a referendum;

100 (e) a bond proposition;

101 (f) a judicial retention question;

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

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

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

107 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
108 [20A-4-306](#) to canvass election returns.

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

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

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

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

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

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

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

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

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

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

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

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

132 (b) does not include:

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

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

137 (18) "Elected official" means:

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

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

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

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

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

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

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

- 152 (a) preside over other poll workers at a polling place;
- 153 (b) act as the presiding election judge; or
- 154 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 155 (23) "Election officer" means:
- 156 (a) the lieutenant governor, for all statewide ballots and elections;
- 157 (b) the county clerk for:
- 158 (i) a county ballot and election; and
- 159 (ii) a ballot and election as a provider election officer as provided in Section
- 160 [20A-5-400.1](#) or [20A-5-400.5](#);
- 161 (c) the municipal clerk for:
- 162 (i) a municipal ballot and election; and
- 163 (ii) a ballot and election as a provider election officer as provided in Section
- 164 [20A-5-400.1](#) or [20A-5-400.5](#);
- 165 (d) the local district clerk or chief executive officer for:
- 166 (i) a local district ballot and election; and
- 167 (ii) a ballot and election as a provider election officer as provided in Section
- 168 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 169 (e) the business administrator or superintendent of a school district for:
- 170 (i) a school district ballot and election; and
- 171 (ii) a ballot and election as a provider election officer as provided in Section
- 172 [20A-5-400.1](#) or [20A-5-400.5](#).
- 173 (24) "Election official" means any election officer, election judge, or poll worker.
- 174 (25) "Election results" means:
- 175 (a) for an election other than a bond election, the count of votes cast in the election and
- 176 the election returns requested by the board of canvassers; or
- 177 (b) for bond elections, the count of those votes cast for and against the bond
- 178 proposition plus any or all of the election returns that the board of canvassers may request.
- 179 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
- 180 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
- 181 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 182 the total votes cast form.

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

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

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

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

191 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
192 Local Government Entities - Local Districts, and includes a special service district under Title
193 17D, Chapter 1, Special Service District Act.

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

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

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

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

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

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

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

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

212 (38) "Municipal executive" means:

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

214 (b) the mayor in the council-manager form of government defined in Subsection
215 [10-3b-103\(7\)](#); or

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

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

220 (40) "Municipal legislative body" means:

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

222 (b) the council of a metro township.

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

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

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

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

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

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

232 (a) the ballot as an official ballot;

233 (b) the date of the election; and

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

236 (ii) for a ballot prepared by a county clerk, the words required by Subsection
237 [20A-6-301\(1\)\(b\)\(iii\)](#).

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

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

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

- 245 (b) "Poll worker" includes election judges.
- 246 (c) "Poll worker" does not include a watcher.
- 247 (50) "Pollbook" means a record of the names of voters in the order that they appear to
248 cast votes.
- 249 (51) "Polling place" means a building where voting is conducted.
- 250 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
251 in which the voter marks the voter's choice.
- 252 (53) "Presidential Primary Election" means the election established in Chapter 9, Part
253 8, Presidential Primary Election.
- 254 (54) "Primary convention" means the political party conventions held during the year
255 of the regular general election.
- 256 (55) "Protective counter" means a separate counter, which cannot be reset, that:
257 (a) is built into a voting machine; and
258 (b) records the total number of movements of the operating lever.
- 259 (56) "Provider election officer" means an election officer who enters into a contract or
260 interlocal agreement with a contracting election officer to conduct an election for the
261 contracting election officer's local political subdivision in accordance with Section
262 [20A-5-400.1](#).
- 263 (57) "Provisional ballot" means a ballot voted provisionally by a person:
264 (a) whose name is not listed on the official register at the polling place;
265 (b) whose legal right to vote is challenged as provided in this title; or
266 (c) whose identity was not sufficiently established by a poll worker.
- 267 (58) "Provisional ballot envelope" means an envelope printed in the form required by
268 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
269 verify a person's legal right to vote.
- 270 (59) (a) "Public figure" means an individual who, due to the individual being
271 considered for, holding, or having held a position of prominence in a public or private capacity,
272 or due to the individual's celebrity status, has an increased risk to the individual's safety.
- 273 (b) "Public figure" does not include an individual:
274 (i) elected to public office; or
275 (ii) appointed to fill a vacancy in an elected public office.

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

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

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

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

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

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

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

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

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

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

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

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

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

299 (a) is spoiled by the voter;

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

301 (c) lacks the official endorsement.

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

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

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

307 (a) political parties;

308 (b) candidates for an office; or

309 (c) ballot propositions.

310 (74) "Transfer case" means the sealed box used to transport voted ballots to the

311 counting center.

312 (75) "Vacancy" means the absence of a person to serve in any position created by

313 statute, whether that absence occurs because of death, disability, disqualification, resignation,

314 or other cause.

315 (76) "Valid voter identification" means:

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

317 include:

318 (i) a currently valid Utah driver license;

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

320 (A) the state; or

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

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

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

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

325 (b) one of the following identification cards, whether or not the card includes a

326 photograph of the voter:

327 (i) a valid tribal identification card;

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

329 (iii) a tribal treaty card; or

330 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear

331 the name of the voter and provide evidence that the voter resides in the voting precinct, which

332 may include:

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

334 election;

335 (ii) a bank or other financial account statement, or a legible copy thereof;

336 (iii) a certified birth certificate;

337 (iv) a valid social security card;

- 338 (v) a check issued by the state or the federal government or a legible copy thereof;
- 339 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 340 (vii) a currently valid Utah hunting or fishing license;
- 341 (viii) certified naturalization documentation;
- 342 (ix) a currently valid license issued by an authorized agency of the United States;
- 343 (x) a certified copy of court records showing the voter's adoption or name change;
- 344 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 345 (xii) a currently valid identification card issued by:
 - 346 (A) a local government within the state;
 - 347 (B) an employer for an employee; or
 - 348 (C) a college, university, technical school, or professional school located within the
 - 349 state; or

350 (xiii) a current Utah vehicle registration.

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

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

- 354 (a) mailing the ballot to the location designated in the mailing; or
- 355 (b) depositing the ballot in a ballot drop box designated by the election officer.

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

- 357 (a) meets the requirements for voting in an election;
- 358 (b) meets the requirements of election registration;
- 359 (c) is registered to vote; and
- 360 (d) is listed in the official register book.

361 (80) "Voter registration deadline" means the registration deadline provided in Section
362 [20A-2-102.5](#).

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

365 (82) "Voting booth" means:

- 366 (a) the space or compartment within a polling place that is provided for the preparation
367 of ballots, including the voting enclosure or curtain; or
- 368 (b) a voting device that is free standing.

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

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

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

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

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

378 Section 2. Section [20A-1-105](#) is enacted to read:

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

380 **20A-1-105. Chief election officer of the state -- Duties, authority, and**
381 **enforcement.**

382 (1) The lieutenant governor:

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

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

386 (c) shall ensure that each election officer complies with all legal requirements relating
387 to elections, including:

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

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

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

391 (iv) state law relating to elections;

392 (v) the requirements of this title; and

393 (vi) rules made under this title.

394 (2) To the extent that the lieutenant governor determines the following is useful in
395 fulfilling the responsibilities described in Subsection (1), the lieutenant governor and the
396 lieutenant governor's staff have:

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

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

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

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

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

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

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

415 (3) An election officer and an election officer's staff shall fully assist, and cooperate
416 with, the lieutenant governor and the lieutenant governor's staff in:

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

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

420 (4) If the lieutenant governor or a member of the lieutenant governor's staff determines
421 that an election officer is in violation of a law or rule described in Subsection (1)(c), the
422 lieutenant governor or the lieutenant governor's staff shall, in an effort to remedy the violation
423 and bring the election officer into compliance with the law or rule:

424 (a) consult with the election officer; and

425 (b) provide training and other assistance to the election officer to the extent the
426 lieutenant governor or the lieutenant governor's staff determines warranted.

427 (5) If a violation continues after the lieutenant governor or the lieutenant governor's
428 staff complies with Subsection (4), the lieutenant governor shall issue a written order to the
429 election officer that:

430 (a) describes the violation;

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

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

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

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

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

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

440 (b) An election officer shall fully comply with an order described in Subsection (5)
441 unless the election officer obtains a court order rescinding or modifying the order in accordance
442 with Subsections (7) through (9).

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

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

448 (a) the order is arbitrary or capricious;

449 (b) the court finds that the violation alleged by the lieutenant governor did not occur; or

450 (c) the court determines that the violation alleged by the lieutenant governor is not a
451 violation of law or rule.

