

STATE OF UTAH  
OFFICE OF THE LIEUTENANT GOVERNOR



SPENCER J. COX  
LIEUTENANT GOVERNOR

December 8, 2020

Linda Hutchinson  
Voatz, Inc.  
50 Milk Street, 11th Floor  
Boston, MA 02109

SENT VIA ELECTRONIC MAIL - linda.hutchinson@voatz.com

Dear Ms. Hutchinson:

This letter is regarding the application filed on August 24, 2020 for certification of the Voatz Accessible Remote Ballot Delivery, Marking and Return system (RABDMR) under Utah Code §20A-5-802. Our office is rejecting this application because we do not believe this system meets the definition of voting equipment in Utah Code, and we do not believe there is a generally accepted standard for this type of platform in the election industry.

The Lieutenant Governor has the duty to ensure that all "voting equipment" meets the requirements set forth in 20A-5-802. We do not believe the Voatz RABDMR system meets the definition of voting equipment set forth in Utah Code. Under 20A-5-801(2):

- (2) "Voting equipment" means the following equipment used for an election:
- (a) automatic tabulating equipment;
  - (b) a voting device; or
  - (c) a voting machine.

The law also requires that the testing and security protocols "are generally accepted in the industry" and that our office may use a certification from the United States Elections Commission (EAC) or a laboratory accredited by the EAC (see 20A-5-802(2)). While your application does include a report from Pro V&V, showing some level of testing, we do not believe there is a generally accepted standard for this type of system in the elections industry for a laboratory to use as a baseline. As you noted in your application, there is not a federal certification for RABDMR, so there is no certification from the EAC. The only times we have used a laboratory report in lieu of a certification from the EAC, we had assurances from the EAC that a certification was forthcoming. We don't have that type of assurance in this case.

While we are denying your application under 20A-5-802, there is nothing that would stop a county from using your platform for those purposes allowed in Utah Code, such as voting by an eligible UOCAVA or disabled voter.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Lee", with a stylized flourish at the end.

Justin Lee  
Director of Elections  
Office of the Utah Lieutenant Governor