

# HB0209S02 compared with HB0209S01

~~{Omitted text}~~ shows text that was in HB0209S01 but was omitted in HB0209S02

inserted text shows text that was not in HB0209S01 but was inserted into HB0209S02

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## Voting Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: A. Cory Maloy**

Senate Sponsor: Ronald M. Winterton

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### LONG TITLE

#### General Description:

This bill amends provisions relating to voting.

#### Highlighted Provisions:

This bill:

- defines terms;
- provides a process for an election officer to independently determine whether a registered voter is not a citizen of the United States;
- provides a process to challenge a determination described in the preceding paragraph;
- prohibits an individual from voting if an election officer independently determines that the voter is not a citizen of the United States and the individual does not successfully dispute the determination;
- creates a bifurcated ballot system where, for an election held on or after November 1, 2026:
  - a voter chooses whether to provide documentary proof of United States citizenship when registering to vote or before voting; and
  - a voter who does not provide documentary proof of United States citizenship may only vote in races for federal office;

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- modifies voter registration forms and requirements consistent with the bifurcated ballot system;
- establishes procedures for administration of the bifurcated ballot system;
- modifies voter registration list requirements in relation to the bifurcated ballot system; and
- makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

#### AMENDS:

**20A-1-102** , as last amended by Laws of Utah 2025, First Special Session, Chapter 6

**20A-2-101.1** , as last amended by Laws of Utah 2025, Chapter 448

**20A-2-104** , as last amended by Laws of Utah 2025, Chapters 381, 448

**20A-2-108** , as last amended by Laws of Utah 2025, Chapter 381

**20A-2-204** , as last amended by Laws of Utah 2025, Chapters 381, 448

**20A-2-206** , as last amended by Laws of Utah 2025, Chapter 381

**20A-2-304** , as last amended by Laws of Utah 2025, Chapter 448

**20A-3a-202** , as last amended by Laws of Utah 2025, Chapters 381, 448

**20A-3a-401** , as last amended by Laws of Utah 2025, First Special Session, Chapter 6

**20A-6-105** , as last amended by Laws of Utah 2025, Chapters 381, 448

**63G-2-301** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

**63G-2-302** , as last amended by Laws of Utah 2025, Chapter 172

#### ENACTS:

**20A-2-508** , Utah Code Annotated 1953

**20A-3a-201.5** , Utah Code Annotated 1953

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

Section 1. Section **20A-1-102** is amended to read:

**20A-1-102. Definitions.**

As used in this title:

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- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- 54 (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.
- 56 (3)
- (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.
- 58 (b) "Ballot" does not include a record to tally multiple votes.
- 59 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
- 61 (a) an opinion question specifically authorized by the Legislature;
- 62 (b) a constitutional amendment;
- 63 (c) an initiative;
- 64 (d) a referendum;
- 65 (e) a bond proposition;
- 66 (f) a judicial retention question;
- 67 (g) an incorporation of a city or town; or
- 68 (h) any other ballot question specifically authorized by the Legislature.
- 69 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.
- 72 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.
- 74 (7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.
- 76 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a holiday.
- 78 (9) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.
- 80 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday, a business day, or any other type of day.
- 82 (11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

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- 84 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.
- 86 (13) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.
- 88 (14) "Convention" means the political party convention at which party officers and delegates are selected.
- 90 (15) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
- 92 (16) "Counting judge" means a poll worker designated to count the ballots during election day.
- 94 (17) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.
- 96 (18) "County officers" means those county officers that are required by law to be elected.
- 97 (19) "Date of the election" or "election day" or "day of the election":
- 98 (a) means the day that is specified in the calendar year as the day on which the election occurs; and
- 100 (b) does not include:
- 101 (i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or
- 103 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.
- 105 (20) "Documentary proof of United States citizenship" means:
- 106 (a) a Utah driver license number that verifies United States citizenship;
- 107 (b) a Utah state identification card number that verifies United States citizenship;
- 108 (c) a legible copy of an individual's birth certificate that verifies United States citizenship;
- 110 (d) a legible copy of the pages of an individual's United States passport that identifies the individual and the individual's passport number;
- 112 (e) an alien registration number that verifies United States citizenship;
- 113 (f) a legible copy of the voter's United States naturalization documents;
- 114 (g) a Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number;
- 116 (h) a legible copy of a certificate of degree of Indian blood or a Bureau of Indian Affairs affidavit of birth;
- 118 (i) verification of citizenship from the Systematic Alien Verification for Entitlements program, operated by the United States Department of Homeland Security; or
- 120 (j) other documents or methods of proving United States citizenship that are established in accordance with the Immigration Reform and Control Act of 1986.

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- 122     ~~[(20)]~~ (21) "Elected official" means:
- 123     (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate  
Voting Methods Pilot Project;
- 125     (b) a person who is considered to be elected to a municipal office in accordance with Subsection  
20A-1-206(1)(c)(ii); or
- 127     (c) a person who is considered to be elected to a special district office in accordance with Subsection  
20A-1-206(3)(b)(ii).
- 129     ~~[(21)]~~ (22) "Election" means a regular general election, a municipal general election, a statewide special  
election, a local special election, a regular primary election, a municipal primary election, and a  
special district election.
- 132     ~~[(22)]~~ (23) "Election Assistance Commission" means the commission established by the Help America  
Vote Act of 2002, Pub. L. No. 107-252.
- 134     ~~[(23)]~~ (24) "Election cycle" means the period beginning on the first day on which individuals are  
eligible to file declarations of candidacy and ending when the canvass is completed.
- 137     ~~[(24)]~~ (25) "Election judge" means a poll worker that is assigned to:
- 138     (a) preside over other poll workers at a polling place;
- 139     (b) act as the presiding election judge; or
- 140     (c) serve as a canvassing judge, counting judge, or receiving judge.
- 141     ~~[(25)]~~ (26) "Election material" includes:
- 142     (a) the verification documentation described in Subsection 20A-3a-401(9)(b)(iv);
- 143     (b) the list of voters contacted to cure a ballot described in Subsection 20A-3a-401(10)(b);
- 144     (c) the record of rejected and resolved ballots described in Subsection 20A-3a-401(11)(a);
- 145     (d) any chain of custody documentation described in Section 20A-3a-401.1, including:
- 146     (i) the count of ballots described in Subsection 20A-3a-401.1(3); and
- 147     (ii) the batch log described in Subsection 20A-3a-401.1(5);
- 148     (e) the record of signature verification audits described in Subsection 20A-3a-402.5(4);
- 149     (f) the affidavit of compliance described in Subsection 20A-3a-404(2);
- 150     (g) the physical and electronic log of replicated ballots described in Subsection 20A-4-104(3);
- 152     (h) the physical or electronic log of adjudicated ballots described in Section 20A-5-802.5;
- 153     (i) the record of voter database access described in Subsection 20A-5-905(2);
- 154     (j) the reports on military and overseas voters described in Section 20A-16-202;

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- 155 (k) scanned copies of return envelopes;
- 156 (l) a copy of the final election results database described in Section 20A-5-802.5; and
- 157 (m) the materials used in the programming of the automatic tabulating equipment.
- 158 ~~[(26)]~~ (27) "Election officer" means:
- 159 (a) the lieutenant governor, for all statewide ballots and elections;
- 160 (b) the county clerk for:
- 161 (i) a county ballot and election; and
- 162 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or
- 20A-5-400.5;
- 164 (c) the municipal clerk for:
- 165 (i) a municipal ballot and election; and
- 166 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or
- 20A-5-400.5;
- 168 (d) the special district clerk or chief executive officer for:
- 169 (i) a special district ballot and election; and
- 170 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or
- 20A-5-400.5; or
- 172 (e) the business administrator or superintendent of a school district for:
- 173 (i) a school district ballot and election; and
- 174 (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or
- 20A-5-400.5.
- 176 ~~[(27)]~~ (28) "Election official" means any election officer, election judge, or poll worker.
- 177 ~~[(28)]~~ (29) "Election results" means:
- 178 (a) for an election other than a bond election, the count of votes cast in the election and the election
- returns requested by the board of canvassers; or
- 180 (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all
- of the election returns that the board of canvassers may request.
- 182 ~~[(29)]~~ (30) "Election results database" means the following information generated by voting equipment:
- 184 (a) one or more electronic files that contains a digital interpretation of each ballot that is counted in an
- election;
- 186 (b) a ballot image; and

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- 187 (c) other information related to a ballot that is adjudicated under Section 20A-4-105.  
188 [~~(30)~~] (31) "Election returns" means:  
189 (a) the pollbook;  
190 (b) the military and overseas absentee voter registration and voting certificates;  
191 (c) one of the tally sheets;  
192 (d) any unprocessed ballots;  
193 (e) all counted ballots;  
194 (f) all excess ballots;  
195 (g) all unused ballots;  
196 (h) all spoiled ballots;  
197 (i) all ballot disposition forms, including any provisional ballot disposition forms;  
198 (j) the final election results database described in Section 20A-5-802.5;  
199 (k) all return envelopes;  
200 (l) any provisional ballot envelopes; and  
201 (m) the total votes cast form.
- 202 [~~(31)~~] (32) "Electronic signature" means an electronic sound, symbol, or process attached to or logically  
associated with a record and executed or adopted by a person with the intent to sign the record.
- 205 (33) "Federal ballot" means a ballot that includes only the federal races that are to be presented for a  
vote in a particular election.
- 207 [~~(32)~~] (34) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).  
208 [~~(33)~~] (35) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under  
Subsection 20A-2-505(4)(c)(i) or (ii).
- 210 [~~(34)~~] (36) "Judicial office" means the office filled by any judicial officer.  
211 [~~(35)~~] (37) "Judicial officer" means any justice or judge of a court of record or any county court judge.  
213 [~~(36)~~] (38) "Local election" means a regular county election, a regular municipal election, a municipal  
primary election, a local special election, a special district election, and a bond election.
- 216 [~~(37)~~] (39) "Local political subdivision" means a county, a municipality, a special district, or a local  
school district.
- 218 [~~(38)~~] (40) "Local special election" means a special election called by the governing body of a local  
political subdivision in which all registered voters of the local political subdivision may vote.
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[~~(39)~~] (41) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

224 [~~(40)~~] (42) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

226 (a) is created via electronic or mechanical means; and

227 (b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

230 [~~(41)~~] (43) "Municipal executive" means:

231 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or

232 (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

234 [~~(42)~~] (44) "Municipal general election" means the election held in municipalities and, as applicable, special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

237 [~~(43)~~] (45) "Municipal legislative body" means the council of the city or town in any form of municipal government.

239 [~~(44)~~] (46) "Municipal office" means an elective office in a municipality.

240 [~~(45)~~] (47) "Municipal officers" means those municipal officers that are required by law to be elected.

242 [~~(46)~~] (48) "Municipal primary election" means an election held to nominate candidates for municipal office.

244 [~~(47)~~] (49) "Municipality" means a city or town.

245 [~~(48)~~] (50) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

247 [~~(49)~~] (51) "Official endorsement" means the information on the ballot that identifies:

248 (a) the ballot as an official ballot;

249 (b) the date of the election; and

250 (c)

(i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

252 (ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).



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[~~(50)~~] (52) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

[~~(51)~~] (53) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

[~~(52)~~] (54)

(a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

[~~(53)~~] (55) "Pollbook" means a record of the names of voters in the order that the voters appear to cast votes.

[~~(54)~~] (56) "Polling place" means a building where voting is conducted.

[~~(55)~~] (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

[~~(56)~~] (58) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

[~~(57)~~] (59) "Primary convention" means the political party conventions held during the year of the regular general election.

