

Representative A. Cory Maloy proposes the following substitute bill:

ELECTION CHANGES

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies and describes the supervisory and oversight authority of the lieutenant governor over elections;
- ▶ describes the duties of a clerk in relation to elections;
- ▶ provides the lieutenant governor with access to records, facilities, equipment, staff, and meetings to assist the lieutenant governor in fulfilling the supervisory and oversight authority described above;
- ▶ provides a process and method for the lieutenant governor to enforce compliance with the provisions of election law;
- ▶ requires the lieutenant governor to provide, and certain election administrators and employees to complete, training relating to conducting elections;
- ▶ addresses requirements for audits of election processes;
- ▶ modifies publication dates for certain ballot statistics;



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

44 **Money Appropriated in this Bill:**

- 45 This bill appropriates in fiscal year 2024:
- 46 ▶ to the Governor's Office – Lt. Governor's Office, as an ongoing appropriation:
 - 47 • from the General Fund, \$860,000; and
 - 48 ▶ to the Governor's Office – Lt. Governor's Office, as a one-time appropriation:
 - 49 • from the General Fund, \$730,000.

50 **Other Special Clauses:**

51 None

52 **Utah Code Sections Affected:**

53 AMENDS:

- 54 [20A-1-102](#), as last amended by Laws of Utah 2022, Chapters 18, 170
- 55 [20A-2-206](#), as last amended by Laws of Utah 2021, Chapter 64
- 56 [20A-2-300.6](#), as last amended by Laws of Utah 2003, Chapter 117

- 57 [20A-3a-202](#), as last amended by Laws of Utah 2022, Chapters 18, 121 and 156
- 58 [20A-3a-401](#), as last amended by Laws of Utah 2022, Chapter 392
- 59 [20A-3a-401.5](#), as enacted by Laws of Utah 2021, Chapter 100
- 60 [20A-3a-405](#), as enacted by Laws of Utah 2022, Chapter 380
- 61 [20A-4-102](#), as last amended by Laws of Utah 2022, Chapter 342
- 62 [20A-4-104](#), as last amended by Laws of Utah 2022, Chapter 380
- 63 [20A-4-106](#), as last amended by Laws of Utah 2020, Chapter 31
- 64 [20A-4-202](#), as last amended by Laws of Utah 2022, Chapter 156
- 65 [20A-4-304](#), as last amended by Laws of Utah 2022, Chapter 342
- 66 [20A-5-101](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 15
- 67 [20A-5-403.5](#), as last amended by Laws of Utah 2022, Chapter 156
- 68 [53-18-103](#), as last amended by Laws of Utah 2022, Chapter 367
- 69 [67-1a-2](#), as last amended by Laws of Utah 2022, Chapter 18

70 ENACTS:

- 71 [20A-1-105](#), Utah Code Annotated 1953
- 72 [20A-1-106](#), Utah Code Annotated 1953
- 73 [20A-1-107](#), Utah Code Annotated 1953
- 74 [20A-1-108](#), Utah Code Annotated 1953
- 75 [20A-2-501](#), Utah Code Annotated 1953
- 76 [20A-2-507](#), Utah Code Annotated 1953
- 77 [20A-3a-106](#), Utah Code Annotated 1953
- 78 [20A-3a-401.1](#), Utah Code Annotated 1953
- 79 [20A-3a-402.5](#), Utah Code Annotated 1953
- 80 [20A-4-109](#), Utah Code Annotated 1953

81 RENUMBERS AND AMENDS:

- 82 [20A-2-502](#), (Renumbered from 20A-2-109, as last amended by Laws of Utah 2018,
83 Chapter 19)
- 84 [20A-2-503](#), (Renumbered from 20A-2-304.5, as last amended by Laws of Utah 2012,
85 Chapter 52)
- 86 [20A-2-504](#), (Renumbered from 20A-2-305, as last amended by Laws of Utah 2022,
87 Chapter 121)

88 **20A-2-505**, (Renumbered from 20A-2-306, as last amended by Laws of Utah 2022,
89 Chapter 121)

90 **20A-2-506**, (Renumbered from 20A-2-308, as last amended by Laws of Utah 2022,
91 Chapter 156)

92 REPEALS:

93 **20A-1-101**, as enacted by Laws of Utah 1993, Chapter 1



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

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

97 **20A-1-102. Definitions.**

98 As used in this title:

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

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

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

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

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

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

109 (b) a constitutional amendment;

110 (c) an initiative;

111 (d) a referendum;

112 (e) a bond proposition;

113 (f) a judicial retention question;

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

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

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

119 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
120 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

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

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

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

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

144 (b) does not include:

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

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

149 (18) "Elected official" means:

- 150 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
151 Municipal Alternate Voting Methods Pilot Project;
- 152 (b) a person who is considered to be elected to a municipal office in accordance with
153 Subsection 20A-1-206(1)(c)(ii); or
- 154 (c) a person who is considered to be elected to a local district office in accordance with
155 Subsection 20A-1-206(3)(b)(ii).
- 156 (19) "Election" means a regular general election, a municipal general election, a
157 statewide special election, a local special election, a regular primary election, a municipal
158 primary election, and a local district election.
- 159 (20) "Election Assistance Commission" means the commission established by the Help
160 America Vote Act of 2002, Pub. L. No. 107-252.
- 161 (21) "Election cycle" means the period beginning on the first day persons are eligible to
162 file declarations of candidacy and ending when the canvass is completed.
- 163 (22) "Election judge" means a poll worker that is assigned to:
- 164 (a) preside over other poll workers at a polling place;
165 (b) act as the presiding election judge; or
166 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 167 (23) "Election officer" means:
- 168 (a) the lieutenant governor, for all statewide ballots and elections;
169 (b) the county clerk for:
170 (i) a county 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 (c) the municipal clerk for:
174 (i) a municipal ballot and election; and
175 (ii) a ballot and election as a provider election officer as provided in Section
176 20A-5-400.1 or 20A-5-400.5;
- 177 (d) the local district clerk or chief executive officer for:
178 (i) a local district ballot and election; and
179 (ii) a ballot and election as a provider election officer as provided in Section
180 20A-5-400.1 or 20A-5-400.5; or

- 181 (e) the business administrator or superintendent of a school district for:
182 (i) a school district ballot and election; and
183 (ii) a ballot and election as a provider election officer as provided in Section
184 [20A-5-400.1](#) or [20A-5-400.5](#).
- 185 (24) "Election official" means any election officer, election judge, or poll worker.
186 (25) "Election results" means:
187 (a) for an election other than a bond election, the count of votes cast in the election and
188 the election returns requested by the board of canvassers; or
189 (b) for bond elections, the count of those votes cast for and against the bond
190 proposition plus any or all of the election returns that the board of canvassers may request.
191 (26) "Election returns" includes:
192 (a) the pollbook, the military and overseas absentee voter registration and voting
193 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess
194 ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes
195 cast form; and
196 (b) the record, described in Subsection [20A-3a-401\(8\)\(c\)](#), of voters contacted to cure a
197 ballot.
- 198 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
199 or logically associated with a record and executed or adopted by a person with the intent to sign
200 the record.
- 201 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
202 clerk under Subsection [~~[20A-2-306\(4\)\(c\)\(i\) or \(ii\)](#)~~] [20A-2-505\(4\)\(c\)\(i\) or \(ii\)](#).
- 203 (29) "Judicial office" means the office filled by any judicial officer.
204 (30) "Judicial officer" means any justice or judge of a court of record or any county
205 court judge.
- 206 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
207 Local Government Entities - Local Districts, and includes a special service district under Title
208 17D, Chapter 1, Special Service District Act.
- 209 (32) "Local district officers" means those local district board members that are required
210 by law to be elected.
- 211 (33) "Local election" means a regular county election, a regular municipal election, a

212 municipal primary election, a local special election, a local district election, and a bond
213 election.

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

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

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

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

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

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

227 (38) "Municipal executive" means:

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

229 (b) the mayor in the council-manager form of government defined in Subsection
230 10-3b-103(7); or

231 (c) the ~~chair~~ mayor of a metro township form of government defined in Section
232 10-3b-102.

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

236 (40) "Municipal legislative body" means:

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

238 (b) the council of a metro township.

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

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

242 (43) "Municipal primary election" means an election held to nominate candidates for

243 municipal office.

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

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

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

248 (a) the ballot as an official ballot;

249 (b) the date of the election; and

250 (c) (i) for a ballot prepared by an election officer other than a county clerk, the

251 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

252 (ii) for a ballot prepared by a county clerk, the words required by Subsection

253 20A-6-301(1)(b)(iii).

254 (47) "Official register" means the official record furnished to election officials by the

255 election officer that contains the information required by Section 20A-5-401.

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

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

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

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

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

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

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

268 (53) "Presidential Primary Election" means the election established in Chapter 9, Part
269 8, Presidential Primary Election.

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

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

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

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

275 (56) "Provider election officer" means an election officer who enters into a contract or
276 interlocal agreement with a contracting election officer to conduct an election for the
277 contracting election officer's local political subdivision in accordance with Section
278 [20A-5-400.1](#).

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

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

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

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

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

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

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

290 (i) elected to public office; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

315 (a) is spoiled by the voter;

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

317 (c) lacks the official endorsement.

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

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

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

323 (a) political parties;

324 (b) candidates for an office; or

325 (c) ballot propositions.

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

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

331 (76) "Valid voter identification" means:

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

334 (i) a currently valid Utah driver license;

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

- 336 (A) the state; or
- 337 (B) a branch, department, or agency of the United States;
- 338 (iii) a currently valid Utah permit to carry a concealed weapon;
- 339 (iv) a currently valid United States passport; or
- 340 (v) a currently valid United States military identification card;
- 341 (b) one of the following identification cards, whether or not the card includes a
- 342 photograph of the voter:
 - 343 (i) a valid tribal identification card;
 - 344 (ii) a Bureau of Indian Affairs card; or
 - 345 (iii) a tribal treaty card; or
 - 346 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
 - 347 the name of the voter and provide evidence that the voter resides in the voting precinct, which
 - 348 may include:
 - 349 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
 - 350 election;
 - 351 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 352 (iii) a certified birth certificate;
 - 353 (iv) a valid social security card;
 - 354 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 355 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 356 (vii) a currently valid Utah hunting or fishing license;
 - 357 (viii) certified naturalization documentation;
 - 358 (ix) a currently valid license issued by an authorized agency of the United States;
 - 359 (x) a certified copy of court records showing the voter's adoption or name change;
 - 360 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 361 (xii) a currently valid identification card issued by:
 - 362 (A) a local government within the state;
 - 363 (B) an employer for an employee; or
 - 364 (C) a college, university, technical school, or professional school located within the
 - 365 state; or
 - 366 (xiii) a current Utah vehicle registration.

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

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

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

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

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

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

374 (b) meets the requirements of election registration;

375 (c) is registered to vote; and

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

377 (80) "Voter registration deadline" means the registration deadline provided in Section
378 [20A-2-102.5](#).

