

1 **Modifications to Election Law**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor:

2
3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions relating to elections.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ requires a county clerk to coordinate with local post offices to ensure the optimal
9 handling of ballots;

10 ▶ provides that a poll watcher may observe the signature-verification process for petitions
11 to qualify a candidate for a primary election ballot;

12 ▶ makes it unlawful for a poll watcher to reveal certain information observed during the
13 process described in the preceding paragraph;

14 ▶ requires an election officer to conduct an audit of signature comparisons made for
15 petitions to qualify a candidate for a primary election ballot;

16 ▶ requires an election officer who engages in the signature-verification process for
17 petitions to qualify a candidate for a primary election ballot to certify a certain
18 percentage of signatures submitted beyond the required signature-gathering threshold;

19 ▶ establishes a chain of custody process for signature packets circulated to qualify a
20 candidate for a primary election ballot;

21 ▶ grants rulemaking authority to the director of elections within the Office of the Lieutenant
22 Governor; and

23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-3a-106**, as enacted by Laws of Utah 2023, Chapter 297

31 **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297

32 **20A-3a-801**, as last amended by Laws of Utah 2022, Chapters 18, 380

33 **20A-9-408**, as last amended by Laws of Utah 2023, Chapter 116

34 ENACTS:

35 **20A-9-408.3**, Utah Code Annotated 1953

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

38 Section 1. Section **20A-3a-106** is amended to read:

39 **20A-3a-106 . Rulemaking authority relating to conducting an election.**

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

- 43 (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and
44 security of the envelopes;
- 45 (2) complying with the signature comparison audit requirements described in Section
46 20A-3a-402.5;~~[-or]~~
- 47 (3) conducting and documenting the identity verification process described in Subsection
48 20A-3a-401(7)(b)~~[-]~~ ; or
- 49 (4) establishing specific requirements and procedures for an election officer to:
50 (a) perform the signature comparison audits described in Subsection 20A-9-408(9)(e); or
51 (b) fulfill the chain of custody requirements described in Section 20A-9-408.3.

52 Section 2. Section **20A-3a-202** is amended to read:

53 **20A-3a-202 . Conducting election by mail.**

- 54 (1)(a) Except as otherwise provided for an election conducted entirely by mail under
55 Section 20A-7-609.5, an election officer shall administer an election primarily by
56 mail, in accordance with this section.
- 57 (b) An individual who did not provide valid voter identification at the time the voter
58 registered to vote shall provide valid voter identification before voting.
- 59 (2) An election officer who administers an election:
- 60 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
61 and no later than seven days before election day, mail to each active voter within a
62 voting precinct:
- 63 (i) a manual ballot;
- 64 (ii) a return envelope;

- 65 (iii) instructions for returning the ballot that include an express notice about any
66 relevant deadlines that the voter must meet in order for the voter's vote to be
67 counted;
- 68 (iv) for an election administered by a county clerk, information regarding the location
69 and hours of operation of any election day voting center at which the voter may
70 vote or a website address where the voter may view this information;
- 71 (v) for an election administered by an election officer other than a county clerk, if the
72 election officer does not operate a polling place or an election day voting center, a
73 warning, on a separate page of colored paper in bold face print, indicating that if
74 the voter fails to follow the instructions included with the ballot, the voter will be
75 unable to vote in that election because there will be no polling place for the voting
76 precinct on the day of the election; and
- 77 (vi) instructions on how a voter may sign up to receive electronic ballot status
78 notifications via the ballot tracking system described in Section 20A-3a-401.5;
- 79 (b) may not mail a ballot under this section to:
- 80 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
81 (ii) a voter whom the election officer is prohibited from sending a ballot under
82 Subsection (9)(c)(ii);
- 83 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
84 include instructions for returning the ballot if the individual to whom the election
85 officer mails the ballot does not live at the address to which the ballot is sent;
- 86 (d) shall provide a method of accessible voting to a voter with a disability who is not
87 able to vote by mail; and
- 88 (e) shall include, on the election officer's website and with each ballot mailed,
89 instructions regarding how a voter described in Subsection (2)(d) may vote.
- 90 (3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the
91 manual ballot to the address:
- 92 (i) provided at the time of registration; or
93 (ii) if, at or after the time of registration, the voter files an alternate address request
94 form described in Subsection (3)(b), the alternate address indicated on the form.
- 95 (b) The lieutenant governor shall make available to voters an alternate address request
96 form that permits a voter to request that the election officer mail the voter's ballot to a
97 location other than the voter's residence.
- 98 (c) A voter shall provide the completed alternate address request form to the election

99 officer no later than 11 days before the day of the election.

