

Part 3

County Clerk's Voter Registration Responsibilities

20A-2-300.5 Definitions.

As used in this part:

- (1) "Discretionary voter registration agency" means each office designated by the county clerk to provide by-mail voter registration forms to the public.
- (2) "Public assistance agency" means each office in Utah that provides:
 - (a) public assistance; and
 - (b) state funded programs primarily engaged in providing services to people with disabilities.

Enacted by Chapter 311, 1994 General Session

20A-2-300.6 Chief elections officer.

- (1) The lieutenant governor is Utah's chief elections officer.
- (2) The lieutenant governor shall:
 - (a) oversee all of Utah's:
 - (i) voter registration activities; and
 - (ii) other responsibilities established by:
 - (A) Public Law 103-31, the National Voter Registration Act of 1993; and
 - (B) Public Law 107-252, the Help America Vote Act of 2002; and
 - (b) coordinate with local, state, and federal officials to ensure compliance with state and federal election laws.
- (3) The lieutenant governor, in cooperation with the county clerks, shall develop a general program to obtain change of address information in order to remove the names of ineligible voters from the official register.

Amended by Chapter 117, 2003 General Session

20A-2-301 County clerk responsibilities -- Voter registration forms.

- (1) Each county clerk shall provide book voter registration forms and by-mail voter registration forms for use in the voter registration process.
- (2)
 - (a) Each county clerk shall:
 - (i) designate certain offices within the county to provide by-mail voter registration forms to the public; and
 - (ii) provide by-mail voter registration forms to each public assistance agency and discretionary voter registration agency.
 - (b) Each county clerk may provide copies of by-mail voter registration forms to public school districts and nonpublic schools as provided in Section 20A-2-302.
- (3) Each regular general election year, the county clerk shall provide by-mail voter registration forms to the political parties in a quantity requested by the political parties, as needed.
- (4) Candidates, parties, organizations, and interested persons may purchase by-mail voter registration forms from the county clerk or from the printer.
- (5)
 - (a) The clerk shall make book voter registration forms available to interested organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

- (b) Interested organizations that receive book voter registration forms from the county clerk shall return them to the county clerk on or before the voter registration deadline.
- (6) The county clerk may not refuse to register any person to vote for failing to provide a telephone number on the voter registration form.
- (7)
 - (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter registration forms, obtained as provided in this section, to the county clerk.
 - (b) A person who violates this Subsection (7) is guilty of a class B misdemeanor.

Amended by Chapter 335, 2011 General Session

20A-2-302 Voter registration forms for high school students.

- (1)
 - (a) A county clerk may:
 - (i) contact each high school and each accredited nonpublic high school in the county;
 - (ii) determine the number of high school seniors; and
 - (iii) distribute by-mail voter registration forms to each accredited public or private high school in an amount sufficient for distribution to each high school senior.
 - (b) The county clerk shall process a voter registration form received from an individual under this section in accordance with Section 20A-2-101.1.
- (2) Each public school and accredited nonpublic school may:
 - (a) include the by-mail voter registration form in the senior registration packet; and
 - (b) collect and forward completed by-mail voter registration forms to the county clerk.

Amended by Chapter 130, 2015 General Session

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

Each county clerk shall:

- (1) register to vote each applicant for registration who meets the requirements for registration and who:
 - (a) submits a completed voter registration form to the county clerk on or before the voter registration deadline;
 - (b) submits a completed voter registration form to the Driver License Division, a public assistance agency, or a discretionary voter registration agency on or before the voter registration deadline; or
 - (c) mails a completed by-mail voter registration form to the county clerk on or before the voter registration deadline; and
- (2) send a notice to the voter informing the voter that:
 - (a) the voter's application for voter registration has been accepted and that the voter is registered to vote;
 - (b) the voter's application for voter registration has been rejected and the reason for the rejection; or
 - (c) the application for voter registration is being returned to the voter for further action because the application is incomplete and giving instructions to the voter about how to properly complete the application.

Amended by Chapter 264, 2006 General Session

20A-2-304.5 County clerk's responsibilities -- Updating voter registration.

- (1) A county clerk who receives notification from the lieutenant governor, as provided in Subsection 20A-2-109(1), of a change in a registered voter's principal place of residence or name may verify the change with the registered voter.
- (2) Unless the county clerk verifies that a change described in Subsection (1) is incorrect, the county clerk shall:
 - (a) change the voter registration record to show the registered voter's current name and address; and
 - (b) notify the registered voter of the change to the voter registration record.

