

## SB0036S01 compared with SB0036

~~text~~ shows text that was in SB0036 but was deleted in SB0036S01.

text shows text that was not in SB0036 but was inserted into SB0036S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Karen Mayne proposes the following substitute bill:

### VOTER INFORMATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ ~~permits a person to use~~ prohibits a person, other than an election officer, from using the list of registered voters, or information obtained from the list of registered voters, for certain purposes, including commercial purposes or harassment;
- ▶ subject to certain exceptions, prohibits a person from reproducing the list of registered voters, or information obtained from the list of registered voters;
- ▶ prohibits a person from using the list of registered voters, or information obtained from the list of registered voters, to solicit donations or to conduct surveys;

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- ▶ prohibits a person from providing the list of registered voters, or information obtained from the list of registered voters to another person if the person providing the information has reason to believe that the other person will use the list, or information obtained from the list, in violation of the provisions of this bill;
- ▶ provides exceptions to certain provisions of this bill if the list of registered voters, ~~{and}~~or information obtained from the list of registered voters, ~~{only}~~is used for political, scholarly, journalistic, or governmental purposes;
- ~~{~~▶ ~~except as provided in the preceding paragraph, makes it a class B misdemeanor for a person to use the list of registered voters, or information obtained from the list of registered voters, for commercial purposes, harassing any person, or reproduction;~~
- ~~}~~▶ describes the circumstances under which the lieutenant governor or a county clerk may disclose the list of registered voters or information from the list of registered voters;
- ▶ requires a person who requests the list of registered voters, or information from the list of registered voters, to provide identification, other information, and assurances regarding the use of the list and information from the list;
- ▶ provides that making a false statement when providing the information and assurances described above constitutes a crime; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) Every person applying to be registered shall complete a registration form printed in

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substantially the following form:

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UTAH ELECTION REGISTRATION FORM

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

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

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

Name of Voter

\_\_\_\_\_

First	Middle	Last
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Utah Driver License or Utah Identification Card Number \_\_\_\_\_

Date of Birth \_\_\_\_\_

Street Address of Principal Place of Residence

\_\_\_\_\_

City	County	State	Zip Code
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Telephone Number (optional) \_\_\_\_\_

Last four digits of Social Security Number \_\_\_\_\_

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

\_\_\_\_\_

City	County	State	Zip Code
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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) \_\_\_\_\_

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. I will be at least 18 years old 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.

Signed and sworn

\_\_\_\_\_

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Voter's Signature

\_\_\_\_\_ (month/day/year).

**CITIZENSHIP AFFIDAVIT**

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

\_\_\_\_\_  
Signature of Applicant

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.

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

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

FOR OFFICIAL USE ONLY

Type of I.D. \_\_\_\_\_

Voting Precinct \_\_\_\_\_

Voting I.D. Number \_\_\_\_\_

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

(b) The county clerk may transfer a superceded voter registration form to the Division

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of Archives and Records Service created under Section 63A-12-101.

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

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

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

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

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

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

~~— (i), other than an election officer acting in the election officer's capacity as an election officer, may not use the list of registered voters, or information obtained from the list of registered voters, for:~~

~~— (A) commercial purposes, including advertisement, solicitation, purchase, sale, marketing, or subscription, or~~ the purpose of:

(i) selling the list or information;

(ii) selling use of the list or information;

(iii) advertising, soliciting, selling, or marketing products or services to a person;

(iv) except as provided in Subsection (4)(d), providing the list or information through a medium that displays or sends paid advertising to a person that accesses the list or information;

(v) except as provided in Subsection (4)(e), soliciting a donation;

(vi) except as provided in Subsection (4)(f), conducting a survey;

(vii) charging a fee to access information or to have information; a person to have the person's information, or a portion of the person's information, removed, withheld, or changed;

or

~~(B) viii) harassing any a person, or;~~

(iii) b) Except as provided in Subsection (4)(g), a person may not reproduce the list of registered voters, or information obtained from the list of registered voters, in any manner, including print, visual or audio format, electronic format, on the Internet, or via computer terminal.

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(c) A person may not provide the list of registered voters, or information obtained from the list of registered voters to another person if the person providing the information has reason to believe that the other person will use the list of registered voters, or information obtained from the list of registered voters, in violation of Subsection (4)(a) or (b).

(d) Subsection (4)(a)(iv) does not prohibit a person from providing information obtained from the list of registered voters as part of a newspaper or other journalistic publication.

(e) Subsection (4)(a)(v) does not prohibit a person from using information obtained from the list of registered voters to solicit a donation for political or governmental purposes.

(f) Subsection (4)(a)(vi) does not prohibit a person from using information obtained from the list of registered voters to conduct a survey for political, scholarly, journalistic, or governmental purposes.

(g) Subsection (4)(b) does not prohibit a person from reproducing the list of registered voters, or information obtained from the list of registered voters, for political, scholarly, journalistic, or governmental purposes.

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

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

(ii) signs a document that includes the following:

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

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

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

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

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

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

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

~~(f)(i)~~ A person is guilty of a class B misdemeanor if the person uses the list of registered voters, or information obtained from the list of registered voters, in violation of Subsection (4)(a), (b), or (c).

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

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

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

(b) if the county clerk believes, based upon a review of the form, that a person may be seeking to register to vote who is not legally entitled to register to vote, refer the form to the county attorney for investigation and possible prosecution.

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**Legislative Review Note**

~~as of 12-5-13 1:30 PM~~

~~Office of Legislative Research and General Counsel~~