[~~(58)~~] (60) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

[~~(59)~~] (61) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

[~~(60)~~] (62) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

[~~(61)~~] (63) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

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- 286     ~~[(62)]~~ (64)
- (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.
- 290     (b) "Public figure" does not include an individual:
- 291         (i) elected to public office; or
- 292         (ii) appointed to fill a vacancy in an elected public office.
- 293     ~~[(63)]~~ (65) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.
- 295     ~~[(64)]~~ (66) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.
- 297     ~~[(65)]~~ (67) "Registration form" means a form by which an individual may register to vote under this title.
- 299     ~~[(66)]~~ (68) "Regular ballot" means a ballot that is not a provisional ballot.
- 300     ~~[(67)]~~ (69) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.
- 303     ~~[(68)]~~ (70) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.
- 306     ~~[(69)]~~ (71) "Resident" means a person who resides within a specific voting precinct in Utah.
- 307     ~~[(70)]~~ (72) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4), provided to a voter with a manual ballot:
- 309         (a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and
- 311         (b) that includes the voter affidavit and a place for the voter's signature.
- 312     ~~[(71)]~~ (73) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.
- 314     ~~[(72)]~~ (74) "Special district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

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- 317     ~~[(73)]~~ (75) "Special district officers" means those special district board members who are required by  
law to be elected.
- 319     ~~[(74)]~~ (76) "Special election" means an election held as authorized by Section 20A-1-203.
- 320     ~~[(75)]~~ (77) "Spoiled ballot" means each ballot that:
- 321     (a) is spoiled by the voter;
- 322     (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 323     (c) lacks the official endorsement.
- 324     (78) "Standard ballot" means a ballot that includes all races and ballot propositions that are to be  
presented for a vote in a particular election.
- 326     ~~[(76)]~~ (79) "Statewide special election" means a special election called by the governor or the  
Legislature in which all registered voters in Utah may vote.
- 328     ~~[(77)]~~ (80) "Tabulation system" means a device or system designed for the sole purpose of tabulating  
votes cast by voters at an election.
- 330     ~~[(78)]~~ (81) "Ticket" means a list of:
- 331     (a) political parties;
- 332     (b) candidates for an office; or
- 333     (c) ballot propositions.
- 334     ~~[(79)]~~ (82) "Transfer case" means the sealed box used to transport voted ballots to the counting center.
- 336     ~~[(80)]~~ (83) "Vacancy" means:
- 337     (a) except as provided in Subsection ~~[(80)(b)]~~ (83)(b), the absence of an individual to serve in a  
position created by state constitution or state statute, whether that absence occurs because of death,  
disability, disqualification, resignation, or other cause; or
- 340     (b) in relation to a candidate for a position created by state constitution or state statute, the removal of a  
candidate due to the candidate's death, resignation, or disqualification.
- 343     ~~[(81)]~~ (84) "Valid voter identification" means:
- 344     (a) a form of identification that bears the name and photograph of the voter which may include:
- 346     (i) a currently valid Utah driver license;
- 347     (ii) a currently valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
- 349     (iii) a currently valid identification card that is issued by:
- 350     (A) the state; or
- 351     (B) a branch, department, or agency of the United States;

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- 352 (iv) a currently valid Utah permit to carry a concealed weapon;  
353 (v) a currently valid United States passport; or  
354 (vi) a currently valid United States military identification card;  
355 (b) one of the following identification cards, regardless of whether the card includes a photograph of the  
voter:  
357 (i) a valid tribal identification card;  
358 (ii) a Bureau of Indian Affairs card; or  
359 (iii) a tribal treaty card; or  
360 (c) two forms of identification not listed under Subsection [~~(81)(a) or (b)~~] (84)(a) or (b) but that bear  
the name of the voter and provide evidence that the voter resides in the voting precinct, which may  
include:  
363 (i) before January 1, 2029, an original or copy of a current utility bill, dated no more than 90 calendar  
days before the date of the election;  
365 (ii) before January 1, 2029, an original or copy of a bank or other financial account statement, dated no  
more than 90 calendar days before the date of the election;  
367 (iii) a certified birth certificate;  
368 (iv) a valid social security card;  
369 (v) an original or copy of a check issued by the state or the federal government, dated no more than 90  
calendar days before the date of the election;  
371 (vi) an original or copy of a paycheck from the voter's employer, dated no more than 90 calendar days  
before the date of the election;  
373 (vii) a currently valid Utah hunting or fishing license;  
374 (viii) certified naturalization documentation;  
375 (ix) a currently valid license issued by an authorized agency of the United States;  
376 (x) a certified copy of court records showing the voter's adoption or name change;  
377 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer [~~Card~~] card;  
378 (xii) a currently valid identification card issued by:  
379 (A) a local government within the state;  
380 (B) an employer for an employee; or  
381 (C) a college, university, technical school, or professional school located within the state; or  
383 (xiii) a current Utah vehicle registration.

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- 384     ~~[(82)]~~ (85) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by  
following the procedures and requirements of this title.
- 386     ~~[(83)]~~ (86) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:
- 388     (a) mailing the ballot to the location designated in the mailing; or
- 389     (b) depositing the ballot in a ballot drop box designated by the election officer.
- 390     ~~[(84)]~~ (87) "Voter" means an individual who:
- 391     (a) meets the requirements for voting in an election;
- 392     (b) meets the requirements of election registration;
- 393     (c) is registered to vote; and
- 394     (d) is listed in the official register.
- 395     ~~[(85)]~~ (88) "Voter registration deadline" means the registration deadline provided in Section  
20A-2-102.5.
- 397     ~~[(86)]~~ (89) "Voting area" means the area within six feet of the voting booths, voting machines, and  
ballot box.
- 399     ~~[(87)]~~ (90) "Voting booth" means:
- 400     (a) the space or compartment within a polling place that is provided for the preparation of ballots,  
including the voting enclosure or curtain; or
- 402     (b) a voting device that is free standing.
- 403     ~~[(88)]~~ (91) "Voting device" means any device provided by an election officer for a voter to vote a  
mechanical ballot.
- 405     ~~[(89)]~~ (92) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5,  
Part 3, Duties of the County and Municipal Legislative Bodies.
- 407     ~~[(90)]~~ (93) "Watcher" means an individual who complies with the requirements described in Section  
20A-3a-801 to become a watcher for an election.
- 409     ~~[(91)]~~ (94) "Write-in ballot" means a ballot containing any write-in votes.
- 410     ~~[(92)]~~ (95) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot,  
in accordance with the procedures established in this title.
- 412     Section 2. Section **20A-2-101.1** is amended to read:
- 413     **20A-2-101.1. Preregistering to vote.**
- 414     (1) ~~[Añ]~~ Subject to Section 20A-3a-201.5, an individual may preregister to vote if the individual:
- 416     (a) is 16 or 17 years ~~[of age]~~ old;

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- 417 (b) is not eligible to register to vote because the individual does not comply with the age requirements  
described in Subsection 20A-2-101(1)(c);
- 419 (c) is a citizen of the United States;
- 420 (d) has been a resident of Utah for at least 30 calendar days; and
- 421 (e) currently resides within the voting district or precinct in which the individual preregisters to vote.
- 423 (2) An individual described in Subsection (1) may not vote in an election and is not registered to vote  
until:
- 425 (a) the individual is otherwise eligible to register to vote because the individual complies with the age  
requirements described in Subsection 20A-2-101(1)(c); and
- 427 (b) the county clerk registers the individual to vote under Subsection (4).
- 428 (3) An individual who preregisters to vote shall:
- 429 (a) complete a voter registration form, including an indication that the individual is preregistering to  
vote; and
- 431 (b) submit the voter registration form to a county clerk in person, by mail, or in any other manner  
authorized by this chapter for the submission of a voter registration form.
- 434 (4)
- (a) A county clerk shall:
- 435 (i) retain the voter registration form of an individual who meets the qualifications for preregistration  
and who submits a completed voter registration form to the county clerk under Subsection (3)  
(b);
- 438 (ii) subject to Section 20A-3a-201.5, register the individual to vote in the next election in which the  
individual will be eligible to vote, before the voter registration deadline established in Section  
20A-2-102.5 for that election; and
- 441 (iii) send a notice to the individual that:
- 442 (A) informs the individual that the individual's voter registration form has been accepted as an  
application for preregistration;
- 444 (B) informs the individual that the individual will be registered to vote in the next election in which the  
individual will be eligible to vote; and
- 446 (C) indicates in which election the individual will be registered to vote.
- 447 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is considered to have  
applied for voter registration on the earlier of:

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- 449 (i) the day of the voter registration deadline immediately preceding the election day on which the  
individual will be at least 18 years [~~of age~~] old; or
- 451 (ii) the day on which the individual turns 18 years [~~of age~~] old.
- 452 (c) A county clerk shall refer a voter registration form to the county attorney for investigation and  
possible prosecution if the clerk or the clerk's designee believes the individual is attempting to  
preregister to vote in an election in which the individual will not be legally entitled to vote.
- 456 (5)
- (a) The lieutenant governor or a county clerk shall classify the voter registration record of an individual  
who preregisters to vote as a private record until the day on which the individual turns 18 years [~~of  
age~~] old.
- 459 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years [~~of age~~] old, the  
lieutenant governor or county clerk shall classify the individual's voter registration record as a  
public record in accordance with Subsection 63G-2-301(2)(l).
- 462 (6) If an individual who is at least 18 years [~~of age~~] old erroneously indicates on the voter registration  
form that the individual is preregistering to vote, the county clerk shall consider the form as a voter  
registration form and shall process the form in accordance with this chapter.
- 466 Section 3. Section **20A-2-104** is amended to read:
- 467 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**
- 468 (1) As used in this section:
- 469 (a) "Candidate for public office" means an individual:
- 470 (i) who files a declaration of candidacy for a public office;
- 471 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or
- 472 (iii) employed by, under contract with, or a volunteer of, an individual described in Subsection (1)(a)(i)  
or (ii) for political campaign purposes.
- 474 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and the federal  
Violence Against Women Act of 1994, as amended.
- 476 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and the federal  
Violence Against Women Act of 1994, as amended.
- 478 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to produce a code  
that:
- 480 (i) uniquely represents the set of data;

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

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

(e) "Protected individual" means an individual:

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

(ii) who submits a withholding request form with the individual's voter registration record, or to the lieutenant governor or a county clerk, if the individual indicates on the form and provides verification that the individual, or an individual who resides with the individual, is a law enforcement officer, a member of the armed forces as defined in Section 20A-1-513, a public figure, or protected by a protective order or protection order; or

(iii) whose voter registration record was classified as a private record at the request of the individual before May 12, 2020.

(2)

(a) An individual applying for voter registration, or an individual preregistering to vote, shall complete a voter registration form in substantially the following form:

-----

# UTAH ELECTION REGISTRATION FORM

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

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

Will you be 18 years ~~[of age]~~ old on or before election day?      Yes      No

If you checked "no" to the above question, are you 16 or 17 years [~~of age~~] old and preregistering to vote? Yes No

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

You must be a United States citizen to vote. If you fail to provide proof of United States citizenship, you will only be permitted to vote for federal offices. Information on how to provide proof of citizenship is included on the back of this form.

Name of Voter

First

Middle

Last



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513 Utah Driver License or Utah Identification Card Number \_\_\_\_\_  
515 Date of Birth \_\_\_\_\_  
516 Street Address of Principal Place of Residence  
517 \_\_\_\_\_  
518 City County State Zip Code  
519 Tribal Identification Number or Alien Registration Number (optional)  
\_\_\_\_\_  
521 Telephone Number (optional) \_\_\_\_\_  
522 Email Address (optional) \_\_\_\_\_  
523 Last four digits of Social Security Number \_\_\_\_\_  
524 Last former address at which I was registered to vote (if  
known) \_\_\_\_\_  
526 \_\_\_\_\_  
527 City County State Zip Code  
528 Political Party  
529 (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)  
532 ☐ Unaffiliated (no political party preference) ☐ Other (Please  
specify) \_\_\_\_\_  
534 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 calendar days immediately before the next election. I am not a convicted felon currently  
incarcerated for commission of a felony.  
540 Signed and sworn  
541 \_\_\_\_\_  
542 Voter's Signature  
543 \_\_\_\_\_(month/day/year).  
544 PRIVACY INFORMATION  
545

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

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

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

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

### 559 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

### 577 CITIZENSHIP AFFIDAVIT

578 Name:

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579 Name at birth, if different:  
580 Place of birth:  
581 Date of birth:  
582 Date and place of naturalization (if applicable):  
583 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.  
586 \_\_\_\_\_  
587 Signature of Applicant  
588 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.  
591 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID  
VOTER IDENTIFICATION TO THE POLL WORKER, IN ACCORDANCE WITH THE  
REQUIREMENTS OF LAW.  
594 FOR OFFICIAL USE ONLY  
595 Type of I.D. \_\_\_\_\_  
596 Voting Precinct \_\_\_\_\_  
597 Voting I.D. Number \_\_\_\_\_  
598 -----  
599 (b) The voter registration form described in Subsection (2)(a) shall include:  
600 (i) a section in substantially the following form:  
601 "-----  
602 BALLOT NOTIFICATIONS  
603 Do you consent to receive communications about the status of your ballot and other official  
communications, by text, at the phone number you provided above? Yes No  
605 -----";  
and  
607 (ii) no later than November 5, 2025, the following, immediately after the question described in  
Subsection (2)(b)(i):  
609 "Indicate below how you want to vote in upcoming elections:  
610 \_\_\_\_\_ Mail a ballot to me.