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

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

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

458 **20A-1-106. Elections training -- Training required -- Reimbursement.**

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

460 (a) a county clerk; and

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

- 462 (i) the most senior employee who assists with elections; or
463 (ii) if more than one employee qualifies as the most senior employee under Subsection
464 (1)(b)(i), one of those employees, as designated by the election officer.
- 465 (2) The lieutenant governor shall, in accordance with this section:
466 (a) design and provide training to election officers and government workers who
467 perform functions relating to elections; and
468 (b) provide the training described in this section without charge to the officers and
469 workers described in Subsection (2)(a).
- 470 (3) The training shall include:
471 (a) a course designed for election administrators:
472 (i) that consists of five sessions, with two courses for each session; and
473 (ii) for which the lieutenant governor may require live attendance; and
474 (b) a course designed for government workers, who perform functions relating to
475 elections, that consists of modules relating to individual election processes.
- 476 (4) (a) An election administrator who was elected, appointed, or hired before May 3,
477 2023, shall:
478 (i) begin the first session of a course described in Subsection (3)(a) before July 1, 2024;
479 and
480 (ii) complete all five sessions within four years after the election administrator takes
481 the first session.
- 482 (b) An election administrator who is elected, appointed, or hired on or after May 3,
483 2023, shall:
484 (i) begin the first session of a course described in Subsection (3)(a) within one year
485 after the day on which the election administrator is elected, appointed, or hired; and
486 (ii) complete all five sessions within four years after the election administrator takes
487 the first session.
- 488 (c) The lieutenant governor may waive the requirement that an election administrator
489 take the training described in Subsection (3)(a), or a certain portion of the training described in
490 Subsection (3)(a), if the election administrator has completed another training course that:
491 (i) is approved by the lieutenant governor;
492 (ii) covers the training, or the portion of the training, waived;

493 (iii) is developed in conjunction with an institution of higher education located in Utah;
494 and

495 (iv) focuses primarily on elections conducted in Utah.

496 (5) The lieutenant governor:

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

500 (i) Section [63A-3-106](#);

501 (ii) Section [63A-3-107](#); and

502 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
503 [63A-3-107](#); and

504 (b) is not required to reimburse an election administrator for attending alternate
505 training under Subsection (4)(c).

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

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

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

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

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

516 **20A-1-107. Audits -- Studies relating to elections.**

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

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

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

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

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

529 (4) The lieutenant governor shall:

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

532 (i) different risk-limiting audit methods; and

533 (ii) other confirmation methods; and

534 (b) at or before the last 2023 meeting of the Government Operations Interim
535 Committee, report to the committee on:

536 (i) the methods studied; and

537 (ii) recommendations for post-election audit requirements.

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

539 (a) study:

540 (i) the options for improving the quality of signatures collected by the Driver License
541 Division that are used for signature verification in an election; and

542 (ii) the technology needs and costs associated with the options described in Subsection
543 (5)(a)(i); and

544 (b) at or before the last 2023 meeting of the Government Operations Interim
545 Committee, report to the committee on:

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

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

548 Section 5. Section **20A-2-206** is amended to read:

549 **20A-2-206. Electronic registration.**

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

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

554 (a) that an applicant have a valid driver license or identification card, issued under Title

555 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place
556 of residence;

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

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

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

563 (i) driver license or identification card signature, obtained under Title 53, Chapter 3,
564 Uniform Driver License Act, for voter registration purposes; or

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

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

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

572 (5) The lieutenant governor shall:

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

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

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

580 (a) receiving all information from an applicant; and

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

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

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

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

588 (a) accept and process the voter registration form;

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

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

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

594 (c) if the individual named in the form is preregistering to vote, comply with Section
595 [20A-2-101.1](#).

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

598 (a) accept the application for registration; and

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

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

605 Section 6. Section [20A-2-300.6](#) is amended to read:

606 **Part 3. Voter Registration Responsibilities**

607 **20A-2-300.6. Voter registration activities -- Coordination among local, state, and**
608 **federal officials.**

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

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

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

613 [~~(ii) other responsibilities established by;~~]

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

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

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

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

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

622 Section 7. Section **20A-2-501** is enacted to read:

623 **20A-2-501. Definitions.**

624 As used in this part:

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

626 (a) is designed to comply with Section [20A-2-305](#);

627 (b) a county clerk is required to run on an annual basis; and

628 (c) identifies each inactive voter and each voter to be removed from the voter
 629 registration database.

630 (2) "Database" means the statewide voter registration database, described in Subsection
 631 [20A-2-502](#)(1)(a) that:

632 (a) is maintained and updated via the system; and

633 (b) uses information relative to voter registration and voting, including information that
 634 is obtained from a voter, a governmental entity, as defined in Section [63G-2-103](#), or another
 635 state.

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

638 (4) "System" means the statewide voter registration system described in Subsection
 639 [20A-2-502](#)(1)(a), including the database and all information within the system or database.

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

643 Section 8. Section **20A-2-502**, which is renumbered from Section 20A-2-109 is
 644 renumbered and amended to read:

645 ~~[**20A-2-109**].~~ **20A-2-502. Statewide voter registration system --**

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

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

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

649 (a) develop, operate, and maintain a statewide voter registration [database:] system to
650 be used by the lieutenant governor and county clerks to maintain an updated statewide voter
651 registration database in accordance with this section and rules made under Section 20A-2-507;

652 (b) regularly update the system with information relevant to voter registration, as
653 follows:

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

656 (A) voter registration;
657 (B) a registered voter's change of address; or
658 (C) a registered voter's change of name;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

710 Corrections.]

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

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

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

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

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

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

725 (d) indicates, by county:

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

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

731 Section 9. Section **20A-2-503**, which is renumbered from Section 20A-2-304.5 is
732 renumbered and amended to read:

733 ~~[20A-2-304.5].~~ **20A-2-503. County clerk's responsibilities -- Updating voter**
734 **registration.**

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

737 (b) A county clerk shall:

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

740 (ii) in accordance with rules made under Section [20A-2-507](#), regularly report to the

741 lieutenant governor the information described in Subsection 20A-2-502(4).

742 [~~(1)~~] (2) A county clerk who receives notification from the lieutenant governor, as
743 provided in Subsection [~~20A-2-109(1)~~] 20A-2-502(1)(e), of a change in a registered voter's
744 principal place of residence or name may verify the change with the registered voter.

745 [~~(2)~~] (3) Unless the county clerk verifies that a change described in Subsection [~~(1)~~] (2)
746 is incorrect, the county clerk shall:

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

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

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

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

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

754 [~~(3)~~] (5) (a) If a voter does not vote in any election during the period beginning on the
755 date of any regular general election and ending on the day after the date of the next regular
756 general election, and the county clerk has not sent the voter a notice described in Section
757 [~~20A-2-306~~] 20A-2-505 during the period, the county clerk shall, within 14 days after the
758 period, send to the voter a preaddressed return form in substantially the following form:

759 "VOTER REGISTRATION ADDRESS"

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

762 _____

763 Street City County State ZIP

764 _____

765 Signature of Voter

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

768 Section 10. Section **20A-2-504**, which is renumbered from Section 20A-2-305 is
769 renumbered and amended to read:

770 [~~20A-2-305~~]. **20A-2-504. Removing names from the official register --**

771 **General requirements.**

- 772 (1) The county clerk may not remove a voter's name from the official register solely
773 because the voter has failed to vote in an election.
- 774 (2) The county clerk shall remove a voter's name from the official register if:
- 775 (a) the voter dies and the requirements of Subsection (3) are met;
- 776 (b) the county clerk, after complying with the requirements of Section ~~[20A-2-306]~~
777 20A-2-505, receives written confirmation from the voter that the voter no longer resides within
778 the county clerk's county;
- 779 ~~[(c) the county clerk has:]~~
- 780 (c) (i) ~~[obtained]~~ the county clerk obtains evidence that the voter's residence has
781 changed;
- 782 (ii) ~~[mailed]~~ the county clerk mails notice to the voter as required ~~[by]~~ under Section
783 ~~[20A-2-306]~~ 20A-2-505;
- 784 (iii) the county clerk:
- 785 (A) ~~[received]~~ receives no response from the voter; or
- 786 (B) ~~[not received]~~ does not receive information that confirms the voter's residence; and
- 787 (iv) the voter ~~[has failed to]~~ does not vote or appear to vote in an election during the
788 period beginning on the date of the notice described in Section ~~[20A-2-306]~~ 20A-2-505 and
789 ending on the day after the date of the second regular general election occurring after the date
790 of the notice;
- 791 (d) the voter requests, in writing, that the voter's name be removed from the official
792 register;
- 793 (e) the county clerk receives notice that a voter has been convicted of any felony or a
794 misdemeanor for an offense under this title and the voter's right to vote has not been restored as
795 provided in Section 20A-2-101.3 or 20A-2-101.5; or
- 796 (f) the county clerk receives notice that a voter has registered to vote in another state
797 after the day on which the voter registered to vote in this state.
- 798 (3) The county clerk shall remove a voter's name from the official register within five
799 business days after the day on which the county clerk receives confirmation from the
800 ~~[Department of Health's Bureau]~~ Office of Vital Records that the voter is deceased.
- 801 (4) No later than 90 days before each primary and general election, the county clerk
802 shall update the official register by reviewing the official register and taking the actions

803 permitted or required by law under this section, Section ~~[20A-2-304.5]~~ 20A-2-503, and Section
804 ~~[20A-2-306]~~ 20A-2-505.

