

ELECTIONS RECORD AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill amends provisions relating to elections records.

Highlighted Provisions:

This bill:

- ▶ provides that certain non-identifying information from a withheld voter registration record be provided to political parties and candidates, to be used for a political purpose;
- ▶ in relation to the provision of information described in the preceding paragraph:
 - provides for a plan to provide notice to affected voters; and
 - provides penalties for obtaining, providing, or using the information in a manner that is prohibited by law;
- ▶ modifies the form used to request additional privacy protection to be consistent with the changes made in this bill;
- ▶ addresses the disclosure of certain information relating to a voter whose ballot is rejected; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 30 [20A-2-104](#), as last amended by Laws of Utah 2021, Chapter 100
- 31 [20A-2-108](#), as last amended by Laws of Utah 2021, Chapter 100
- 32 [20A-2-306](#), as last amended by Laws of Utah 2022, Chapter 121
- 33 [20A-3a-401](#), as last amended by Laws of Utah 2022, Chapter 392
- 34 [20A-6-105](#), as last amended by Laws of Utah 2021, Chapter 100

35

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

37 Section 1. Section **20A-2-104** is amended to read:

38 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

39 (1) ~~(a)~~ As used in this section:

40 ~~(i)~~ (a) "Candidate for public office" means an individual:

41 ~~(A)~~ (i) who files a declaration of candidacy for a public office;

42 ~~(B)~~ (ii) who files a notice of intent to gather signatures under Section [20A-9-408](#); or

43 ~~(C)~~ (iii) employed by, under contract with, or a volunteer of, an individual described
44 in Subsection ~~(1)(a)(i)(A) or (B)~~ (1)(a)(i) or (ii) for political campaign purposes.

45 ~~(ii)~~ (b) "Dating violence" means the same as that term is defined in Section
46 [78B-7-402](#) and the federal Violence Against Women Act of 1994, as amended.

47 ~~(iii)~~ (c) "Domestic violence" means the same as that term is defined in Section
48 [77-36-1](#) and the federal Violence Against Women Act of 1994, as amended.

49 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
50 produce a code that:

51 (i) uniquely represents the set of data;

52 (ii) is always the same if the same algorithm is applied to the same set of data; and

53 (iii) cannot be reversed to reveal the data applied to the algorithm.

54 (e) "Protected individual" means an individual:

55 (i) who submits a withholding request form with the individual's voter registration
56 record, or to the lieutenant governor or a county clerk, if the individual indicates on the form
57 that the individual, or an individual who resides with the individual, is a victim of domestic

58 violence or dating violence or is likely to be a victim of domestic violence or dating violence;
 59 (ii) who submits a withholding request form with the individual's voter registration
 60 record, or to the lieutenant governor or a county clerk, if the individual indicates on the form
 61 and provides verification that the individual, or an individual who resides with the individual,
 62 is a law enforcement officer, a member of the armed forces as defined in Section [20A-1-513](#), a
 63 public figure, or protected by a protective order or protection order; or
 64 (iii) whose voter registration record was classified as a private record at the request of
 65 the individual before May 12, 2020.

66 ~~(b)~~ (2) (a) An individual applying for voter registration, or an individual
 67 preregistering to vote, shall complete a voter registration form in substantially the following
 68 form:

69 -----

70 UTAH ELECTION REGISTRATION FORM

71 Are you a citizen of the United States of America? Yes No

72 If you checked "no" to the above question, do not complete this form.

73 Will you be 18 years of age on or before election day? Yes No

74 If you checked "no" to the above question, are you 16 or 17 years of age and
 75 preregistering to vote?

76 Yes No

77 If you checked "no" to both of the prior two questions, do not complete this form.

78 Name of Voter

79 _____

80 First Middle Last

81 Utah Driver License or Utah Identification Card

82 Number _____

83 Date of Birth _____

84 Street Address of Principal Place of Residence

85
86
87
88
89
90
91

City County State Zip Code

Telephone Number (optional) _____

Email Address (optional) _____

Last four digits of Social Security Number _____

Last former address at which I was registered to vote (if known) _____

92
93
94
95
96
97
98
99

City County State Zip Code

Political Party

(a listing of each registered political party, as defined in Section 20A-8-101 and maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

Unaffiliated (no political party preference) Other (Please specify) _____

100
101
102
103
104
105

I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address. Unless I have indicated above that I am preregistering to vote in a later election, I will be at least 18 years of age and will have resided in Utah for 30 days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.

106
107
108
109

Signed and sworn

Voter's Signature

_____ (month/day/year).

110
111

PRIVACY INFORMATION

Voter registration records contain some information that is available to the public, such

112 as your name and address, some information that is available only to government entities, and
113 some information that is available only to certain third parties in accordance with the
114 requirements of law.