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

381 (82) "Voting booth" means:

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

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

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

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

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

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

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

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

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

396 **[20A-1-105](#). Chief election officer of the state -- Duties, authority, and**
397 **enforcement.**

398 (1) The lieutenant governor:
399 (a) is the chief election officer of the state;
400 (b) is responsible to oversee, and generally supervise, all elections and functions
401 relating to elections in the state; and
402 (c) shall enforce compliance by election officers with all legal requirements relating to
403 elections, including:
404 (i) Public Law 103-31, the National Voter Registration Act of 1993;
405 (ii) Public Law 107-252, the Help America Vote Act of 2002;
406 (iii) all other applicable provisions of federal law and rule relating to elections;
407 (iv) state law relating to elections;
408 (v) the requirements of this title; and
409 (vi) rules made under this title.
410 (2) To the extent that the lieutenant governor determines the following is useful in
411 fulfilling the responsibilities described in Subsection (1), the lieutenant governor has:
412 (a) full access to closely observe, examine, and copy all records, documents,
413 recordings, and other information in the custody or control of an election officer or a board of
414 canvassers;
415 (b) full access to closely observe, examine, and copy all voter registration records,
416 ballots, ballot envelopes, vote tallies, canvassing records, and other election returns in the
417 custody or control of an election officer or a board of canvassers;
418 (c) full access to closely observe and examine all facilities, storage areas, and
419 equipment, and to closely observe, examine, or copy all materials, in the custody or control of
420 an election officer or a board of canvassers;
421 (d) full access to all staff, including full-time, part-time, and volunteer staff of an
422 election officer or a board of canvassers;
423 (e) full access to closely observe, examine, and copy all records and information
424 relating to election audits that are conducted, directed, or commissioned by a county clerk;
425 (f) the right to attend any meeting, including a closed meeting, relating to a matter
426 within the scope of authority or responsibility of the lieutenant governor described in this
427 chapter or Subsection 67-1a-2(2); and
428 (g) the right to closely observe and examine any work or other process relating to a

429 matter within the scope of authority or responsibility of the lieutenant governor described in
430 this chapter or Subsection 67-1a-2(2).

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

432 (a) fulfillment, by the lieutenant governor, of the responsibilities described in

433 Subsection (1); and

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

435 (4) If the lieutenant governor determines that an election officer is in violation of a law

436 or rule described in Subsection (1)(c), the lieutenant governor, in an effort to remedy the

437 violation and bring the election officer into compliance with the law or rule:

438 (a) shall consult with the election officer; and

439 (b) may provide training and other assistance to the election officer to the extent the

440 lieutenant governor determines warranted.

441 (5) If a violation continues after the lieutenant governor complies with Subsection

442 (4)(a), the lieutenant governor shall issue a written order to the election officer that:

443 (a) describes the violation;

444 (b) describes the action taken under Subsection (4) to remedy the violation and bring

445 the election officer into compliance with the law or rule;

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

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

448 order;

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

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

451 order.

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

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

454 unless the election officer obtains a court order rescinding or modifying the order in accordance

455 with Subsections (7) through (9).

456 (7) An election officer desiring to seek a court order described in Subsection (6) shall

457 file an action seeking a court order within 10 days after the day on which the lieutenant

458 governor issues the order described in Subsection (5).

459 (8) A court may not rescind or modify an order described in Subsection (5) unless, and

460 only to the extent that:

461 (a) the order is arbitrary or capricious;

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

463 (c) the court determines that the violation alleged by the lieutenant governor is not a

464 violation of law or rule.

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

466 of proof.

467 (10) This section does not prohibit the lieutenant governor from bringing a legal action,

468 at any time, to compel an election officer to comply with the law and rules described in

469 Subsection (1).

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

471 **20A-1-106. Duties of a clerk.**

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

473 governor.

474 (2) A clerk shall:

475 (a) comply with all of the following in relation to elections:

476 (i) federal and state law;

477 (ii) federal and state rules; and

478 (iii) the policies and direction of the lieutenant governor; and

479 (b) diligently learn and become familiar with the law, rules, policies, and direction

480 described in Subsection (2)(a).

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

482 **20A-1-107. Elections training -- Training required -- Reimbursement.**

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

484 (a) a county clerk; and

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

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

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

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

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

490 (a) design and provide training to election officers and government workers who

491 perform functions relating to elections; and

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

494 (3) The training shall include:

495 (a) a course designed for election administrators:

496 (i) that may include multiple sessions;

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

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

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

502 (4) (a) An election administrator who was elected, appointed, or hired before May 3,
503 2023, shall:

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

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

507 (b) An election administrator who is elected, appointed, or hired on or after May 3,
508 2023, shall:

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

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

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

516 (a) Section [63A-3-106](#);

517 (b) Section [63A-3-107](#); and

518 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
519 [63A-3-107](#).

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

522 individual has completed the training module developed for that election process.

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

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

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

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

530 **20A-1-108. Audits -- Studies relating to elections.**

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

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

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

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

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

543 (4) The lieutenant governor shall:

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

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

547 (ii) other confirmation methods; and

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

550 (i) the methods studied; and

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

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

553 (a) study:
554 (i) the options for improving the quality of signatures collected by the Driver License
555 Division that are used for signature verification in an election; and
556 (ii) the technology needs and costs associated with the options described in Subsection
557 (5)(a)(i); and
558 (b) at or before the last 2023 meeting of the Government Operations Interim
559 Committee, report to the committee on:

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

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

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

563 **20A-2-206. Electronic registration.**

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

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

568 (a) that an applicant have a valid driver license or identification card, issued under Title
569 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place
570 of residence;

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

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

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

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

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

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

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

586 (5) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

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

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

608 (c) if the individual named in the form is preregistering to vote, comply with Section
609 [20A-2-101.1](#).

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

612 (a) accept the application for registration; and

613 (b) except as provided in Subsection [20A-2-207](#)(6), if possible, promptly inform the
614 individual that the individual will not be registered to vote in the pending election, unless the

615 individual registers to vote by provisional ballot during the early voting period, if applicable, or
616 on election day, in accordance with Section [20A-2-207](#).

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

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

620 **Part 3. Voter Registration Responsibilities**

621 **20A-2-300.6. Voter registration activities -- Coordination among local, state, and**
622 **federal officials.**

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

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

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

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

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

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

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

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

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

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

637 **20A-2-501. Definitions.**

638 As used in this part:

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

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

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

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

644 (2) "Database" means the statewide voter registration database, described in Subsection
645 [20A-2-502](#)(1)(a) that:

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

647 (b) uses information relative to voter registration and voting, including information that
648 is obtained from a voter, a governmental entity, as defined in Section 63G-2-103, or another
649 state.

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

652 (4) "System" means the statewide voter registration system described in Subsection
653 20A-2-502(1)(a), including the database and all information within the system or database.

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

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

659 ~~[20A-2-109].~~ **20A-2-502. Statewide voter registration system --**
660 **Maintenance and update of system -- Record security -- List of incarcerated felons --**
661 **Public document showing compliance by county clerks.**

662 (1) ~~(a)~~ ~~(i)~~ The lieutenant governor shall:

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

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

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

670 (A) voter registration;

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

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

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

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

677 (iv) on at least a monthly basis, information received from other states, including
678 information received under an agreement described in Subsection (2); and
679 (v) within 31 days after receiving information relevant to voter registration, other than
680 the information described in Subsections (1)(b)(i) through (v);
681 (c) regularly monitor the system to ensure that each county clerk complies with the
682 requirements of this part and rules made under Section 20A-2-507;
683 ~~[(ii) (A) The lieutenant governor may compare the information in the statewide voter~~
684 ~~registration database with information submitted by a registered voter to a state agency to~~
685 ~~identify a change in a registered voter's principal place of residence or name.]~~
686 ~~[(B) The lieutenant governor shall]~~ (d) establish matching criteria and security
687 measures for identifying a change described in Subsection ~~[(1)(a)(ii)(A)]~~ (1)(b) to ensure the
688 accuracy of a voter registration record~~[-]; and~~
689 ~~[(C) The lieutenant governor shall]~~ (e) on at least a monthly basis:
690 (i) use the matching criteria and security measures described in Subsection (1)(d) to
691 compare information in the database to identify duplicate data, contradictory data, and changes
692 in data;
693 (ii) notify the applicable county clerk of the data identified; and
694 (iii) notify the county clerk of the county in which [the] a voter's principal place of
695 residence is located of [the change in the] a change in a registered voter's principal place of
696 residence or name.
697 ~~[(b) Each county clerk shall utilize the statewide voter registration database when~~
698 ~~recording or modifying voter registration records.]~~
699 ~~[(2) (a) The lieutenant governor shall establish and implement a procedure to maintain~~
700 ~~the accuracy of the statewide voter registration database by using information available from:]~~
701 ~~[(i) a voter;]~~
702 ~~[(ii) a governmental entity, as defined by Section 63G-2-103; or]~~
703 ~~[(iii) another state.]~~
704 ~~[(b)]~~ (2) (a) Subject to Subsection ~~[(2)(e)]~~ (2)(b), the lieutenant governor may
705 cooperate or enter into an agreement with a governmental entity or another state to share
706 information ~~[to implement the procedure established under Subsection (2)(a)]~~ and increase the
707 accuracy of the database.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

738 (b) describes the actions, if any, that a county clerk is required to take in relation to the

739 results of running a utility or tool;

740 (c) lists, by date, the recurring deadlines by which a county clerk must comply with

741 Subsection (4)(a) or (b); and

742 (d) indicates, by county:

743 (i) whether the county clerk timely complies with each deadline described in

744 Subsection (4)(c); and

745 (ii) if the county clerk fails to timely comply with a deadline described in Subsection

746 (4)(c), whether the county clerk subsequently complies with the deadline and the date on which

747 the county clerk complies.

748 Section 10. Section **20A-2-503**, which is renumbered from Section 20A-2-304.5 is

749 renumbered and amended to read:

750 ~~[20A-2-304.5].~~ **20A-2-503. County clerk's responsibilities -- Updating voter**

751 **registration.**

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

753 records.

754 (b) A county clerk shall:

755 (i) at the time the county clerk enters a voter registration record into the system, run the

756 system's voter identification verification tool in relation to the record; and

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

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

759 ~~[(1)]~~ (2) A county clerk who receives notification from the lieutenant governor, as

760 provided in Subsection ~~[20A-2-109(1)]~~ 20A-2-502(1)(e), of a change in a registered voter's

761 principal place of residence or name may verify the change with the registered voter.

762 ~~[(2)]~~ (3) Unless the county clerk verifies that a change described in Subsection ~~[(1)]~~ (2)

763 is incorrect, the county clerk shall:

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

765 address; and

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

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

768 (a) on at least a monthly basis, run the duplicate voter utility and take the action

769 required to resolve potential duplicate data identified by the utility; and

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

771 [~~(3)~~] (5) (a) If a voter does not vote in any election during the period beginning on the
772 date of any regular general election and ending on the day after the date of the next regular
773 general election, and the county clerk has not sent the voter a notice described in Section
774 [~~20A-2-306~~] 20A-2-505 during the period, the county clerk shall, within 14 days after the day
775 on which the county clerk runs the annual maintenance utility, send to the voter a preaddressed
776 return form in substantially the following form:

777 "VOTER REGISTRATION ADDRESS"

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

780 _____

781 Street	City	County	State	ZIP
------------	------	--------	-------	-----

782 _____

783 Signature of Voter

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

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

788 [~~20A-2-305~~]. **20A-2-504. Removing names from the official register --**
789 **General requirements.**

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

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

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

794 (b) the county clerk, after complying with the requirements of Section [~~20A-2-306~~]
795 20A-2-505, receives written confirmation from the voter that the voter no longer resides within
796 the county clerk's county;

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

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

799 (ii) [~~mailed~~] the county clerk mails notice to the voter as required [~~by~~] under Section
800 [~~20A-2-306~~] 20A-2-505;

- 801 (iii) the county clerk:
- 802 (A) [~~received~~] receives no response from the voter; or
- 803 (B) [~~not received~~] does not receive information that confirms the voter's residence; and
- 804 (iv) the voter [~~has failed to~~] does not vote or appear to vote in an election during the
- 805 period beginning on the date of the notice described in Section [~~20A-2-306~~] 20A-2-505 and
- 806 ending on the day after the date of the second regular general election occurring after the date
- 807 of the notice;
- 808 (d) the voter requests, in writing, that the voter's name be removed from the official
- 809 register;
- 810 (e) the county clerk receives notice that a voter has been convicted of any felony or a
- 811 misdemeanor for an offense under this title and the voter's right to vote has not been restored as
- 812 provided in Section 20A-2-101.3 or 20A-2-101.5; or
- 813 (f) the county clerk receives notice that a voter has registered to vote in another state
- 814 after the day on which the voter registered to vote in this state.
- 815 (3) The county clerk shall remove a voter's name from the official register within five
- 816 business days after the day on which the county clerk receives confirmation from the
- 817 [~~Department of Health's Bureau~~] Office of Vital Records that the voter is deceased.
- 818 (4) No later than 90 days before each primary and general election, the county clerk
- 819 shall update the official register by reviewing the official register and taking the actions
- 820 permitted or required by law under this section, Section [~~20A-2-304.5~~] 20A-2-503, and Section
- 821 [~~20A-2-306~~] 20A-2-505.
- 822 Section 12. Section **20A-2-505**, which is renumbered from Section 20A-2-306 is
- 823 renumbered and amended to read:
- 824 [~~20A-2-306~~]. **20A-2-505. Removing names from the official register --**
- 825 **Determining and confirming change of residence.**
- 826 (1) A county clerk may not remove a voter's name from the official register on the
- 827 grounds that the voter has changed residence unless the voter:
- 828 (a) confirms in writing that the voter has changed residence to a place outside the
- 829 county; or
- 830 (b) (i) [~~has not voted~~] does not vote in an election during the period beginning on the
- 831 date of the notice [~~required by~~] described in Subsection (3), and ending on the day after the

832 date of the second regular general election occurring after the date of the notice; and
833 (ii) ~~[has failed to]~~ does not respond to the notice ~~[required by]~~ described in Subsection
834 (3).