805 Section 11. Section **20A-2-505**, which is renumbered from Section 20A-2-306 is
806 renumbered and amended to read:

807 ~~[20A-2-306]~~. **20A-2-505. Removing names from the official register --**
808 **Determining and confirming change of residence.**

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

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

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

816 (ii) ~~[has failed to]~~ does not respond to the notice ~~[required by]~~ described in Subsection
817 (3).

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

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

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

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

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

830 "VOTER REGISTRATION NOTICE

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

834

Street	City	County	State

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

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

838 If you have not changed your residence or have moved but stayed within the same
839 county, you must complete and return this form to the county clerk so that it is received by the
840 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to
841 return this form within that time:

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

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

848 _____

849 Signature of Voter

PRIVACY INFORMATION

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

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

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

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

865 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

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

883 -----

884 BALLOT NOTIFICATIONS

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

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

890 -----

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

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

896 election if:

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

898 (ii) the voter [~~has died~~] dies.

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

901 (ii) If a county clerk receives a returned voter identification card, determines that there
902 was no clerical error causing the card to be returned, and has no further information to contact
903 the voter, the county clerk [~~may~~] shall, unless otherwise prohibited by law, list that voter as
904 inactive.

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

907 (iv) A county is not required to:

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

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

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

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

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

921 Section 12. Section **20A-2-506**, which is renumbered from Section 20A-2-308 is
922 renumbered and amended to read:

923 [~~20A-2-308~~]. **20A-2-506. Lieutenant governor and county clerks to**
924 **preserve records.**

925 (1) As used in this section:

926 (a) "Voter registration record" means a record concerning the implementation of

927 programs and activities conducted for the purpose of ensuring that the official register is
 928 accurate and current.

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

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

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

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

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

935 (i) the official register; and

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

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

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

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

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

947 (b) the day of the election; and

948 (c) the last day of the canvass.

949 Section 13. Section **20A-2-507** is enacted to read:

950 **20A-2-507. Rulemaking authority relating to voter registration records.**

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

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

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

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

956 (b) regularly report to the lieutenant governor the information described in Subsection
 957 20A-2-502(4); and

- 958 (3) establishing requirements for a county clerk in relation to:
959 (a) running the utilities and tools in the system;
960 (b) actions that the county clerk is required to take in response to the matters identified,
961 or the results produced, from running the utilities and tools; and
962 (c) documenting and reporting compliance with the requirements of this part and rules
963 made under this section.

964 Section 14. Section **20A-3a-106** is enacted to read:

965 **20A-3a-106. Rulemaking authority relating to conducting an election.**

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

- 969 (1) a return envelope described in Subsection [20A-3a-202\(4\)](#), to ensure uniformity and
970 security of the envelopes, including requirements that a return envelope conceal a voter's
971 signature, email address, and phone number from view when the envelope is sealed;
972 (2) complying with the signature comparison audit requirements described in Section
973 [20A-3a-402.5](#); and
974 (3) conducting and documenting the identity verification process described in
975 Subsection [20A-3a-401\(7\)\(b\)](#).

976 Section 15. Section **20A-3a-202** is amended to read:

977 **20A-3a-202. Conducting election by mail.**

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

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

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

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

- 987 (i) a manual ballot;
988 (ii) a return envelope;

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

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

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

999 (vi) ~~[after May 1, 2022,]~~ instructions on how a voter may sign up to receive electronic
1000 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#);

1001 (b) may not mail a ballot under this section to:

1002 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

1003 (ii) a voter whom the election officer is prohibited from sending a ballot under
1004 Subsection ~~[(10)(c)(ii);]~~ ~~[and]~~ [\(9\)\(c\)\(ii\)](#);

1005 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
1006 include instructions for returning the ballot if the individual to whom the election officer mails
1007 the ballot does not live at the address to which the ballot is sent[-];

1008 (d) shall provide a method of accessible voting to a voter with a disability who is not
1009 able to vote by mail; and

1010 (e) shall include, on the election officer's website and with each ballot mailed,
1011 instructions regarding how a voter described in Subsection (2)(d) may vote.

1012 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail
1013 the manual ballot to the address:

1014 (i) provided at the time of registration; or

1015 (ii) if, at or after the time of registration, the voter files an alternate address request
1016 form described in Subsection (3)(b), the alternate address indicated on the form.

1017 (b) The lieutenant governor shall make available to voters an alternate address request
1018 form that permits a voter to request that the election officer mail the voter's ballot to a location
1019 other than the voter's residence.

1020 (c) A voter shall provide the completed alternate address request form to the election
1021 officer no later than 11 days before the day of the election.

1022 (4) The return envelope shall include:

1023 (a) the name, official title, and post office address of the election officer on the front of
1024 the envelope;

1025 (b) a space where a voter may write an email address and phone number by which the
1026 election officer may contact the voter if the voter's ballot is rejected;

1027 (c) a printed affidavit in substantially the following form:

1028 "County of ____ State of ____

1029 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
1030 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
1031 currently incarcerated for commission of a felony.

1032 _____

1033 Signature of Voter"; and

1034 (d) a warning that the affidavit must be signed by the individual to whom the ballot
1035 was sent and that the ballot will not be counted if the signature on the affidavit does not match
1036 the signature on file with the election officer of the individual to whom the ballot was sent.

1037 (5) If the election officer determines that the voter is required to show valid voter
1038 identification, the election officer may:

1039 (a) mail a ballot to the voter;

1040 (b) instruct the voter to include a copy of the voter's valid voter identification with the
1041 return ballot; and

1042 (c) provide instructions to the voter on how the voter may sign up to receive electronic
1043 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#).

1044 (6) An election officer who administers an election shall:

1045 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the
1046 election; or

1047 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
1048 and

1049 (b) maintain the signatures on file in the election officer's office.

1050 (7) Upon receipt of a returned ballot, the election officer shall review and process the

1051 ballot under Section [20A-3a-401](#).

1052 (8) A county that administers an election:

1053 (a) shall provide at least one election day voting center in accordance with [~~Chapter 3a,~~
1054 ~~Part 7, Election Day Voting Center~~] Part 7, Election Day Voting Center, and at least one
1055 additional election day voting center for every 5,000 active voters in the county who have
1056 requested to not receive a ballot by mail;

1057 (b) shall ensure that each election day voting center operated by the county has at least
1058 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
1059 Pub. L. No. 107-252, for individuals with disabilities;

1060 (c) may reduce the early voting period described in Section [20A-3a-601](#), if:

1061 (i) the county clerk conducts early voting on at least four days;

1062 (ii) the early voting days are within the period beginning on the date that is 14 days
1063 before the date of the election and ending on the day before the election; and

1064 (iii) the county clerk provides notice of the reduced early voting period in accordance
1065 with Section [20A-3a-604](#);

1066 (d) is not required to pay return postage for a ballot; and

1067 (e) is subject to an audit conducted under Subsection (9).

1068 [~~(9)(a) The lieutenant governor shall:~~]

1069 [~~(i) develop procedures for conducting an audit of affidavit signatures on ballots cast in~~
1070 ~~an election conducted under this section; and]~~

1071 [~~(ii) after each primary, general, or special election conducted under this section, select~~
1072 ~~a number of ballots, in varying jurisdictions, to audit in accordance with the procedures~~
1073 ~~developed under Subsection (9)(a)(i).]~~

1074 [~~(b) The lieutenant governor shall post the results of an audit conducted under this~~
1075 ~~Subsection (9) on the lieutenant governor's website.]~~

1076 [~~(10)~~] (9) (a) An individual may request that the election officer not send the individual
1077 a ballot by mail in the next and subsequent elections by submitting a written request to the
1078 election officer.

1079 (b) An individual shall submit the request described in Subsection [~~(10)(a)~~] (9)(a) to
1080 the election officer before 5 p.m. no later than 60 days before an election if the individual does
1081 not wish to receive a ballot by mail in that election.

1082 (c) An election officer who receives a request from an individual under Subsection
 1083 ~~[(10)(a)]~~ (9)(a):
 1084 (i) shall remove the individual's name from the list of voters who will receive a ballot
 1085 by mail; and
 1086 (ii) may not send the individual a ballot by mail for:
 1087 (A) the next election, if the individual submits the request described in Subsection
 1088 ~~[(10)(a)]~~ (9)(a) before the deadline described in Subsection ~~[(10)(b)]~~ (9)(b); or
 1089 (B) an election after the election described in Subsection ~~[(10)(c)(ii)(A)]~~ (9)(c)(ii)(A).
 1090 (d) An individual who submits a request under Subsection ~~[(10)(a)]~~ (9)(a) may resume
 1091 the individual's receipt of a ballot by mail by submitting a written request to the election
 1092 officer.