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

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

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

125 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

126 In addition to the protections provided above, you may request that [aH] identifying
127 information on your voter registration records be withheld from all political parties, candidates
128 for public office, and their contractors, employees, and volunteers, by submitting a withholding
129 request form, and any required verification, as described in the following paragraphs.

130 A person may request that [aH] identifying information on the person's voter
131 registration records be withheld from all political parties, candidates for public office, and their
132 contractors, employees, and volunteers, by submitting a withholding request form with this
133 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to
134 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
135 violence.

136 A person may request that [aH] identifying information on the person's voter
137 registration records be withheld from all political parties, candidates for public office, and their
138 contractors, employees, and volunteers, by submitting a withholding request form and any
139 required verification with this registration form, or to the lieutenant governor or a county clerk,

140 if the person is, or resides with a person who is, a law enforcement officer, a member of the
141 armed forces, a public figure, or protected by a protective order or a protection order.

142 CITIZENSHIP AFFIDAVIT

143 Name:

144 Name at birth, if different:

145 Place of birth:

146 Date of birth:

147 Date and place of naturalization (if applicable):

148 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
149 citizen and that to the best of my knowledge and belief the information above is true and
150 correct.

151 _____

152 Signature of Applicant

153 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
154 allowing yourself to be registered or preregistered to vote if you know you are not entitled to
155 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

156 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT
157 VALID VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH
158 MUST BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME
159 AND PHOTOGRAPH; OR

160 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME
161 AND CURRENT ADDRESS.

162 FOR OFFICIAL USE ONLY

163 Type of I.D. _____

164 Voting Precinct _____

165 Voting I.D. Number _____

166 -----

167 [(c)] (b) [~~Beginning May 1, 2022, the~~] The voter registration form described in

168 Subsection ~~[(1)(b)]~~ (2)(a) shall include a section in substantially the following form:

169 -----

170 **BALLOT NOTIFICATIONS**

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

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

176 -----

177 ~~[(2)]~~ (c) ~~[(a)]~~ (i) Except as provided under Subsection ~~[(2)(b)]~~ (2)(c)(ii), the county
178 clerk shall retain a copy of each voter registration form in a permanent countywide alphabetical
179 file, which may be electronic or some other recognized system.

180 ~~[(b)]~~ (ii) The county clerk may transfer a superseded voter registration form to the
181 Division of Archives and Records Service created under Section 63A-12-101.

182 (3) (a) Each county clerk shall retain lists of currently registered voters.

183 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

184 (c) If there are any discrepancies between the two lists, the county clerk's list is the
185 official list.

186 (d) The lieutenant governor and the county clerks may charge the fees established
187 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of
188 the list of registered voters.

189 (4) (a) As used in this Subsection (4), "qualified person" means:

190 (i) a government official or government employee acting in the government official's or
191 government employee's capacity as a government official or a government employee;

192 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or
193 independent contractor of a health care provider;

194 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or
195 independent contractor of an insurance company;

196 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
197 independent contractor of a financial institution;

198 (v) a political party, or an agent, employee, or independent contractor of a political
199 party;

200 (vi) a candidate for public office, or an employee, independent contractor, or volunteer
201 of a candidate for public office; ~~[or]~~

202 (vii) a person described in Subsections (4)(a)(i) through (vi)~~[, or an agent, employee, or~~
203 ~~independent contractor of the person,]~~ who, after obtaining a year of birth from the list of
204 registered voters:

205 (A) provides the year of birth ~~[of a registered voter that is obtained from the list of~~
206 ~~registered voters]~~ only to a person ~~[who is a qualified person]~~ described in Subsections (4)(a)(i)
207 through (vii);

208 (B) verifies that ~~[a]~~ the person~~;~~ described in Subsection (4)(a)(vii)(A)~~[, to whom a~~
209 ~~year of birth that is obtained from the list of registered voters is provided,]~~ ~~[is a qualified~~
210 ~~person]~~ is a person described in Subsections (4)(a)(i) through (vii);

211 (C) ensures, using industry standard security measures, that the year of birth ~~[of a~~
212 ~~registered voter that is obtained from the list of registered voters]~~ may not be accessed by a
213 person other than a ~~[qualified person]~~ person described in Subsections (4)(a)(i) through (vii);

214 (D) verifies that each ~~[qualified person, other than a qualified person described in~~
215 ~~Subsection (4)(a)(i), (v), or (vi),]~~ person described in Subsections (4)(a)(ii) through (iv) to
216 whom the person provides the year of birth ~~[of a registered voter that is obtained from the list~~
217 ~~of registered voters,]~~ will only use the year of birth to verify the accuracy of personal
218 information submitted by an individual or to confirm the identity of a person in order to
219 prevent fraud, waste, or abuse;