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

- 838 (i) change the official register to show the voter's new address; and
- 839 (ii) send to the voter, by forwardable mail, the notice ~~[required by]~~ described in
840 Subsection (3) ~~[printed on a postage prepaid, preaddressed return form].~~

841 (b) When a county clerk obtains information that a voter's address has changed and it
842 appears that the voter now resides in a different county, the county clerk shall verify the
843 changed residence by sending to the voter, by forwardable mail, the notice ~~[required by]~~
844 described in Subsection (3),₂ printed on a postage prepaid, preaddressed return form.

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

847 "VOTER REGISTRATION NOTICE

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

851 _____

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

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

- 859 - you may be required to show evidence of your address to the poll worker before being
860 allowed to vote in either of the next two regular general elections; or
- 861 - if you fail to vote at least once, from the date this notice was mailed until the passing
862 of two regular general elections, you will no longer be registered to vote. If you have changed

863 your residence and have moved to a different county in Utah, you may register to vote by
864 contacting the county clerk in your county.

865 _____
866 Signature of Voter

867 PRIVACY INFORMATION

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

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

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

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

882 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

892 A person may request that all information on the person's voter registration records be
893 withheld from all political parties, candidates for public office, and their contractors,

894 employees, and volunteers, by submitting a withholding request form and any required
895 verification with this registration form, or to the lieutenant governor or a county clerk, if the
896 person is, or resides with a person who is, a law enforcement officer, a member of the armed
897 forces, a public figure, or protected by a protective order or a protection order."

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

900 -----

901 BALLOT NOTIFICATIONS

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

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

907 -----

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

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

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

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

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

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

924 (iv) A county is not required to:

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

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

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

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

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

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

940 ~~[20A-2-308].~~ **20A-2-506. Lieutenant governor and county clerks to**
941 **preserve records.**

942 (1) As used in this section:

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

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

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

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

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

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

952 (i) the official register; and

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

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

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

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

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

964 (b) the day of the election; and

965 (c) the last day of the canvass.

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

967 **20A-2-507. Rulemaking authority relating to voter registration records.**

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

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

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

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

973 (b) regularly report to the lieutenant governor the information described in Subsection

974 20A-2-502(4); and

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

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

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

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

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

982 **20A-3a-106. Rulemaking authority relating to conducting an election.**

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

986 (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and

987 security of the envelopes;

988 (2) complying with the signature comparison audit requirements described in Section
989 20A-3a-402.5; or

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

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

993 **20A-3a-202. Conducting election by mail.**

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

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

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

1000 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
1001 and no later than seven days before election day, mail to each active voter within a voting
1002 precinct:

1003 (i) a manual ballot;

1004 (ii) a return envelope;

1005 (iii) instructions for returning the ballot that include an express notice about any
1006 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

1007 (iv) for an election administered by a county clerk, information regarding the location
1008 and hours of operation of any election day voting center at which the voter may vote or a
1009 website address where the voter may view this information;

1010 (v) for an election administered by an election officer other than a county clerk, if the
1011 election officer does not operate a polling place or an election day voting center, a warning, on
1012 a separate page of colored paper in bold face print, indicating that if the voter fails to follow the
1013 instructions included with the ballot, the voter will be unable to vote in that election because
1014 there will be no polling place for the voting precinct on the day of the election; and

1015 (vi) [~~after May 1, 2022,~~] instructions on how a voter may sign up to receive electronic
1016 ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5;

1017 (b) may not mail a ballot under this section to:

1018 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
 1019 (ii) a voter whom the election officer is prohibited from sending a ballot under
 1020 Subsection [~~(10)(c)(ii); and~~] (9)(c)(ii);

1021 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
 1022 include instructions for returning the ballot if the individual to whom the election officer mails
 1023 the ballot does not live at the address to which the ballot is sent[-];

1024 (d) shall provide a method of accessible voting to a voter with a disability who is not
 1025 able to vote by mail; and

1026 (e) shall include, on the election officer's website and with each ballot mailed,
 1027 instructions regarding how a voter described in Subsection (2)(d) may vote.

1028 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail
 1029 the manual ballot to the address:

- 1030 (i) provided at the time of registration; or
- 1031 (ii) if, at or after the time of registration, the voter files an alternate address request
 1032 form described in Subsection (3)(b), the alternate address indicated on the form.

1033 (b) The lieutenant governor shall make available to voters an alternate address request
 1034 form that permits a voter to request that the election officer mail the voter's ballot to a location
 1035 other than the voter's residence.

1036 (c) A voter shall provide the completed alternate address request form to the election
 1037 officer no later than 11 days before the day of the election.

1038 (4) The return envelope shall include:

1039 (a) the name, official title, and post office address of the election officer on the front of
 1040 the envelope;

1041 (b) a space where a voter may write an email address and phone number by which the
 1042 election officer may contact the voter if the voter's ballot is rejected;

1043 (c) a printed affidavit in substantially the following form:

1044 "County of ____ State of ____

1045 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
 1046 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
 1047 currently incarcerated for commission of a felony.

1048 _____

1049 Signature of Voter"; and

1050 (d) a warning that the affidavit must be signed by the individual to whom the ballot

1051 was sent and that the ballot will not be counted if the signature on the affidavit does not match

1052 the signature on file with the election officer of the individual to whom the ballot was sent.

1053 (5) If the election officer determines that the voter is required to show valid voter

1054 identification, the election officer may:

1055 (a) mail a ballot to the voter;

1056 (b) instruct the voter to include a copy of the voter's valid voter identification with the

1057 return ballot; and

1058 (c) provide instructions to the voter on how the voter may sign up to receive electronic

1059 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#).

1060 (6) An election officer who administers an election shall:

1061 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the

1062 election; or

1063 (ii) obtain the signature of each voter within the voting precinct from the county clerk;

1064 and

1065 (b) maintain the signatures on file in the election officer's office.

1066 (7) Upon receipt of a returned ballot, the election officer shall review and process the

1067 ballot under Section [20A-3a-401](#).

1068 (8) A county that administers an election:

1069 (a) shall provide at least one election day voting center in accordance with [~~Chapter 3a,~~

1070 ~~Part 7, Election Day Voting Center~~] Part 7, Election Day Voting Center, and at least one

1071 additional election day voting center for every 5,000 active voters in the county who have

1072 requested to not receive a ballot by mail;

1073 (b) shall ensure that each election day voting center operated by the county has at least

1074 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,

1075 Pub. L. No. 107-252, for individuals with disabilities;

1076 (c) may reduce the early voting period described in Section [20A-3a-601](#), if:

1077 (i) the county clerk conducts early voting on at least four days;

1078 (ii) the early voting days are within the period beginning on the date that is 14 days

1079 before the date of the election and ending on the day before the election; and

1080 (iii) the county clerk provides notice of the reduced early voting period in accordance
1081 with Section [20A-3a-604](#); and

1082 (d) is not required to pay return postage for a ballot~~[-and].~~

1083 ~~[(e) is subject to an audit conducted under Subsection (9).]~~

1084 ~~[(9)(a) The lieutenant governor shall:]~~

1085 ~~[(i) develop procedures for conducting an audit of affidavit signatures on ballots cast in~~
1086 ~~an election conducted under this section; and]~~

1087 ~~[(ii) after each primary, general, or special election conducted under this section, select~~
1088 ~~a number of ballots, in varying jurisdictions, to audit in accordance with the procedures~~
1089 ~~developed under Subsection (9)(a)(i).]~~

1090 ~~[(b) The lieutenant governor shall post the results of an audit conducted under this~~
1091 ~~Subsection (9) on the lieutenant governor's website.]~~

1092 [(10)] (9) (a) An individual may request that the election officer not send the individual
1093 a ballot by mail in the next and subsequent elections by submitting a written request to the
1094 election officer.

1095 (b) An individual shall submit the request described in Subsection [(10)(a)] (9)(a) to
1096 the election officer before 5 p.m. no later than 60 days before an election if the individual does
1097 not wish to receive a ballot by mail in that election.

1098 (c) An election officer who receives a request from an individual under Subsection
1099 [(10)(a)] (9)(a):

1100 (i) shall remove the individual's name from the list of voters who will receive a ballot
1101 by mail; and

1102 (ii) may not send the individual a ballot by mail for:

1103 (A) the next election, if the individual submits the request described in Subsection
1104 [(10)(a)] (9)(a) before the deadline described in Subsection [(10)(b)] (9)(b); or

1105 (B) an election after the election described in Subsection [(10)(c)(ii)(A)] (9)(c)(ii)(A).

1106 (d) An individual who submits a request under Subsection [(10)(a)] (9)(a) may resume
1107 the individual's receipt of a ballot by mail by submitting a written request to the election
1108 officer.

1109 Section 17. Section **20A-3a-401** is amended to read:

1110 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**

1111 **Disposition -- Notice.**

1112 (1) This section governs ballots returned by mail or via a ballot drop box.

1113 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in
1114 the custody of the poll workers in accordance with ~~Subsection (2)(b)~~ this section.

1115 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
1116 the return envelope to the signature of the voter in the voter registration records.

1117 (3) After complying with Subsection (2), the poll workers shall determine whether:

1118 (a) the signatures correspond;

1119 (b) the affidavit is sufficient;

1120 (c) the voter is registered to vote in the correct precinct;

1121 (d) the voter's right to vote the ballot has been challenged;

1122 (e) the voter has already voted in the election;

1123 (f) the voter is required to provide valid voter identification; and

1124 (g) if the voter is required to provide valid voter identification, whether the voter has
1125 provided valid voter identification.

1126 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
1127 workers determine ~~[that]~~:

1128 ~~[(i) the signatures correspond;]~~

1129 (i) in accordance with the rules made under Subsection (9):

1130 (A) that the signature on the affidavit of the return envelope is reasonably consistent
1131 with the individual's signature in the voter registration records; or

1132 (B) for an individual who checks the box described in Subsection (5)(c)(v), that the
1133 individual's identity is verified by alternative means;

1134 (ii) that the affidavit is sufficient;

1135 (iii) that the voter is registered to vote in the correct precinct;

1136 (iv) that the voter's right to vote the ballot has not been challenged;

1137 (v) that the voter has not already voted in the election; and

1138 (vi) for a voter required to provide valid voter identification, that the voter has
1139 provided valid voter identification.

1140 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
1141 workers shall:

1142 (i) remove the manual ballot from the return envelope in a manner that does not
1143 destroy the affidavit on the return envelope;

1144 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
1145 with the return envelope; and

1146 (iii) place the ballot with the other ballots to be counted.