1093 Section 16. Section **20A-3a-401** is amended to read:

1094 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**
 1095 **Disposition -- Notice.**

1096 (1) This section governs ballots returned by mail or via a ballot drop box.
 1097 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in
 1098 the custody of the poll workers in accordance with Subsection (2)(b).
 1099 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
 1100 the return envelope to the signature of the voter in the voter registration records.
 1101 (3) After complying with Subsection (2), the poll workers shall determine whether:
 1102 (a) the signatures correspond;
 1103 (b) the affidavit is sufficient;
 1104 (c) the voter is registered to vote in the correct precinct;
 1105 (d) the voter's right to vote the ballot has been challenged;
 1106 (e) the voter has already voted in the election;
 1107 (f) the voter is required to provide valid voter identification; and
 1108 (g) if the voter is required to provide valid voter identification, whether the voter has
 1109 provided valid voter identification.
 1110 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
 1111 workers determine ~~[that]~~:
 1112 ~~[(i) the signatures correspond;]~~

- 1113 (i) in accordance with the rules made under Subsection (9):
 1114 (A) that the signature on the affidavit of the return envelope is reasonably consistent
 1115 with the individual's signature in the voter registration records; or
 1116 (B) for an individual who checks the box described in Subsection (5)(c)(v), that the
 1117 individual's identity is verified by alternative means;
 1118 (ii) that the affidavit is sufficient;
 1119 (iii) that the voter is registered to vote in the correct precinct;
 1120 (iv) that the voter's right to vote the ballot has not been challenged;
 1121 (v) that the voter has not already voted in the election; and
 1122 (vi) for a voter required to provide valid voter identification, that the voter has
 1123 provided valid voter identification.
- 1124 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
 1125 workers shall:
- 1126 (i) remove the manual ballot from the return envelope in a manner that does not
 1127 destroy the affidavit on the return envelope;
 1128 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
 1129 with the return envelope; and
 1130 (iii) place the ballot with the other ballots to be counted.
- 1131 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
 1132 the poll workers shall:
- 1133 (i) disallow the vote;
 1134 (ii) without opening the return envelope, [~~mark across the face of the return envelope:~~]
 1135 record the ballot as "rejected" and state the reason for the rejection; and
 1136 [~~(A) "Rejected as defective"; or~~]
 1137 [~~(B) "Rejected as not a registered voter"; and~~]
 1138 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 1139 (5) (a) If the poll workers reject an individual's ballot because the poll workers
 1140 determine, in accordance with rules made under Subsection (9), that the signature on the return
 1141 envelope [~~does not match~~] is not reasonably consistent with the individual's signature in the
 1142 voter registration records, the election officer shall:
 1143 (i) contact the individual in accordance with Subsection [(7) by mail, email, text

1144 ~~message, or phone, and] (6); and~~
1145 (ii) inform the individual:
1146 [(i)] (A) that the individual's signature is in question;
1147 [(ii)] (B) how the individual may resolve the issue; and
1148 [(iii)] (C) that, in order for the ballot to be counted, the individual is required to deliver
1149 to the election officer a correctly completed affidavit, provided by the county clerk, that meets
1150 the requirements described in Subsection ~~[(5)(b)]~~ (5)(c).
1151 (b) The election officer shall ensure that the information provided under Subsection
1152 (5)(a) includes:
1153 (i) when communicating by mail, a printed copy of the affidavit described in
1154 Subsection (5)(c) and a courtesy reply envelope;
1155 (ii) when communicating electronically, a link to a copy of the affidavit described in
1156 Subsection (5)(c) or information on how to obtain a copy of the affidavit; or
1157 (iii) when communicating by phone, either during a direct conversation with the voter
1158 or in a voicemail, arrangements for the voter to receive a copy of the affidavit described in
1159 Subsection (5)(c), either in person from the clerk's office, by mail, or electronically.
1160 ~~[(b)]~~ (c) An affidavit described in Subsection ~~[(5)(a)(iii)]~~ (5)(a)(ii)(C) shall include:
1161 (i) an attestation that the individual voted the ballot;
1162 (ii) a space for the individual to enter the individual's name, date of birth, and driver
1163 license number or the last four digits of the individual's social security number;
1164 (iii) a space for the individual to sign the affidavit; ~~[and]~~
1165 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
1166 governor's and county clerk's use of the individual's signature on the affidavit for voter
1167 identification purposes~~[-]; and~~
1168 (v) a check box accompanied by language in substantially the following form:
1169 "I am a voter with a qualifying disability under the Americans with Disabilities Act that
1170 impacts my ability to sign my name consistently. I can provide appropriate documentation upon
1171 request. To discuss accommodations, I can be contacted at _____".
1172 ~~[(c)]~~ (d) In order for an individual described in Subsection (5)(a) to have the
1173 individual's ballot counted, the individual shall deliver the affidavit described in Subsection
1174 ~~[(5)(b)]~~ (5)(c) to the election officer.

1175 ~~[(d)]~~ (e) An election officer who receives a signed affidavit under Subsection ~~[(5)(e)]~~
 1176 (5)(d) shall immediately:

1177 (i) scan the signature on the affidavit electronically and keep the signature on file in the
 1178 statewide voter registration database developed under Section ~~[20A-2-109; and]~~ 20A-2-502;

1179 (ii) if the election officer receives the affidavit no later than 5 p.m. three days before
 1180 the day on which the canvass begins, count the individual's ballot~~[-]; and~~

1181 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the
 1182 rules described in Subsection (9)(c).

1183 ~~[(6) If the poll workers reject an individual's ballot for any reason, other than the reason~~
 1184 ~~described in Subsection (5)(a), the election officer shall notify the individual of the rejection in~~
 1185 ~~accordance with Subsection (7) by mail, email, text message, or phone and specify the reason~~
 1186 ~~for the rejection.]~~

1187 ~~[(7) An election officer who is required to give notice under Subsection (5) or (6) shall~~
 1188 ~~give the notice no later than:]~~

1189 ~~[(a) if the election officer rejects the ballot before election day:]~~

1190 ~~[(i) one business day after the day on which the election officer rejects the ballot, if the~~
 1191 ~~election officer gives the notice by email or text message; or]~~

1192 ~~[(ii) two business days after the day on which the election officer rejects the ballot, if~~
 1193 ~~the election officer gives the notice by postal mail or phone;]~~

1194 ~~[(b) seven days after election day if the election officer rejects the ballot on election~~
 1195 ~~day; or]~~

1196 ~~[(c) seven days after the canvass if the election officer rejects the ballot after election~~
 1197 ~~day and before the end of the canvass:]~~

1198 (6) (a) The election officer shall, within two business days after the day on which an
 1199 individual's ballot is rejected, notify the individual of the rejection and the reason for the
 1200 rejection, by phone, mail, email, or SMS text message, unless:

1201 (i) the ballot is cured within one business day after the day on which the ballot is
 1202 rejected; or

1203 (ii) the ballot is rejected because the ballot is received late or for another reason that
 1204 cannot be cured.

1205 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii),

1206 the election officer shall notify the individual of the rejection and the reason for the rejection by
1207 phone, mail, email, or SMS text message, within the later of:

1208 (i) 30 days after the day of the rejection; or

1209 (ii) 30 days after the day of the election.

1210 (c) The election officer may, when notifying an individual by phone under this
1211 Subsection (6), use auto-dial technology.