220 (E) verifies that each ~~[qualified]~~ person described in Subsection (4)(a)(i)~~;~~ to whom
221 the person provides the year of birth ~~[of a registered voter that is obtained from the list of~~
222 ~~registered voters,]~~ will only use the year of birth in the ~~[qualified]~~ person's capacity as a
223 government official or government employee; and

224 (F) verifies that each ~~[qualified]~~ person described in Subsection (4)(a)(v) or (vi)~~;~~ to
225 whom the person provides the year of birth ~~[of a registered voter that is obtained from the list~~
226 ~~of registered voters;~~] will only use the year of birth for a political purpose of the political party
227 or candidate for public office~~;~~; or

228 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining
229 information under Subsection (4)(n) and (o):

230 (A) provides the information only to another person described in Subsection (4)(a)(v)
231 or (vi);

232 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person
233 described in Subsection (4)(a)(v) or (vi);

234 (C) ensures, using industry standard security measures, that the information may not be
235 accessed by a person other than a person described in Subsection (4)(a)(v) or (vi); and

236 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
237 person provides the information will only use the information for a political purpose of the
238 political party or candidate for public office.

239 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
240 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when
241 providing the list of registered voters to a qualified person under this section, include, with the
242 list, the years of birth of the registered voters, if:

243 (i) the lieutenant governor or a county clerk verifies the identity of the person and that
244 the person is a qualified person; and

245 (ii) the qualified person signs a document that includes the following:

246 (A) the name, address, and telephone number of the person requesting the list of
247 registered voters;

248 (B) an indication of the type of qualified person that the person requesting the list
249 claims to be;

250 (C) a statement regarding the purpose for which the person desires to obtain the years
251 of birth;

252 (D) a list of the purposes for which the qualified person may use the year of birth of a
253 registered voter that is obtained from the list of registered voters;

254 (E) a statement that the year of birth of a registered voter that is obtained from the list
255 of registered voters may not be provided or used for a purpose other than a purpose described
256 under Subsection (4)(b)(ii)(D);

257 (F) a statement that if the person obtains the year of birth of a registered voter from the
258 list of registered voters under false pretenses, or provides or uses the year of birth of a
259 registered voter that is obtained from the list of registered voters in a manner that is prohibited
260 by law, is guilty of a class A misdemeanor and is subject to a civil fine;

261 (G) an assertion from the person that the person will not provide or use the year of
262 birth of a registered voter that is obtained from the list of registered voters in a manner that is
263 prohibited by law; and

264 (H) notice that if the person makes a false statement in the document, the person is
265 punishable by law under Section 76-8-504.

266 (c) The lieutenant governor or a county clerk;

267 (i) may not disclose the year of birth of a registered voter to a person that the lieutenant
268 governor or county clerk reasonably believes:

269 [(†)] (A) is not a qualified person or a person described in Subsection (4)(l); or

270 [(†)] (B) will provide or use the year of birth in a manner prohibited by law[-]; and

271 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the
272 lieutenant governor or county clerk reasonably believes:

273 (A) is not a person described in Subsection (4)(a)(v) or (vi); or

274 (B) will provide or use the information in a manner prohibited by law.

275 (d) The lieutenant governor or a county clerk may not disclose the voter registration
276 form of a person, or information included in the person's voter registration form, whose voter
277 registration form is classified as private under Subsection (4)(h) to a person other than:

278 (i) a government official or government employee acting in the government official's or
279 government employee's capacity as a government official or government employee; or

280 (ii) [~~except as provided in Subsection (7) and~~] subject to Subsection (4)(e), a person
281 described in Subsection (4)(a)(v) or (vi) for a political purpose.

282 ~~(e) [(e)] (i) [When]~~ Except as provided in Subsection (4)(e)(ii), when disclosing a
283 record or information under Subsection (4)(d)(ii), the lieutenant governor or county clerk shall
284 exclude the information described in Subsection 63G-2-302(1)(j), other than the year of birth.

285 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the
286 voter registration record of a protected individual, the lieutenant governor or county clerk shall
287 comply with Subsections (4)(n) through (p).

288 (f) The lieutenant governor or a county clerk may not disclose a withholding request
289 form, described in Subsections (7) and (8), submitted by an individual, or information obtained
290 from that form, to a person other than a government official or government employee acting in
291 the government official's or government employee's capacity as a government official or
292 government employee.

