

HB0159S01 compared with HB0159

~~{deleted text}~~ shows text that was in HB0159 but was deleted in HB0159S01.

Inserted text shows text that was not in HB0159 but was inserted into HB0159S01.

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Representative Stephen G. Handy proposes the following substitute bill:

AMENDMENTS TO VOTER REGISTRATION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to voter registration.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ provides that an individual who applies for or renews the individual's driver license or state identification card will be registered to vote unless the individual opts out;
- ▶ allows certain information in a driver license or state identification card application form to be used for voter registration purposes;
- ▶ requires a county clerk to send certain information to an individual who registers to vote;
- ▶ provides that an individual is not guilty of fraudulent registration if the individual is

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ineligible to register to vote but is inadvertently registered to vote under this bill;
and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-2-108, as last amended by Laws of Utah 2015, Chapter 130

20A-2-204, as last amended by Laws of Utah 2015, Chapter 130

20A-2-304, as last amended by Laws of Utah 2006, Chapter 264

20A-2-401, as last amended by Laws of Utah 2015, Chapter 130

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

Section 1. Section **20A-2-108** is amended to read:

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

Transmittal of information.

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

(a) a driver license application form; or

(b) a state identification card application form.

~~[(+)]~~ (2) The lieutenant governor and the Driver License Division shall design [the driver license application and renewal forms to include the following questions:] each qualifying form to include the following statement: "If you are qualified to register or preregister to vote, the information on this form will be used for voter registration purposes, unless you indicate otherwise by marking here: ___ No, I do not authorize the use of the information in this form for voter registration purposes."

~~[(a) "If you are not registered to vote where you live now, would you like to register to vote today?"; and]~~

~~[(b) "If you are 16 or 17 years of age, and will not be 18 years of age before the date of the next election, would you like to preregister to vote today?"]~~

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~~[(2)(a) The lieutenant governor and the Driver License Division shall design a motor voter registration form to be used in conjunction with driver license application and renewal forms:]~~

~~[(b) Each driver license application and renewal form shall contain:]~~

~~[(i) a place for the applicant to decline to register or preregister to vote;]~~

~~[(ii) an eligibility statement in substantially the following form:]~~

~~["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.]"~~

~~[Signed and sworn]~~

~~[_____]~~

~~[Voter's Signature]~~

~~[_____(month\day\year)"];~~

~~[(iii) a citizenship affidavit in substantially the following form:]~~

~~["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 or preregistered to vote if you know you are not entitled to register or preregister to vote is up to one year in jail and a fine of up to \$2,500"];~~

(3) The lieutenant governor and the Driver License Division shall ensure that a

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qualifying form contains:

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

(b) a records disclosure that is similar to the records disclosure on a voter registration form described in Section 20A-2-104;

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

~~[(v)]~~ (d) a statement that if an applicant does register or preregister to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes~~[-and]~~.

~~[(vi) the following statement:]~~

~~["The portion of a voter registration form that lists a person's driver license or identification card number, Social Security number, and email address is a private record. The portion of a voter registration form that lists a person's date of birth is a private record, the use of which is restricted to government officials, government employees, political parties, or certain other persons.]~~

~~[If you believe that disclosure of any information contained in this voter registration form to a person other than a government official or government employee is likely to put you or a member of your household's life or safety at risk, or to put you or a member of your household at risk of being stalked or harassed, you may apply to the lieutenant governor or your county clerk to have your entire voter registration record classified as private."]~~

~~[(3) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:]~~

~~[(a) review the 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 or preregister to vote who is not legally entitled to register or preregister to vote, refer the form to the county attorney for investigation and possible prosecution.]~~

Section 2. Section **20A-2-204** is amended to read:

20A-2-204. Registering to vote when applying for or renewing a driver license.

(1) As used in this section, "voter registration form" means ~~[the driver license~~

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~~application/voter registration form and the driver license renewal/voter registration form required by Section 20A-2-108] the information on a qualifying form, as defined in Section 20A-2-108, that can be used for voter registration purposes if the individual named on the form does not indicate otherwise under Subsection 20A-2-108(2).~~

(2) ~~[Any] A citizen who is qualified to vote [may register] and who completes a voter registration form under this section shall be registered to vote, and [any] a citizen who is qualified to preregister to vote [may preregister] and who completes a voter registration form under this section shall be preregistered to vote[; by completing the voter registration form].~~

(3) The Driver License Division shall:

(a) assist ~~[applicants]~~ an individual in completing the voter registration form unless the ~~[applicant]~~ individual refuses assistance;

~~[(b) accept a completed voter registration form and transmit the form to the county clerk of the county in which the applicant resides within five days after the day on which the division receives the form;]~~

~~[(c)]~~ (b) electronically transmit each address change to the lieutenant governor within five days after the day on which the division receives the address change; and

~~[(d) transmit electronically to the lieutenant governor's office the name, address, birth date, and driver license number of each individual who answers "yes" to a question described in Subsection 20A-2-108(1), and indicate whether the individual is registering or preregistering to vote.]~~

~~[(4) (a) Upon receipt of a correctly completed voter registration form from an individual who is registering to vote, the county clerk shall:]~~

~~[(i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and]~~

~~[(ii) notify the applicant of registration.]~~

~~[(b) Upon receipt of a correctly completed voter registration form from an individual who is preregistering to vote, the county clerk shall]~~

(c) within five days after the day on which the division receives a voter registration form, electronically transmit the form to the Office of the Lieutenant Governor, including the following for the individual named on the form:

(i) the name, date of birth, driver license or state identification card number, last four

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digits of the social security number, phone number, ~~{email address, }~~Utah residential~~{ address, mailing}~~ address, place of birth, and signature ~~{ of the individual named on the form}~~;

(ii) a mailing address, if different from the individual's Utah residential address; and

(iii) an email address, if available.