1147 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
1148 the poll workers shall:

1149 (i) disallow the vote;

1150 (ii) without opening the return envelope, [~~mark across the face of the return envelope:~~]
1151 record the ballot as "rejected" and state the reason for the rejection; and

1152 [~~(A) "Rejected as defective"; or]~~

1153 [~~(B) "Rejected as not a registered voter"; and]~~

1154 (iii) place the return envelope, unopened, with the other rejected return envelopes.

1155 (5) (a) If the poll workers reject an individual's ballot because the poll workers
1156 determine, in accordance with rules made under Subsection (9), that the signature on the return
1157 envelope [~~does not match]~~ is not reasonably consistent with the individual's signature in the
1158 voter registration records, the election officer shall:

1159 (i) contact the individual in accordance with Subsection [~~(7) by mail, email, text~~
1160 message, or phone, and] (6); and

1161 (ii) inform the individual:

1162 [(i)] (A) that the individual's signature is in question;

1163 [(ii)] (B) how the individual may resolve the issue; and

1164 [(iii)] (C) that, in order for the ballot to be counted, the individual is required to deliver
1165 to the election officer a correctly completed affidavit, provided by the county clerk, that meets
1166 the requirements described in Subsection [~~(5)(b)] (5)(c).~~

1167 (b) The election officer shall ensure that the information provided under Subsection
1168 (5)(a) includes:

1169 (i) when communicating by mail, a printed copy of the affidavit described in
1170 Subsection (5)(c) and a courtesy reply envelope;

1171 (ii) when communicating electronically, a link to a copy of the affidavit described in
1172 Subsection (5)(c) or information on how to obtain a copy of the affidavit; or

1173 (iii) when communicating by phone, either during a direct conversation with the voter
 1174 or in a voicemail, arrangements for the voter to receive a copy of the affidavit described in
 1175 Subsection (5)(c), either in person from the clerk's office, by mail, or electronically.

1176 ~~[(b)]~~ (c) An affidavit described in Subsection ~~[(5)(a)(iii)]~~ (5)(a)(ii)(C) shall include:

1177 (i) an attestation that the individual voted the ballot;

1178 (ii) a space for the individual to enter the individual's name, date of birth, and driver
 1179 license number or the last four digits of the individual's social security number;

1180 (iii) a space for the individual to sign the affidavit; ~~[and]~~

1181 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
 1182 governor's and county clerk's use of the individual's signature on the affidavit for voter
 1183 identification purposes~~[-]; and~~

1184 (v) a check box accompanied by language in substantially the following form:

1185 "I am a voter with a qualifying disability under the Americans with Disabilities Act that
 1186 impacts my ability to sign my name consistently. I can provide appropriate documentation upon
 1187 request. To discuss accommodations, I can be contacted at _____".

1188 ~~[(e)]~~ (d) In order for an individual described in Subsection (5)(a) to have the
 1189 individual's ballot counted, the individual shall deliver the affidavit described in Subsection
 1190 ~~[(5)(b)]~~ (5)(c) to the election officer.

1191 ~~[(d)]~~ (e) An election officer who receives a signed affidavit under Subsection ~~[(5)(c)]~~
 1192 (5)(d) shall immediately:

1193 (i) scan the signature on the affidavit electronically and keep the signature on file in the
 1194 statewide voter registration database developed under Section ~~[20A-2-109; and]~~ 20A-2-502;

1195 (ii) if the election officer receives the affidavit no later than 5 p.m. three days before
 1196 the day on which the canvass begins, count the individual's ballot~~[-]; and~~

1197 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the
 1198 rules described in Subsection (9)(c).

1199 ~~[(6) If the poll workers reject an individual's ballot for any reason, other than the reason~~
 1200 ~~described in Subsection (5)(a), the election officer shall notify the individual of the rejection in~~
 1201 ~~accordance with Subsection (7) by mail, email, text message, or phone and specify the reason~~
 1202 ~~for the rejection.]~~

1203 ~~[(7) An election officer who is required to give notice under Subsection (5) or (6) shall~~

1204 ~~give the notice no later than:]~~

1205 ~~[(a) if the election officer rejects the ballot before election day:]~~

1206 ~~[(i) one business day after the day on which the election officer rejects the ballot, if the~~
1207 ~~election officer gives the notice by email or text message; or]~~

1208 ~~[(ii) two business days after the day on which the election officer rejects the ballot, if~~
1209 ~~the election officer gives the notice by postal mail or phone;]~~

1210 ~~[(b) seven days after election day if the election officer rejects the ballot on election~~
1211 ~~day; or]~~

1212 ~~[(c) seven days after the canvass if the election officer rejects the ballot after election~~
1213 ~~day and before the end of the canvass:]~~

1214 (6) (a) The election officer shall, within two business days after the day on which an
1215 individual's ballot is rejected, notify the individual of the rejection and the reason for the
1216 rejection, by phone, mail, email, or SMS text message, unless:

1217 (i) the ballot is cured within one business day after the day on which the ballot is
1218 rejected; or

1219 (ii) the ballot is rejected because the ballot is received late or for another reason that
1220 cannot be cured.

1221 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii),
1222 the election officer shall notify the individual of the rejection and the reason for the rejection by
1223 phone, mail, email, or SMS text message, within the later of:

1224 (i) 30 days after the day of the rejection; or

1225 (ii) 30 days after the day of the election.

1226 (c) The election officer may, when notifying an individual by phone under this
1227 Subsection (6), use auto-dial technology.

1228 ~~[(8)]~~ (7) An election officer may not count the ballot of an individual whom the
1229 election officer contacts under Subsection (5) or (6) unless, no later than 5 p.m. three days
1230 before the day on which the canvass begins, the election officer:

1231 ~~[(a) the election officer receives a signed affidavit from the individual under~~
1232 ~~Subsection (5)(b) or is otherwise able to establish contact with the individual to confirm the~~
1233 ~~individual's identity; and]~~

1234 ~~[(b) the affidavit described in Subsection (8)(a) is received, or the confirmation~~

1235 ~~described in Subsection (8)(a) occurs, no later than 5 p.m. three days before the day on which~~
1236 ~~the canvass begins.]~~

1237 (a) receives a signed affidavit from the individual under Subsection (5); or

1238 (b) (i) contacts the individual;

1239 (ii) informs the individual that it is unlawful to sign a ballot affidavit for another
1240 person, even if the person gives permission;

1241 (iii) verifies the identity of the individual by:

1242 (A) requiring the individual to provide at least two types of personal identifying
1243 information for the individual;

1244 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records
1245 relating to the individual that are in the possession or control of an election officer; and

1246 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:

1247 (A) the name and voter identification number of the individual contacted;

1248 (B) the name of the individual who conducts the verification;

1249 (C) the date and manner of the communication;

1250 (D) the type of personal identifying information provided by the individual;

1251 (E) a description of the records against which the personal identifying information
1252 provided by the individual is compared and verified; and

1253 (F) other information required by the lieutenant governor.

1254 ~~[(9)]~~ (8) The election officer shall:

1255 (a) retain and preserve the return envelopes in the manner provided by law for the
1256 retention and preservation of ballots voted at that election[-];

1257 (b) retain and preserve the documentation described in Subsection (7)(b)(iv) in the
1258 voter's voter registration record; and

1259 (c) make a record of the name and voter identification number of each voter contacted
1260 under Subsection (7)(b).

1261 (9) The director of elections within the Office of the Lieutenant Governor shall make
1262 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
1263 establish:

1264 (a) criteria and processes for use by poll workers in determining if a signature is
1265 reasonably consistent with the signature on file for the voter under Subsections (3)(a) and

1266 (4)(a)(i)(A);

1267 (b) training and certification requirements for election officers and employees of
1268 election officers regarding the criteria and processes described in Subsection (9)(a); and

1269 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42
1270 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the signature of an
1271 individual who checks the box described in Subsection (5)(c)(v).

1272 Section 18. Section **20A-3a-401.1** is enacted to read:

1273 **20A-3a-401.1. Ballot chain of custody.**

1274 (1) As used in this section:

1275 (a) "Batch" means a grouping of a specified number of ballots:

1276 (i) that is assembled by poll workers, and given a number to distinguish the grouping
1277 from other groupings, when the ballots are first received for processing;

1278 (ii) that is kept together in the same grouping, and kept separate from other groupings,
1279 throughout ballot processing; and

1280 (iii) for which a log is kept to document the chain of custody of the grouping.

1281 (b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a
1282 return envelope that a poll worker has not separated from a ballot, as follows:

1283 (i) starting with receiving the ballot;

1284 (ii) each step taken in relation to a ballot as part of conducting an election; and

1285 (iii) ending after the ballots are counted and stored.

1286 (2) An election officer shall preserve the chain of custody of all ballots in accordance
1287 with this section.

1288 (3) An election officer shall maintain an accurate, updated count of the number of
1289 ballots that the election officer:

1290 (a) mails or otherwise provides to a voter;

1291 (b) receives from a voter;

1292 (c) counts;

1293 (d) rejects;

1294 (e) resolves after rejecting; or

1295 (f) does not resolve after rejecting.

1296 (4) Upon receiving ballots cast by voters, the election officer shall ensure that poll

- 1297 workers immediately count the number of ballots received and divide the ballots into batches.
- 1298 (5) The election officer shall ensure that:
- 1299 (a) ballots in each batch are kept separate from the ballots in other batches;
- 1300 (b) a ballot is not separated from a batch, except as necessary to the election process;
- 1301 (c) if a ballot is separated from a batch, the batch log indicates:
- 1302 (i) the ballot number;
- 1303 (ii) the date and time of removal;
- 1304 (iii) the identity of the individual who removes the ballot; and
- 1305 (iv) the reason the ballot is removed;
- 1306 (d) poll workers affix to, and keep with, each batch a log that includes:
- 1307 (i) a unique identifying code or number for the batch;
- 1308 (ii) the number of ballots in the batch;
- 1309 (iii) the date that the ballots were received; and
- 1310 (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:
- 1311 (A) the date and time that the ballots are handled;
- 1312 (B) a description of what is done with the ballots;
- 1313 (C) the identity of the poll workers who handle the ballots; and
- 1314 (D) any other information required by rule under Subsection (7);
- 1315 (e) an election official who performs a ballot processing function performs the function
- 1316 in the presence of at least one other election official;
- 1317 (f) to the extent reasonably possible, the poll workers who perform a ballot processing
- 1318 function for a batch complete performing that function for the entire batch; and
- 1319 (g) each part of the processing of all ballots is monitored by recorded video, without
- 1320 audio.
- 1321 (6) An election officer shall:
- 1322 (a) keep the recordings described in Subsection (5)(g) until the later of:
- 1323 (i) the end of the calendar year in which the election was held; or
- 1324 (ii) if the election is contested, when the contest is resolved; and
- 1325 (b) ensure that a camera, a video, or a recording of a video described in Subsection
- 1326 (5)(g) may only be accessed:
- 1327 (i) by the election officer;

- 1328 (ii) by a custodian of the camera, video, or recording;
- 1329 (iii) by the lieutenant governor;
- 1330 (iv) by the legislative auditor general, when performing an audit; or
- 1331 (v) by, or pursuant to an order of, a court of competent jurisdiction.
- 1332 (7) An individual may not view a video, or a recording of a video, described in
- 1333 Subsection (5)(g):
- 1334 (a) unless the individual is an individual described in Subsection (6)(b); and
- 1335 (b) the individual views the video to the extent necessary to:
- 1336 (i) ensure compliance with Subsection (5)(g) or (6); or
- 1337 (ii) investigate a concern relating to the processing of ballots.
- 1338 (8) The director of elections within the Office of the Lieutenant Governor may make
- 1339 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1340 establishing specific requirements and procedures for an election officer or poll worker to:
- 1341 (a) fulfill the chain of custody requirements described in this section;
- 1342 (b) perform the signature verification audits described in Section [20A-3a-402.5](#); and
- 1343 (c) comply with the reconciliation requirements described in Subsection
- 1344 [20A-4-304\(2\)\(h\)](#).
- 1345 Section 19. Section **20A-3a-401.5** is amended to read:
- 1346 **20A-3a-401.5. Ballot tracking system.**
- 1347 (1) As used in this section:
- 1348 (a) "Ballot tracking system" means the system described in this section to track and
- 1349 confirm the status of trackable ballots.
- 1350 (b) "Change in the status" includes:
- 1351 (i) when a trackable ballot is mailed to a voter;
- 1352 (ii) when an election official receives a voted trackable ballot; and
- 1353 (iii) when a voted trackable ballot is counted.
- 1354 (c) "Trackable ballot" means a manual ballot that is:
- 1355 (i) mailed to a voter in accordance with Section [20A-3a-202](#);
- 1356 (ii) deposited in the mail by a voter in accordance with Section [20A-3a-204](#); or
- 1357 (iii) deposited in a ballot drop box by a voter in accordance with Section [20A-3a-204](#).
- 1358 (d) "Voter registration database" means the [~~statewide voter registration database~~

1359 described in Section ~~20A-2-109~~] database, as defined in Section 20A-2-501.