100 (4) The return envelope shall include:

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

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

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

106 "County of ____ State of ____

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

110 _____

111 Signature of Voter"; and

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

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

118 (a) mail a ballot to the voter;

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

121 (c) provide instructions to the voter on how the voter may sign up to receive electronic
122 ballot status notifications via the ballot tracking system described in Section
123 20A-3a-401.5.

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

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

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

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

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

132 (8) A county that administers an election:

- 133 (a) shall provide at least one election day voting center in accordance with Part 7,
134 Election Day Voting Center, and at least one additional election day voting center for
135 every 5,000 active voters in the county who have requested to not receive a ballot by
136 mail;
- 137 (b) shall ensure that each election day voting center operated by the county has at least
138 one voting device that is accessible, in accordance with the Help America Vote Act
139 of 2002, Pub. L. No. 107-252, for individuals with disabilities;
- 140 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 141 (i) the county clerk conducts early voting on at least four days;
- 142 (ii) the early voting days are within the period beginning on the date that is 14 days
143 before the date of the election and ending on the day before the election; and
- 144 (iii) the county clerk provides notice of the reduced early voting period in accordance
145 with Section 20A-3a-604; and
- 146 (d) is not required to pay return postage for a ballot.
- 147 (9)(a) An individual may request that the election officer not send the individual a ballot
148 by mail in the next and subsequent elections by submitting a written request to the
149 election officer.
- 150 (b) An individual shall submit the request described in Subsection (9)(a) to the election
151 officer before 5 p.m. no later than 60 days before an election if the individual does
152 not wish to receive a ballot by mail in that election.
- 153 (c) An election officer who receives a request from an individual under Subsection (9)(a):
- 154 (i) shall remove the individual's name from the list of voters who will receive a ballot
155 by mail; and
- 156 (ii) may not send the individual a ballot by mail for:
- 157 (A) the next election, if the individual submits the request described in Subsection
158 (9)(a) before the deadline described in Subsection (9)(b); or
- 159 (B) an election after the election described in Subsection (9)(c)(ii)(A).
- 160 (d) An individual who submits a request under Subsection (9)(a) may resume the
161 individual's receipt of a ballot by mail by submitting a written request to the election
162 officer.
- 163 (10) A county clerk shall, at least 90 days before an election administered by the county
164 clerk, contact local post offices to:
- 165 (a) coordinate the handling of mail-in ballots for the upcoming election; and
- 166 (b) take measures to ensure that:

167 (i) ballots are clearly and properly postmarked, or otherwise marked in accordance
168 with Subsection 20A-3a-204(2)(a)(i), with the date on which the ballot was
169 mailed; and

170 (ii) ballots are delivered in an expeditious manner to optimize the timely receipt of
171 ballots.

172 Section 3. Section **20A-3a-801** is amended to read:

173 **20A-3a-801 . Watchers.**

174 (1) As used in this section, "administering election officer" means:

175 (a) the election officer; or

176 (b) if the election officer is the lieutenant governor, the county clerk of the county in
177 which an individual will act as a watcher.

178 (2)(a) Any individual who is registered or preregistered to vote in Utah may become a
179 watcher in an election, including for the purpose of observing the verification of
180 signatures gathered under Section 20A-9-403 or 20A-9-408, at any time by
181 registering as a watcher with the administering election officer.

182 (b) An individual who registers under Subsection (2)(a) is not required to be certified by
183 a person under Subsection (3) in order to act as a watcher.

184 (c) An individual who registers as a watcher shall notify the administering election
185 officer of the dates, times, and locations that the individual intends to act as a watcher.

186 (d) An election official may not prohibit a watcher from performing a function described
187 in Subsection (4) because the watcher did not provide the notice described in
188 Subsection (2)(c).

189 (e) An administering election officer shall provide a copy of this section, or instructions
190 on how to access an electronic copy of this section, to a watcher at the time the
191 watcher registers under this Subsection (2).

192 (3)(a) A person that is a candidate whose name will appear on the ballot, a qualified
193 write-in candidate for the election, a registered political party, or a political issues
194 committee may certify an individual as an official watcher for the person:

195 (i) by filing an affidavit with the administering election officer responsible to
196 designate an individual as an official watcher for the certifying person; and

197 (ii) if the individual registers as a watcher under Subsection (2)(a).