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611 \_\_\_\_\_ Do not mail a ballot to me. I will vote in person."

612 (c)

(i) Except as provided under Subsection (2)(c)(ii), 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.

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

617 (d) The back of the voter registration form shall include the following statement:

618 "Proof of United States citizenship may be established by one of the following methods:

620 • a Utah driver license number that verifies United States citizenship;

621 • a Utah state identification card number that verifies United States citizenship;

622 • a legible copy of your birth certificate that verifies United States citizenship;

623 • a legible copy of the pages of a United States passport that identifies you and your passport number;

625 • an alien registration number that verifies United States citizenship;

626 • a legible copy of your United States naturalization documents;

627 • a Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number;

629 • a legible copy of a certificate of degree of Indian blood or a Bureau of Indian Affairs affidavit of birth;

631 • verification of citizenship from the Systematic Alien Verification for Entitlements program, operated by the United States Department of Homeland Security; or

633 • other documents or methods of proving United States citizenship that are established in accordance with the Immigration Reform and Control Act of 1986."

635 (3)

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

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

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

639 (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.

642 (4)

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

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- 643 (i) a government official or government employee acting in the government official's or  
government employee's capacity as a government official or a government employee;
- 646 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or independent  
contractor of a health care provider;
- 648 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or independent  
contractor of an insurance company;
- 650 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or independent  
contractor of a financial institution;
- 652 (v) a political party, or an agent, employee, or independent contractor of a political party;
- 654 (vi) a candidate for public office, or an employee, independent contractor, or volunteer of a  
candidate for public office;
- 656 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a year of birth  
from the list of registered voters:
- 658 (A) provides the year of birth only to a person described in Subsections (4)(a)(i) through (vi);
- 660 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person described in Subsections  
(4)(a)(i) through (vi);
- 662 (C) ensures, using industry standard security measures, that the year of birth may not be accessed by a  
person other than a person described in Subsections (4)(a)(i) through (vi);
- 665 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to whom the person  
provides the year of birth will only use the year of birth to verify the accuracy of personal  
information submitted by an individual or to confirm the identity of a person in order to prevent  
fraud, waste, or abuse;
- 669 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person provides the year of  
birth will only use the year of birth in the person's capacity as a government official or government  
employee; and
- 672 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the  
year of birth will only use the year of birth for a political purpose of the political party or candidate  
for public office; or
- 675 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining information under  
Subsection (4)(n) and (o):
- 677 (A) provides the information only to another person described in Subsection (4)(a)(v) or (vi);

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- 679 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person described in  
Subsection (4)(a)(v) or (vi);
- 681 (C) ensures, using industry standard security measures, that the information may not be accessed by a  
person other than a person described in Subsection (4)(a)(v) or (vi); and
- 684 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the  
information will only use the information for a political purpose of the political party or candidate  
for public office.
- 687 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in Subsection  
63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when providing the list of  
registered voters to a qualified person under this section, include, with the list, the years of birth of  
the registered voters, if:
- 691 (i) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a  
qualified person; and
- 693 (ii) the qualified person signs a document that includes the following:
- 694 (A) the name, address, and telephone number of the person requesting the list of registered voters;
- 696 (B) an indication of the type of qualified person that the person requesting the list claims to be;
- 698 (C) a statement regarding the purpose for which the person desires to obtain the years of birth;
- 700 (D) a list of the purposes for which the qualified person may use the year of birth of a registered voter  
that is obtained from the list of registered voters;
- 702 (E) a statement that the year of birth of a registered voter that is obtained from the list of registered  
voters may not be provided or used for a purpose other than a purpose described under Subsection  
(4)(b)(ii)(D);
- 705 (F) a statement that if the person obtains the year of birth of a registered voter from the list of registered  
voters under false pretenses, or provides or uses the year of birth of a registered voter that is  
obtained from the list of registered voters in a manner that is prohibited by law, is guilty of a class A  
misdemeanor and is subject to a civil fine;
- 710 (G) an assertion from the person that the person will not provide or use the year of birth of a registered  
voter that is obtained from the list of registered voters in a manner that is prohibited by law; and
- 713 (H) notice that if the person makes a false statement in the document, the person is punishable by law  
under Section 76-8-504.
- 715 (c) The lieutenant governor or a county clerk:

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- 716 (i) may not disclose the year of birth of a registered voter to a person that the lieutenant governor or  
county clerk reasonably believes:
- 718 (A) is not a qualified person or a person described in Subsection (4)(l); or
- 719 (B) will provide or use the year of birth in a manner prohibited by law; and
- 720 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the lieutenant governor  
or county clerk reasonably believes:
- 722 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
- 723 (B) will provide or use the information in a manner prohibited by law.
- 724 (d) The lieutenant governor or a county clerk may not disclose the voter registration form of a person,  
or information included in the person's voter registration form, whose voter registration form is  
classified as private under Subsection (4)(h) to a person other than:
- 728 (i) a government official or government employee acting in the government official's or government  
employee's capacity as a government official or government employee; or
- 731 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for a political  
purpose.
- 733 (e)
- (i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or information under  
Subsection (4)(d)(ii), the lieutenant governor or county clerk shall exclude the information described  
in Subsection 63G-2-302(1)(j), other than the year of birth.
- 737 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the voter registration  
record of a protected individual, the lieutenant governor or county clerk shall comply with  
Subsections (4)(n) through (p).
- 740 (f) The lieutenant governor or a county clerk may not disclose a withholding request form, described  
in Subsections [~~(7) and~~](8) and (9), submitted by an individual, or information obtained from  
that form, to a person other than a government official or government employee acting in the  
government official's or government employee's capacity as a government official or government  
employee.
- 745 (g) A person is guilty of a class A misdemeanor if the person:
- 746 (i) obtains from the list of registered voters, under false pretenses, the year of birth of a registered voter  
or information described in Subsection (4)(n) or (o);

748

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- (ii) uses or provides the year of birth of a registered voter, or information described in Subsection (4)(n) or (o), that is obtained from the list of registered voters in a manner that is not permitted by law;
- 751 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under false pretenses;
- 753 (iv) uses or provides information obtained from a voter registration record described in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 755 (v) unlawfully discloses or obtains a voter registration record withheld under Subsection [~~(7)~~] (8) or a withholding request form described in [~~Subsections (7) and (8)~~] Subsection (9); or
- 758 (vi) unlawfully discloses or obtains information from a voter registration record withheld under Subsection [~~(7)~~] (8) or a withholding request form described in [~~Subsections (7) and (8)~~] Subsection (9).
- 761 (h) The lieutenant governor or a county clerk shall classify the voter registration record of a voter as a private record if the voter:
- 763 (i) submits a written application, created by the lieutenant governor, requesting that the voter's voter registration record be classified as private;
- 765 (ii) requests on the voter's voter registration form that the voter's voter registration record be classified as a private record; or
- 767 (iii) submits a withholding request form described in Subsection [~~(7)~~] (9) and any required verification.
- 769 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter registration record, if the record is withheld under Subsection [~~(7)~~] (8).
- 773 (j) In addition to any criminal penalty that may be imposed under this section, the lieutenant governor may impose a civil fine against a person who violates a provision of this section, in an amount equal to the greater of:
- 776 (i) the product of 30 and the square root of the total number of:
- 777 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
- 779 (B) records from which information is obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
- 781 (ii) \$200.
- 782



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- (k) A qualified person may not obtain, provide, or use the year of birth of a registered voter, if the year of birth is obtained from the list of registered voters or from a voter registration record, unless the person:
- 785 (i) is a government official or government employee who obtains, provides, or uses the year of  
birth in the government official's or government employee's capacity as a government official or  
government employee;
- 788 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or uses the year of  
birth only to verify the accuracy of personal information submitted by an individual or to confirm  
the identity of a person in order to prevent fraud, waste, or abuse;
- 792 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains, provides, or uses the year  
of birth for a political purpose of the political party or candidate for public office; or
- 795 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or uses the year  
of birth to provide the year of birth to another qualified person to verify the accuracy of personal  
information submitted by an individual or to confirm the identity of a person in order to prevent  
fraud, waste, or abuse.
- 799 (l) The lieutenant governor or a county clerk may provide a year of birth to a member of the media,  
in relation to an individual designated by the member of the media, in order for the member of the  
media to verify the identity of the individual.
- 802 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose information from a voter  
registration record for a purpose other than a political purpose.
- 805 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall,  
when providing the list of registered voters to a qualified person described in Subsection (4)(a)(v)  
or (vi), include, from the record of a voter whose record is withheld under Subsection [~~(7)~~] (8), the  
information described in Subsection (4)(o), if:
- 810 (i) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a  
qualified person described in Subsection (4)(a)(v) or (vi); and
- 812 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that includes the  
following:
- 814 (A) the name, address, and telephone number of the person requesting the list of registered voters;
- 816 (B) an indication of the type of qualified person that the person requesting the list claims to be;
- 818 (C) a statement regarding the purpose for which the person desires to obtain the information;

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- 820 (D) a list of the purposes for which the qualified person may use the information;
- 821 (E) a statement that the information may not be provided or used for a purpose other than a purpose  
described under Subsection (4)(n)(ii)(D);
- 823 (F) a statement that if the person obtains the information under false pretenses, or provides or uses the  
information in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and  
is subject to a civil fine;
- 826 (G) an assertion from the person that the person will not provide or use the information in a manner that  
is prohibited by law; and
- 828 (H) notice that if the person makes a false statement in the document, the person is punishable by law  
under Section 76-8-504.
- 830 (o) Except as provided in Subsection (4)(p), the information that the lieutenant governor or a county  
clerk is required to provide, under Subsection (4)(n), from the record of a protected individual is:
- 833 (i) a single hash code, generated from a string of data that includes both the voter's voter identification  
number and residential address;
- 835 (ii) the voter's residential address;
- 836 (iii) the voter's mailing address, if different from the voter's residential address;
- 837 (iv) the party affiliation of the voter;
- 838 (v) the precinct number for the voter's residential address;
- 839 (vi) the voter's voting history; and
- 840 (vii) a designation of which age group, of the following age groups, the voter falls within:
- 842 (A) 25 or younger;
- 843 (B) 26 through 35;
- 844 (C) 36 through 45;
- 845 (D) 46 through 55;
- 846 (E) 56 through 65;
- 847 (F) 66 through 75; or
- 848 (G) 76 or older.
- 849 (p) The lieutenant governor or a county clerk may not disclose:
- 850 (i) information described in Subsection (4)(o) that, due to a small number of voters affiliated with a  
particular political party, or due to another reason, would likely reveal the identity of a voter if  
disclosed; or

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- 853 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the county clerk  
determines that the nature of the address would directly reveal sensitive information about the voter.
- 856 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide, or use the  
information described in Subsection (4)(n) or (o), except to the extent that the qualified person uses  
the information for a political purpose of a political party or candidate for public office.
- 860 (5) When political parties not listed on the voter registration form qualify as registered political parties  
under Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall inform the  
county clerks of 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.
- 865 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee  
shall:
- 867 (a) review each voter registration form for completeness and accuracy; and
- 868 (b) if the county clerk believes, based upon a review of the form, that an individual 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.
- 872 (7) An individual who registers to vote using a federal voter registration form is limited to voting a  
federal ballot, unless the individual provides documentary proof of United States citizenship.
- 875 [~~(7)~~] (8) The lieutenant governor or a county clerk shall withhold from a person, other than a person  
described in Subsection (4)(a)(i), the voter registration record, and information obtained from the  
voter registration record, of a protected individual.
- 878 [~~(8)~~] (9)
- (a) The lieutenant governor shall design and distribute a withholding request form for the purpose  
described in Subsections (1)(e)(i), (1)(e)(ii), [~~(7)~~] (8), and this Subsection [~~(8)~~] (9) to each election  
officer and to each agency that provides a voter registration form.
- 882 (b) An individual described in Subsection (1)(e)(i) is not required to provide verification, other than  
the individual's attestation and signature on the withholding request form, that the individual, or an  
individual who resides with the individual, is a victim of domestic violence or dating violence or is  
likely to be a victim of domestic violence or dating violence.
- 887 (c) The director of elections within the Office of the Lieutenant Governor shall make rules, in  
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing  
requirements for providing the verification described in Subsection (1)(e)(ii).