293 (g) A person is guilty of a class A misdemeanor if the person:

294 (i) obtains [~~the year of birth of a registered voter~~] from the list of registered voters,
295 under false pretenses, the year of birth of a registered voter or information described in
296 Subsection (4)(n) or (o);

297 (ii) uses or provides the year of birth of a registered voter, or information described in
298 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a manner that is
299 not permitted by law;

300 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under
301 false pretenses;

302 (iv) uses or provides information obtained from a voter registration record described in
303 Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;

304 (v) unlawfully discloses or obtains a voter registration record withheld under
305 Subsection (7) or a withholding request form described in Subsections (7) and (8); or

306 (vi) unlawfully discloses or obtains information from a voter registration record
307 withheld under Subsection (7) or a withholding request form described in Subsections (7) and

308 (8).

309 (h) The lieutenant governor or a county clerk shall classify the voter registration record
310 of a voter as a private record if the voter:

311 (i) submits a written application, created by the lieutenant governor, requesting that the
312 voter's voter registration record be classified as private;

313 (ii) requests on the voter's voter registration form that the voter's voter registration
314 record be classified as a private record; or

315 (iii) submits a withholding request form described in Subsection (7) and any required
316 verification.

317 (i) ~~[The]~~ Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant
318 governor or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or
319 (vi) a voter registration record, or information obtained from a voter registration record, if the
320 record is withheld under Subsection (7).

321 (j) In addition to any criminal penalty that may be imposed under this section, the
322 lieutenant governor may impose a civil fine against a person who violates a provision of this
323 section, in an amount equal to the greater of:

324 (i) the product of 30 and the square root of the total number of:

325 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
326 dollar; or

327 (B) records from which information is obtained, provided, or used unlawfully, rounded
328 to the nearest whole dollar; or

329 (ii) \$200.

330 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
331 voter, if the year of birth is obtained from the list of registered voters or from a voter
332 registration record, unless the person:

333 (i) is a government official or government employee who obtains, provides, or uses the
334 year of birth in the government official's or government employee's capacity as a government
335 official or government employee;

336 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
337 uses the year of birth only to verify the accuracy of personal information submitted by an
338 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;

339 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
340 provides, or uses the year of birth for a political purpose of the political party or candidate for
341 public office; or

342 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
343 uses the year of birth to provide the year of birth to another qualified person to verify the
344 accuracy of personal information submitted by an individual or to confirm the identity of a
345 person in order to prevent fraud, waste, or abuse.

346 (l) The lieutenant governor or a county clerk may provide a year of birth to a member
347 of the media, in relation to an individual designated by the member of the media, in order for
348 the member of the media to verify the identity of the individual.

349 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
350 information from a voter registration record for a purpose other than a political purpose.

351 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a
352 county clerk shall, when providing the list of registered voters to a qualified person described
353 in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose record is withheld
354 under Subsection (7), the information described in Subsection (4)(o), if:

355 (i) the lieutenant governor or a county clerk verifies the identity of the person and that
356 the person is a qualified person described in Subsection (4)(a)(v) or (vi); and

357 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that
358 includes the following:

359 (A) the name, address, and telephone number of the person requesting the list of
360 registered voters;

361 (B) an indication of the type of qualified person that the person requesting the list
362 claims to be;

363 (C) a statement regarding the purpose for which the person desires to obtain the

364 information;

365 (D) a list of the purposes for which the qualified person may use the information;

366 (E) a statement that the information may not be provided or used for a purpose other
367 than a purpose described under Subsection (4)(n)(ii)(D);

368 (F) a statement that if the person obtains the information under false pretenses, or
369 provides or uses the information in a manner that is prohibited by law, the person is guilty of a
370 class A misdemeanor and is subject to a civil fine;

371 (G) an assertion from the person that the person will not provide or use the information
372 in a manner that is prohibited by law; and

373 (H) notice that if the person makes a false statement in the document, the person is
374 punishable by law under Section 76-8-504.

375 (o) Except as provided in Subsection (4)(p), the information that the lieutenant
376 governor or a county clerk is required to provide, under Subsection (4)(n), from the record of a
377 protected individual is:

378 (i) a single hash code, generated from a string of data that includes both the voter's
379 voter identification number and residential address;

380 (ii) the voter's residential address;

381 (iii) the voter's mailing address, if different from the voter's residential address;

382 (iv) the party affiliation of the voter;

383 (v) the precinct number for the voter's residential address;

384 (vi) the voter's voting history; and

385 (vii) a designation of which age group, of the following age groups, the voter falls
386 within:

387 (A) 25 or younger;

388 (B) 26 through 35;

389 (C) 36 through 45;

390 (D) 46 through 55;

391 (E) 56 through 65;

392 (F) 66 through 75; or

393 (G) 76 or older.