198 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
199 same function described in Subsection (4) at the same time and in the same location
200 as another watcher who is certified by that person.

- 201 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
202 another individual to serve in the watcher's stead during the watcher's temporary
203 absence by filing with a poll worker an affidavit that designates the individual as a
204 temporary replacement.
- 205 (4) A watcher may:
- 206 (a) observe the setup or takedown of a polling place;
- 207 (b) observe a voter checking in at a polling place;
- 208 (c) observe the collection, receipt, and processing of a ballot, including a provisional
209 ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;
- 210 (d) observe the transport or transmission of a ballot that is in an election official's
211 custody;
- 212 (e) observe the opening and inspection of a manual ballot;
- 213 (f) observe ballot replication;
- 214 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
- 215 (h) observe ballot tabulation;
- 216 (i) observe the process of storing and securing a ballot;
- 217 (j) observe a post-election audit;
- 218 (k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3,~~
219 ~~Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;
- 220 (l) observe the certification of the results of an election;
- 221 (m) observe a recount; or
- 222 (n) observe signature verification[-] of:
- 223 (i) signatures on a return envelope containing a ballot; or
- 224 (ii) signatures gathered under Section 20A-9-403 or 20A-9-408.
- 225 (5) An administering election officer shall:
- 226 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an
227 election process;
- 228 (b) establish locations for a watcher to observe an event described in Subsection (4),
229 other than an event described in Subsection (4)(d) or (k), from no further than six feet
230 away; and
- 231 (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or
232 upload of votes from a voting machine or scanner, that is conducted on a computer
233 screen, project the activity onto a screen that is large enough to be viewed by each
234 watcher.

- 235 (6)(a) A watcher may not:
- 236 (i) record an activity described in Subsection (4) if the recording would reveal a vote
- 237 or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
- 238 (ii) interfere with an activity described in Subsection (4), except to challenge an
- 239 individual's eligibility to vote under Section 20A-3a-803;~~[-or]~~
- 240 (iii) divulge information related to the number of votes counted, tabulated, or cast for
- 241 a candidate or ballot proposition until after the election officer makes the
- 242 information public[-] ; or
- 243 (iv) divulge information related to the number of, or names of, signatures verified
- 244 under Section 20A-9-403 or 20A-9-408.

245 (b) A person who violates Subsection (6)(a)(iii) or (iv) is guilty of a third degree felony.

246 (7)(a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working

247 environment for an election official or to protect the safety or security of a ballot, an

248 administering election officer may take reasonable action to:

- 249 (i) limit the number of watchers at a single location;
- 250 (ii) remove a watcher for violating a provision of this section;
- 251 (iii) remove a watcher for interfering with an activity described in Subsection (4);
- 252 (iv) designate areas for a watcher to reasonably observe the activities described in
- 253 Subsection (4); or
- 254 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

255 (b) If an administering election officer limits the number of watchers at a single location

256 under Subsection [~~(6)(a)(i)~~] (7)(a)(i), the administering election officer shall give

257 preferential access to the location to a watcher designated under Subsection (3).

258 (c) An administering election officer may provide a watcher a badge that identifies the

259 watcher and require the watcher to wear the badge while acting as a watcher.

260 Section 4. Section **20A-9-408** is amended to read:

261 **20A-9-408 . Signature-gathering process to seek the nomination of a qualified**

262 **political party -- Removal of signature.**

263 (1) This section describes the requirements for a member of a qualified political party who

264 is seeking the nomination of the qualified political party for an elective office through

265 the signature-gathering process described in this section.

266 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy

267 for a member of a qualified political party who is nominated by, or who is seeking the

268 nomination of, the qualified political party under this section shall be substantially as

- 269 described in Section 20A-9-408.5.
- 270 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
271 20A-9-202(4), a member of a qualified political party who, under this section, is seeking
272 the nomination of the qualified political party for an elective office that is to be filled at
273 the next general election shall:
- 274 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
275 and before gathering signatures under this section, file with the filing officer on a
276 form approved by the lieutenant governor a notice of intent to gather signatures for
277 candidacy that includes:
- 278 (i) the name of the member who will attempt to become a candidate for a registered
279 political party under this section;
- 280 (ii) the name of the registered political party for which the member is seeking
281 nomination;
- 282 (iii) the office for which the member is seeking to become a candidate;
- 283 (iv) the address and telephone number of the member; and
- 284 (v) other information required by the lieutenant governor;
- 285 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
286 person, with the filing officer during the declaration of candidacy filing period
287 described in Section 20A-9-201.5; and
- 288 (c) pay the filing fee.
- 289 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party
290 who, under this section, is seeking the nomination of the qualified political party for the
291 office of district attorney within a multicounty prosecution district that is to be filled at
292 the next general election shall:
- 293 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
294 and before gathering signatures under this section, file with the filing officer on a
295 form approved by the lieutenant governor a notice of intent to gather signatures for
296 candidacy that includes:
- 297 (i) the name of the member who will attempt to become a candidate for a registered
298 political party under this section;
- 299 (ii) the name of the registered political party for which the member is seeking
300 nomination;
- 301 (iii) the office for which the member is seeking to become a candidate;
- 302 (iv) the address and telephone number of the member; and