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- 891     ~~[(9)]~~ (10) An election officer or an employee of an election officer may not encourage an individual to  
submit, or discourage an individual from submitting, a withholding request form.
- 894     ~~[(10)]~~ (11)
- (a) The lieutenant governor shall make and execute a plan to provide notice to registered voters who are  
protected individuals, that includes the following information:
- 897         (i) that the voter's classification of the record as private remains in effect;
- 898         (ii) that certain non-identifying information from the voter's voter registration record may, under  
certain circumstances, be released to political parties and candidates for public office;
- 901         (iii) that the voter's name, driver license or identification card number, social security number,  
email address, phone number, and the voter's day, month, and year of birth will remain private  
and will not be released to political parties or candidates for public office;
- 905         (iv) that a county clerk will only release the information to political parties and candidates in a  
manner that does not associate the information with a particular voter; and
- 908         (v) that a county clerk may, under certain circumstances, withhold other information that the county  
clerk determines would reveal identifying information about the voter.
- 911     (b) The lieutenant governor may include in the notice described in this Subsection ~~[(10)]~~ (11) a  
statement that a voter may obtain additional information on the lieutenant governor's website.
- 914     (c) The plan described in Subsection ~~[(10)(a)]~~ (11)(a) may include providing the notice described in  
Subsection ~~[(10)(a)]~~ (11)(a) by:
- 916         (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;
- 917         (ii) publication on the lieutenant governor's website or a county's website;
- 918         (iii) posting the notice in public locations;
- 919         (iv) publication in a newspaper;
- 920         (v) sending notification to the voters by electronic means;
- 921         (vi) sending notice by other methods used by government entities to communicate with citizens; or
- 923         (vii) providing notice by any other method.
- 924     (d) The lieutenant governor shall provide the notice included in a plan described in this Subsection  
~~[(10)]~~ (11) before June 16, 2023.
- 926         Section 4. Section **20A-2-108** is amended to read:
- 927         **20A-2-108. Driver license or state identification card registration form -- Transmittal of  
information.**

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

930 (a) a driver license application form; or

931 (b) a state identification card application form.

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

934 (a)

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

937 (ii) no later than November 5, 2025, the following:

938 "Indicate below how you want to vote in upcoming elections:

939 \_\_\_\_\_ Mail a ballot to me.

940 \_\_\_\_\_ Do not mail a ballot to me. I will vote in person.";

941 (b) the following statement:

942 "PRIVACY INFORMATION

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

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

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

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

957 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

958 In addition to the protections provided above, you may request that identifying information on your voter registration records be withheld from all political parties, candidates for public office,

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and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

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

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

975 (c) a section in substantially the following form:

976 "-----

977 **BALLOT NOTIFICATIONS**

978 Do you consent to receive communications about the status of your ballot and other official communications, by text, at the phone number you provided above? Yes No

980 -----".

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

983 (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;

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

987 (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;

990 (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]

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- 993 (e) if the applicant answers "yes" to the question described in Subsection [(2)(a)] (2)(a)(i), a space  
where an individual may, if desired:
- 995 (i) indicate the individual's desired political affiliation from a listing of each registered political party, as  
defined in Section 20A-8-101;
- 997 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the individual desires  
to affiliate; or
- 999 (iii) indicate that the individual does not wish to affiliate with a political party[-] ;
- 1000 (f) the following statement:
- 1001 "You must be a United States citizen to vote. If you fail to provide proof of United States  
citizenship, you will only be permitted to vote for federal offices. Information on how to provide  
proof of citizenship is included on the back of this form."; and
- 1004 (g) on the back of the form, the statement described in Subsection 20A-2-104(2)(d).
- 1005 Section 5. Section **20A-2-204** is amended to read:
- 1006 **20A-2-204. Registering to vote when applying for or renewing a driver license or other**  
**qualifying form.**
- 1008 (1) As used in this section, "voter registration form" means, when an individual named on a qualifying  
form, as defined in Section 20A-2-108, answers "yes" to the question described in Subsection  
20A-2-108(2)(a)(i), the information on the qualifying form that can be used for voter registration  
purposes.
- 1012 (2)
- (a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may register to vote, and  
a citizen who is qualified to preregister to vote may preregister to vote, by answering "yes" to the  
question described in Subsection 20A-2-108(2)(a)(i) and completing the voter registration form.
- 1016 (b) A citizen who is a program participant in the Safe at Home Program created in Section 77-38-602 is  
not eligible to register to vote as described in Subsection (2)(a), but is eligible to register to vote by  
any other means described in this part.
- 1019 (3) The Driver License Division shall:
- 1020 (a) assist an individual in completing the voter registration form unless the individual refuses assistance;
- 1022 (b) electronically transmit each address change to the lieutenant governor on or before the first business  
day that is at least five calendar days after the day on which the division receives the address  
change; and

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- 1025 (c) on or before the first business day that is at least five calendar days after the day on which the  
division receives a voter registration form, electronically transmit the form to the [~~Office of the~~  
~~Lieutenant Governor~~] lieutenant governor, including the following for the individual named on the  
form:
- 1029 (i) the name, date of birth, driver license or state identification card number, last four digits of the social  
security number, Utah residential address, place of birth, and signature;
- 1032 (ii) a mailing address, if different from the individual's Utah residential address;
- 1033 (iii) an email address and phone number, if available;
- 1034 (iv) the desired political affiliation, if indicated;
- 1035 (v) an indication of whether the individual requested that the individual's voter registration record be  
classified as a private record under Subsection 20A-2-108(2)(b);~~[-and]~~
- 1038 (vi) a withholding request form described in Subsections [~~20A-2-104(7) and (8)~~] 20A-2-104(8) and (9)  
and any verification submitted with the form~~[-]~~ ; and
- 1040 (vii) an indication regarding whether the individual provided proof of United States citizenship.
- 1042 (4) Upon receipt of an individual's voter registration form from the Driver License Division under  
Subsection (3), the lieutenant governor shall:
- 1044 (a) enter the information into the statewide voter registration database;~~[-and]~~
- 1045 (b) make a record of the indication described in Subsection (3)(c)(vii) ; and
- 1046 [~~(b)~~] (c) if the individual requests on the individual's voter registration form that the individual's voter  
registration record be classified as a private record or the individual submits a withholding request  
form described in Subsections [~~20A-2-104(7) and (8)~~] 20A-2-104(8) and (9) and any required  
verification, classify the individual's voter registration record as a private record.
- 1051 (5) The county clerk of an individual whose information is entered into the statewide voter registration  
database under Subsection (4) shall:
- 1053 (a) ensure that the individual meets the qualifications to be registered or preregistered to vote; and
- 1055 (b)
- (i) if the individual meets the qualifications to be registered to vote:
- 1056 (A) ensure that the individual is assigned to the proper voting precinct; and
- 1057 (B) send the individual the notice described in Section 20A-2-304;~~[-or]~~
- 1058 (ii) 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~~[-]~~ ;



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- 1060 (iii) determine whether the individual has provided documentary proof of United States citizenship; and  
1062 (iv) if the individual has not provided documentary proof of United States citizenship, notify the  
individual, in accordance with Subsection (8):
- 1064 (A) that the individual has not provided proof of United States citizenship;  
1065 (B) that if the individual fails to provide proof of United States citizenship, the individual will only be  
permitted to vote for federal offices; and
- 1067 (C) of the methods by which the individual may provide documentary proof of United States  
citizenship.
- 1069 (6)
- (a) When the county clerk receives a correctly completed voter registration form under this section, the clerk shall:
- 1071 (i) comply with the applicable provisions of this Subsection (6); or  
1072 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 1073 (b) If the county clerk receives a correctly completed voter registration form under this section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days before the date of an election, the county clerk shall:
- 1076 (i) accept the voter registration form;[~~and~~]  
1077 (ii) comply with Subsection 20A-2-304(3);  
1078 [(~~iii~~)] (iii) unless the individual is preregistering to vote, and subject to Section 20A-3a-201.5:
- 1080 (A) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and
- 1082 (B) notify the individual that the individual is registered to vote in the upcoming election; and
- 1084 [(~~iii~~)] (iv) if the individual named in the form is preregistering to vote, comply with Section  
20A-2-101.1.
- 1086 (c) If the county clerk receives a correctly completed voter registration form under this section after the deadline described in Subsection (6)(b), the county clerk shall, unless the individual named in the form is preregistering to vote, and subject to Section 20A-3a-201.5:
- 1090 (i) accept the application for registration of the individual;  
1091 (ii) process the voter registration form; and  
1092 (iii) unless the individual is preregistering to vote, and except as provided in Subsection 20A-2-207(6), inform the individual that the individual will not be registered to vote in the pending election, unless

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the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

- 1097 (7)
- (a) If the county clerk determines that an individual's voter registration form received from the Driver License Division is incorrect because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote, the county clerk shall mail notice to the individual stating that the individual has not been registered or preregistered because of an error, because the registration form is incomplete, or because the individual does not meet the qualifications to be registered to vote.
- 1104 (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.
- 1109 (8) A county clerk who provides notice under Subsection (5)(b)(iv) shall send the notice, in writing, to the individual:
- 1111 (a) by mail, at the most recent address the county clerk has for the individual; and
- 1112 (b)
- (i) by email, if the county clerk has an email address for the individual; or
- 1113 (ii) by text to a phone number, if the county clerk has a phone number for the individual and has received consent from the individual to send text messages to the phone number.
- 1116 Section 6. Section **20A-2-206** is amended to read:
- 1117 **20A-2-206. Electronic registration -- Requesting to receive a ballot by mail.**
- 1118 (1) The lieutenant governor shall create and maintain an electronic system that is publicly available on the [Internet] internet for an individual to:
- 1120 (a) apply for voter registration or preregistration; or
- 1121 (b) ~~[beginning no later than July 1, 2025,]~~request to receive a ballot by mail.
- 1122 (2) The electronic system described in Subsection (1) shall require, to register to vote, the applicant to:
- 1124 (a) enter the applicant's name, address, date of birth, driver license number or state identification card number, and any other information determined to be necessary by the lieutenant governor;
- 1127 (b) provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (5);

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- 1129 (c) attest to the truth of the information provided; and
- 1130 (d) authorize the lieutenant governor's and county clerk's use of the applicant's:
- 1131 (i) driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver  
License Act, for voter registration or preregistration purposes; or
- 1133 (ii) signature on file in the lieutenant governor's statewide voter registration database developed under  
Section 20A-2-502, for voter registration or preregistration purposes.
- 1136 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system described in  
Subsection (1) is not required to complete a printed registration form.
- 1138 (4) A system created and maintained under this section shall provide to an individual who is registering  
to vote the notices concerning a voter's presentation of identification described in Subsection  
20A-2-104(2).
- 1141 (5) The lieutenant governor shall, in relation to an individual who is registering to vote:
- 1142 (a) obtain a digital copy of the applicant's driver license signature or identification card signature from  
the Driver License Division; or
- 1144 (b) ensure that the applicant's signature is on file in the lieutenant governor's statewide voter registration  
database developed under Section 20A-2-502.
- 1146 (6) The lieutenant governor shall send the information described in Subsections (2) and (5) to the  
county clerk for the county in which the applicant's principal place of residence is found for further  
action as required by Section 20A-2-304 after:
- 1149 (a) receiving all information from an applicant;~~and~~
- 1150 (b)
- 1151 ~~[(i)]~~ (c) receiving all information from the Driver License Division, if applicable; and  
ensuring that the applicant's signature is on file in the lieutenant governor's statewide voter  
registration database developed under Section 20A-2-502.
- 1153 (7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity  
of information submitted electronically under this section.
- 1155 (8) If an individual applies to register under this section no later than 11 calendar days before the date of  
an election, the county clerk shall:
- 1157 (a) accept and process the voter registration form;
- 1158 (b) unless the individual named in the form is preregistering to vote, and subject to Section  
20A-3a-201.5:

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- 1160 (i) enter the applicant's name on the list of registered voters for the voting precinct in which the  
applicant resides; and
- 1162 (ii) notify the individual that the individual is registered to vote in the upcoming election; and
- 1164 (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- 1166 (9) If an individual applies to register under this section after the deadline described in Subsection (8),  
the county clerk shall, unless the individual is preregistering to vote:
- 1168 (a) accept the application for registration; and
- 1169 (b) except as provided in Subsection 20A-2-207(6), and subject to Section 20A-3a-201.5, if possible,  
promptly inform the individual that the individual will not be registered to vote in the pending  
election, unless the individual registers to vote by provisional ballot during the early voting period,  
if applicable, on election day, in accordance with Section 20A-2-207.
- 1174 (10) The lieutenant governor shall provide a means by which a registered voter shall sign the  
application form.
- 1176 (11) For an individual who is registering to vote or is already registered to vote, the electronic system  
described in Subsection (1) shall include the following:
- 1178 "Indicate below how you want to vote in upcoming elections:
- 1179 \_\_\_\_\_ Mail a ballot to me.
- 1180 \_\_\_\_\_ Do not mail a ballot to me. I will vote in person."
- 1181 (12) The lieutenant governor shall provide the ability for a registered voter to:
- 1182 (a) determine whether, for an election held on or after November 1, 2026, the voter is eligible to vote a  
standard ballot or only a federal ballot; and
- 1184 (b) view the options for providing documentary proof of United States citizenship in order to vote a  
standard ballot.
- 1186 Section 7. Section **20A-2-304** is amended to read:
- 1187 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**  
[Each] Subject to Section 20A-3a-201.5, a county clerk shall:
- 1184 (1) register to vote each individual who meets the requirements for registration and who:
- 1185 (a) submits a completed voter registration form to the county clerk;
- 1186 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to the Driver License  
Division;
- 1188

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- (c) submits a completed voter registration form to a public assistance agency or a discretionary voter registration agency; or
- 1190 (d) mails a completed voter registration form to the county clerk;[-and]
- 1191 (2) within 30 calendar days after the day on which the county clerk processes a voter registration form, send a notice to the individual who submits the form that:
- 1193 (a)
- (i) informs the individual that the individual's voter registration form has been accepted and that the individual is registered to vote;
- 1195 (ii) informs the individual of the procedure for designating or changing the individual's political affiliation;
- 1197 (iii) informs the individual of the procedure to cancel a voter registration;
- 1198 (iv) provides instructions to the voter on how the voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5; and
- 1201 (v) confirms that the individual has chosen to receive electronic ballot status notifications if the individual opted to receive electronic ballot status notifications on the voter registration form;
- 1204 (b) informs the individual that the individual's voter registration form has been rejected and the reason for the rejection; or
- 1206 (c)
- (i) informs the individual that the individual's voter registration form is being returned to the individual for further action because the form is incomplete; and
- 1208 (ii) gives instructions to the individual on how to properly complete the form[-] ; and
- 1209 (3) for each voter registration record of an individual who is limited to voting in a federal race only:
- 1211 (a) before March 1, 2027, segregate the record in a manner that identifies the voter's voter registration record as belonging to an individual who is limited to voting in a federal race only; or
- 1214 (b) beginning on March 1, 2027, indicate the limitation on the voter's voter registration record.

1221 Section 8. Section 8 is enacted to read:

1222 **20A-2-508. Independent investigation of citizenship -- Identification of non-citizens -- Opportunity to challenge -- Provisional ballot option -- Action taken when lack of documentary proof of citizenship discovered.**

1220 (1)

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- (a) An election officer shall, to the extent that the review can be conducted in a uniform, nondiscriminatory manner, conduct a review of the voter registration records to independently determine whether an individual who is registered to vote is not a citizen of the United States.
- 1224 (b) To conduct the review described in Subsection (1)(a), the election officer:
- 1225 (i) except as provided in Subsection (3), may not require an individual who registers to vote only in a
- federal race to provide documentary proof of United States citizenship; and
- 1228 (ii) shall use any tools lawfully available to the election officer, including:
- 1229 (A) the Systematic Alien Verification for Entitlements program, operated by the United States
- Department of Homeland Security;
- 1231 (B) information received from the federal courts under Subsection 20A-2-502(4); and
- 1233 (C) data collected by a state agency.
- 1234 (2) If, in accordance with Subsection (1), an election officer determines that an individual who is
- registered to vote is not a citizen of the United States, the election officer shall, in accordance with
- Subsection (7):
- 1237 (a) notify the individual of the determination and the reason for the determination;
- 1238 (b) give the individual an opportunity to dispute the determination; and
- 1239 (c) if the individual fails to refute the determination within {a reasonable time-frame specified by} ~~30~~
- days after the day on which the election officer ~~{in-}~~ sends the ~~{notification-}~~ notice described in
- Subsection (2)(a), remove the individual from the list of registered voters.
- 1242 (3) Except as provided in Subsection (4), an individual described in Subsection (2) may not vote in
- an election unless, before voting, the individual provides documentary proof of United States
- citizenship to the election officer.
- 1245 (4) An individual described in Subsection (2) may cast a provisional ballot pending the resolution of a
- dispute under Subsection (2).
- 1247 (5) An election officer may not count a provisional ballot cast by an individual under Subsection (4)
- unless, on or before the last business day before the day on which the applicable canvass occurs, the
- individual provides documentary proof of citizenship to the election officer.
- 1251 (6) An election officer shall comply with Subsection 20A-2-204(5)(b)(iv) if the election officer
- discovers a voter registration record for which:
- 1253 (a) ~~the {county clerk-}~~ the election officer does not make the determination described in Subsection (2);
- and

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- 1254 (b) proof of United States citizenship has not been established, unless the individual has expressed an  
intent:
- 1256 (i) to not provide proof of United States citizenship; or
- 1257 (ii) to vote for federal offices only.
- 1258 (7) {~~A county clerk~~} An election officer who provides notice under Subsection (2) shall send the  
notice, in writing, to the individual:
- 1260 (a) by mail, at the most recent address the {~~county clerk~~} election officer has for the individual; and
- 1261 (b)
- (i) by email, if the {~~county clerk~~} election officer has an email address for the individual; or
- 1262 (ii) by text to a phone number, if the {~~county clerk~~} election officer has a phone number for the  
individual and has received consent from the individual to send text messages to the phone number.
- 1271 (8) No later July 1, 2026, the lieutenant governor shall, with the assistance of the county clerks as  
needed:
- 1273 (a) conduct the review described in Subsection (1); and
- 1274 (b) provide the notice described in Subsections (7) and (8).
- 1275 Section 9. Section 9 is enacted to read:
- 1276 **20A-3a-201.5. Proof of citizenship required for state elections -- Separate federal ballots for**  
**registered voters who do not provide proof of citizenship.**
- 1268 (1) Except as provided in Subsection (2), for an election held on or after November 1, 2026, that  
includes a race for federal office:
- 1270 (a) an election officer shall:
- 1271 (i) for each precinct, produce a standard ballot; and
- 1272 (ii) for each congressional district, produce a federal ballot;
- 1273 (b) only a voter who has, at the time of voter registration or before voting, provided documentary proof  
of United States citizenship may vote a standard ballot; and
- 1275 (c) a voter who has not provided documentary proof of United States citizenship, at the time of voter  
registration or before voting, may only vote a federal ballot.
- 1277 (2) A voter who has not, at the time of registration or before voting, provided documentary proof of  
United States citizenship may cast a standard ballot as a provisional ballot, but an election officer  
may only count votes for federal office cast using the standard ballot unless the voter provides

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documentary proof of United States citizenship on or before the last business day before the day on which the applicable canvass occurs.

1282 (3) Except as otherwise provided in Section 20A-2-508:

1283 (a) an election officer may not require a voter to provide documentary proof of United States citizenship to vote a federal ballot; and

1285 (b) a voter who has previously provided documentary proof of United States citizenship to an election officer is not required to provide documentary proof of citizenship when the voter subsequently registers to vote.

1298 (4) If, due to marriage or another legally-recognized method of changing an individual's name, a voter's name has changed from the name appearing on the voter's documentary proof of United States citizenship, the voter may provide documentary proof of the name change, together with the voter's documentary proof of United States citizenship, to establish that the voter is a United States citizen.

1303 Section 10. Section **20A-3a-202** is amended to read:

1304 **20A-3a-202. Conducting election in person and by mail -- Mailing ballots to voters --**

### **Exceptions.by mail.**

1291 (1)

(a) Except as otherwise provided for an election conducted entirely by mail under Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in accordance with this section.

1294 (b) An individual who did not provide valid voter identification at the time the voter registered to vote shall provide valid voter identification before voting.

1296 (2) An election officer who administers an election:

1297 (a) shall in accordance with Subsection (3), no sooner than 21 calendar days before election day and no later than seven calendar days before election day, mail to the applicable voters, in accordance with Subsection 20A-3a-202.5(3), and subject to Subsection 20A-3a-202.5(4):

1301 (i) a manual ballot;

1302 (ii) a return envelope;

1303 (iii) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;

1306 (iv) information regarding the location and hours of operation of any election day voting center at which the voter may vote or a website address where the voter may view this information; and

1309



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(v) instructions on how a voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5;

1311 (b) may not mail a ballot under this section to:

1312 (i) an inactive voter, unless the inactive voter requests a manual ballot;~~[-or]~~

1313 (ii) a voter whom the election officer is prohibited from sending a ballot under Subsection  
20A-3a-202.5(4); or

1315 (iii) for an election held on or after November 1, 2026, a voter who is only eligible to vote a federal  
ballot, if the election does not include a race for federal office;

1317 (c) shall, on the outside of the envelope in which the election officer mails the ballot, include  
instructions for returning the ballot if the individual to whom the election officer mails the ballot  
does not live at the address to which the ballot is sent;

1320 (d) shall provide a method of accessible voting to a voter with a disability who is not able to vote by  
mail; and

1322 (e) shall include, on the election officer's website and with each ballot mailed, instructions regarding  
how a voter described in Subsection (2)(d) may vote.

1324 (3)

(a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to  
the address:

1326 (i) provided at the time of registration or updated by the voter after the time of registration; or

1328 (ii) if, at or after the time of registration, the voter files an alternate address request form described  
in Subsection (3)(b), the alternate address indicated on the form.

1330 (b) The lieutenant governor shall make available to voters an alternate address request form that permits  
a voter to request that the election officer mail the voter's ballot to a location other than the voter's  
residence.

1333 (c) A voter shall provide the completed alternate address request form to the election officer no later  
than 11 calendar days before the day of the election.

1335 (d) Beginning on November 5, 2025, through December 31, 2028, an election officer shall include, with  
each ballot mailed to a voter, a separate paper document containing the following statements:

1338 "WARNING

1339 If you have a valid Utah driver license or a valid Utah state identification card, failure to provide the  
last four digits of the license or card number may result in your ballot not being counted. You also

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have the option of providing the last four digits of your social security number as identification. If you do not have any of these identification types, your ballot will still be counted if your signature on the affidavit on this envelope matches your signature on file with the election officer.

1345 NOTICE

1346 Beginning in 2029, you will not receive a ballot by mail unless you request to receive a ballot by mail. You may request to receive a ballot by mail at [insert a uniform resource locator where the voter can make the request online]. If you are unable to make a request online, contact your county clerk's office at the following number for instructions on how to make the request in person or by mail [insert phone number here]."

1351 (e) Beginning on January 1, 2029, an election officer shall include, with each ballot mailed to a voter, a separate paper document containing the following statement:

1353 "WARNING

1354 If you have a valid Utah driver license or a valid Utah state identification card, failure to provide the last four digits of your license or card number will result in your ballot not being counted.

1357 If you do not have a license or card described above, you may enter the last four digits of your social security number as identification, or include a photocopy of one of the following in the return envelope:

1360 • a currently valid identification card that is issued by the state or a branch, department, or agency of the United States;

1362 • a currently valid Utah permit to carry a concealed weapon;

1363 • a currently valid United States passport;

1364 • a currently valid United States military identification card; or

1365 • a currently valid tribal identification card, Bureau of Indian Affairs card, or tribal treaty card.

1367 If you do not have any of the forms of identification listed above, you must vote in person at a polling place, unless you qualify for an exemption from this requirement. You may obtain information regarding an exemption at [insert a uniform resource locator where the voter can view this information] or by calling [insert a phone number that a voter may call to access this information]."

1372 (4) The return envelope shall include:

1373 (a) the name, official title, and post office address of the election officer on the front of the envelope;

1375

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(b) subject to Subsection (9), beginning on or before January 1, 2026, a place for the voter to enter the last four digits of the voter's Utah driver license number, Utah state identification card number, or social security number;

(c) the following statement:

"IMPORTANT: See the warning and notice enclosed with your ballot.";

(d) a space where a voter may write an email address and phone number by which the election officer may contact the voter if the voter's ballot is rejected; and

(e) a printed affidavit in substantially the following form:

"County of \_\_\_\_ State of \_\_\_\_

I, \_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_ voting precinct in \_\_\_\_ County, Utah and that I am entitled to vote in this election. I am not a convicted felon currently incarcerated for commission of a felony.

