

Good morning, Mr. Chair and members of the committee. My name is Justin Lee and I am the Utah Director of Elections serving Lt. Governor Deidre Henderson. In Utah, the Lt. Governor is the chief election officer of the state. I have worked in the office for about 10 ½ years now, having served 2 previous Lt. Governors, working as an Election Specialist, Deputy Director of Elections, and now as Director.

I'd like to take you back to 2010, to when I first started working in the State Elections Office, and give an overview of how Utah went from all counties running primarily traditional polling place elections, to 2020 when about 93% of Utah voters cast a by mail ballot.

I began working in the office in October 2010, about one month before the general election. When a voter called our office to ask how to vote the answers were simple. You can vote at your assigned polling place on Election Day; you can vote in-person during the early voting period 2 weeks before Election Day; or you can request to have a ballot mailed to you. In 2010 a little under 15% of voters cast their ballot by mail.

In 2012 the Utah State Legislature passed a bill that allowed any county to run their election entirely by mail. We had one small county, Duchesne County, with just under 10,000 active voters, that decided to run their election by mail. The other 28 counties in the state ran traditional elections with most voters voting in-person, although closer to 20% of voters statewide were now requesting to vote by mail.

In 2014, 10 of our 29 counties ran their elections by mail, including some of our larger counties in the state.

In 2016, 21 of our 29 counties ran their election primarily by mail, including our largest county Salt Lake County. Salt Lake County accounts for over a one third of voters in the state. At this point by mail counties had to offer at least one vote center on Election Day, where any voter could vote in-person. In-person early voting was not required, although several did offer this option. It is interesting to note that in 2016, the 21 counties that ran the election primarily by mail had better turnout rates than the 8 counties who did not run by mail elections.

In 2018, we had 27 of our 29 counties running elections by mail. The final two counties accounted for less than 1 percent of voters statewide. In 2018 we had roughly 90% of voters casting a by mail ballot. (I should note that whether a ballot is returned through the mail or dropped off in a ballot drop box we consider that a by mail ballot.)

For the March 3, 2020 Presidential Primary all 29 counties in Utah ran their election primarily by mail. I say primarily by mail, and not just by mail, because as it currently stands each county is required to offer vote centers on Election Day, where any voter can cast a ballot in-person, as well as at least four days of in-person early voting during the two weeks before the election.

In 2020, about 90% of voters voted by mail for the March Presidential Primary, 99% of voters voted by mail for our June State Primary, and about 93% of voters voted by mail for the general election.

I'd like to address some of the questions that we are most often asked about by mail voting.

Do we see any indications of voter fraud? Before I answer that question I think we need to look at what that question is really getting at, and add some additional clarifying words to the question. If the question is - do we see any indication of voters signing a ballot on behalf of someone else - the honest answer has to be, yes. We do see instances of individuals signing ballot envelopes on behalf of their spouse, partner, or child who might be away at school. How do we know? Because our county election officials catch those as they verify every single signature against the voter's signature in our database. The voter is then informed that there is an issue with their signature, and the offending party can be educated that they are committing a crime by signing on behalf of someone else.

If we rephrase the question to - do we see any indications of widespread voter fraud, or do we see any indications of enough voter fraud to change the outcome of an election - then the honest answer has to be, no. Again, we verify every single signature against the signatures in the database. Our experience in Utah is that vote by mail has proven to be safe and secure.

Over the years the larger concern from voters has been to make sure we don't discount someone's ballot because their signature on the envelope does not match the signature in our system due to injury, age, or whether or not the person used their neat or messy signature on a given day. To deal with this issue our counties have a system in place that allows voters to "cure" an issue with their signature. If the county clerk finds that the signature does not match, they reach out to the voter via email, letter, phone call, or text message to have the voter verify whether or not they signed the ballot envelope, which can also provide an opportunity for a county to collect a more up-to-date signature.

What happens if a voter never receives a ballot? This is precisely why we offer both early in-person, and Election Day in-person voting. No system is perfect, so we want to make sure we have methods in place to deal with problems as they arise.

What if a voter mails their ballot back, but the county clerk never receives it? We have implemented ballot tracking on our website, vote.utah.gov, that allows a voter to see if a county clerk received their ballot, and if it was counted. The closer we get to Election Day the more we encourage voters to drop off their ballot in a ballot dropbox, or to take the ballot to the polls and drop it off. Going forward we are going to add text and emails notifications that will let voters know the status of their ballot.

What is the biggest complaint with voting by mail? Over the years the biggest complaint we've received by far, is that voters did not get an "I voted" sticker through the mail. Several of our counties have recently figured out cost effective ways to send those stickers with the ballot.

I know my time is limited so I will sum by simply saying, vote by mail has worked well for us in Utah. I'm happy to answer any question the committee has.

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