1360 (2) ~~[(a)]~~ The lieutenant governor shall ~~[develop]~~ operate and maintain a statewide or
1361 locally based system to track and confirm when there is a change in the status of a trackable
1362 ballot.

1363 ~~[(b) The ballot tracking system shall be operational on or before May 1, 2022.]~~

1364 (3) ~~[Beginning on May 1, 2022, if]~~ If a voter elects to receive electronic notifications
1365 regarding the status of the voter's trackable ballot, the ballot tracking system shall, when there
1366 is a change in the status of the voter's trackable ballot:

1367 (a) send a text message notification to the voter if the voter's information in the voter
1368 registration database includes a mobile telephone number;

1369 (b) send an email notification to the voter if the voter's information in the voter
1370 registration database includes an email address; and

1371 (c) send a notification by another electronic means directed by the lieutenant governor.

1372 (4) The lieutenant governor shall ensure that the ballot tracking system and the
1373 state-provided website described in Section 20A-7-801 automatically share appropriate
1374 information to ensure that a voter is able to confirm the status of the voter's trackable ballot via
1375 the state-provided website free of charge.

1376 (5) The ballot tracking system shall include a toll-free telephone number or other
1377 offline method by which a voter can confirm the status of the voter's trackable ballot.

1378 (6) The lieutenant governor shall ensure that the ballot tracking system:

1379 (a) is secure from unauthorized use by employing data encryption or other security
1380 measures; and

1381 (b) is only used for the purposes described in this section.

1382 Section 20. Section **20A-3a-402.5** is enacted to read:

1383 **20A-3a-402.5. Signature verification audits.**

1384 (1) An election officer shall, in accordance with this section and rules made under
1385 Section 20A-3a-106, conduct regular audits of signature comparisons made between signatures
1386 on envelopes and voter signatures maintained by the election officer.

1387 (2) An individual who conducts an audit of signature comparisons may not audit the
1388 individual's own work.

1389 (3) Before separating ballots from return envelopes, the election officer shall:

1390 (a) audit 1% of all signature comparisons of the envelopes to be separated to determine
1391 the accuracy of the comparisons made; and

1392 (b) provide additional training or staff reassignments, as needed, based on the results of
1393 the audit.

1394 (4) An election officer shall submit to the lieutenant governor and the board of
1395 canvassers a record of:

1396 (a) the audits performed under this section;

1397 (b) the results of the audits; and

1398 (c) any remedial action taken.

1399 Section 21. Section **20A-3a-405** is amended to read:

1400 **20A-3a-405. Ballot statistics.**

1401 (1) ~~[An]~~ Except as provided in Subsection (5)(a), an election officer shall post and
1402 update the data described in Subsection (2) on the election officer's website, on the following
1403 days, after the election officer finishes processing ballots on that day:

1404 (a) the day on which the election officer begins mailing ballots;

1405 (b) ~~[except as provided in Subsection (5)(a), until the day described in Subsection~~
1406 ~~(1)(c);]~~ each Monday, Wednesday, and Friday after the day described in Subsection (1)(a), until
1407 the final posting described in Subsection (1)(c); and

1408 (c) the ~~[Friday before]~~ Wednesday after the day of the election.

1409 (2) The data that an election officer is required to post under Subsection (1) includes:

1410 (a) the number of ballots in the county clerk's possession; and

1411 (b) of the number of ballots described in Subsection (2)(a):

1412 (i) the number of ballots that have not yet begun processing;

1413 (ii) the number of ballots in process; and

1414 (iii) the number of ballots processed.

1415 (3) Except as provided in Subsection (5)(b), an election officer shall post and update
1416 the data described in Subsection (4) on the election officer's website on the following days:

1417 (a) the Friday after the day of the election;

1418 (b) ~~[until the day described in Subsection (3)(c);]~~ each Monday, Wednesday, and
1419 Friday after the day described in Subsection (3)(a), until the final posting described in
1420 Subsection (3)(c); and

- 1421 (c) on the last day of the canvass.
- 1422 (4) The data that an election officer is required to post under Subsection (3) includes:
- 1423 (a) a best estimate of the number of ballots received, to date, by the election officer;
- 1424 (b) the number of ballots in possession of the election officer that have been rejected
- 1425 and are not yet cured;
- 1426 (c) the number of provisional ballots in the possession of the election officer that have
- 1427 not been processed;
- 1428 (d) the number of ballots that need to be adjudicated, but have not yet been
- 1429 adjudicated;
- 1430 (e) the number of ballots awaiting replication; and
- 1431 (f) the number of ballots that have been replicated.

1432 (5) (a) ~~[Except for the Monday described in Subsection (1)(c), an]~~ An election officer
1433 is not required to update the data described in Subsection (2) on a Monday if the election
1434 officer does not process any ballots the preceding Saturday or Sunday.

1435 (b) An election officer is not required to update the data described in Subsection (4) on
1436 a Monday if the election officer does not process any ballots the preceding Saturday or Sunday.

1437 Section 22. Section **20A-4-102** is amended to read:

1438 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at**
1439 **polling place on day of election after polls close.**

- 1440 (1) (a) This section governs counting manual ballots on the day of an election, if:
- 1441 (i) the ballots are cast at a polling place; and
- 1442 (ii) the ballots are counted at the polling place after the polls close.

1443 (b) Except as provided in Subsection (2) or a rule made under Subsection
1444 **20A-4-101**(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,
1445 the election judges shall count the ballots by performing the tasks specified in this section in
1446 the order that they are specified.

1447 (c) To resolve questions that arise during the counting of ballots, a counting judge shall
1448 apply the standards and requirements of:

- 1449 (i) to the extent applicable, Section **20A-4-105**; and
- 1450 (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate
1451 Voting Methods Pilot Project, Subsections **20A-4-603**(3) through (5).

1452 (2) (a) First, the election judges shall count the number of ballots in the ballot box.

1453 (b) (i) If there are more ballots in the ballot box than there are names entered in the
1454 pollbook, the judges shall examine the official endorsements on the ballots.

1455 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper
1456 official endorsement, the judges shall put those ballots in an excess ballot file and not count
1457 them.

1458 (c) (i) If, after examining the official endorsements, there are still more ballots in the
1459 ballot box than there are names entered in the pollbook, the judges shall place the remaining
1460 ballots back in the ballot box.

1461 (ii) One of the judges, without looking, shall draw a number of ballots equal to the
1462 excess from the ballot box.

1463 (iii) The judges shall put those excess ballots into the excess ballot envelope and not
1464 count them.

1465 (d) When the ballots in the ballot box equal the number of names entered in the
1466 pollbook, the judges shall count the votes.

1467 (3) The judges shall:

1468 (a) place all unused ballots in the envelope or container provided for return to the
1469 county clerk or city recorder; and

1470 (b) seal that envelope or container.

1471 (4) The judges shall:

1472 (a) place all of the provisional ballot envelopes in the envelope provided for them for
1473 return to the election officer; and

1474 (b) seal that envelope or container.

1475 (5) (a) In counting the votes, the election judges shall read and count each ballot
1476 separately.

1477 (b) In regular primary elections the judges shall:

1478 (i) count the number of ballots cast for each party;

1479 (ii) place the ballots cast for each party in separate piles; and

1480 (iii) count all the ballots for one party before beginning to count the ballots cast for
1481 other parties.

1482 (6) (a) In all elections, the counting judges shall, except as provided in Part 6,

1483 Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection

1484 [20A-4-101](#)(2)(f)(i):

1485 (i) count one vote for each candidate designated by the marks in the squares next to the
1486 candidate's name;

1487 (ii) count each vote for each write-in candidate who has qualified by filing a
1488 declaration of candidacy under Section [20A-9-601](#);

1489 (iii) read every name marked on the ballot and mark every name upon the tally sheets
1490 before another ballot is counted;

1491 (iv) evaluate each ballot and each vote based on the standards and requirements of
1492 Section [20A-4-105](#);

1493 (v) write the word "spoiled" on the back of each ballot that lacks the official
1494 endorsement and deposit it in the spoiled ballot envelope; and

1495 (vi) read, count, and record upon the tally sheets the votes that each candidate and
1496 ballot proposition received from all ballots, except excess or spoiled ballots.

1497 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or
1498 persons clearly not eligible to qualify for office.

1499 (c) The judges shall certify to the accuracy and completeness of the tally list in the
1500 space provided on the tally list.

1501 (d) When the judges have counted all of the voted ballots, they shall record the results
1502 on the total votes cast form.

1503 (7) [(7)] (a) [Only] Except as provided in Subsection (7)(b), only an election judge and
1504 a watcher may be present at the place where counting is conducted until the count is completed.

1505 (b) The lieutenant governor may be present at the place where counting is conducted,
1506 regardless of whether the count is completed.

1507 Section 23. Section [20A-4-104](#) is amended to read:

1508 **[20A-4-104. Counting ballots electronically.](#)**

1509 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
1510 election officer shall test the automatic tabulating equipment to ensure that it will accurately
1511 count the votes cast for all offices and all measures.

1512 (b) The election officer shall provide public notice of the time and place of the test:

1513 (i) (A) by publishing notice at least 48 hours before the test in a newspaper of general

1514 circulation in the county, municipality, or jurisdiction where the equipment is used;

1515 (B) at least 10 days before the day of the test, by posting one notice, and at least one
1516 additional notice per 2,000 population of the county, municipality, or jurisdiction, in places
1517 within the county, municipality, or jurisdiction that are most likely to give notice to the voters
1518 in the county, municipality, or jurisdiction, subject to a maximum of 10 notices; or

1519 (C) at least 10 days before the day of the test, by mailing notice to each registered voter
1520 in the county, municipality, or jurisdiction where the equipment is used;

1521 (ii) by posting notice on the Utah Public Notice Website, created in Section
1522 [63A-16-601](#), for four weeks before the day of the test; and

1523 (iii) if the county, municipality, or jurisdiction has a website, by posting notice on the
1524 website for four weeks before the day of the test.

1525 (c) The election officer shall conduct the test by processing a preaudited group of
1526 ballots.

1527 (d) The election officer shall ensure that:

1528 (i) a predetermined number of valid votes for each candidate and measure are recorded
1529 on the ballots;

1530 (ii) for each office, one or more ballots have votes in excess of the number allowed by
1531 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

1532 (iii) a different number of valid votes are assigned to each candidate for an office, and
1533 for and against each measure.

1534 (e) If any error is detected, the election officer shall determine the cause of the error
1535 and correct it.