1212 ~~[(8)]~~ (7) An election officer may not count the ballot of an individual whom the
1213 election officer contacts under Subsection (5) or (6) unless, no later than 5 p.m. three days
1214 before the day on which the canvass begins, the election officer:

1215 ~~[(a) the election officer receives a signed affidavit from the individual under~~
1216 ~~Subsection (5)(b) or is otherwise able to establish contact with the individual to confirm the~~
1217 ~~individual's identity; and]~~

1218 ~~[(b) the affidavit described in Subsection (8)(a) is received, or the confirmation~~
1219 ~~described in Subsection (8)(a) occurs, no later than 5 p.m. three days before the day on which~~
1220 ~~the canvass begins.]~~

1221 (a) receives a signed affidavit from the individual under Subsection (5); or

1222 (b) (i) contacts the individual;

1223 (ii) informs the individual that it is unlawful to sign a ballot affidavit for another
1224 person, even if the person gives permission;

1225 (iii) verifies the identity of the individual by:

1226 (A) requiring the individual to provide at least two types of personal identifying
1227 information for the individual;

1228 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records
1229 relating to the individual that are in the possession or control of an election officer; and

1230 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:

1231 (A) the name and voter identification number of the individual contacted;

1232 (B) the name of the individual who conducts the verification;

1233 (C) the date and manner of the communication;

1234 (D) the personal identifying information provided by the individual;

1235 (E) a description of the records against which the personal identifying information
1236 provided by the individual is compared and verified; and

- 1237 (F) other information required by the lieutenant governor.
- 1238 [~~(9)~~] (8) The election officer shall:
- 1239 (a) retain and preserve the return envelopes in the manner provided by law for the
- 1240 retention and preservation of ballots voted at that election[-]; and
- 1241 (b) retain and preserve the documentation described in Subsection (7)(b)(iv), as a
- 1242 protected record, for at least 22 months.
- 1243 (9) The director of elections within the Office of the Lieutenant Governor shall make
- 1244 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
- 1245 establish:
- 1246 (a) criteria and processes for use by poll workers in determining if a signature is
- 1247 reasonably consistent with the signature on file for the voter under Subsections (3)(a) and
- 1248 (4)(a)(i)(A);
- 1249 (b) training and certification requirements for election officers and employees of
- 1250 election officers regarding the criteria and processes described in Subsection (9)(a); and
- 1251 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42
- 1252 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the signature of an
- 1253 individual who checks the box described in Subsection (5)(c)(v).
- 1254 Section 17. Section **20A-3a-401.1** is enacted to read:
- 1255 **20A-3a-401.1. Ballot chain of custody.**
- 1256 (1) As used in this section:
- 1257 (a) "Batch" means a grouping of a specified number of ballots:
- 1258 (i) that is assembled by poll workers, and given a number to distinguish the grouping
- 1259 from other groupings, when the ballots are first received for processing;
- 1260 (ii) that is kept together in the same grouping, and kept separate from other groupings,
- 1261 throughout ballot processing; and
- 1262 (iii) for which a log is kept to document the chain of custody of the grouping.
- 1263 (b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a
- 1264 return envelope that a poll worker has not separated from a ballot, as follows:
- 1265 (i) starting with receiving the ballot;
- 1266 (ii) each step taken in relation to a ballot as part of conducting an election; and
- 1267 (iii) ending after the ballots are counted and stored.

1268 (2) An election officer shall preserve the chain of custody of all ballots in accordance
1269 with this section.

1270 (3) An election officer shall maintain an accurate, updated count of the number of
1271 ballots that the election officer:

1272 (a) mails or otherwise provides to a voter;

1273 (b) receives from a voter;

1274 (c) counts;

1275 (d) rejects;

1276 (e) resolves after rejecting; or

1277 (f) does not resolve after rejecting.

1278 (4) Upon receiving ballots cast by voters, the election officer shall ensure that poll
1279 workers immediately count the number of ballots received and divide the ballots into batches.

1280 (5) The election officer shall ensure that:

1281 (a) ballots in each batch are kept separate from the ballots in other batches;

1282 (b) a ballot is not separated from a batch, except as necessary to the election process;

1283 (c) if a ballot is separated from a batch, the batch log indicates:

1284 (i) the ballot number;

1285 (ii) the date and time of removal;

1286 (iii) the identity of the individual who removes the ballot; and

1287 (iv) the reason the ballot is removed;

1288 (d) poll workers affix to, and keep with, each batch a log that includes:

1289 (i) a unique identifying code or number for the batch;

1290 (ii) the number of ballots in the batch;

1291 (iii) the date that the ballots were received; and

1292 (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:

1293 (A) the date and time that the ballots are handled;

1294 (B) a description of what is done with the ballots;

1295 (C) the identity of the poll workers who handle the ballots; and

1296 (D) any other information required by rule under Subsection (7);

1297 (e) at least two poll workers simultaneously perform each ballot processing function;

1298 (f) to the extent reasonably possible, the poll workers who perform a ballot processing

- 1299 function for a batch complete performing that function for the entire batch; and
- 1300 (g) each part of the processing of all ballots is monitored by recorded video, without
- 1301 audio.
- 1302 (6) An election officer shall:
- 1303 (a) keep the recordings described in Subsection (5)(g) for at least 22 months; and
- 1304 (b) ensure that a camera, a video, or a recording of a video described in Subsection
- 1305 (5)(g) may only be accessed by:
- 1306 (i) the following or an authorized employee of the following:
- 1307 (A) the election officer;
- 1308 (B) the lieutenant governor; or
- 1309 (C) when performing an audit, the legislative auditor general; or
- 1310 (ii) a court of competent jurisdiction.
- 1311 (7) An individual may not view a video, or a recording of a video, described in
- 1312 Subsection (5)(g):
- 1313 (a) unless the individual is an individual described in Subsection (6)(b); and
- 1314 (b) the individual views the video to the extent necessary to:
- 1315 (i) ensure compliance with Subsection (5)(g) or (6); or
- 1316 (ii) investigate a concern relating to the processing of ballots.
- 1317 (8) The director of elections within the Office of the Lieutenant Governor shall make
- 1318 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1319 establishing specific requirements and procedures for an election officer or poll worker to:
- 1320 (a) fulfill the chain of custody requirements described in this section;
- 1321 (b) perform the signature verification audits described in Section [20A-3a-402.5](#); and
- 1322 (c) comply with the reconciliation requirements described in Subsection
- 1323 [20A-4-304\(2\)\(h\)](#).
- 1324 Section 18. Section **20A-3a-401.5** is amended to read:
- 1325 **20A-3a-401.5. Ballot tracking system.**
- 1326 (1) As used in this section:
- 1327 (a) "Ballot tracking system" means the system described in this section to track and
- 1328 confirm the status of trackable ballots.
- 1329 (b) "Change in the status" includes:

- 1330 (i) when a trackable ballot is mailed to a voter;
- 1331 (ii) when an election official receives a voted trackable ballot; and
- 1332 (iii) when a voted trackable ballot is counted.
- 1333 (c) "Trackable ballot" means a manual ballot that is:
- 1334 (i) mailed to a voter in accordance with Section [20A-3a-202](#);
- 1335 (ii) deposited in the mail by a voter in accordance with Section [20A-3a-204](#); or
- 1336 (iii) deposited in a ballot drop box by a voter in accordance with Section [20A-3a-204](#).
- 1337 (d) "Voter registration database" means the [~~statewide voter registration database~~
- 1338 ~~described in Section [20A-2-109](#)~~] database, as defined in Section [20A-2-501](#).
- 1339 (2) [~~(a)~~] The lieutenant governor shall [~~develop~~] operate and maintain a statewide or
- 1340 locally based system to track and confirm when there is a change in the status of a trackable
- 1341 ballot.
- 1342 [~~(b) The ballot tracking system shall be operational on or before May 1, 2022.~~]
- 1343 (3) [~~Beginning on May 1, 2022, if~~] If a voter elects to receive electronic notifications
- 1344 regarding the status of the voter's trackable ballot, the ballot tracking system shall, when there
- 1345 is a change in the status of the voter's trackable ballot:
- 1346 (a) send a text message notification to the voter if the voter's information in the voter
- 1347 registration database includes a mobile telephone number;
- 1348 (b) send an email notification to the voter if the voter's information in the voter
- 1349 registration database includes an email address; and
- 1350 (c) send a notification by another electronic means directed by the lieutenant governor.
- 1351 (4) The lieutenant governor shall ensure that the ballot tracking system and the
- 1352 state-provided website described in Section [20A-7-801](#) automatically share appropriate
- 1353 information to ensure that a voter is able to confirm the status of the voter's trackable ballot via
- 1354 the state-provided website free of charge.
- 1355 (5) The ballot tracking system shall include a toll-free telephone number or other
- 1356 offline method by which a voter can confirm the status of the voter's trackable ballot.
- 1357 (6) The lieutenant governor shall ensure that the ballot tracking system:
- 1358 (a) is secure from unauthorized use by employing data encryption or other security
- 1359 measures; and
- 1360 (b) is only used for the purposes described in this section.

1361 Section 19. Section **20A-3a-402.5** is enacted to read:

1362 **20A-3a-402.5. Signature verification audits.**

1363 (1) An election officer shall, in accordance with this section and rules made under
1364 Section [20A-3a-106](#), conduct regular audits of signature comparisons made between signatures
1365 on envelopes and voter signatures maintained by the election officer.

1366 (2) An individual who conducts an audit of signature comparisons may not audit the
1367 individual's own work.

1368 (3) Before separating ballots from return envelopes, the election officer shall:

1369 (a) audit 1% of all signature comparisons of the envelopes to be separated to determine
1370 the accuracy of the comparisons made; and

1371 (b) provide additional training or staff reassignments, as needed, based on the results of
1372 the audit.

