

1 **VOTER INFORMATION AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karen Mayne**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code in relation to disclosure of, and the
10 use of, the list of registered voters and information from the list of registered voters.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ permits a person to use the list of registered voters, and information from the list of
14 registered voters, only for political, scholarly, journalistic, or governmental
15 purposes;

16 ▶ except as provided in the preceding paragraph, makes it a class B misdemeanor for
17 a person to use the list of registered voters, or information obtained from the list of
18 registered voters, for commercial purposes, harassing any person, or reproduction;

19 ▶ describes the circumstances under which the lieutenant governor or a county clerk
20 may disclose the list of registered voters or information from the list of registered
21 voters;

22 ▶ requires a person who requests the list of registered voters, or information from the
23 list of registered voters, to provide identification, other information, and assurances
24 regarding the use of the list and information from the list;

25 ▶ provides that making a false statement when providing the information and
26 assurances described above constitutes a crime; and

27 ▶ makes technical changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **20A-2-104**, as last amended by Laws of Utah 2010, Chapter 197



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) Every person applying to be registered shall complete a registration form printed in
40 substantially the following form:

41 -----

42 UTAH ELECTION REGISTRATION FORM

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

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

45 If you checked "no" to either of the above two questions, do not complete this form.

46 Name of Voter

47 _____

48 First Middle Last

49 Utah Driver License or Utah Identification Card Number _____

50 Date of Birth _____

51 Street Address of Principal Place of Residence

52 _____

53 City County State Zip Code

54 Telephone Number (optional) _____

55 Last four digits of Social Security Number _____

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

57 _____

58 City County State Zip Code

59 Political Party

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

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

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

68 Signed and sworn

69 _____

70 Voter's Signature

71 _____ (month/day/year).

72 CITIZENSHIP AFFIDAVIT

73 Name:

74 Name at birth, if different:

75 Place of birth:

76 Date of birth:

77 Date and place of naturalization (if applicable):

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

81 _____

82 Signature of Applicant

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

86 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
87 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
88 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND

89 PHOTOGRAPH; OR
90 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
91 CURRENT ADDRESS.

92 FOR OFFICIAL USE ONLY

93 Type of I.D. _____

94 Voting Precinct _____

95 Voting I.D. Number _____

96 -----

97 (2) (a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy
98 of each voter registration form in a permanent countywide alphabetical file, which may be
99 electronic or some other recognized system.

100 (b) The county clerk may transfer a superceded voter registration form to the Division
101 of Archives and Records Service created under Section 63A-12-101.

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

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

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

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

109 (4) (a) A person may use the list of registered voters, and information from the list of
110 registered voters, only for political, scholarly, journalistic , or governmental purposes.

111 (b) Except as expressly provided in Subsection (4)(a), a person may not:

112 (i) use the list of registered voters, or information obtained from the list of registered
113 voters, for:

114 (A) commercial purposes, including advertisement, solicitation, purchase, sale,
115 marketing, or subscription, or charging a fee to access information or to have information
116 removed, withheld, or changed; or

117 (B) harassing any person; or

118 (ii) reproduce the list of registered voters, or information obtained from the list of
119 registered voters in any manner, including print, visual or audio format, electronic format, on

120 the Internet, or via computer terminal.

121 (c) The lieutenant governor or a county clerk may not disclose the list of registered
122 voters, or information from the list of registered voters, to a person other than an authorized
123 government official, unless the person:

124 (i) provides proof of the person's identity; and

125 (ii) signs a document that includes the following:

126 (A) the name, address, and telephone number of the person requesting the list or
127 information from the list;

128 (B) a statement regarding the purpose for which the person desires to obtain the list;

129 (C) a list of the purposes for which the list, or information obtained from the list, may
130 be used and may not be used;

131 (D) an assertion from the person that the person will not use the list or information
132 obtained from the list for a purpose prohibited by law;

133 (E) notice that if the person makes a false statement in the document, the person is
134 punishable by law under Section [76-8-504](#); and

135 (F) notice that a person who uses the list or information obtained from the list in a
136 manner that is prohibited by law is guilty of a class B misdemeanor.

137 (d) The lieutenant governor or a county clerk may not disclose the list of registered
138 voters, or information from the list of registered voters, to a person that the lieutenant governor
139 or county clerk reasonably believes will use the list or information obtained from the list in a
140 manner prohibited by law.

141 (e) A person is guilty of a class B misdemeanor if the person uses the list of registered
142 voters, or information obtained from the list of registered voters, in violation of Subsection
143 (4)(b).

144 [~~(4)~~] (5) When political parties not listed on the voter registration form qualify as
145 registered political parties under Title 20A, Chapter 8, Political Party Formation and
146 Procedures, the lieutenant governor shall inform the county clerks about the name of the new
147 political party and direct the county clerks to ensure that the voter registration form is modified
148 to include that political party.

149 [~~(5)~~] (6) Upon receipt of a voter registration form from an applicant, the county clerk
150 or the clerk's designee shall:

151 (a) review each voter registration form for completeness and accuracy; and
152 (b) if the county clerk believes, based upon a review of the form, that a person may be
153 seeking to register to vote who is not legally entitled to register to vote, refer the form to the
154 county attorney for investigation and possible prosecution.

Legislative Review Note
as of 12-5-13 1:30 PM

Office of Legislative Research and General Counsel