1536 (f) The election officer shall ensure that:

1537 (i) the automatic tabulating equipment produces an errorless count before beginning
1538 the actual counting; and

1539 (ii) ~~[the automatic tabulating equipment passes the same test at the end of the count~~
1540 ~~]before the election returns are approved as official[-],~~ the automatic tabulating equipment
1541 passes a post election audit conducted in accordance with the rules described in Subsection
1542 [20A-1-108\(1\)](#).

1543 (2) (a) The election officer or the election officer's designee shall supervise and direct
1544 all proceedings at the counting center.

1545 (b) (i) Proceedings at the counting center are public and may be observed by interested
1546 persons.

1547 (ii) Only those persons authorized to participate in the count may touch any ballot or
1548 return.

1549 (c) The election officer shall deputize and administer an oath or affirmation to all
1550 persons who are engaged in processing and counting the ballots that they will faithfully
1551 perform their assigned duties.

1552 (3) (a) If any ballot is damaged or defective so that it cannot properly be counted by the
1553 automatic tabulating equipment, the election officer shall ensure that two counting judges
1554 jointly:

1555 (i) make a true replication of the ballot with an identifying serial number;

1556 (ii) substitute the replicated ballot for the damaged or defective ballot;

1557 (iii) label the replicated ballot "replicated"; and

1558 (iv) record the replicated ballot's serial number on the damaged or defective ballot.

1559 (b) The lieutenant governor shall provide to each election officer a standard form on
1560 which the election officer shall maintain a log of all replicated ballots, that includes, for each
1561 ballot:

1562 (i) the serial number described in Subsection (3)(a);

1563 (ii) the identification of the individuals who replicated the ballot;

1564 (iii) the reason for the replication; and

1565 (iv) any other information required by the lieutenant governor.

1566 (c) An election officer shall:

1567 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner, as
1568 ballots are replicated;

1569 (ii) at the end of each day during which one or more ballots are replicated, make an
1570 electronic copy of the log; and

1571 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.

1572 (4) The election officer may:

1573 (a) conduct an unofficial count before conducting the official count in order to provide
1574 early unofficial returns to the public;

1575 (b) release unofficial returns from time to time after the polls close; and

1576 (c) report the progress of the count for each candidate during the actual counting of
1577 ballots.

1578 (5) Beginning on the day after the date of the election, if an election officer releases
1579 early unofficial returns or reports the progress of the count for each candidate under Subsection
1580 (4), the election officer shall, with each release or report, disclose an estimate of the total
1581 number of voted ballots in the election officer's custody that have not yet been counted.

1582 (6) The election officer shall review and evaluate the provisional ballot envelopes and
1583 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

1584 (7) (a) The election officer or the election officer's designee shall:

1585 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

1586 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

1587 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
1588 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
1589 count the valid write-in vote as being the obvious intent of the voter.

1590 (8) (a) The election officer shall certify the return printed by the automatic tabulating
1591 equipment, to which have been added write-in and absentee votes, as the official return of each
1592 voting precinct.

1593 (b) Upon completion of the count, the election officer shall make official returns open
1594 to the public.

1595 (9) If for any reason it becomes impracticable to count all or a part of the ballots with
1596 tabulating equipment, the election officer may direct that they be counted manually according
1597 to the procedures and requirements of this part.

1598 (10) After the count is completed, the election officer shall seal and retain the
1599 programs, test materials, and ballots as provided in Section [20A-4-202](#).

1600 Section 24. Section **20A-4-106** is amended to read:

1601 **20A-4-106. Manual ballots -- Sealing.**

1602 (1) After the official canvas of an election, the election officer shall store all election
1603 returns in containers that identify the containers' contents.

1604 (2) After the ballots are stored under Subsection (1), the ballots may not be examined
1605 by anyone, except as follows:

1606 (a) when examined during a recount conducted under the authority of Section

1607 [20A-4-401](#) or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
1608 Project[-]; or

1609 (b) the lieutenant governor may examine the ballots:

1610 (i) until the later of:

1611 (A) the end of the calendar year in which the election was held; or

1612 (B) if the election is contested, when the contest is resolved; or

1613 (ii) at any time via a subpoena or other legal process.

1614 Section 25. Section **20A-4-109** is enacted to read:

1615 **20A-4-109. Ballot reconciliation -- Rulemaking authority.**

1616 (1) In accordance with this section and rules made under Subsection (2), an election
1617 officer whose office processes ballots shall:

1618 (a) conduct ballot reconciliations every time ballots are tabulated;

1619 (b) conduct a final ballot reconciliation when an election officer concludes processing
1620 all ballots;

1621 (c) document each ballot reconciliation;

1622 (d) publicly release the results of each ballot reconciliation; and

1623 (e) in conducting ballot reconciliations:

1624 (i) ensure that the number of ballots received for processing, the number of ballots
1625 processed, and the number of voters given credit for voting, are equal; or

1626 (ii) if the numbers described in Subsection (1)(e)(i) are not equal, account for and
1627 explain the differences in the numbers.

1628 (2) The director of elections within the Office of the Lieutenant Governor may make
1629 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1630 establishing procedures and requirements for conducting, documenting, and publishing a ballot
1631 reconciliation.

1632 Section 26. Section **20A-4-202** is amended to read:

1633 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**
1634 **provisional ballots cast.**

1635 (1) Upon receipt of the election returns from the poll workers, the election officer shall:

1636 (a) ensure that the poll workers have provided all of the ballots and election returns;

1637 (b) inspect the ballots and election returns to ensure that they are sealed;

1638 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and
1639 secure place;

1640 (d) for mechanical ballots:

1641 (i) count the ballots; and

1642 (ii) deposit and lock the ballots and election returns in a safe and secure place; and

1643 (e) for bond elections, provide a copy of the election results to the board of canvassers
1644 of the local political subdivision that called the bond election.

1645 (2) Each election officer shall:

1646 (a) before 5 p.m. on the day after the date of the election, determine the number of
1647 provisional ballots cast within the election officer's jurisdiction and make that number available
1648 to the public;

1649 (b) preserve ballots for 22 months after the election or until the time has expired during
1650 which the ballots could be used in an election contest;

1651 (c) preserve all other official election returns for at least 22 months after an election;
1652 and

1653 (d) after that time, destroy them without opening or examining them.

1654 (3) (a) The election officer shall package and retain all tabulating cards and other
1655 materials used in the programming of the automatic tabulating equipment.

1656 (b) The election officer:

1657 (i) may access these tabulating cards and other materials;

1658 (ii) may make copies of these materials and make changes to the copies;

1659 (iii) may not alter or make changes to the materials themselves; and

1660 (iv) within 22 months after the election in which they were used, may dispose of those
1661 materials or retain them.

1662 (4) (a) If an election contest is begun within 12 months, the election officer shall,
1663 except as provided in Subsection (4)(c):

1664 (i) keep the ballots and election returns unopened and unaltered until the contest is
1665 complete; or

1666 (ii) surrender the ballots and election returns to the custody of the court having
1667 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

1668 (b) [~~When~~] Except as provided in Subsection (4)(c), when all election contests arising

1669 from an election are complete, the election officer shall either:

1670 (i) retain the ballots and election returns until the time for preserving them under this
1671 section has run; or

1672 (ii) destroy the ballots and election returns remaining in the election officer's custody
1673 without opening or examining them if the time for preserving them under this section has run.

1674 (c) The lieutenant governor may examine the ballots and election returns described in
1675 this Subsection (4).

1676 (5) (a) Notwithstanding the provisions of this section, the legislative auditor general:

1677 (i) may make and keep copies of ballots or election returns as part of a legislative audit;
1678 and

1679 (ii) may not examine, make copies, or keep copies, of a ballot in a manner that
1680 identifies a ballot with the voter who casts the ballot.

1681 (b) A copy described in Subsection (5)(a) is not a record, and not subject to disclosure,
1682 under Title 63G, Chapter 2, Government Records Access and Management Act.

1683 Section 27. Section **20A-4-304** is amended to read:

1684 **20A-4-304. Declaration of results -- Canvassers' report.**

1685 (1) Each board of canvassers shall:

1686 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
1687 declare "elected" or "nominated" those persons who:

1688 (i) had the highest number of votes; and

1689 (ii) sought election or nomination to an office completely within the board's
1690 jurisdiction;

1691 (b) declare:

1692 (i) "approved" those ballot propositions that:

1693 (A) had more "yes" votes than "no" votes; and

1694 (B) were submitted only to the voters within the board's jurisdiction; or

1695 (ii) "rejected" those ballot propositions that:

1696 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
1697 votes; and

1698 (B) were submitted only to the voters within the board's jurisdiction;

1699 (c) certify the vote totals for persons and for and against ballot propositions that were

1700 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
1701 the lieutenant governor; and

1702 (d) if applicable, certify the results of each local district election to the local district
1703 clerk.

1704 (2) ~~[As soon as the result is declared, the election officer shall prepare a report of the~~
1705 ~~result, which shall contain]~~ The election officer shall submit a report to the board of canvassers
1706 that includes the following information:

1707 (a) the total number of votes cast in the board's jurisdiction;

1708 (b) the names of each candidate whose name appeared on the ballot;

1709 (c) the title of each ballot proposition that appeared on the ballot;

1710 (d) each office that appeared on the ballot;

1711 (e) from each voting precinct:

1712 (i) the number of votes for each candidate;

1713 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate

1714 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each

1715 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
1716 phase; and

1717 (iii) the number of votes for and against each ballot proposition;

1718 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
1719 and against each ballot proposition;

1720 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:

1721 (i) the number of ballots counted;

1722 (ii) provisional ballots; and

1723 (iii) the number of ballots [that were] rejected; [and]

1724 (h) a final ballot reconciliation report;

1725 (i) other information required by law to be provided to the board of canvassers; and

1726 ~~[(h)]~~ (j) a statement certifying that the information contained in the report is accurate.

1727 (3) The election officer and the board of canvassers shall:

1728 (a) review the report to ensure that ~~[it]~~ the report is correct; and

1729 (b) sign the report.

1730 (4) The election officer shall:

- 1731 (a) record or file the certified report in a book kept for that purpose;
- 1732 (b) prepare and transmit a certificate of nomination or election under the officer's seal
1733 to each nominated or elected candidate;
- 1734 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 1735 (d) file a copy of the certified report with the lieutenant governor.
- 1736 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
1737 days after the day on which the board of canvassers declares the election results, publicize the
1738 certified report described in Subsection (2):
- 1739 (a) (i) by publishing notice at least once in a newspaper of general circulation within
1740 the jurisdiction;
- 1741 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
1742 jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents
1743 of the jurisdiction, subject to a maximum of 10 notices; or
- 1744 (iii) by mailing notice to each residence within the jurisdiction;
- 1745 (b) by posting notice on the Utah Public Notice Website, created in Section
1746 [63A-16-601](#), for one week; and
- 1747 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
1748 one week.
- 1749 (6) Instead of including a copy of the entire certified report, a notice required under
1750 Subsection (5) may contain a statement that:
- 1751 (a) includes the following: "The Board of Canvassers for [indicate name of
1752 jurisdiction] has prepared a report of the election results for the [indicate type and date of
1753 election]."; and
- 1754 (b) specifies the following sources where an individual may view or obtain a copy of
1755 the entire certified report:
- 1756 (i) if the jurisdiction has a website, the jurisdiction's website;
- 1757 (ii) the physical address for the jurisdiction; and
- 1758 (iii) a mailing address and telephone number.
- 1759 (7) When there has been a regular general or a statewide special election for statewide
1760 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
1761 or more county ballot proposition, each board of canvassers shall:

1762 (a) prepare a separate report detailing the number of votes for each candidate and the
1763 number of votes for and against each ballot proposition; and

1764 (b) transmit the separate report by registered mail to the lieutenant governor.

1765 (8) In each county election, municipal election, school election, local district election,
1766 and local special election, the election officer shall transmit the reports to the lieutenant
1767 governor within 14 days after the date of the election.

