

Representative Steve Eliason proposes the following substitute bill:

VOTER SIGNATURE VERIFICATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides guidance for determining when a signature submitted with a ballot corresponds to a signature in a voter registration record;
- ▶ establishes requirements for contacting a voter when the voter's ballot is rejected;
- ▶ establishes record-keeping and reporting requirements in relation to rejected ballots;
- ▶ requires an election officer to provide an accessible voting option for a voter with a disability;
- ▶ requires the director of elections to make rules regarding signature verification for individuals who are unable to sign their name consistently due to a disability;
- ▶ grants rulemaking authority to establish criteria, processes, and training in relation to signature comparison;
- ▶ requires that election notices include instructions for how a voter with a disability may obtain information on voting in an accessible manner;
- ▶ addresses the disclosure of certain information relating to a voter whose ballot is rejected;



- 26 ▶ makes it unlawful for an election officer to willfully neglect, or act corruptly in
- 27 discharging, the election officer's duty; and
- 28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-3a-202**, as last amended by Laws of Utah 2022, Chapters 18, 121, and 156

36 **20A-3a-401**, as last amended by Laws of Utah 2022, Chapter 392 and last amended by
37 Coordination Clause, Laws of Utah 2022, Chapter 392

38 **20A-5-101**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

39 **20A-5-701**, as last amended by Laws of Utah 2013, Chapter 253



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

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

43 **20A-3a-202. Conducting election by mail.**

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

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

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

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

53 (i) a manual ballot;

54 (ii) a return envelope;

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

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

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

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

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

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

69 (ii) a voter whom the election officer is prohibited from sending a ballot under
70 Subsection (10)(c)(ii); ~~and~~

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

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

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

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

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

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

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

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

- 88 (4) The return envelope shall include:
- 89 (a) the name, official title, and post office address of the election officer on the front of
90 the envelope;
- 91 (b) a space where a voter may write an email address and phone number by which the
92 election officer may contact the voter if the voter's ballot is rejected;
- 93 (c) a printed affidavit in substantially the following form:
- 94 "County of ____ State of ____
95 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
96 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
97 currently incarcerated for commission of a felony.
98 _____
99 Signature of Voter"; and
- 100 (d) a warning that the affidavit must be signed by the individual to whom the ballot
101 was sent and that the ballot will not be counted if the signature on the affidavit does not match
102 the signature on file with the election officer of the individual to whom the ballot was sent.
- 103 (5) If the election officer determines that the voter is required to show valid voter
104 identification, the election officer may:
- 105 (a) mail a ballot to the voter;
- 106 (b) instruct the voter to include a copy of the voter's valid voter identification with the
107 return ballot; and
- 108 (c) provide instructions to the voter on how the voter may sign up to receive electronic
109 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#).
- 110 (6) An election officer who administers an election shall:
- 111 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the
112 election; or
- 113 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
114 and
- 115 (b) maintain the signatures on file in the election officer's office.
- 116 (7) Upon receipt of a returned ballot, the election officer shall review and process the
117 ballot under Section [20A-3a-401](#).
- 118 (8) A county that administers an election:

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

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

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

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

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

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

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

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

134 (9) (a) The lieutenant governor shall:

135 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
136 an election conducted under this section; and

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

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

142 (10) (a) An individual may request that the election officer not send the individual a
143 ballot by mail in the next and subsequent elections by submitting a written request to the
144 election officer.

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

148 (c) An election officer who receives a request from an individual under Subsection
149 (10)(a):

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

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

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

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

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

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

159 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**
160 **Disposition -- Notice.**

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

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

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

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

167 (a) the signatures correspond;

168 (b) the affidavit is sufficient;

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

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

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

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

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

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

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

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

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

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

183 (ii) that the affidavit is sufficient;

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

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

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

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

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

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

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

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

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

198 (i) disallow the vote;

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

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

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

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

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

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

210 (ii) inform the individual:

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

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

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

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

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

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

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

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

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

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

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

234 (v) a check box accompanied by language in substantially the following form:"I am a
 235 voter with a qualifying disability under the Americans with Disabilities Act that impacts my
 236 ability to sign my name consistently. I can provide appropriate documentation upon request. To
 237 discuss accommodations, I can be contacted at _____".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

278 ~~[(8)]~~ (7) An election officer may not count the ballot of an individual whom the
279 election officer contacts under Subsection (5) or (6) unless:

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

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

286 ~~[(9)]~~ (8) The election officer shall retain and preserve the return envelopes in the
287 manner provided by law for the retention and preservation of ballots voted at that election.

288 (9) (a) The election officer shall record the following in the database used to verify
289 signatures:

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

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

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

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

297 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in
298 records on file, do not correspond.

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

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

304 (a) criteria and processes for use by poll workers in determining if a signature

305 corresponds with the signature on file for the voter under Subsections (3)(a) and (4)(a)(i)(A);

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

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

311 (12) If, in response to a request, and in accordance with the requirements of law, an
312 election officer discloses the name or address of voters whose ballots have been rejected and
313 not yet resolved, the election officer shall:

314 (a) make the disclosure within two business days after the day on which the request is
315 made;

316 (b) respond to each request in the order the requests were made; and

317 (c) make each disclosure in a manner, and within a period of time, that does not reflect
318 favoritism to one requestor over another.

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

320 **20A-5-101. Notice of election.**

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

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

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

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

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

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

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

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

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

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

339 (iii) by posting notice on the Utah Public Notice Website, created in Section

340 [63A-16-601](#), for seven days before the day of the election; and

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

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

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

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

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

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

350 (a) the date of election;

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

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

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

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

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

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

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

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

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

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

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

372 (b) by posting notice on the Utah Public Notice Website, created in Section
373 [63A-16-601](#), for two days before the day of the election; and

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

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

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

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

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

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

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

387 (iii) a mailing address and telephone number.

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

389 **20A-5-701. Willful neglect of duty or corrupt conduct -- Penalty.**

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

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