- 303 (v) other information required by the lieutenant governor;
- 304 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
305 person, with the filing officer during the declaration of candidacy filing period
306 described in Section 20A-9-201.5; and
- 307 (c) pay the filing fee.
- 308 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who
309 files as the joint-ticket running mate of an individual who is nominated by a qualified
310 political party, under this section, for the office of governor shall, during the declaration
311 of candidacy filing period described in Section 20A-9-201.5, file a declaration of
312 candidacy and submit a letter from the candidate for governor that names the lieutenant
313 governor candidate as a joint-ticket running mate.
- 314 (6) The lieutenant governor shall ensure that the certification described in Subsection
315 20A-9-701(1) also includes the name of each candidate nominated by a qualified
316 political party under this section.
- 317 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is
318 nominated by a qualified political party under this section, designate the qualified
319 political party that nominated the candidate.
- 320 (8) A member of a qualified political party may seek the nomination of the qualified
321 political party for an elective office by:
- 322 (a) complying with the requirements described in this section; and
- 323 (b) collecting signatures, on a form approved by the lieutenant governor that complies
324 with Subsection 20A-9-405(3), during the period beginning on the day on which the
325 member files a notice of intent to gather signatures and ending at 5 p.m. 14 days
326 before the day on which the qualified political party's convention for the office is
327 held, in the following amounts:
- 328 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
329 permitted by the qualified political party to vote for the qualified political party's
330 candidates in a primary election;
- 331 (ii) for a congressional district race, 7,000 signatures of registered voters who are
332 residents of the congressional district and are permitted by the qualified political
333 party to vote for the qualified political party's candidates in a primary election;
- 334 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
335 residents of the state Senate district and are permitted by the qualified political
336 party to vote for the qualified political party's candidates in a primary election;

- 337 (iv) for a state House district race, 1,000 signatures of registered voters who are
338 residents of the state House district and are permitted by the qualified political
339 party to vote for the qualified political party's candidates in a primary election;
- 340 (v) for a State Board of Education race, the lesser of:
- 341 (A) 2,000 signatures of registered voters who are residents of the State Board of
342 Education district and are permitted by the qualified political party to vote for
343 the qualified political party's candidates in a primary election; or
- 344 (B) 3% of the registered voters of the qualified political party who are residents of
345 the applicable State Board of Education district; and
- 346 (vi) for a county office race, signatures of 3% of the registered voters who are
347 residents of the area permitted to vote for the county office and are permitted by
348 the qualified political party to vote for the qualified political party's candidates in
349 a primary election.
- 350 (9)(a) This Subsection (9) applies only to the manual candidate qualification process.
- 351 (b) In order for a member of the qualified political party to qualify as a candidate for the
352 qualified political party's nomination for an elective office under this section, using
353 the manual candidate qualification process, the member shall:
- 354 (i) collect the signatures on a form approved by the lieutenant governor, using the
355 same circulation and verification requirements described in Sections 20A-7-105
356 and 20A-7-204; and
- 357 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days
358 before the day on which the qualified political party holds the party's convention
359 to select candidates, for the elective office, for the qualified political party's
360 nomination.
- 361 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
362 election officer shall, no later than the earlier of 14 days after the day on which the
363 election officer receives the signatures, or one day before the day on which the
364 qualified political party holds the convention to select a nominee for the elective
365 office to which the signature packets relate:
- 366 (i) check the name of each individual who completes the verification for a signature
367 packet to determine whether each individual is a resident of Utah and is at least 18
368 years old;
- 369 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a
370 Utah resident or who is not at least 18 years old to the attorney general and the