394 (p) The lieutenant governor or a county clerk may not disclose:

395 (i) information described in Subsection (4)(o) that, due to a small number of voters
396 affiliated with a particular political party, or due to another reason, would likely reveal the
397 identity of a voter if disclosed; or

398 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the
399 county clerk determines that the nature of the address would directly reveal sensitive
400 information about the voter.

401 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain,
402 provide, or use the information described in Subsection (4)(n) or (o), except to the extent that
403 the qualified person uses the information for a political purpose of a political party or candidate
404 for public office.

405 (5) When political parties not listed on the voter registration form qualify as registered
406 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
407 lieutenant governor shall inform the county clerks of the name of the new political party and
408 direct the county clerks to ensure that the voter registration form is modified to include that
409 political party.

410 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
411 clerk's designee shall:

412 (a) review each voter registration form for completeness and accuracy; and

413 (b) if the county clerk believes, based upon a review of the form, that an individual
414 may be seeking to register or preregister to vote who is not legally entitled to register or
415 preregister to vote, refer the form to the county attorney for investigation and possible
416 prosecution.

417 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
418 person described in Subsection (4)(a)(i), the voter registration record, and information obtained
419 from the voter registration record, of [~~an individual~~:] a protected individual.

420 ~~[(a) who submits a withholding request form, with the voter registration record or to~~
421 ~~the lieutenant governor or a county clerk, if:]~~

422 ~~[(i) the individual indicates on the form that the individual, or an individual who~~
423 ~~resides with the individual, is a victim of domestic violence or dating violence or is likely to be~~
424 ~~a victim of domestic violence or dating violence; or]~~

425 ~~[(ii) the individual indicates on the form and provides verification that the individual,~~
426 ~~or an individual who resides with the individual, is:]~~

427 ~~[(A) a law enforcement officer;]~~

428 ~~[(B) a member of the armed forces, as defined in Section [20A-1-513](#);~~

429 ~~[(C) a public figure; or]~~

430 ~~[(D) protected by a protective order or protection order; or]~~

431 ~~[(b) whose voter registration record was classified as a private record at the request of~~
432 ~~the individual before May 12, 2020.]~~

433 (8) (a) The lieutenant governor shall design and distribute the withholding request form
434 described in Subsection (7) to each election officer and to each agency that provides a voter
435 registration form.

436 (b) An individual described in Subsection ~~[(7)(a)(i)]~~ (1)(e)(i) is not required to provide
437 verification, other than the individual's attestation and signature on the withholding request
438 form, that the individual, or an individual who resides with the individual, is a victim of
439 domestic violence or dating violence or is likely to be a victim of domestic violence or dating
440 violence.

441 (c) The director of elections within the Office of the Lieutenant Governor shall make
442 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
443 establishing requirements for providing the verification described in Subsection ~~[(7)(a)(ii)]~~
444 (1)(e)(ii).

445 (9) An election officer or an employee of an election officer may not encourage an
446 individual to submit, or discourage an individual from submitting, a withholding request form.

447 (10) (a) The lieutenant governor shall make and execute a plan to provide notice to

448 registered voters who are protected individuals, that includes the following information:

449 (i) that the voter's classification of the record as private remains in effect;

450 (ii) that certain non-identifying information from the voter's voter registration record
451 may, under certain circumstances, be released to political parties and candidates for public
452 office;

453 (iii) that the voter's name, driver license or identification card number, social security
454 number, email address, phone number, and the voter's day, month, and year of birth will remain
455 private and will not be released to political parties or candidates for public office;

456 (iv) that a county clerk will only release the information to political parties and
457 candidates in a manner that does not associate the information with a particular voter; and

458 (v) that a county clerk may, under certain circumstances, withhold other information
459 that the county clerk determines would reveal identifying information about the voter.

460 (b) The lieutenant governor may include in the notice described in this Subsection (10)
461 a statement that a voter may obtain additional information on the lieutenant governor's website.

462 (c) The plan described in Subsection (10)(a) may include providing the notice
463 described in Subsection (10)(a) by:

464 (i) publication on the Utah Public Notice Website, created in Section [63A-16-601](#);

465 (ii) publication on the lieutenant governor's website or a county's website;

466 (iii) posting the notice in public locations;

467 (iv) publication in a newspaper;

468 (v) sending notification to the voters by electronic means;

469 (vi) sending notice by other methods used by government entities to communicate with
470 citizens; or

471 (vii) providing notice by any other method.

472 (d) The lieutenant governor shall provide the notice included in a plan described in this
473 Subsection (10) before June 16, 2023.