1768 (9) In a regular primary election and in a presidential primary election, the board shall
1769 transmit to the lieutenant governor:

1770 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
1771 governor not later than the second Tuesday after the election; and

1772 (b) a complete tabulation showing voting totals for all primary races, precinct by
1773 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
1774 primary election.

1775 Section 28. Section **20A-5-101** is amended to read:

1776 **20A-5-101. Notice of election.**

1777 (1) On or before November 15 in the year before each regular general election year, the
1778 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

1779 (a) designates the offices to be filled at the next year's regular general election;

1780 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
1781 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
1782 and [20A-9-408](#) for those offices; and

1783 (c) contains a description of any ballot propositions to be decided by the voters that
1784 have qualified for the ballot as of that date.

1785 (2) (a) No later than seven business days after the day on which the lieutenant governor
1786 transmits the written notice described in Subsection (1), each county clerk shall provide notice,
1787 in accordance with Subsection (3):

1788 (i) by posting notice in a conspicuous place most likely to give notice of the election to
1789 the voters in each voting precinct within the county;

1790 (ii) (A) by publishing notice in a newspaper of general circulation in the county;

1791 (B) by posting one notice, and at least one additional notice per 2,000 population of the
1792 county, in places within the county that are most likely to give notice of the election to the

1793 voters in the county, subject to a maximum of 10 notices; or
1794 (C) by mailing notice to each registered voter in the county;
1795 (iii) by posting notice on the Utah Public Notice Website, created in Section
1796 63A-16-601, for seven days before the day of the election; and
1797 (iv) by posting notice on the county's website for seven days before the day of the
1798 election.

1799 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a)(i),
1800 showing a copy of the notice and the places where the notice was posted.

1801 (3) The notice described in Subsection (2) shall:

1802 (a) designate the offices to be voted on in that election; and
1803 (b) identify the dates for filing a declaration of candidacy for those offices.

1804 (4) Except as provided in Subsection (6), before each election, the election officer shall
1805 give printed notice of the following information:

1806 (a) the date of election;
1807 (b) the hours during which the polls will be open;
1808 (c) the polling places for each voting precinct, early voting polling place, and election
1809 day voting center;

1810 (d) the address of the Statewide Electronic Voter Information Website and, if available,
1811 the address of the election officer's website, with a statement indicating that the election officer
1812 will post on the website any changes to the location of a polling place and the location of any
1813 additional polling place;

1814 (e) a phone number that a voter may call to obtain information regarding the location of
1815 a polling place; [~~and~~]

1816 (f) the qualifications for persons to vote in the election[-]; and
1817 (g) instructions regarding how an individual with a disability, who is not able to vote a
1818 manual ballot by mail, may obtain information on voting in an accessible manner.

1819 (5) The election officer shall provide the notice described in Subsection (4):

1820 (a) (i) by publishing the notice in a newspaper of general circulation in the jurisdiction
1821 to which the election pertains, at least two days before the day of the election;

1822 (ii) at least two days before the day of the election, by posting one notice, and at least
1823 one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction

1824 that are most likely to give notice of the election to the voters in the jurisdiction, subject to a
1825 maximum of 10 notices; or

1826 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to
1827 which the election pertains at least five days before the day of the election;

1828 (b) by posting notice on the Utah Public Notice Website, created in Section
1829 63A-16-601, for two days before the day of the election; and

1830 (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for
1831 two days before the day of the election.

1832 (6) Instead of including the information described in Subsection (4) in the notice, the
1833 election officer may give printed notice that:

1834 (a) is entitled "Notice of Election";

1835 (b) includes the following: "A [indicate election type] will be held in [indicate the
1836 jurisdiction] on [indicate date of election]. Information relating to the election, including
1837 polling places, polling place hours, and qualifications of voters may be obtained from the
1838 following sources:"; and

1839 (c) specifies the following sources where an individual may view or obtain the
1840 information described in Subsection (4):

1841 (i) if the jurisdiction has a website, the jurisdiction's website;

1842 (ii) the physical address of the jurisdiction offices; and

1843 (iii) a mailing address and telephone number.

1844 Section 29. Section **20A-5-403.5** is amended to read:

1845 **20A-5-403.5. Ballot drop boxes.**

1846 (1) (a) An election officer:

1847 ~~[(a)]~~ (i) shall designate at least one ballot drop box in each municipality and
1848 reservation located in the jurisdiction to which the election relates;

1849 ~~[(b)]~~ (ii) may designate additional ballot drop boxes for the election officer's
1850 jurisdiction;

1851 ~~[(c)]~~ (iii) shall clearly mark each ballot drop box as an official ballot drop box for the
1852 election officer's jurisdiction;

1853 ~~[(d)]~~ (iv) shall provide 24-hour recorded video surveillance, without audio, of each
1854 unattended ballot drop box; ~~[and]~~

1855 ~~(e)~~ (v) shall post a sign on or near each unattended ballot drop box indicating that the
1856 ballot drop box is under 24-hour video surveillance[-]; and

1857 (vi) shall ensure that a camera, a video, or a recording of a video described in
1858 Subsection (1)(a)(iv) may only be accessed:

1859 (A) by the election officer;

1860 (B) by a custodian of the camera, video, or recording;

1861 (C) by the lieutenant governor;

1862 (D) by the legislative auditor general, when performing an audit; or

1863 (E) by, or pursuant to an order of, a court of competent jurisdiction.

1864 (b) An individual may not view a video, or a recording of a video, described in
1865 Subsection (1)(a)(iv), unless the individual:

1866 (i) is an individual described in Subsection (1)(a)(vi); and

1867 (ii) views the video to the extent necessary to:

1868 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or

1869 (B) investigate a concern relating to ballots or the ballot box.

1870 (c) The election officer, or the custodian of the recording, shall keep a recording
1871 described in Subsection (1)(a)(iv) until the later of:

1872 (i) the end of the calendar year in which the election was held; or

1873 (ii) if the election is contested, when the contest is resolved.

1874 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer
1875 shall, at least 19 days before the date of the election, provide notice of the location of each
1876 ballot drop box designated under Subsection (1):

1877 (a) (i) by publishing notice in at least one issue of a newspaper of general circulation in
1878 the jurisdiction holding the election;

1879 (ii) by posting one notice, and at least one additional notice per 2,000 population of the
1880 jurisdiction holding the election, in places within the jurisdiction that are most likely to give
1881 notice to the residents in the jurisdiction, subject to a maximum of 10 notices; or

1882 (iii) by mailing notice to each registered voter in the jurisdiction holding the election;

1883 (b) by posting notice on the Utah Public Notice Website, created in Section
1884 63A-16-601, for 19 days before the day of the election; and

1885 (c) by posting notice on the jurisdiction's website for 19 days before the day of the

1886 election.

1887 (3) Instead of including the location of ballot drop boxes, a notice required under
1888 Subsection (2) may specify the following sources where a voter may view or obtain a copy of
1889 all ballot drop box locations:

1890 (a) the jurisdiction's website;

1891 (b) the physical address of the jurisdiction's offices; and

1892 (c) a mailing address and telephone number.

1893 (4) The election officer shall include in the notice described in Subsection (2):

1894 (a) the address of the Statewide Electronic Voter Information Website and, if available,
1895 the address of the election officer's website, with a statement indicating that the election officer
1896 will post on the website the location of each ballot drop box, including any changes to the
1897 location of a ballot drop box and the location of additional ballot drop boxes; and

1898 (b) a phone number that a voter may call to obtain information regarding the location
1899 of a ballot drop box.

1900 (5) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
1901 deadline described in Subsection (2):

1902 (i) if necessary, change the location of a ballot drop box; or

1903 (ii) if the election officer determines that the number of ballot drop boxes is
1904 insufficient due to the number of registered voters who are voting, designate additional ballot
1905 drop boxes.

1906 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
1907 location of a ballot box or designates an additional ballot drop box location, the election officer
1908 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
1909 the additional ballot drop box location:

1910 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

1911 (ii) by posting the information on the website of the election officer, if available; and

1912 (iii) by posting notice:

1913 (A) for a change in the location of a ballot drop box, at the new location and, if
1914 possible, the old location; and

1915 (B) for an additional ballot drop box location, at the additional ballot drop box
1916 location.

1917 (6) An election officer may, at any time, authorize two or more poll workers to remove
1918 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

1919 (7) (a) At least two poll workers must be present when a poll worker collects ballots
1920 from a ballot drop box and delivers the ballots to the location where the ballots will be opened
1921 and counted.

1922 (b) An election officer shall ensure that the chain of custody of ballots placed in a
1923 ballot box are recorded and tracked from the time the ballots are removed from the ballot box
1924 until the ballots are delivered to the location where the ballots will be opened and counted.

1925 Section 30. Section **53-18-103** is amended to read:

1926 **53-18-103. Internet posting of personal information of public safety employees --**
1927 **Prohibitions.**

1928 (1) (a) A state or local governmental agency that receives the form described in
1929 Subsection (1)(b) from a public safety employee may not publicly post on the Internet the
1930 personal information of the public safety employee employed by the state or local
1931 governmental agency.

1932 (b) Each state or local government agency employing a public safety employee shall:

1933 (i) provide a form for a public safety employee to request the removal or concealment
1934 of the public safety employee's personal information from the state or local government
1935 agencies' publicly accessible websites and databases;

1936 (ii) inform the public safety employee how to submit a form under this section;

1937 (iii) upon request, assist a public safety employee in completing the form;

1938 (iv) include on the form a disclaimer informing the public safety employee that by
1939 submitting a completed form the public safety employee may not receive official
1940 announcements affecting the public safety employee's property, including notices about
1941 proposed annexations, incorporation, or zoning modifications; and

1942 (v) require a form submitted by a public safety employee to be signed by:

1943 (A) for a public safety employee who is a law enforcement officer, the highest ranking
1944 elected or appointed official in the officer's chain of command certifying that the individual
1945 requesting removal or concealment is a law enforcement officer; or

1946 (B) for a public safety employee who is not a law enforcement officer, the public safety
1947 employee's supervisor.

1948 (2) A county clerk, upon receipt of the form described in Subsection (1)(b) from a
1949 public safety employee, completed and submitted under this section, shall:

1950 (a) classify the public safety employee's voter registration record in the [~~lieutenant~~
1951 ~~governor's statewide voter registration database developed under Section 20A-2-109~~] system,
1952 as defined in Section 20A-2-501, as a private record; and

1953 (b) classify the public safety employee's marriage licenses and marriage license
1954 applications, if any, as private records.

1955 (3) A county recorder, treasurer, auditor, or tax assessor, upon receipt of the form
1956 described in Subsection (1)(b) from a public safety employee, completed and submitted under
1957 this section, shall:

1958 (a) provide a method for the assessment roll and index and the tax roll and index that
1959 will block public access to the public safety employee's personal information; and

1960 (b) provide to the public safety employee who submits the form a written disclaimer
1961 informing the public safety employee that the public safety employee may not receive official
1962 announcements affecting the public safety employee's property, including notices about
1963 proposed annexations, incorporations, or zoning modifications.

1964 (4) A form submitted under this section remains in effect for the shorter of:

1965 (a) four years from the date on which the form was signed by the public safety
1966 employee, regardless of whether the public safety employee's qualifying employment is
1967 terminated during the four years; or

1968 (b) one year after official notice of the public safety employee's death is transmitted by
1969 the public safety employee's immediate family or the public safety employee's employing
1970 agency to all state and local government agencies that are reasonably expected to have records
1971 containing personal information of the deceased public safety employee.

1972 (5) Notwithstanding Subsection (4), the public safety employee, or the public safety
1973 employee's immediate family if the public safety employee is deceased, may rescind the form at
1974 any time.

1975 (6) (a) An individual may not, with intent to frighten or harass a public safety
1976 employee, publicly post on the Internet the personal information of a public safety employee
1977 knowing the public safety employee is a public safety employee.