- 371 county attorney;
- 372 (iii) with the assistance of the county clerk as applicable, determine whether each
373 signer is a registered voter who is qualified to sign the petition, using the same
374 method, described in Section 20A-1-1002, used to verify a signature on a petition;
375 and
- 376 (iv) certify whether each name is that of a registered voter who is qualified to sign the
377 signature packet.
- 378 (d)(i) A registered voter who physically signs a form under Subsections (8) and (9)(b)
379 may have the voter's signature removed from the form by, no later than three
380 business days after the day on which the member submits the signature form to the
381 election officer, submitting to the election officer a statement requesting that the
382 voter's signature be removed.
- 383 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements
384 described in Subsection 20A-1-1003(2).
- 385 (iii) With the assistance of the county clerk as applicable, the election officer shall
386 use the procedures described in Subsection 20A-1-1003(3) to determine whether
387 to remove an individual's signature after receiving a timely, valid statement
388 requesting removal of the signature.
- 389 (e)(i) An election officer shall, in accordance with this Subsection (9)(e) and rules
390 made under Section 20A-3a-106, conduct regular audits of signature comparisons
391 made between signatures gathered under this section and voter signatures
392 maintained by the election officer.
- 393 (ii) An individual who conducts an audit of signature comparisons under this section
394 may not audit the individual's own work.
- 395 (iii) The election officer shall:
- 396 (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to
397 determine the accuracy of the comparisons made;
- 398 (B) provide additional training or staff reassignments, as needed, based on the
399 results of an audit described in Subsection (9)(e)(i); and
- 400 (C) submit to the lieutenant governor a record of the audits performed under this
401 Subsection (9)(e), the results of the audits, and any remedial action taken.
- 402 (f) An election officer who certifies signatures under Subsection (9)(c) shall, after
403 certifying enough signatures to establish that a candidate has reached the applicable
404 signature threshold described in Subsection (8), continue to certify signatures

405 submitted for the candidate in excess of the number of signatures required, until the
406 election officer either:

- 407 (i) certifies signatures equal to 110% of the applicable signature threshold; or
408 (ii) has reviewed all signatures submitted for the candidate before reaching an
409 amount equal to 110% of the applicable signature threshold.

410 (10)(a) This Subsection (10) applies only to the electronic candidate qualification
411 process.

412 (b) In order for a member of the qualified political party to qualify as a candidate for the
413 qualified political party's nomination for an elective office under this section, the
414 member shall, before 5 p.m. no later than 14 days before the day on which the
415 qualified political party holds the party's convention to select candidates, for the
416 elective office, for the qualified political party's nomination, collect signatures
417 electronically:

- 418 (i) in accordance with Section 20A-21-201; and
419 (ii) using progressive screens, in a format approved by the lieutenant governor, that
420 complies with Subsection 20A-9-405(4).

421 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
422 election officer shall, no later than the earlier of 14 days after the day on which the
423 election officer receives the signatures, or one day before the day on which the
424 qualified political party holds the convention to select a nominee for the elective
425 office to which the signature packets relate:

- 426 (i) check the name of each individual who completes the verification for a signature
427 to determine whether each individual is a resident of Utah and is at least 18 years
428 old; and
429 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not
430 a Utah resident or who is not at least 18 years old to the attorney general and the
431 county attorney.

432 (11)(a) An individual may not gather signatures under this section until after the
433 individual files a notice of intent to gather signatures for candidacy described in this
434 section.

435 (b) An individual who files a notice of intent to gather signatures for candidacy,
436 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the
437 individual files the notice of intent to gather signatures for candidacy:

- 438 (i) required to comply with the reporting requirements that a candidate for office is

- 439 required to comply with; and
- 440 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
- 441 apply to a candidate for office in relation to the reporting requirements described
- 442 in Subsection (11)(b)(i).
- 443 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or
- 444 Subsections (8) and (10)(b), the election officer shall, no later than one day before the
- 445 day on which the qualified political party holds the convention to select a nominee
- 446 for the elective office to which the signature packets relate, notify the qualified
- 447 political party and the lieutenant governor of the name of each member of the
- 448 qualified political party who qualifies as a nominee of the qualified political party,
- 449 under this section, for the elective office to which the convention relates.
- 450 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in this
- 451 section, the lieutenant governor shall post the notice of intent to gather signatures for
- 452 candidacy on the lieutenant governor's website in the same location that the
- 453 lieutenant governor posts a declaration of candidacy.