474 Section 2. Section **20A-2-108** is amended to read:

475 **20A-2-108. Driver license or state identification card registration form --**

476 **Transmittal of information.**

477 (1) As used in this section, "qualifying form" means:

478 (a) a driver license application form; or

479 (b) a state identification card application form.

480 (2) The lieutenant governor and the Driver License Division shall design each
481 qualifying form to include:

482 (a) the following question, which an applicant is required to answer: "Do you authorize
483 the use of information in this form for voter registration purposes? YES ____ NO ____";

484 (b) the following statement:

485 "PRIVACY INFORMATION

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

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

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

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

500 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

501 In addition to the protections provided above, you may request that [aH] identifying
502 information on your voter registration records be withheld from all political parties, candidates
503 for public office, and their contractors, employees, and volunteers, by submitting a withholding

504 request form, and any required verification, as described in the following paragraphs.

505 A person may request that [aH] identifying information on the person's voter
506 registration records be withheld from all political parties, candidates for public office, and their
507 contractors, employees, and volunteers, by submitting a withholding request form with this
508 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to
509 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
510 violence.

511 A person may request that [aH] identifying information on the person's voter
512 registration records be withheld from all political parties, candidates for public office, and their
513 contractors, employees, and volunteers, by submitting a withholding request form and any
514 required verification with this registration form, or to the lieutenant governor or a county clerk,
515 if the person is, or resides with a person who is, a law enforcement officer, a member of the
516 armed forces, a public figure, or protected by a protective order or a protection order."; and

517 (c) [~~beginning May 1, 2022,~~] a section in substantially the following form:

518 -----

BALLOT NOTIFICATIONS

519
520 If you have provided a phone number or email address, you can receive notifications by
521 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
522 deposit in the mail or in a ballot drop box, by indicating here:

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

525 -----

526 (3) The lieutenant governor and the Driver License Division shall ensure that a
527 qualifying form contains:

528 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and
529 Utah residency, and that the information provided in the form is true;

530 (b) a records disclosure that is similar to the records disclosure on a voter registration

531 form described in Section 20A-2-104;

532 (c) a statement that if an applicant declines to register or preregister to vote, the fact
533 that the applicant has declined to register or preregister will remain confidential and will be
534 used only for voter registration purposes;

535 (d) a statement that if an applicant does register or preregister to vote, the office at
536 which the applicant submits a voter registration application will remain confidential and will be
537 used only for voter registration purposes; and

538 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space
539 where an individual may, if desired:

540 (i) indicate the individual's desired political affiliation from a listing of each registered
541 political party, as defined in Section 20A-8-101;

542 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the
543 individual desires to affiliate; or

544 (iii) indicate that the individual does not wish to affiliate with a political party.

545 Section 3. Section 20A-2-306 is amended to read:

546 **20A-2-306. Removing names from the official register -- Determining and**
547 **confirming change of residence.**

548 (1) A county clerk may not remove a voter's name from the official register on the
549 grounds that the voter has changed residence unless the voter:

550 (a) confirms in writing that the voter has changed residence to a place outside the
551 county; or

552 (b) (i) has not voted in an election during the period beginning on the date of the notice
553 required by Subsection (3), and ending on the day after the date of the second regular general
554 election occurring after the date of the notice; and

555 (ii) has failed to respond to the notice required by Subsection (3).

556 (2) (a) When a county clerk obtains information that a voter's address has changed and
557 it appears that the voter still resides within the same county, the county clerk shall:

558 (i) change the official register to show the voter's new address; and

559 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)
560 printed on a postage prepaid, preaddressed return form.

561 (b) When a county clerk obtains information that a voter's address has changed and it
562 appears that the voter now resides in a different county, the county clerk shall verify the
563 changed residence by sending to the voter, by forwardable mail, the notice required by
564 Subsection (3) printed on a postage prepaid, preaddressed return form.

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

567 "VOTER REGISTRATION NOTICE

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

571 _____

572 Street City County State Zip

573 What is your current phone number (optional)? _____

574 What is your current email address (optional)? _____

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

579 - you may be required to show evidence of your address to the poll worker before being
580 allowed to vote in either of the next two regular general elections; or

581 - if you fail to vote at least once from the date this notice was mailed until the passing
582 of two regular general elections, you will no longer be registered to vote. If you have changed
583 your residence and have moved to a different county in Utah, you may register to vote by
584 contacting the county clerk in your county.

585 _____

586 Signature of Voter

587 PRIVACY INFORMATION

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

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

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

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

602 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

603 In addition to the protections provided above, you may request that [aH] identifying
604 information on your voter registration records be withheld from all political parties, candidates
605 for public office, and their contractors, employees, and volunteers, by submitting a withholding
606 request form, and any required verification, as described in the following paragraphs.