\_\_\_\_\_  
Signature of Voter

### WARNING

The above affidavit must be signed by the voter to whom the ballot is addressed. It is a FELONY for any other individual to sign the above affidavit, even if the voter to whom the ballot is addressed gives permission for another to sign the affidavit for the voter."

(5) If the election officer determines that the voter has not yet provided valid voter identification with the voter's voter registration, the election officer may:

(a) mail a ballot to the voter;

(b) instruct the voter to enclose a copy of the voter's valid voter identification in the return envelope; and

(c) provide instructions to the voter on how the voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

(6) An election officer who administers an election shall:

(a)

(i) before the election, obtain the signatures of each voter qualified to vote in the election; or

(ii) obtain the signature of each voter within the voting precinct from the county clerk; and

(b) maintain the signatures on file in the election officer's office.

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(7) Upon receipt of a returned ballot, the election officer shall review and process the ballot under Section 20A-3a-401.

1409 (8) A county that administers an election:

1410 (a) shall provide at least one election day voting center in accordance with Part 7, Election Day Voting Center, and at least one additional election day voting center for every 5,000 active voters in the county who, under Section 20A-3a-202.5, will not receive a ballot by mail;

1414 (b) shall ensure that each election day voting center operated by the county has at least one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities;

1417 (c) may reduce the early voting period described in Section 20A-3a-601, if:

1418 (i) the county clerk conducts early voting on at least four days;

1419 (ii) the early voting days are within the period beginning on the date that is 14 calendar days before the date of the election and ending on the day before the election; and

1422 (iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604; and

1424 (d) is not required to pay return postage for a return envelope.

1425 (9) A return envelope shall be designed in a manner that the information described in Subsections (4)(b) and (d), and the voter's signature, is covered from view after the return envelope is sealed.

1428 (10) A county clerk shall, at least 90 calendar days before an election administered by the county clerk, contact local post offices to:

1430 (a) coordinate the handling of mail-in ballots for the upcoming election; and

1431 (b) take measures to ensure that:

1432 (i) ballots are clearly and properly postmarked, or otherwise marked in accordance with Subsection 20A-3a-204(2)(a)(i), with the date on which the ballot was mailed; and

1435 (ii) ballots are delivered in an expeditious manner to optimize the timely receipt of ballots.

1452 Section 11. Section **20A-3a-401** is amended to read:

1453 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box -- Disposition -- Notice -- Disclosures relating to unresolved ballots.**

1440 (1) This section governs ballots returned by mail, via a ballot drop box, or by other legal means.

1442 (2) Poll workers shall process return envelopes containing manual ballots that are in the custody of the poll workers in accordance with this section.

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- 1444 (3) Poll workers shall examine a return envelope to make the determinations described in Subsection  
1446 (4).  
1446 (4) The poll workers shall take the action described in Subsection (5)(a) if the poll workers determine:  
1448 (a) for an election held before January 1, 2029:  
1449 (i) that the return envelope contains the last four digits of the voter's Utah driver license number, Utah  
state identification card number, or social security number; or  
1452 (ii) if the return envelope does not contain the digits described in Subsection (4)(a)(i), that:  
1454 (A) in accordance with the rules made under Subsection (13), the signature on the affidavit of the return  
envelope is reasonably consistent with the individual's signature in the voter registration records; or  
1457 (B) for an individual who checks the box described in Subsection (7)(d)(v), the signature is verified by  
alternative means;  
1459 (b) for an election held on or after January 1, 2029:  
1460 (i) that the return envelope contains the last four digits of the voter's Utah driver license number, Utah  
state identification card number, or social security number;  
1462 (ii) if the return envelope does not contain the digits described in Subsection (4)(b)(i), that the voter  
included in the return envelope a copy of the identification described in Subsection 20A-3a-204(2)  
(c)(ii); or  
1465 (iii) for a voter described in Subsection 20A-3a-301(7), that the voter complied with Subsection  
20A-3a-301(7);  
1467 (c) that the affidavit is sufficient;  
1468 (d) that the voter is registered to vote in the correct precinct;  
1469 (e) that the voter's right to vote the ballot has not been challenged;  
1470 (f) that the voter has not already voted in the election; and  
1471 (g) for a voter who has not yet provided valid voter identification with the voter's voter registration,  
whether the voter has provided valid voter identification with the return envelope.  
1474 (5)  
(a) [H] Subject to Sections 20A-2-508 and 20A-3a-201.5, if the poll workers make all of the findings  
described in Subsection (4), the poll workers shall:  
1476 (i) remove the manual ballot from the return envelope in a manner that does not destroy the  
affidavit on the return envelope;  
1478 (ii) ensure that the ballot is not examined in connection with the return envelope; and

## HB0209S01 compared with HB0209S02

- 1479 (iii) place the ballot with the other ballots to be counted.
- 1480 (b) If the poll workers do not make all of the findings described in Subsection (4), the poll workers shall:
- 1482 (i) disallow the vote;
- 1483 (ii) except as provided in Subsection (6), without opening the return envelope, record the ballot as "rejected" and state the reason for the rejection; and
- 1485 (iii) except as provided in Subsection (6), place the return envelope, unopened, with the other rejected return envelopes.
- 1487 (6) A poll worker may open a return envelope, if necessary, to determine compliance with Subsection (4)(b)(ii), (4)(b)(iii), or (4)(g).
- 1489 (7)
- (a) If the poll workers reject an individual's ballot because the poll workers determine that the return envelope does not comply with Subsection (4), the election officer shall:
- 1492 (i) contact the individual in accordance with Subsection (8); and
- 1493 (ii) inform the individual:
- 1494 (A) that the identification information provided on the return envelope is in question;
- 1496 (B) how the individual may resolve the issue; and
- 1497 (C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (7)(d).
- 1500 (b) If, under Subsection (4)(a)(ii)(A), the poll workers reject an individual's ballot because the poll workers determine, in accordance with rules made under Subsection (13), that the signature on the return envelope is not reasonably consistent with the individual's signature in the voter registration records, the election officer shall:
- 1504 (i) contact the individual in accordance with Subsection (8); and
- 1505 (ii) inform the individual:
- 1506 (A) that the individual's signature is in question;
- 1507 (B) how the individual may resolve the issue; and
- 1508 (C) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (7)(d).

## HB0209S01 compared with HB0209S02

- 1511 (c) The election officer shall ensure that the notice described in Subsection (7)(a) or (b) includes:
- 1513 (i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (7)
- (d) and a courtesy reply envelope;
- 1515 (ii) when communicating the notice electronically, a link to a copy of the affidavit described in
- Subsection (7)(d) or information on how to obtain a copy of the affidavit; or
- 1518 (iii) when communicating the notice by phone, either during a direct conversation with the voter or in a
- voicemail, arrangements for the voter to receive a copy of the affidavit described in Subsection (7)
- (d), either in person from the clerk's office, by mail, or electronically.
- 1522 (d) An affidavit described in Subsection (7)(a)(ii)(C) or (7)(b)(ii)(C) shall include:
- 1523 (i) an attestation that the individual voted the ballot;
- 1524 (ii) a space for the individual to enter the individual's name, date of birth, and driver license number or
- the last four digits of the individual's social security number;
- 1526 (iii) a space for the individual to sign the affidavit;
- 1527 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and
- county clerk's use of the information in the affidavit and the individual's signature on the affidavit
- for voter identification purposes; and
- 1530 (v) a check box accompanied by language in substantially the following form: "I am a voter with
- a qualifying disability under the Americans with Disabilities Act that impacts my ability to
- sign my name consistently. I can provide appropriate documentation upon request. To discuss
- accommodations, I can be contacted at \_\_\_\_\_".
- 1535 (e) In order for an individual described in Subsection (7)(a) or (b) to have the individual's ballot
- counted, the individual shall deliver the affidavit described in Subsection (7)(d) to the election
- officer.
- 1538 (f) An election officer who receives a signed affidavit under Subsection (7)(e) shall immediately:
- 1540 (i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter
- registration database developed under Section 20A-2-502;
- 1542 (ii) if the election officer receives the affidavit no later than noon on the last business day before the day
- on which the canvass begins, count the individual's ballot; and
- 1544 (iii) if the check box described in Subsection (7)(d)(v) is checked, comply with the rules described in
- Subsection (13)(c).
- 1546 (8)

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- (a) The election officer shall, within two business days after the day on which an individual's ballot is rejected, notify the individual of the rejection and the reason for the rejection, by phone, mail, email, or, if consent is obtained, text message, unless:
- 1549 (i) the ballot is cured within one business day after the day on which the ballot is rejected; or
- 1551 (ii) the ballot is rejected because the ballot is received late or for another reason that cannot be cured.
- 1553 (b) If an individual's ballot is rejected for a reason described in Subsection (8)(a)(ii), the election officer shall notify the individual of the rejection and the reason for the rejection by phone, mail, email, or, if consent is obtained, text message, within the later of:
- 1557 (i) 30 calendar days after the day of the rejection; or
- 1558 (ii) 30 calendar days after the day of the election.
- 1559 (c) The election officer may, when notifying an individual by phone under this Subsection (8), use auto-dial technology.
- 1561 (9) An election officer may not count the ballot of an individual whom the election officer contacts under Subsection (7) or (8) unless, no later than noon on the last business day before the day on which the canvass begins, the election officer:
- 1564 (a) receives a signed affidavit from the individual under Subsection (7); or
- 1565 (b)
- 1566 (i) contacts the individual;
- 1566 (ii) if the election officer has reason to believe that an individual, other than the voter to whom the ballot was sent, signed the ballot affidavit, informs the individual that it is unlawful to sign a ballot affidavit for another person, even if the person gives permission;
- 1570 (iii) verifies the identity of the individual by:
- 1571 (A) requiring the individual to provide at least two types of personal identifying information for the individual; and
- 1573 (B) comparing the information provided under Subsection (9)(b)(iii)(A) to records relating to the individual that are in the possession or control of an election officer; and
- 1576 (iv) documents the verification described in Subsection (9)(b)(iii), by recording:
- 1577 (A) the name and voter identification number of the individual contacted;
- 1578 (B) the name of the individual who conducts the verification;
- 1579 (C) the date and manner of the communication;



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- 1580 (D) the type of personal identifying information provided by the individual;
- 1581 (E) a description of the records against which the personal identifying information provided by the  
individual is compared and verified; and
- 1583 (F) other information required by the lieutenant governor.
- 1584 (10)
- (a) The election officer shall retain and preserve:
- 1585 (i) the return envelopes in accordance with Subsection 20A-4-202(2); and
- 1586 (ii) the documents described in Subsection (9)(b)(iv) in accordance with Subsection 20A-4-202(3).
- 1588 (b) If the election officer complies with Subsection (10)(a)(ii) by including the documentation in the  
voter's voter registration record, the election officer shall make, retain, and preserve a record of the  
name and voter identification number of each voter contacted under Subsection (9)(b).
- 1592 (11)
- (a) The election officer shall record the following in the database used in the verification process:
- 1594 (i) any initial rejection of a ballot under Subsection (5)(b), within one business day after the day on  
which the election officer rejects the ballot; and
- 1596 (ii) any resolution of a rejection of a ballot under Subsection (9), within one business day after the  
day on which the ballot rejection is resolved.
- 1598 (b) An election officer shall include, in the canvass report, a final report of the disposition of all rejected  
and resolved ballots, including, for ballots rejected, the following:
- 1601 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
- 1602 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do  
not correspond.
- 1604 (12) Willful failure to comply with this section constitutes willful neglect of duty under Section  
20A-5-701.
- 1606 (13) The director of elections within the Office of the Lieutenant Governor shall make rules, in  
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
- 1609 (a) criteria and processes for use by poll workers in determining if a signature corresponds with the  
signature on file for the voter under Subsection (4)(a)(ii)(A);
- 1611 (b) training and certification requirements for election officers and employees of election officers  
regarding the criteria and processes described in Subsection (13)(a); and
- 1613

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(c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the identity of an individual who checks the box described in Subsection (7)(d)(v).

(14)

(a) Upon request, and subject to Subsections (14)(b) and (c), an election officer may disclose the name and address of a voter whose ballot has been rejected and not yet resolved with:

(i) a candidate in the election;

(ii) an individual who represents the candidate's campaign;

(iii) the sponsors of an initiative or referendum appearing on the ballot; or

(iv) for a ballot proposition appearing on the ballot, an individual who represents a political issues committee, as defined in Section 20A-11-101, if the political issues committee supports or opposes the ballot proposition.