454 Section 5. Section **20A-9-408.3** is enacted to read:

455 **20A-9-408.3 . Signature packet chain of custody.**

456 (1) As used in this section:

457 (a) "Batch" means a grouping of all signature sheets in a signature packet:

458 (i) that is given a number to distinguish the signature packet, and the signature sheets

459 in the signature packet, from other signature packets and signature sheets in those

460 other packets, when the signature packets are first received for signature

461 verification;

462 (ii) that is kept together in the same grouping, and kept separate from other

463 groupings, throughout the signature verification process; and

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

465 (b) "Signature packet" means a single packet of signature sheets that are bound together

466 and circulated to gather signatures to qualify a candidate for placement on a primary

467 election ballot.

468 (2) An election officer shall preserve the chain of custody of all signature packets and

469 signature sheets in accordance with this section.

470 (3) An election officer shall, upon receipt of a signature packet:

471 (a) label the signature packet with the batch number of the signature packet;

472 (b) label each signature sheet in the signature packet with:

- 473 (i) the batch number of the signature packet; and
474 (ii) a number identifying the specific signature sheet within the signature packet;
475 (c) record the number of signature sheets in the signature packet; and
476 (d) record the number of signatures in the signature packet.
- 477 (4) An election officer shall:
- 478 (a) maintain an accurate, updated record of:
- 479 (i) signature packets that the election officer receives;
480 (ii) signature sheets in each signature packet;
481 (iii) signatures on each signature sheet in each signature packet;
482 (iv) signature packets that the election officer accepts;
483 (v) signature packets that the election officer rejects, including the reason for the
484 rejection;
485 (vi) signatures that the election officer certifies as valid; and
486 (vii) signatures that the election officer does not certify as valid; and
- 487 (b) maintain an accurate record of:
- 488 (i) the specific signatures that the election officer certifies as valid;
489 (ii) the specific signatures that the election officer does not certify as valid; and
490 (iii) for each signature described in Subsection (4)(b)(ii), the reason the election
491 officer did not certify the signature as valid.
- 492 (5) The election officer shall ensure that:
- 493 (a) each batch, and each signature sheet in the batch, is kept separate from other
494 signature packets and the signature sheets in other batches;
495 (b) a signature sheet is not separated from a batch, except as necessary to the
496 signature-verification process;
497 (c) if a signature sheet is separated from a batch, the batch log indicates:
- 498 (i) the numbers described in Subsection (3)(b);
499 (ii) the date and time of removal;
500 (iii) the identity of the individual who removes the signature sheet;
501 (iv) the reason the signature sheet is removed; and
502 (v) where the signature sheet is placed;
- 503 (d) a log is kept for each batch that includes:
- 504 (i) a unique identifying code or number for the batch;
505 (ii) the number of signature sheets in the batch and the number of signatures on each
506 signature sheet;

- 507 (iii) the date that the batch was received; and
- 508 (iv) for each occasion that the batch, or any of the signature sheets in the batch, are
- 509 handled:
- 510 (A) the date and time that the batch or signature sheets are handled;
- 511 (B) a description of what is done with the batch or signature sheets;
- 512 (C) the identity of the individuals who handle the batch or signature sheets; and
- 513 (D) any other information required by rule made under Section 20A-3a-106;
- 514 (e) an individual who handles a batch or signature sheets does the handling in the
- 515 presence of at least one other individual;
- 516 (f) to the extent reasonably possible, the individuals who perform a specific step in
- 517 processing a batch complete the step for the entire batch; and
- 518 (g) each part of the processing of all batches is monitored by recorded video, without
- 519 audio.
- 520 (6) An election officer shall:
- 521 (a) keep the recordings described in Subsection (5)(g) until the later of:
- 522 (i) the end of the calendar year in which the election is held; or
- 523 (ii) if the election is contested, when the contest is resolved; and
- 524 (b) ensure that a camera, a video, or a recording of a video described in Subsection
- 525 (5)(g) may only be accessed:
- 526 (i) by the election officer;
- 527 (ii) by a custodian of the camera, video, or recording;
- 528 (iii) by the lieutenant governor;
- 529 (iv) by the legislative auditor general, when performing an audit; or
- 530 (v) by, or pursuant to an order of, a court of competent jurisdiction.
- 531 (7) An individual may not view a video, or a recording of a video, described in Subsection
- 532 (5)(g):
- 533 (a) unless the individual is an individual described in Subsection (6)(b); and
- 534 (b) the individual views the video to the extent necessary to:
- 535 (i) ensure compliance with Subsection (5)(g) or (6); or
- 536 (ii) investigate a concern relating to the processing of batches.
- 537 **Section 6. Effective Date.**
- 538 This bill takes effect on May 7, 2025.