607 A person may request that [aH] identifying information on the person's voter
608 registration records be withheld from all political parties, candidates for public office, and their
609 contractors, employees, and volunteers, by submitting a withholding request form with this
610 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to
611 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
612 violence.

613 A person may request that [aH] identifying information on the person's voter

614 registration records be withheld from all political parties, candidates for public office, and their
615 contractors, employees, and volunteers, by submitting a withholding request form and any
616 required verification with this registration form, or to the lieutenant governor or a county clerk,
617 if the person is, or resides with a person who is, a law enforcement officer, a member of the
618 armed forces, a public figure, or protected by a protective order or a protection order."

619 (b) [~~Beginning May 1, 2022, the~~] The form described in Subsection (3)(a) shall also
620 include a section in substantially the following form:

621 -----

BALLOT NOTIFICATIONS

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

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

628 -----

629 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the
630 names of any voters from the official register during the 90 days before a regular primary
631 election and the 90 days before a regular general election.

632 (b) The county clerk may remove the names of voters from the official register during
633 the 90 days before a regular primary election and the 90 days before a regular general election
634 if:

635 (i) the voter requests, in writing, that the voter's name be removed; or

636 (ii) the voter has died.

637 (c) (i) After a county clerk mails a notice as required in this section, the county clerk
638 may list that voter as inactive.

639 (ii) If a county clerk receives a returned voter identification card, determines that there
640 was no clerical error causing the card to be returned, and has no further information to contact
641 the voter, the county clerk may list that voter as inactive.

642 (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other
643 privileges of a registered voter.

644 (iv) A county is not required to send routine mailings to an inactive voter and is not
645 required to count inactive voters when dividing precincts and preparing supplies.

646 (5) Beginning on or before January 1, 2022, the lieutenant governor shall make
647 available to a county clerk United States Social Security Administration data received by the
648 lieutenant governor regarding deceased individuals.

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

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

657 Section 4. Section **20A-3a-401** is amended to read:

658 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**
659 **Disposition -- Notice.**

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

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

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

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

666 (a) the signatures correspond;

667 (b) the affidavit is sufficient;

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

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

- 670 (e) the voter has already voted in the election;
- 671 (f) the voter is required to provide valid voter identification; and
- 672 (g) if the voter is required to provide valid voter identification, whether the voter has
- 673 provided valid voter identification.

674 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll

675 workers determine that:

- 676 (i) the signatures correspond;
- 677 (ii) the affidavit is sufficient;
- 678 (iii) the voter is registered to vote in the correct precinct;
- 679 (iv) the voter's right to vote the ballot has not been challenged;
- 680 (v) the voter has not already voted in the election; and
- 681 (vi) for a voter required to provide valid voter identification, that the voter has
- 682 provided valid voter identification.

683 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll

684 workers shall:

- 685 (i) remove the manual ballot from the return envelope in a manner that does not
- 686 destroy the affidavit on the return envelope;
- 687 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
- 688 with the return envelope; and
- 689 (iii) place the ballot with the other ballots to be counted.

690 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),

691 the poll workers shall:

- 692 (i) disallow the vote;
- 693 (ii) without opening the return envelope, mark across the face of the return envelope:
- 694 (A) "Rejected as defective"; or
- 695 (B) "Rejected as not a registered voter"; and
- 696 (iii) place the return envelope, unopened, with the other rejected return envelopes.

697 (5) (a) If the poll workers reject an individual's ballot because the poll workers

698 determine that the signature on the return envelope does not match the individual's signature in
699 the voter registration records, the election officer shall contact the individual in accordance
700 with Subsection (7) by mail, email, text message, or phone, and inform the individual:

701 (i) that the individual's signature is in question;
702 (ii) how the individual may resolve the issue; and
703 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
704 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
705 requirements described in Subsection (5)(b).

706 (b) An affidavit described in Subsection (5)(a)(iii) shall include:

707 (i) an attestation that the individual voted the ballot;
708 (ii) a space for the individual to enter the individual's name, date of birth, and driver
709 license number or the last four digits of the individual's social security number;
710 (iii) a space for the individual to sign the affidavit; and
711 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
712 governor's and county clerk's use of the individual's signature on the affidavit for voter
713 identification purposes.

714 (c) In order for an individual described in Subsection (5)(a) to have the individual's
715 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the
716 election officer.

717 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
718 immediately:

719 (i) scan the signature on the affidavit electronically and keep the signature on file in the
720 statewide voter registration database developed under Section [20A-2-109](#); and
721 (ii) if the election officer receives the affidavit no later than 5 p.m. three days before
722 the day on which the canvass begins, count the individual's ballot.