(4) Upon receipt of an individual's voter registration form from the Driver License Division under Subsection (3), the lieutenant governor shall enter the information into the statewide voter registration database.

(5) The county clerk of an individual whose information is entered into the statewide voter registration database under Subsection (4) shall:

(a) (i) ensure that the individual meets the qualifications to be registered or preregistered to vote; and

(ii) if the individual meets the qualifications to be registered to vote:

(A) ensure that the individual is assigned to the proper voting precinct; and

(B) send the individual the notice described in Section 20A-2-304; or

(b) if the individual meets the qualifications to be preregistered to vote, process the form in accordance with the requirements of Section 20A-2-101.1.

~~[(5)]~~ (6) (a) If the county clerk receives a correctly completed voter registration form under this section that is dated after the voter registration deadline, the county clerk shall, unless the individual named in the form is preregistering to vote:

(i) register the [applicant] individual after the next election; and

(ii) if possible, promptly phone or mail a notice to the [applicant] individual before the election, informing the [applicant] individual that [his] the individual's registration will not be effective until after the election.

(b) When the county clerk receives a correctly completed voter registration form at least seven days before an election that is dated on or before the voter registration deadline, the county clerk shall, unless the individual named in the form is preregistering to vote:

(i) process the voter registration form; and

(ii) record the [new voter] individual in the official register.

~~[(6)]~~ (7) (a) If the county clerk determines that [a] an individual's voter registration form received from the Driver License Division is incorrect because of an error [or], because [it] the form is incomplete, or because the individual does not meet the qualifications to be

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registered to vote, the county clerk shall mail notice to the individual [~~attempting to register or preregister to vote;~~] stating that the individual has not been registered or preregistered because of an error [~~or~~], because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote.

(b) If a county clerk believes, based upon a review of a voter registration form, that an individual who **knows that the individual** is not legally entitled to register or preregister to vote may be **intentionally** seeking to register or preregister to vote, the county clerk shall refer the form to the county attorney for investigation and possible prosecution.

Section 3. Section **20A-2-304** is amended to read:

20A-2-304. County clerk's responsibilities -- Notice of disposition.

Each county clerk shall:

(1) register to vote each [~~applicant for registration~~] individual who meets the requirements for registration and who:

(a) submits a completed voter registration form to the county clerk [~~on or before the voter registration deadline~~];

(b) submits a completed voter registration form, as defined in Section 20A-2-204, to the Driver License Division[~~;~~];

(c) submits a completed voter registration form to a public assistance agency[~~;~~] or a discretionary voter registration agency [~~on or before the voter registration deadline~~]; or

[~~(c)~~] (d) mails a completed by-mail voter registration form to the county clerk [~~on or before the voter registration deadline~~]; and

(2) send a notice to the [~~voter~~] individual submitting a voter registration form informing the [~~voter that~~] individual:

(a) (i) that the [~~voter's application for voter registration~~] individual's voter registration form has been accepted and that the [~~voter~~] individual is registered to vote;

(ii) of the procedure for designating or changing the individual's political affiliation;

(iii) of the procedure to cancel a voter registration; and

(iv) if the voter registration form was submitted under Subsection (1)(b) after the voter registration deadline and before the election to which the deadline pertains, that the individual's registration will not be effective until after the election;

(b) that the [~~voter's application for voter registration~~] individual's voter registration

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form has been rejected and the reason for the rejection; or

(c) that the [application for voter registration] individual's voter registration form is being returned to the [voter] individual for further action because the [application] form is incomplete and giving instructions to the [voter] individual about how to properly complete the [application] form.

Section 4. Section **20A-2-401** is amended to read:

20A-2-401. Fraudulent registration -- Penalty.

(1) (a) An individual may not willfully register to vote, or cause, procure, or allow himself or herself to be registered to vote, knowing that the individual is not eligible to register to vote under Section 20A-2-101.

(b) A person may not willfully cause, procure, advise, encourage, or assist any individual to be registered to vote, knowing or believing that the individual is not eligible to register to vote under Section 20A-2-101.

(2) (a) An individual may not willfully preregister to vote, or allow himself or herself to be preregistered to vote, knowing that the individual is not eligible to preregister to vote under Section 20A-2-101.1.

(b) A person may not willfully cause, advise, encourage, or assist an individual to preregister to vote, knowing or believing that the individual is not eligible to preregister to vote under Section 20A-2-101.1.

(3) A person is not guilty of violating this section if:

(a) the individual who is ineligible to vote becomes registered to vote under Section 20A-2-204; and

(b) the person did not:

(i) provide false information; or

(ii) take other action intended to cause the registration of an individual who is ineligible to vote.

~~(3)~~ (4) A person who violates this section is guilty of a class A misdemeanor.

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Legislative Review Note

Office of Legislative Research and General Counsel