(b) If an election officer discloses the information described in Subsection (14)(a), the election officer shall:

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

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

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

(c) A disclosure described in this Subsection (14) may not include the name or address of a protected individual, as defined in Subsection 20A-2-104(1).

Section 12. Section **20A-6-105** is amended to read:

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

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

(a) the envelope shall include the following statement:

"AFFIRMATION

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" in response to either of the two above questions, do not complete this form.

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You must be a United States citizen to vote. If you fail to provide proof of United States citizenship, you will only be permitted to vote for federal offices. Information on how to provide proof of citizenship is included on or with this form.

1647 Name of Voter \_\_\_\_\_

1648 First Middle Last

1649 Driver License or Identification Card Number \_\_\_\_\_

1650 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

1651 Date of Birth \_\_\_\_\_

1652 Street Address of Principal Place of Residence

1653 \_\_\_\_\_

1654 City County State Zip Code

1670 Tribal Identification Number or Alien Registration Number (optional)

1657 Telephone Number (optional) \_\_\_\_\_

1658 Email Address (optional) \_\_\_\_\_

1659 Last four digits of Social Security Number \_\_\_\_\_

1660 Last former address at which I was registered to vote (if known)

1661 \_\_\_\_\_

1662 City County State Zip Code

1663 Voting Precinct (if known) \_\_\_\_\_

1664 I, (please print your full name) \_\_\_\_\_ do solemnly swear or affirm:

1666 That I am eligible to vote in this election; that I have not voted in this election in any other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to vote in this precinct; and

1669 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 Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah for the 30 calendar days immediately before this election.

1673 Signed \_\_\_\_\_

1675 Dated \_\_\_\_\_

1677

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

1679

### PRIVACY INFORMATION

1680

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

1684

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

1688

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

1691

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

1694

### REQUEST FOR ADDITIONAL PRIVACY PROTECTION

1695

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

1700

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

1706

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

## HB0209S01 compared with HB0209S02

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

1712 CITIZENSHIP AFFIDAVIT

1713 Name:

1714 Name at birth, if different:

1715 Place of birth:

1716 Date of birth:

1717 Date and place of naturalization (if applicable):

1718 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.

1721

1722 \_\_\_\_\_  
Signature of Applicant

1723 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.";

1726 (b) the following statement shall appear after the statement described in Subsection (1)(a):

1727 "BALLOT NOTIFICATIONS

1728 Do you consent to receive communications about the status of your ballot and other official communications, by text, at the phone number you provided above? Yes No "; and

1731 (c) no later than November 5, 2025, after the statement described in Subsection (1)(b), the following:

1733 "Indicate below how you want to vote in upcoming elections:

1734 \_\_\_\_\_ Mail a ballot to me.

1735 \_\_\_\_\_ Do not mail a ballot to me. I will vote in person."

1736 (2) The provisional ballot envelope shall include:

1737 (a) a unique number;

1738 (b) a detachable part that includes the unique number;

1739 (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;~~and~~

1742 (d) an insert containing written instructions on how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5~~[-]~~ ; and

1745 (e) on or with the form on the envelope, the statement described in Subsection 20A-2-104(2)(d).

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1762 Section 13. Section **63G-2-301** is amended to read:

1763 **63G-2-301. Public records.**

1749 (1) As used in this section:

1750 (a) "Business address" means a single address of a governmental agency designated for the public to  
contact an employee or officer of the governmental agency.

1752 (b) "Business email address" means a single email address of a governmental agency designated for the  
public to contact an employee or officer of the governmental agency.

1755 (c) "Business telephone number" means a single telephone number of a governmental agency  
designated for the public to contact an employee or officer of the governmental agency.

1758 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.

1759 (2) The following records are public except to the extent they contain information expressly permitted  
to be treated confidentially under the provisions of Subsections 63G-2-201(3)(b) and (6)(a):

1762 (a) laws;

1763 (b) the name, gender, gross compensation, job title, job description, business address, business email  
address, business telephone number, number of hours worked per pay period, dates of employment,  
and relevant education, previous employment, and similar job qualifications of a current or former  
employee or officer of the governmental entity, excluding:

1768 (i) undercover law enforcement personnel; and

1769 (ii) investigative personnel if disclosure could reasonably be expected to impair the effectiveness of  
investigations or endanger any individual's safety;

1771 (c) final opinions, including concurring and dissenting opinions, and orders that are made by a  
governmental entity in an administrative, adjudicative, or judicial proceeding except that if the  
proceedings were properly closed to the public, the opinion and order may be withheld to the extent  
that they contain information that is private, controlled, or protected;

1776 (d) final interpretations of statutes or rules by a governmental entity unless classified as protected as  
provided in Subsection 63G-2-305(17) or (18);

1778 (e) information contained in or compiled from a transcript, minutes, or report of the open portions of a  
meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act,  
including the records of all votes of each member of the governmental entity;

1782 (f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal  
procedure or unless the records are private under this chapter;

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- 1784 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of records filed with  
or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division  
of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the  
Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that  
give public notice of:
- 1789 (i) titles or encumbrances to real property;
- 1790 (ii) restrictions on the use of real property;
- 1791 (iii) the capacity of persons to take or convey title to real property; or
- 1792 (iv) tax status for real and personal property;
- 1793 (h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and  
uniform commercial code filings;
- 1795 (i) data on individuals that would otherwise be private under this chapter if the individual who is the  
subject of the record has given the governmental entity written permission to make the records  
available to the public;
- 1798 (j) documentation of the compensation that a governmental entity pays to a contractor or private  
provider;
- 1800 (k) summary data;
- 1801 (l) voter registration records, including an individual's voting history, except for a voter registration  
record or those parts of a voter registration record that are classified as private under Subsections  
63G-2-302(1)(j) through (n) or withheld under Subsection [~~20A-2-104(7)~~] 20A-2-104(8);
- 1805 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if available, and email  
address, if available, where that elected official may be reached as required in Title 11, Chapter 47,  
Access to Elected Officials;
- 1808 (n) for a school community council member, a telephone number, if available, and email address, if  
available, where that elected official may be reached directly as required in Section 53G-7-1203;
- 1811 (o) annual audited financial statements of the Utah Educational Savings Plan described in Section  
53H-10-210; and
- 1813 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as defined in Section  
20A-7-101, after the packet is submitted to a county clerk.
- 1815

## HB0209S01 compared with HB0209S02

(3) The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b), Section 63G-2-302, 63G-2-304, or 63G-2-305:

- 1818 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1819 (b) records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;
- 1821 (c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;
- 1823 (d) contracts entered into by a governmental entity;
- 1824 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;
- 1826 (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);
- 1829 (g) chronological logs and initial contact reports;
- 1830 (h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
- 1833 (i) empirical data contained in drafts if:
  - 1834 (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and
  - 1836 (ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
- 1838 (j) drafts that are circulated to anyone other than:
  - 1839 (i) a governmental entity;
  - 1840 (ii) a political subdivision;
  - 1841 (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved;
  - 1844 (iv) a government-managed corporation; or
  - 1845 (v) a contractor or private provider;
- 1846 (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
- 1848 (l) original data in a computer program if the governmental entity chooses not to disclose the program;



## HB0209S01 compared with HB0209S02

- 1850 (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to  
arrest warrants prior to service;
- 1852 (n) search warrants after execution and filing of the return, except that a court, for good cause, may  
order restricted access to search warrants prior to trial;
- 1854 (o) records that would disclose information relating to formal charges or disciplinary actions against a  
past or present governmental entity employee if:
- 1856 (i) the disciplinary action has been completed and all time periods for administrative appeal have  
expired; and
- 1858 (ii) the charges on which the disciplinary action was based were sustained;
- 1859 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional  
Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral  
production on government lands;
- 1862 (q) final audit reports;
- 1863 (r) occupational and professional licenses;
- 1864 (s) business licenses;
- 1865 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to  
initiate proceedings for discipline or sanctions against persons regulated by a governmental entity,  
but not including records that initiate employee discipline; and
- 1869 (u)
- (i) records that disclose a standard, regulation, policy, guideline, or rule regarding the operation of a  
correctional facility or the care and control of inmates committed to the custody of a correctional  
facility; and
- 1872 (ii) records that disclose the results of an audit or other inspection assessing a correctional facility's  
compliance with a standard, regulation, policy, guideline, or rule described in Subsection (3)(u)(i).
- 1875 (4) The list of public records in this section is not exhaustive and should not be used to limit access to  
records.
- 1892 Section 14. Section **63G-2-302** is amended to read:
- 1893 **63G-2-302. Private records.**
- 1879 (1) The following records are private:
- 1880 (a) records concerning an individual's eligibility for unemployment insurance benefits, social services,  
welfare benefits, or the determination of benefit levels;

## HB0209S01 compared with HB0209S02

- 1882 (b) records containing data on individuals describing medical history, diagnosis, condition, treatment,  
evaluation, or similar medical data;
- 1884 (c) records of publicly funded libraries that when examined alone or with other records identify a  
patron;
- 1886 (d) records received by or generated by or for:
- 1887 (i) the Independent Legislative Ethics Commission, except for:
- 1888 (A) the commission's summary data report that is required under legislative rule; and
- 1890 (B) any other document that is classified as public under legislative rule; or
- 1891 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record  
is classified as public under legislative rule;
- 1893 (e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission,  
except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch  
Ethics Complaints;
- 1896 (f) records received or generated for a Senate confirmation committee concerning character,  
professional competence, or physical or mental health of an individual:
- 1898 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 1900 (A) reasonably could be expected to interfere with the investigation undertaken by the committee; or
- 1902 (B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and
- 1904 (ii) after the meeting, if the meeting was closed to the public;
- 1905 (g) employment records concerning a current or former employee of, or applicant for employment with,  
a governmental entity that would disclose that individual's home address, home telephone number,  
social security number, insurance coverage, marital status, or payroll deductions;
- 1909 (h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as  
private according to the requirements of that section;
- 1911 (i) that part of a record indicating a person's social security number or federal employer identification  
number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302,  
61-1-4, or 61-2f-203;
- 1914 (j) that part of a voter registration record[-] :
- 1915 (i) identifying a voter's:
- 1916 [(+)] (A) driver license or identification card number;
- 1917 [(+)] (B) social security number, or last four digits of the social security number;

## HB0209S01 compared with HB0209S02

- 1918 [(iii)] (C) email address;
- 1919 [(iv)] (D) date of birth; or
- 1920 [(v)] (E) phone number;
- 1936 (ii) submitted by the voter as proof of United States citizenship;
- 1937 (iii) indicating whether the voter has provided proof of United States citizenship; or
- 1938 (iv) indicating whether the voter is restricted to voting a federal ballot;
- 1939 (k) { ~~Ĥ~~→ {} {f} ~~or~~ a voter registration record {j} {} ←Ĥ }
- 1921 {(ii) submitted by the voter as proof of United States citizenship;}
- 1921a ~~Ĥ~~→ {(iii) {indicating whether the voter has provided proof of United States citizenship; or}}
- 1921c {(iv) {indicating whether the voter is restricted to voting a federal ballot;}} { ←Ĥ }
- 1922 {(k)} ∴
- 1940 (i) [ {a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or } that] { [ 20A-2-204(4)(b)] is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or {j} 20A-2-204(4)(c)] [∴} 20A-2-204(4)(b)
- 1925 {(f)} [ 20A-2-204(4)(c) {a voter registration record that is withheld under Subsection } ∴ or
- 1943 (l) { [ 20A-2-104(7)] a voter registration record } { 20A-2-104(8) } ∴
- 1944 (i) {∴} that is withheld under Subsection
- 1927 {(m)} [ {a withholding request form described in Subsections }  
20A-2-104(7)] 20A-2-104(8) { [ 20A-2-104(7) and (8) ] ∴ } { 20A-2-104(8) and (9) } or
- 1945 (ii) before January 1, 2027, a voter registration record of a voter who is limited to voting a federal ballot only;
- 1947 (m) a { ~~nd any verification submitted in support of the form;~~ } withholding request form described in Subsections
- 1929 {(n)} [ {a record or information regarding whether a voter returned a ballot with postage attached; }  
20A-2-104(7) and (8)
- 1931 {(o)} [ 20A-2-104(8) and (9) a { ~~record that:~~ } nd any verification submitted in support of the form;
- 1932 {(i)} (n) { ~~contains-~~ } a record or information { ~~about an individual~~ } regarding whether a voter returned a ballot with postage attached;
- 1933 {(ii)} (o) { ~~is voluntarily provided by the individual; and~~ } a record that:
- 1934 {(iii)} (i) { ~~goes into an electronic database that:~~ } contains information about an individual;