723 (6) If the poll workers reject an individual's ballot for any reason, other than the reason
724 described in Subsection (5)(a), the election officer shall notify the individual of the rejection in
725 accordance with Subsection (7) by mail, email, text message, or phone and specify the reason

726 for the rejection.

727 (7) An election officer who is required to give notice under Subsection (5) or (6) shall
728 give the notice no later than:

729 (a) if the election officer rejects the ballot before election day:

730 (i) one business day after the day on which the election officer rejects the ballot, if the
731 election officer gives the notice by email or text message; or

732 (ii) two business days after the day on which the election officer rejects the ballot, if
733 the election officer gives the notice by postal mail or phone;

734 (b) seven days after election day if the election officer rejects the ballot on election day;

735 or

736 (c) seven days after the canvass if the election officer rejects the ballot after election
737 day and before the end of the canvass.

738 (8) An election officer may not count the ballot of an individual whom the election
739 officer contacts under Subsection (5) or (6) unless:

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

743 (b) the affidavit described in Subsection (8)(a) is received, or the confirmation
744 described in Subsection (8)(a) occurs, no later than 5 p.m. three days before the day on which
745 the canvass begins.

746 (9) The election officer shall retain and preserve the return envelopes in the manner
747 provided by law for the retention and preservation of ballots voted at that election.

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

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

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

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

756 Section 5. Section 20A-6-105 is amended to read:

757 **20A-6-105. Provisional ballot envelopes.**

758 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
759 substantially the following form:

760 "AFFIRMATION

761 Are you a citizen of the United States of America? Yes No

762 Will you be 18 years old on or before election day? Yes No

763 If you checked "no" in response to either of the two above questions, do not complete
764 this form.

765 Name of Voter _____

766 First Middle Last

767 Driver License or Identification Card Number _____

768 State of Issuance of Driver License or Identification Card Number _____

769 Date of Birth _____

770 Street Address of Principal Place of Residence

771 _____

772 City County State Zip Code

773 Telephone Number (optional) _____

774 Email Address (optional) _____

775 Last four digits of Social Security Number _____

776 Last former address at which I was registered to vote (if known)

777 _____

778 City County State Zip Code

779 Voting Precinct (if known)

780 _____

781 I, (please print your full name) _____ do solemnly swear or

782 affirm:

783 That I am eligible to vote in this election; that I have not voted in this election in any
784 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to
785 vote in this precinct; and

786 Subject to penalty of law for false statements, that the information contained in this
787 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the
788 above address; and that I am at least 18 years old and have resided in Utah for the 30 days
789 immediately before this election.

790 Signed

791 _____

792 Dated

793 _____

794 In accordance with Section [20A-3a-506](#), wilfully providing false information above is a
795 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

796 **PRIVACY INFORMATION**

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

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

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

808 _____ Yes, I request that all information on my voter registration records be withheld
809 from all persons other than government entities, political parties, candidates for public office,

810 and their contractors, employees, and volunteers.

811 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

812 In addition to the protections provided above, you may request that [aH] identifying
813 information on your voter registration records be withheld from all political parties, candidates
814 for public office, and their contractors, employees, and volunteers, by submitting a withholding
815 request form, and any required verification, as described in the following paragraphs.

816 A person may request that [aH] identifying information on the person's voter
817 registration records be withheld from all political parties, candidates for public office, and their
818 contractors, employees, and volunteers, by submitting a withholding request form with this
819 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to
820 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
821 violence.

822 A person may request that [aH] identifying information on the person's voter
823 registration records be withheld from all political parties, candidates for public office, and their
824 contractors, employees, and volunteers, by submitting a withholding request form and any
825 required verification with this registration form, or to the lieutenant governor or a county clerk,
826 if the person is, or resides with a person who is, a law enforcement officer, a member of the
827 armed forces, a public figure, or protected by a protective order or a protection order.

828 **CITIZENSHIP AFFIDAVIT**

829 Name:

830 Name at birth, if different:

831 Place of birth:

832 Date of birth:

833 Date and place of naturalization (if applicable):

834 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
835 citizen and that to the best of my knowledge and belief the information above is true and
836 correct.

837 _____

838

Signature of Applicant

839

In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up to one year in jail and a fine of up to \$2,500."

841

842

(2) The provisional ballot envelope shall include:

843

(a) a unique number;

844

(b) a detachable part that includes the unique number;

845

(c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted;

846

847

and

848

(d) [~~beginning May 1, 2022,~~] an insert containing written instructions on how a voter may sign up to receive ballot status notifications via the ballot tracking system described in

849

850

Section 20A-3a-401.5.