1373 (4) An election officer shall submit to the lieutenant governor and the board of
1374 canvassers a record of:

1375 (a) the audits performed under this section;

1376 (b) the results of the audits; and

1377 (c) any remedial action taken.

1378 Section 20. Section **20A-3a-405** is amended to read:

1379 **20A-3a-405. Ballot statistics.**

1380 (1) ~~[An]~~ Except as provided in Subsection (5)(a), an election officer shall post and
1381 update the data described in Subsection (2) on the election officer's website, on the following
1382 days, after the election officer finishes processing ballots on that day:

1383 (a) the day on which the election officer begins mailing ballots;

1384 (b) ~~[except as provided in Subsection (5)(a), until the day described in Subsection~~
1385 ~~(1)(c);]~~ each Monday, Wednesday, and Friday after the day described in Subsection (1)(a), until
1386 the final posting described in Subsection (1)(c); and

1387 (c) the ~~[Friday before]~~ Wednesday after the day of the election.

1388 (2) The data that an election officer is required to post under Subsection (1) includes:

1389 (a) the number of ballots in the county clerk's possession; and

1390 (b) of the number of ballots described in Subsection (2)(a):

1391 (i) the number of ballots that have not yet begun processing;

- 1392 (ii) the number of ballots in process; and
1393 (iii) the number of ballots processed.
- 1394 (3) Except as provided in Subsection (5)(b), an election officer shall post and update
1395 the data described in Subsection (4) on the election officer's website on the following days:
- 1396 (a) the Friday after the day of the election;
1397 (b) [~~until the day described in Subsection (3)(c);~~] each Monday, Wednesday, and
1398 Friday after the day described in Subsection (3)(a), until the final posting described in
1399 Subsection (3)(c); and
1400 (c) on the last day of the canvass.
- 1401 (4) The data that an election officer is required to post under Subsection (3) includes:
- 1402 (a) a best estimate of the number of ballots received, to date, by the election officer;
1403 (b) the number of ballots in possession of the election officer that have been rejected
1404 and are not yet cured;
1405 (c) the number of provisional ballots in the possession of the election officer that have
1406 not been processed;
1407 (d) the number of ballots that need to be adjudicated, but have not yet been
1408 adjudicated;
1409 (e) the number of ballots awaiting replication; and
1410 (f) the number of ballots that have been replicated.
- 1411 (5) (a) [~~Except for the Monday described in Subsection (1)(c), an~~] An election officer
1412 is not required to update the data described in Subsection (2) on a Monday if the election
1413 officer does not process any ballots the preceding Saturday or Sunday.
- 1414 (b) An election officer is not required to update the data described in Subsection (4) on
1415 a Monday if the election officer does not process any ballots the preceding Saturday or Sunday.
- 1416 Section 21. Section **20A-4-109** is enacted to read:
- 1417 **20A-4-109. Ballot reconciliation -- Rulemaking authority.**
- 1418 (1) In accordance with this section and rules made under Subsection (2), an election
1419 officer whose office processes ballots shall:
- 1420 (a) regularly conduct ballot reconciliations during ballot processing;
1421 (b) conduct a final ballot reconciliation when an election officer concludes processing
1422 all ballots;

- 1423 (c) document each ballot reconciliation;
- 1424 (d) publicly release the results of each ballot reconciliation; and
- 1425 (e) in conducting ballot reconciliations:
- 1426 (i) ensure that the number of ballots received for processing, the number of ballots
- 1427 processed, and the number of voters given credit for voting, are equal; or
- 1428 (ii) if the numbers described in Subsection (1)(e)(i) are not equal, account for and
- 1429 explain the differences in the numbers.
- 1430 (2) The director of elections within the Office of the Lieutenant Governor shall make
- 1431 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 1432 (a) establishing procedures and requirements for conducting, documenting, and
- 1433 publishing a ballot reconciliation; and
- 1434 (b) establishing the frequency and timing of the ballot reconciliations described in
- 1435 Subsection (2)(a).
- 1436 Section 22. Section **20A-4-304** is amended to read:
- 1437 **20A-4-304. Declaration of results -- Canvassers' report.**
- 1438 (1) Each board of canvassers shall:
- 1439 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
- 1440 declare "elected" or "nominated" those persons who:
- 1441 (i) had the highest number of votes; and
- 1442 (ii) sought election or nomination to an office completely within the board's
- 1443 jurisdiction;
- 1444 (b) declare:
- 1445 (i) "approved" those ballot propositions that:
- 1446 (A) had more "yes" votes than "no" votes; and
- 1447 (B) were submitted only to the voters within the board's jurisdiction; or
- 1448 (ii) "rejected" those ballot propositions that:
- 1449 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
- 1450 votes; and
- 1451 (B) were submitted only to the voters within the board's jurisdiction;
- 1452 (c) certify the vote totals for persons and for and against ballot propositions that were
- 1453 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to

1454 the lieutenant governor; and

1455 (d) if applicable, certify the results of each local district election to the local district
1456 clerk.

1457 (2) ~~[As soon as the result is declared, the election officer shall prepare a report of the~~
1458 ~~result, which shall contain]~~ The election officer shall submit a report to the board of canvassers
1459 that includes standardized information, on a form provided by the lieutenant governor, as
1460 follows:

1461 (a) the total number of votes cast in the board's jurisdiction;

1462 (b) the names of each candidate whose name appeared on the ballot;

1463 (c) the title of each ballot proposition that appeared on the ballot;

1464 (d) each office that appeared on the ballot;

1465 (e) from each voting precinct:

1466 (i) the number of votes for each candidate;

1467 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
1468 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
1469 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
1470 phase; and

1471 (iii) the number of votes for and against each ballot proposition;

1472 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
1473 and against each ballot proposition;

1474 (g) statistics on:

1475 (i) the number of ballots counted;

1476 (ii) provisional ballots; and

1477 (iii) the number of ballots [that were] rejected; [and]

1478 (h) a final ballot reconciliation report;

1479 (i) other information required by law to be provided to the board of canvassers; and

1480 ~~[(h)]~~ (j) a statement certifying that the information contained in the report is accurate.

1481 (3) The election officer and the board of canvassers shall:

1482 (a) review the report to ensure that [it] the report is correct; and

1483 (b) sign the report.

1484 (4) The election officer shall:

- 1485 (a) record or file the certified report in a book kept for that purpose;
- 1486 (b) prepare and transmit a certificate of nomination or election under the officer's seal
1487 to each nominated or elected candidate;
- 1488 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 1489 (d) file a copy of the certified report with the lieutenant governor.
- 1490 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
1491 days after the day on which the board of canvassers declares the election results, publicize the
1492 certified report described in Subsection (2):
- 1493 (a) (i) by publishing notice at least once in a newspaper of general circulation within
1494 the jurisdiction;
- 1495 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
1496 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents
1497 of the jurisdiction, subject to a maximum of 10 notices; or
- 1498 (iii) by mailing notice to each residence within the jurisdiction;
- 1499 (b) by posting notice on the Utah Public Notice Website, created in Section
1500 [63A-16-601](#), for one week; and
- 1501 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
1502 one week.
- 1503 (6) Instead of including a copy of the entire certified report, a notice required under
1504 Subsection (5) may contain a statement that:
- 1505 (a) includes the following: "The Board of Canvassers for [indicate name of
1506 jurisdiction] has prepared a report of the election results for the [indicate type and date of
1507 election]."; and
- 1508 (b) specifies the following sources where an individual may view or obtain a copy of
1509 the entire certified report:
- 1510 (i) if the jurisdiction has a website, the jurisdiction's website;
- 1511 (ii) the physical address for the jurisdiction; and
- 1512 (iii) a mailing address and telephone number.
- 1513 (7) When there has been a regular general or a statewide special election for statewide
1514 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
1515 or more county ballot proposition, each board of canvassers shall:

1516 (a) prepare a separate report detailing the number of votes for each candidate and the
1517 number of votes for and against each ballot proposition; and

1518 (b) transmit the separate report by registered mail to the lieutenant governor.

1519 (8) In each county election, municipal election, school election, local district election,
1520 and local special election, the election officer shall transmit the reports to the lieutenant
1521 governor within 14 days after the date of the election.

1522 (9) In a regular primary election and in a presidential primary election, the board shall
1523 transmit to the lieutenant governor:

1524 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
1525 governor not later than the second Tuesday after the election; and

1526 (b) a complete tabulation showing voting totals for all primary races, precinct by
1527 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
1528 primary election.

1529 Section 23. Section **20A-5-101** is amended to read:

1530 **20A-5-101. Notice of election.**

1531 (1) On or before November 15 in the year before each regular general election year, the
1532 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

1533 (a) designates the offices to be filled at the next year's regular general election;

1534 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
1535 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
1536 and [20A-9-408](#) for those offices; and

1537 (c) contains a description of any ballot propositions to be decided by the voters that
1538 have qualified for the ballot as of that date.