## HB0209S01 compared with HB0209S02

1935 { (A) } (ii) is { voluntarily provided } designated by { the individual; } and administered under the  
authority of the  
1954 (iii) { { ~~Chief Information Officer~~ } goes into an electronic database that: { } ~~chief information officer~~ }  
1955 (A) { ; } is designated by and administered under the authority of the  
1937 { (B) } { acts as a repository of information about the individual that can be electronically retrieved and  
used to facilitate the individual's online interaction with a state agency; } Chief Information Officer  
1940 { (p) } { chief information officer { ~~information provided to the~~ } ; and  
1957 (B) { { ~~Commissioner~~ } acts as a repository of { ~~Insurance~~ } information about the individual that can  
be electronically retrieved and used to facilitate the individual's online interaction with a state  
agency; { } } commissioner of insurance }  
1960 (p) { ~~under:~~ } information provided to the  
1942 { (i) } { Subsection 31A-23a-115(3)(a); } Commissioner of Insurance  
1943 { (ii) } { commissioner of insurance { ~~Subsection 31A-23a-302(4); or~~ } under:  
1944 { (iii) } (i) Subsection { ~~31A-23a-115(3)(a)~~ } 31A-26-210(4);  
1945 { (q) } (ii) { ~~information obtained through a criminal background check under Title 11, Chapter 40,~~  
~~Criminal Background Checks by Political Subdivisions Operating Water Systems~~ } Subsection  
31A-23a-302(4); or  
1947 { (r) } (iii) { ~~information provided by an offender that is:~~ } Subsection 31A-26-210(4);  
1948 { (i) } (q) { ~~required by the registration requirements of~~ } information obtained through a criminal  
background check under Title { 53 } 11, Chapter { ~~29, Sex, Kidnap, and Child Abuse Offender~~  
~~Registry~~ } 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;  
{ and }  
1950 { (ii) } (r) { ~~not required to be made available to the public under Subsection 53-29-404(3)(a);~~ }  
information provided by an offender that is:  
1951 { (s) } (i) { ~~a statement and any supporting documentation filed with~~ } required by the { ~~attorney general~~  
~~in accordance with Section 34-45-107, if the federal law or action supporting the filing involves~~  
~~homeland security~~ } registration requirements of Title 53, Chapter 29, Sex, Kidnap, and Child Abuse  
Offender Registry; and  
1954 { (t) } (ii) { ~~electronic toll collection customer account information received or collected~~ } not required  
to be made available to the public under { ~~Section 72-6-118 and customer information described in~~

## HB0209S01 compared with HB0209S02

- Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data } Subsection 53-29-404(3)(a);
- 1958 { (u) } (s) a { ~~statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security~~ } n email address provided by a military or overseas voter under Section 20A-16-501;
- 1959 { (v) } (t) { ~~a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16~~ } electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, { Uniform Military } including contact and payment information and { Overseas Voters Act } customer travel data;
- 1961 { (w) } (u) { ~~records received by~~ } an email address provided by a military or { ~~generated by or for the Political Subdivisions Ethics Review Commission established in~~ } overseas voter under Section { ~~63A-15-201, except for:~~ } 20A-16-501;
- 1963 { (i) } (v) { ~~the commission's summary data report~~ } a completed military-overseas ballot that is { ~~required in Section 63A-15-202; and~~ } electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 1964 { (ii) } (w) { ~~any other document that is classified as public in accordance with Title 63A, Chapter 15,~~ } records received by or generated by or for the Political Subdivisions Ethics Review Commission { ~~;~~ } established in Section 63A-15-201, except for:
- 1966 { (x) } (i) { ~~a record described~~ } the commission's summary data report that is required in Section { ~~53G-9-604 that verifies that a parent was notified of an incident or threat~~ } 63A-15-202; and
- 1968 { (y) } (ii) a { ~~criminal background check or credit history report conducted~~ } y other document that is classified as public in accordance with { ~~Section 63A-3-201~~ } Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission;
- 1970 { (z) } (x) a record described in { ~~Subsection 53-5a-104(7)~~ } Section 53G-9-604 that verifies that a parent was notified of an incident or threat;
- 1971 { (aa) } (y) { ~~on a record maintained by a county for the purpose of administering property taxes, an individual's:~~ } a criminal background check or credit history report conducted in accordance with Section 63A-3-201;
- 1973 { (i) } (z) { ~~email address~~ } a record described in Subsection 53-5a-104(7);
- 1974

## HB0209S01 compared with HB0209S02

- {(ii)} (aa) ~~{phone number; or}~~ on a record maintained by a county for the purpose of administering property taxes, an individual's:
- 1975 {(iii)} (i) ~~{personal financial information related to a person's payment method}~~ email address;
- 1976 {(bb)} (ii) ~~{a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:}~~ phone number; or
- 1978 {(i)} (iii) ~~{Title 59, Chapter 2, Part 11, Exemptions; or}~~ personal financial information related to a person's payment method;
- 1979 {(ii)} (bb) ~~{Title 59, Chapter 2a, Tax Relief Through Property Tax;}~~ a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:
- 1980 {(cc)} (i) ~~{a record provided by the State Tax Commission in response to a request under Subsection 59-1-403(4)(y)(iii);}~~ Title 59, Chapter 2, Part 11, Exemptions; or
- 1982 {(dd)} (ii) ~~{a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3)}~~ Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 1984 {(ee)} (cc) a record ~~{relating}~~ provided by the State Tax Commission in response to ~~{drug or alcohol testing of a state employee under Section 63A-17-1004}~~ a request under Subsection 59-1-403(4)(y)(iii);
- 1986 {(ff)} (dd) a record ~~{relating to a request by a state elected official or state employee who has been threatened to the Division of Technology Services to remove personal identifying information from the open web under Section 63A-16-109}~~ of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3);
- 1989 {(gg)} (ee) a record ~~{including confidential information as that term is defined in}~~ relating to drug or alcohol testing of a state employee under Section ~~{67-27-106; and}~~ 63A-17-1004;
- 1991 {(hh)} (ff) a record ~~{or notice received or generated under Title 53, Chapter 30, Security Improvements Act,}~~ relating to ~~{}~~ a request by a state elected official or state employee who has been threatened to the Division of Technology Services to remove personal identifying information from the open web under Section 63A-16-109;
- 1993 {(i)} (gg) a ~~{record including confidential information as that term is defined}~~ n application for certification described in Section ~~{67-27-106}~~ 53-30-201; {and} or
- 1994

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- {(ii)} (hh) a {record or notice received or generated under Title 53, Chapter 30, Security Improvements Act, relating to:} security improvement, including a building permit application or building permit for a security improvement described in Section 53-30-301.
- 1996 {(2)} (i) {The following records are private if properly classified by a governmental entity:} an application for certification described in Section 53-30-201; or
- 1997 {(a)} (ii) {records concerning a current or former employee of,} a security improvement, including a building permit application or {applicant} building permit for {employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(c) or private under Subsection (1)(b);} a security improvement described in Section 53-30-301.
- 2002 {(b)} (2) {records describing an individual's finances, except that the} The following {are public} records are private if properly classified by a governmental entity:
- 2003 {(i)} (a) records {concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under} described in Subsection {63G-2-301(2)(b) or 63G-2-301(3)(c) or private under Subsection (1)(b)} 63G-2-301(2);
- 2004 {(ii)} (b) {information provided to} records describing an individual's finances, except that the {governmental entity for the purpose of complying with a financial assurance requirement; or} following are public:
- 2006 {(iii)} (i) records {described in Subsection 63G-2-301(2)} that must be disclosed in accordance with another statute;
- 2007 {(e)} (ii) {records of independent state agencies if} information provided to the {disclosure of those records would conflict} governmental entity for the purpose of complying with {the fiduciary obligations of the agency} a financial assurance requirement; or
- 2009 {(d)} (iii) {other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy} records that must be disclosed in accordance with another statute;
- 2011 {(e)} (c) records {of independent} provided by the United States or by a government entity outside the state {agencies if the disclosure of those} that are given with the requirement that the records {would conflict with the fiduciary obligations of} be managed as private records, if the providing

## HB0209S01 compared with HB0209S02

- entity states in writing that the {agency} record would not be subject to public disclosure if retained by it;
- 2015    {(f)} (d) {~~any portion of a record in the custody-~~} other records containing data on individuals the disclosure of {the Division of Aging and Adult Services, created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation-} which constitutes a clearly unwarranted invasion of {~~a vulnerable adult~~} personal privacy; {and}
- 2019    {(g)} (e) {~~audio and video recordings created-~~} records provided by {~~a body-worn camera,-~~} the United States or by a government entity outside the state that are given with the requirement that the records be managed as {defined in Section 77-7a-103,-} private records, if the providing entity states in writing that {~~record sound or images inside a home or residence except for recordings that-~~} the record would not be subject to public disclosure if retained by it;
- 2022    {(i)} (f) {~~depict-~~} any portion of a record in the {commission-} custody of the Division of {an alleged crime;} Aging and Adult Services, created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 2023    {(ii)} (g) {~~record any encounter between a law enforcement officer-~~} audio and video recordings created by a {~~person that results-~~} body-worn camera, as defined in {death or bodily injury} Section 77-7a-103, that record sound or {includes an instance when an officer fires-} images inside a {~~weapon;-~~} home or residence except for recordings that:
- 2025    {(iii)} (i) {~~record any encounter that is-~~} depict the {~~subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency-~~} commission of an alleged crime;
- 2027    {(iv)} (ii) {~~contain an officer-involved critical incident as defined in Subsection 76-2-408(1)(f)-~~} record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon; {or}
- 2029    {(v)} (iii) {~~have been requested for reclassification as a public record by a-~~} record any encounter that is the subject {~~or authorized agent of-~~} of a complaint or a legal proceeding against a {~~subject featured in the recording-~~} law enforcement officer or law enforcement agency;
- 2031    {(3)} (iv)



## HB0209S01 compared with HB0209S02

- {(a)} ~~As used~~ } contain an officer-involved critical incident as defined in {~~this~~} Subsection {(3);  
"medical records" means medical reports, records, statements, history, diagnosis, condition,  
treatment, and evaluation.} 76-2-408(1)(f); or
- 2033 {(b)} (v) {~~Medical records in the possession of the University of Utah Hospital, its clinics, doctors,  
or affiliated entities are not private records or controlled records under Section 63G-2-304 when  
the records are sought;~~ } have been requested for reclassification as a public record by a subject or  
authorized agent of a subject featured in the recording.
- 2036 {(i)} (3)  
(a) {~~in connection with any legal or administrative proceeding in which the patient's physical~~ } As used  
in this Subsection (3), {mental} "medical records" means medical reports, {or emotional} records,  
statements, history, diagnosis, condition {is an element of any claim or defense; or} , treatment, and  
evaluation.
- 2038 {(ii)} (b) {~~after a patient's death, in any legal or administrative proceeding in which any party relies  
upon~~ } Medical records in the {condition as an element} possession of the {claim} University  
of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or {defense;}  
controlled records under Section 63G-2-304 when the records are sought:
- 2040 {(c)} (i) {~~Medical records are subject to production in a~~ } in connection with any legal or administrative  
proceeding {~~according to state or federal statutes or rules of procedure and evidence as if the  
medical records were~~ } in which the {~~possession of a nongovernmental medical care provider.~~ }  
patient's physical, mental, or emotional condition is an element of any claim or defense; or
- 2058 (ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the  
condition as an element of the claim or defense.
- 2060 (c) Medical records are subject to production in a legal or administrative proceeding according to  
state or federal statutes or rules of procedure and evidence as if the medical records were in the  
possession of a nongovernmental medical care provider.
- 2063 Section 15. **Effective date.**  
Effective Date.  
This bill takes effect:
- 2045 (1) except as provided in Subsection (2), May 6, 2026; or
- 2046 (2) if approved by two-thirds of all members elected to each house:
- 2047 (a) upon approval by the governor;

## HB0209S01 compared with HB0209S02

2048 (b) without the governor's signature, the day following the constitutional time limit of Utah  
Constitution, Article VII, Section 8; or

2050 (c) in the case of a veto, the date of veto override.

1-23-26 11:53 AM