1978 (b) Except as provided in Subsection (6)(c), a violation of Subsection (6)(a) is a class B

1979 misdemeanor.

1980 (c) A violation of Subsection (6)(a) that results in bodily injury to the public safety
1981 employee, or a member of the public safety employee's immediate family, is a class A
1982 misdemeanor.

1983 (d) (i) Each act against a separate individual in violation of Subsection (6)(a) is a
1984 separate offense.

1985 (ii) A defendant may also be charged separately with the commission of any other
1986 criminal conduct related to the commission of an offense under Subsection (6)(a).

1987 (7) (a) A business or association may not publicly post or publicly display on the
1988 Internet the personal information of a public safety employee if the public safety employee has,
1989 either directly or through an agent designated under Subsection (7)(c), provided to that business
1990 or association a written demand to not disclose the public safety employee's personal
1991 information.

1992 (b) A written demand made under Subsection (7)(a) by a public safety employee is
1993 effective for four years beginning on the day the demand is delivered, regardless of whether the
1994 public safety employee's employment as a public safety employee has terminated during the
1995 four years.

1996 (c) A public safety employee may designate in writing the public safety employee's
1997 employer or, for a public safety employee who is a law enforcement officer, a representative of
1998 a voluntary professional association of law enforcement officers to act on behalf of the officer
1999 and as the officer's agent to make a written demand under this chapter.

2000 (d) (i) A business or association that receives a written demand from a public safety
2001 employee under Subsection (7)(a) shall remove the public safety employee's personal
2002 information from public display on the Internet, including the removal of information provided
2003 to cellular telephone applications, within 24 hours of the delivery of the written demand, and
2004 shall ensure that the information is not posted again on the same Internet website or any other
2005 Internet website over which the recipient of the written demand maintains or exercises control.

2006 (ii) After receiving the public safety employee's written demand, the person, business,
2007 or association may not publicly post or publicly display on the Internet, the personal
2008 information of the public safety employee.

2009 (iii) This Subsection (7)(d) does not prohibit a telephone corporation, as defined in

2010 Section 54-2-1, or the telephone corporation's affiliate or other voice service provider,
2011 including providers of interconnected voice over Internet protocol service as defined in 47
2012 C.F.R. 9.3, from transferring the public safety employee's personal information to any person,
2013 business, or association, if the transfer is authorized by federal or state law, regulation, order,
2014 terms of service, or tariff, or is necessary in the event of an emergency, or to collect a debt
2015 owed by the public safety employee to the telephone corporation or its affiliate.

2016 (iv) This Subsection (7)(d) does not apply to a telephone corporation or other voice
2017 service provider, including providers of interconnected voice over Internet protocol service,
2018 with respect to directories or directories listings to the extent the entity offers a nonpublished
2019 listing option.

2020 (8) (a) A public safety employee whose personal information is made public as a result
2021 of a violation of Subsection (7) may bring an action seeking injunctive or declarative relief in a
2022 court of competent jurisdiction.

2023 (b) If a court finds that a violation has occurred, the court may grant injunctive or
2024 declarative relief and shall award the public safety employee court costs and reasonable
2025 attorney fees.

2026 (c) If the defendant fails to comply with an order of the court issued under Subsection
2027 (8)(b), the court may impose a civil penalty of not more than \$1,000 for the defendant's failure
2028 to comply with the court's order.

2029 (9) (a) A person, business, or association may not solicit, sell, or trade on the Internet
2030 the personal information of a public safety employee, if:

2031 (i) the dissemination of the personal information poses an imminent and serious threat
2032 to the public safety employee's safety or the safety of the public safety employee's immediate
2033 family; and

2034 (ii) the person making the information available on the Internet knows or reasonably
2035 should know of the imminent and serious threat.

2036 (b) (i) A public safety employee whose personal information is knowingly publicly
2037 posted or publicly displayed on the Internet may bring an action in a court of competent
2038 jurisdiction.

2039 (ii) If a jury or court finds that a defendant has committed a violation of Subsection
2040 (9)(a), the jury or court shall award damages to the public safety employee in the amount of

2041 triple the cost of actual damages or \$4,000, whichever is greater.

2042 (10) An interactive computer service or access software is not liable under Subsections
2043 (7)(d)(i) and (9) for information or content provided by another information content provider.

2044 (11) Unless a state or local government agency receives a completed form directly from
2045 a public safety employee in accordance with Subsection (1), a state or local government official
2046 who makes information available for public inspection in accordance with state law is not in
2047 violation of this chapter.

2048 Section 31. Section **67-1a-2** is amended to read:

2049 **67-1a-2. Duties enumerated.**

2050 (1) The lieutenant governor shall:

2051 (a) perform duties delegated by the governor, including assignments to serve in any of
2052 the following capacities:

2053 (i) as the head of any one department, if so qualified, with the advice and consent of
2054 the Senate, and, upon appointment at the pleasure of the governor and without additional
2055 compensation;

2056 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
2057 law for the purpose of advising the governor or coordinating intergovernmental or
2058 interdepartmental policies or programs;

2059 (iii) as liaison between the governor and the state Legislature to coordinate and
2060 facilitate the governor's programs and budget requests;

2061 (iv) as liaison between the governor and other officials of local, state, federal, and
2062 international governments or any other political entities to coordinate, facilitate, and protect the
2063 interests of the state;

2064 (v) as personal advisor to the governor, including advice on policies, programs,
2065 administrative and personnel matters, and fiscal or budgetary matters; and

2066 (vi) as chairperson or member of any temporary or permanent boards, councils,
2067 commissions, committees, task forces, or other group appointed by the governor;

2068 (b) serve on all boards and commissions in lieu of the governor, whenever so
2069 designated by the governor;

2070 (c) serve as the chief election officer of the state as required by Subsection (2);

2071 (d) keep custody of the Great Seal of the State of Utah;

- 2072 (e) keep a register of, and attest, the official acts of the governor;
- 2073 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
- 2074 which the official signature of the governor is required; and
- 2075 (g) furnish a certified copy of all or any part of any law, record, or other instrument
- 2076 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
- 2077 it and pays the fee.
- 2078 (2) (a) As the chief election officer, the lieutenant governor shall:
- 2079 (i) exercise oversight, and general supervisory authority, over all elections;
- 2080 (ii) exercise direct authority over the conduct of elections for federal, state, and
- 2081 multicounty officers and statewide or multicounty ballot propositions and any recounts
- 2082 involving those races;
- 2083 (iii) ~~[assist county clerks in unifying]~~ establish uniformity in the election ballot;
- 2084 (iv) (A) prepare election information for the public as required by ~~[statute]~~ law and as
- 2085 determined appropriate by the lieutenant governor; and
- 2086 (B) make the information ~~[under]~~ described in Subsection (2)(a)(iv)(A) available to the
- 2087 public and to news media, on the Internet, and in other forms as required by ~~[statute or]~~ law
- 2088 and as determined appropriate by the lieutenant governor;
- 2089 (v) receive and answer election questions and maintain an election file on opinions
- 2090 received from the attorney general;
- 2091 (vi) maintain a current list of registered political parties as defined in Section
- 2092 [20A-8-101](#);
- 2093 (vii) maintain election returns and statistics;
- 2094 (viii) certify to the governor the names of ~~[those persons who have received the highest~~
- 2095 ~~number of votes for any]~~ individuals nominated to run for, or elected to, office;
- 2096 (ix) ensure that all voting equipment purchased by the state complies with the
- 2097 requirements of Sections [20A-5-302](#), [20A-5-802](#), and [20A-5-803](#);
- 2098 (x) during a declared emergency, to the extent that the lieutenant governor determines
- 2099 it warranted, designate, as provided in Section [20A-1-308](#), a different method, time, or location
- 2100 relating to:
 - 2101 (A) voting on election day;
 - 2102 (B) early voting;

- 2103 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 2104 (D) the counting of an absentee ballot or military-overseas ballot; or
- 2105 (E) the canvassing of election returns; and
- 2106 (xi) exercise all other election authority, and perform other election duties, as provided
- 2107 in Title 20A, Election Code.
- 2108 (b) As chief election officer, the lieutenant governor:
- 2109 (i) shall oversee all elections, and functions relating to elections, in the state;
- 2110 (ii) shall, in accordance with Section [20A-1-105](#), take action to enforce compliance by
- 2111 an election officer with legal requirements relating to elections; and
- 2112 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,
- 2113 town clerks, or other local election officials by Title 20A, Election Code.
- 2114 (3) (a) The lieutenant governor shall:
- 2115 (i) determine a new municipality's classification under Section [10-2-301](#) upon the city's
- 2116 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the
- 2117 municipality's population using the population estimate from the Utah Population Committee;
- 2118 and
- 2119 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs
- 2120 based on the municipality's population; and
- 2121 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
- 2122 municipality's legislative body.
- 2123 (b) The lieutenant governor shall:
- 2124 (i) determine the classification under Section [10-2-301](#) of a consolidated municipality
- 2125 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,
- 2126 Consolidation of Municipalities, using population information from:
- 2127 (A) each official census or census estimate of the United States Bureau of the Census;
- 2128 or
- 2129 (B) the population estimate from the Utah Population Committee, if the population of a
- 2130 municipality is not available from the United States Bureau of the Census; and
- 2131 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality
- 2132 belongs based on the municipality's population; and
- 2133 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

2134 consolidated municipality's legislative body.

2135 (c) The lieutenant governor shall:

2136 (i) determine a new metro township's classification under Section [10-2-301.5](#) upon the
2137 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
2138 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
2139 2015, based on the metro township's population using the population estimates from the Utah
2140 Population Committee; and

2141 (ii) prepare a certificate indicating the class in which the new metro township belongs
2142 based on the metro township's population and, within 10 days after preparing the certificate,
2143 deliver a copy of the certificate to the metro township's legislative body.

2144 (d) The lieutenant governor shall monitor the population of each municipality using
2145 population information from:

2146 (i) each official census or census estimate of the United States Bureau of the Census; or

2147 (ii) the population estimate from the Utah Population Committee, if the population of a
2148 municipality is not available from the United States Bureau of the Census.

2149 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
2150 municipality's population has increased beyond the population for its current class, the
2151 lieutenant governor shall:

2152 (i) prepare a certificate indicating the class in which the municipality belongs based on
2153 the increased population figure; and

2154 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
2155 legislative body of the municipality whose class has changed.

2156 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
2157 municipality's population has decreased below the population for its current class, the
2158 lieutenant governor shall send written notification of that fact to the municipality's legislative
2159 body.

2160 (ii) Upon receipt of a petition under Subsection [10-2-302\(2\)](#) from a municipality whose
2161 population has decreased below the population for its current class, the lieutenant governor
2162 shall:

2163 (A) prepare a certificate indicating the class in which the municipality belongs based
2164 on the decreased population figure; and

2165 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
2166 legislative body of the municipality whose class has changed.

2167 Section 32. **Repealer.**

2168 This bill repeals:

2169 Section **20A-1-101**, Title.

2170 Section 33. **Appropriation.**

2171 The following sums of money are appropriated for the fiscal year beginning July 1,
2172 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
2173 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
2174 Act, the Legislature appropriates the following sums of money from the funds or accounts
2175 indicated for the use and support of the government of the state of Utah.

2176 ITEM 1

2177 To Governor's Office

2178 From General Fund 860,000

2179 From General Fund, One-Time 730,000

2180 Schedule of Programs:

2181 Lt. Governor's Office 1,590,000

2182 The Legislature intends that:

2183 (1) under Section 63J-1-603, up to \$250,000 of the money appropriated to the
2184 Governor's Office in Item 1 of 2022 Laws of Utah, Chapter 156, not lapse at the end of Fiscal
2185 Year 2023; and

2186 (2) on or after July 1, 2023, the lieutenant governor may use the nonlapsing funds
2187 described in Subsection (1) to assist political subdivisions with election security costs,
2188 including the expanded video surveillance described in this bill.