1539 (2) (a) No later than seven business days after the day on which the lieutenant governor
1540 transmits the written notice described in Subsection (1), each county clerk shall provide notice,
1541 in accordance with Subsection (3):

1542 (i) by posting notice in a conspicuous place most likely to give notice of the election to
1543 the voters in each voting precinct within the county;

1544 (ii) (A) by publishing notice in a newspaper of general circulation in the county;

1545 (B) by posting one notice, and at least one additional notice per 2,000 population of the
1546 county, in places within the county that are most likely to give notice of the election to the

- 1547 voters in the county, subject to a maximum of 10 notices; or
- 1548 (C) by mailing notice to each registered voter in the county;
- 1549 (iii) by posting notice on the Utah Public Notice Website, created in Section
- 1550 [63A-16-601](#), for seven days before the day of the election; and
- 1551 (iv) by posting notice on the county's website for seven days before the day of the
- 1552 election.
- 1553 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a)(i),
- 1554 showing a copy of the notice and the places where the notice was posted.
- 1555 (3) The notice described in Subsection (2) shall:
- 1556 (a) designate the offices to be voted on in that election; and
- 1557 (b) identify the dates for filing a declaration of candidacy for those offices.
- 1558 (4) Except as provided in Subsection (6), before each election, the election officer shall
- 1559 give printed notice of the following information:
- 1560 (a) the date of election;
- 1561 (b) the hours during which the polls will be open;
- 1562 (c) the polling places for each voting precinct, early voting polling place, and election
- 1563 day voting center;
- 1564 (d) the address of the Statewide Electronic Voter Information Website and, if available,
- 1565 the address of the election officer's website, with a statement indicating that the election officer
- 1566 will post on the website any changes to the location of a polling place and the location of any
- 1567 additional polling place;
- 1568 (e) a phone number that a voter may call to obtain information regarding the location of
- 1569 a polling place; ~~and~~
- 1570 (f) the qualifications for persons to vote in the election~~[-]; and~~
- 1571 (g) instructions regarding how an individual with a disability, who is not able to vote a
- 1572 manual ballot by mail, may obtain information on voting in an accessible manner.
- 1573 (5) The election officer shall provide the notice described in Subsection (4):
- 1574 (a) (i) by publishing the notice in a newspaper of general circulation in the jurisdiction
- 1575 to which the election pertains, at least two days before the day of the election;
- 1576 (ii) at least two days before the day of the election, by posting one notice, and at least
- 1577 one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction

1578 that are most likely to give notice of the election to the voters in the jurisdiction, subject to a
1579 maximum of 10 notices; or

1580 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to
1581 which the election pertains at least five days before the day of the election;

1582 (b) by posting notice on the Utah Public Notice Website, created in Section
1583 63A-16-601, for two days before the day of the election; and

1584 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
1585 two days before the day of the election.

1586 (6) Instead of including the information described in Subsection (4) in the notice, the
1587 election officer may give printed notice that:

1588 (a) is entitled "Notice of Election";

1589 (b) includes the following: "A [indicate election type] will be held in [indicate the
1590 jurisdiction] on [indicate date of election]. Information relating to the election, including
1591 polling places, polling place hours, and qualifications of voters may be obtained from the
1592 following sources:"; and

1593 (c) specifies the following sources where an individual may view or obtain the
1594 information described in Subsection (4):

1595 (i) if the jurisdiction has a website, the jurisdiction's website;

1596 (ii) the physical address of the jurisdiction offices; and

1597 (iii) a mailing address and telephone number.

1598 Section 24. Section 53-18-103 is amended to read:

1599 **53-18-103. Internet posting of personal information of public safety employees --**

1600 **Prohibitions.**

1601 (1) (a) A state or local governmental agency that receives the form described in
1602 Subsection (1)(b) from a public safety employee may not publicly post on the Internet the
1603 personal information of the public safety employee employed by the state or local
1604 governmental agency.

1605 (b) Each state or local government agency employing a public safety employee shall:

1606 (i) provide a form for a public safety employee to request the removal or concealment
1607 of the public safety employee's personal information from the state or local government
1608 agencies' publicly accessible websites and databases;

- 1609 (ii) inform the public safety employee how to submit a form under this section;
- 1610 (iii) upon request, assist a public safety employee in completing the form;
- 1611 (iv) include on the form a disclaimer informing the public safety employee that by
- 1612 submitting a completed form the public safety employee may not receive official
- 1613 announcements affecting the public safety employee's property, including notices about
- 1614 proposed annexations, incorporation, or zoning modifications; and
- 1615 (v) require a form submitted by a public safety employee to be signed by:
- 1616 (A) for a public safety employee who is a law enforcement officer, the highest ranking
- 1617 elected or appointed official in the officer's chain of command certifying that the individual
- 1618 requesting removal or concealment is a law enforcement officer; or
- 1619 (B) for a public safety employee who is not a law enforcement officer, the public safety
- 1620 employee's supervisor.
- 1621 (2) A county clerk, upon receipt of the form described in Subsection (1)(b) from a
- 1622 public safety employee, completed and submitted under this section, shall:
- 1623 (a) classify the public safety employee's voter registration record in the [~~lieutenant~~
- 1624 ~~governor's statewide voter registration database developed under Section 20A-2-109~~] system,
- 1625 as defined in Section 20A-2-501, as a private record; and
- 1626 (b) classify the public safety employee's marriage licenses and marriage license
- 1627 applications, if any, as private records.
- 1628 (3) A county recorder, treasurer, auditor, or tax assessor, upon receipt of the form
- 1629 described in Subsection (1)(b) from a public safety employee, completed and submitted under
- 1630 this section, shall:
- 1631 (a) provide a method for the assessment roll and index and the tax roll and index that
- 1632 will block public access to the public safety employee's personal information; and
- 1633 (b) provide to the public safety employee who submits the form a written disclaimer
- 1634 informing the public safety employee that the public safety employee may not receive official
- 1635 announcements affecting the public safety employee's property, including notices about
- 1636 proposed annexations, incorporations, or zoning modifications.
- 1637 (4) A form submitted under this section remains in effect for the shorter of:
- 1638 (a) four years from the date on which the form was signed by the public safety
- 1639 employee, regardless of whether the public safety employee's qualifying employment is

1640 terminated during the four years; or

1641 (b) one year after official notice of the public safety employee's death is transmitted by
1642 the public safety employee's immediate family or the public safety employee's employing
1643 agency to all state and local government agencies that are reasonably expected to have records
1644 containing personal information of the deceased public safety employee.

1645 (5) Notwithstanding Subsection (4), the public safety employee, or the public safety
1646 employee's immediate family if the public safety employee is deceased, may rescind the form at
1647 any time.

1648 (6) (a) An individual may not, with intent to frighten or harass a public safety
1649 employee, publicly post on the Internet the personal information of a public safety employee
1650 knowing the public safety employee is a public safety employee.

1651 (b) Except as provided in Subsection (6)(c), a violation of Subsection (6)(a) is a class B
1652 misdemeanor.

1653 (c) A violation of Subsection (6)(a) that results in bodily injury to the public safety
1654 employee, or a member of the public safety employee's immediate family, is a class A
1655 misdemeanor.

1656 (d) (i) Each act against a separate individual in violation of Subsection (6)(a) is a
1657 separate offense.

1658 (ii) A defendant may also be charged separately with the commission of any other
1659 criminal conduct related to the commission of an offense under Subsection (6)(a).

1660 (7) (a) A business or association may not publicly post or publicly display on the
1661 Internet the personal information of a public safety employee if the public safety employee has,
1662 either directly or through an agent designated under Subsection (7)(c), provided to that business
1663 or association a written demand to not disclose the public safety employee's personal
1664 information.

1665 (b) A written demand made under Subsection (7)(a) by a public safety employee is
1666 effective for four years beginning on the day the demand is delivered, regardless of whether the
1667 public safety employee's employment as a public safety employee has terminated during the
1668 four years.

1669 (c) A public safety employee may designate in writing the public safety employee's
1670 employer or, for a public safety employee who is a law enforcement officer, a representative of

1671 a voluntary professional association of law enforcement officers to act on behalf of the officer
1672 and as the officer's agent to make a written demand under this chapter.

1673 (d) (i) A business or association that receives a written demand from a public safety
1674 employee under Subsection (7)(a) shall remove the public safety employee's personal
1675 information from public display on the Internet, including the removal of information provided
1676 to cellular telephone applications, within 24 hours of the delivery of the written demand, and
1677 shall ensure that the information is not posted again on the same Internet website or any other
1678 Internet website over which the recipient of the written demand maintains or exercises control.

1679 (ii) After receiving the public safety employee's written demand, the person, business,
1680 or association may not publicly post or publicly display on the Internet, the personal
1681 information of the public safety employee.

1682 (iii) This Subsection (7)(d) does not prohibit a telephone corporation, as defined in
1683 Section 54-2-1, or the telephone corporation's affiliate or other voice service provider,
1684 including providers of interconnected voice over Internet protocol service as defined in 47
1685 C.F.R. 9.3, from transferring the public safety employee's personal information to any person,
1686 business, or association, if the transfer is authorized by federal or state law, regulation, order,
1687 terms of service, or tariff, or is necessary in the event of an emergency, or to collect a debt
1688 owed by the public safety employee to the telephone corporation or its affiliate.

1689 (iv) This Subsection (7)(d) does not apply to a telephone corporation or other voice
1690 service provider, including providers of interconnected voice over Internet protocol service,
1691 with respect to directories or directories listings to the extent the entity offers a nonpublished
1692 listing option.

1693 (8) (a) A public safety employee whose personal information is made public as a result
1694 of a violation of Subsection (7) may bring an action seeking injunctive or declarative relief in a
1695 court of competent jurisdiction.

1696 (b) If a court finds that a violation has occurred, the court may grant injunctive or
1697 declarative relief and shall award the public safety employee court costs and reasonable
1698 attorney fees.

1699 (c) If the defendant fails to comply with an order of the court issued under Subsection
1700 (8)(b), the court may impose a civil penalty of not more than \$1,000 for the defendant's failure
1701 to comply with the court's order.

1702 (9) (a) A person, business, or association may not solicit, sell, or trade on the Internet
1703 the personal information of a public safety employee, if:

1704 (i) the dissemination of the personal information poses an imminent and serious threat
1705 to the public safety employee's safety or the safety of the public safety employee's immediate
1706 family; and

1707 (ii) the person making the information available on the Internet knows or reasonably
1708 should know of the imminent and serious threat.

1709 (b) (i) A public safety employee whose personal information is knowingly publicly
1710 posted or publicly displayed on the Internet may bring an action in a court of competent
1711 jurisdiction.

1712 (ii) If a jury or court finds that a defendant has committed a violation of Subsection
1713 (9)(a), the jury or court shall award damages to the public safety employee in the amount of
1714 triple the cost of actual damages or \$4,000, whichever is greater.

1715 (10) An interactive computer service or access software is not liable under Subsections
1716 (7)(d)(i) and (9) for information or content provided by another information content provider.

1717 (11) Unless a state or local government agency receives a completed form directly from
1718 a public safety employee in accordance with Subsection (1), a state or local government official
1719 who makes information available for public inspection in accordance with state law is not in
1720 violation of this chapter.

1721 Section 25. Section **67-1a-2** is amended to read:

1722 **67-1a-2. Duties enumerated.**

1723 (1) The lieutenant governor shall:

1724 (a) perform duties delegated by the governor, including assignments to serve in any of
1725 the following capacities:

1726 (i) as the head of any one department, if so qualified, with the advice and consent of
1727 the Senate, and, upon appointment at the pleasure of the governor and without additional
1728 compensation;

1729 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
1730 law for the purpose of advising the governor or coordinating intergovernmental or
1731 interdepartmental policies or programs;

1732 (iii) as liaison between the governor and the state Legislature to coordinate and

1733 facilitate the governor's programs and budget requests;

1734 (iv) as liaison between the governor and other officials of local, state, federal, and
1735 international governments or any other political entities to coordinate, facilitate, and protect the
1736 interests of the state;

1737 (v) as personal advisor to the governor, including advice on policies, programs,
1738 administrative and personnel matters, and fiscal or budgetary matters; and

1739 (vi) as chairperson or member of any temporary or permanent boards, councils,
1740 commissions, committees, task forces, or other group appointed by the governor;

1741 (b) serve on all boards and commissions in lieu of the governor, whenever so
1742 designated by the governor;

1743 (c) serve as the chief election officer of the state as required by Subsection (2);

1744 (d) keep custody of the Great Seal of the State of Utah;

1745 (e) keep a register of, and attest, the official acts of the governor;

1746 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
1747 which the official signature of the governor is required; and

1748 (g) furnish a certified copy of all or any part of any law, record, or other instrument
1749 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
1750 it and pays the fee.

1751 (2) (a) As the chief election officer, the lieutenant governor shall:

1752 (i) exercise oversight, and general supervisory authority, over all elections;

1753 (ii) exercise direct authority over the conduct of elections for federal, state, and
1754 multicounty officers and statewide or multicounty ballot propositions and any recounts
1755 involving those races;

1756 (iii) [~~assist county clerks in unifying~~] establish uniformity in the election ballot;

1757 (iv) (A) prepare election information for the public as required by [~~statute~~] law and as
1758 determined appropriate by the lieutenant governor; and

1759 (B) make the information [~~under~~] described in Subsection (2)(a)(iv)(A) available to the
1760 public and to news media, on the Internet, and in other forms as required by [~~statute or~~] law
1761 and as determined appropriate by the lieutenant governor;

1762 (v) receive and answer election questions and maintain an election file on opinions
1763 received from the attorney general;

- 1764 (vi) maintain a current list of registered political parties as defined in Section
1765 [20A-8-101](#);
- 1766 (vii) maintain election returns and statistics;
- 1767 (viii) certify to the governor the names of [~~those persons who have received the highest~~
1768 ~~number of votes for any~~] individuals nominated to run for, or elected to, office;
- 1769 (ix) ensure that all voting equipment purchased by the state complies with the
1770 requirements of Sections [20A-5-302](#), [20A-5-802](#), and [20A-5-803](#);
- 1771 (x) during a declared emergency, to the extent that the lieutenant governor determines
1772 it warranted, designate, as provided in Section [20A-1-308](#), a different method, time, or location
1773 relating to:
- 1774 (A) voting on election day;
- 1775 (B) early voting;
- 1776 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 1777 (D) the counting of an absentee ballot or military-overseas ballot; or
- 1778 (E) the canvassing of election returns; and
- 1779 (xi) exercise all other election authority, and perform other election duties, as provided
1780 in Title 20A, Election Code.
- 1781 (b) As chief election officer, the lieutenant governor:
- 1782 (i) shall oversee all elections, and functions relating to elections, in the state;
- 1783 (ii) shall ensure that each election officer complies with all legal requirements relating
1784 to elections;
- 1785 (iii) shall, in accordance with Section [20A-1-105](#), take action to enforce compliance by
1786 an election officer with legal requirements relating to elections; and
- 1787 (iv) may not assume the responsibilities assigned to the county clerks, city recorders,
1788 town clerks, or other local election officials by Title 20A, Election Code.
- 1789 (3) (a) The lieutenant governor shall:
- 1790 (i) determine a new municipality's classification under Section [10-2-301](#) upon the city's
1791 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the
1792 municipality's population using the population estimate from the Utah Population Committee;
1793 and
- 1794 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs

1795 based on the municipality's population; and

1796 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1797 municipality's legislative body.

1798 (b) The lieutenant governor shall:

1799 (i) determine the classification under Section 10-2-301 of a consolidated municipality
1800 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,
1801 Consolidation of Municipalities, using population information from:

1802 (A) each official census or census estimate of the United States Bureau of the Census;

1803 or

1804 (B) the population estimate from the Utah Population Committee, if the population of a
1805 municipality is not available from the United States Bureau of the Census; and

1806 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality
1807 belongs based on the municipality's population; and

1808 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1809 consolidated municipality's legislative body.

1810 (c) The lieutenant governor shall:

1811 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
1812 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
1813 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
1814 2015, based on the metro township's population using the population estimates from the Utah
1815 Population Committee; and

1816 (ii) prepare a certificate indicating the class in which the new metro township belongs
1817 based on the metro township's population and, within 10 days after preparing the certificate,
1818 deliver a copy of the certificate to the metro township's legislative body.

1819 (d) The lieutenant governor shall monitor the population of each municipality using
1820 population information from:

1821 (i) each official census or census estimate of the United States Bureau of the Census; or

1822 (ii) the population estimate from the Utah Population Committee, if the population of a
1823 municipality is not available from the United States Bureau of the Census.

1824 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1825 municipality's population has increased beyond the population for its current class, the

1826 lieutenant governor shall:

1827 (i) prepare a certificate indicating the class in which the municipality belongs based on
1828 the increased population figure; and

1829 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1830 legislative body of the municipality whose class has changed.

1831 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1832 municipality's population has decreased below the population for its current class, the
1833 lieutenant governor shall send written notification of that fact to the municipality's legislative
1834 body.

1835 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
1836 population has decreased below the population for its current class, the lieutenant governor
1837 shall:

1838 (A) prepare a certificate indicating the class in which the municipality belongs based
1839 on the decreased population figure; and

1840 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1841 legislative body of the municipality whose class has changed.

1842 Section 26. **Repealer.**

1843 This bill repeals:

1844 Section 20A-1-101, Title.