- (3)
 - (a) If a voter does not vote in any election during the period beginning on the date of any regular general election and ending on the day after the date of the next regular general election and the county clerk has not sent the voter a notice described in Section 20A-2-306 during the period, the county clerk shall send to the voter a preaddressed return form in substantially the following form: "VOTER REGISTRATION ADDRESS"

To ensure the address on your voter registration is correct, please complete and return this form if your address has changed. What is your current street address?

| | | | |
|---------------|------|--------|-------|
| Street ZIP | City | County | State |
|---------------|------|--------|-------|

Signature of Voter

- (b) The county clerk shall mail the form described in Subsection (3)(a) with a postal service that will notify the county clerk if the voter has changed the voter's address.

Amended by Chapter 52, 2012 General Session

20A-2-305 Removing names from the official register -- General requirements.

- (1) The county clerk may not remove a voter's name from the official register because the voter has failed to vote in an election.
- (2) The county clerk shall remove a voter's name from the official register if:
 - (a) the voter dies and the requirements of Subsection (3) are met;
 - (b) the county clerk, after complying with the requirements of Section 20A-2-306, receives written confirmation from the voter that the voter no longer resides within the county clerk's county;
 - (c) the county clerk has:
 - (i) obtained evidence that the voter's residence has changed;
 - (ii) mailed notice to the voter as required by Section 20A-2-306;
 - (iii)
 - (A) received no response from the voter; or
 - (B) not received information that confirms the voter's residence; and
 - (iv) the voter has failed to vote or appear to vote in an election during the period beginning on the date of the notice described in Section 20A-2-306 and ending on the day after the date of the second regular general election occurring after the date of the notice;
 - (d) the voter requests, in writing, that the voter's name be removed from the official register;
 - (e) the county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter;

- (f) the county clerk receives notice that a voter has been convicted of any felony or a misdemeanor for an offense under this title and the voter's right to vote has not been restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or
 - (g) the county clerk receives notice that a voter has registered to vote in another state after the day on which the voter registered to vote in this state.
- (3) The county clerk shall remove a voter's name from the registration list within 21 days of receipt of confirmation from the Department of Health's Bureau of Vital Records that a voter is deceased.

Amended by Chapter 33, 2012 General Session
 Amended by Chapter 52, 2012 General Session

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

- (1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:
- (a) confirms in writing that the voter has changed residence to a place outside the county; or
 - (b)
 - (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and
 - (ii) has failed to respond to the notice required by Subsection (3).
- (2)
- (a) When a county clerk obtains information that a voter's address has changed and it appears that the voter still resides within the same county, the county clerk shall:
 - (i) change the official register to show the voter's new address; and
 - (ii) send to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.
 - (b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.
- (3) Each county clerk shall use substantially the following form to notify voters whose addresses have changed: "VOTER REGISTRATION NOTICE
- We have been notified that your residence has changed. Please read, complete, and return this form so that we can update our voter registration records. What is your current street address?

| | | | |
|--------|------|--------|-------|
| Street | City | County | State |
| Zip | | | |

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

- you may be required to show evidence of your address to the poll worker before being allowed to vote in either of the next two regular general elections; or
- if you fail to vote at least once from the date this notice was mailed until the passing of two regular general elections, you will no longer be registered to vote. If you have changed

your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

Signature of Voter"

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

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

- (4)
- (a) Except as provided in Subsection (4)(b), the county clerk may not remove the names of any voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election.
 - (b) The county clerk may remove the names of voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election if:
 - (i) the voter requests, in writing, that the voter's name be removed; or
 - (ii) the voter has died.
 - (c)
 - (i) After a county clerk mails a notice as required in this section, the clerk may list that voter as inactive.
 - (ii) An inactive voter shall be allowed to vote, sign petitions, and have all other privileges of a registered voter.
 - (iii) A county is not required to send routine mailings to inactive voters and is not required to count inactive voters when dividing precincts and preparing supplies.

Amended by Chapter 373, 2014 General Session

20A-2-307 County clerks' instructions to election judges.

- (1) Each county clerk shall instruct election judges to allow a voter to vote a regular ballot if:
 - (a) the voter has moved from one address within a voting precinct to another address within the same voting precinct; and
 - (b) the voter affirms the change of address orally or in writing before the election judges.
- (2) Each county clerk shall instruct election judges to allow a person to vote a provisional ballot if:
 - (a) the voter's name does not appear on the official register; or
 - (b) the voter is challenged as provided in Section 20A-3-202.

Amended by Chapter 79, 2015 General Session

20A-2-308 Lieutenant governor and county clerks to preserve records.

- (1) As used in this section:
 - (a) "Voter registration record" means a record concerning the implementation of programs and activities conducted for the purpose of ensuring that the official register is accurate and current.

- (b) "Voter registration record" does not include a record that:
 - (i) relates to a person's decision to decline to register to vote; or
 - (ii) identifies the particular public assistance agency, discretionary voter registration agency, or Driver License Division through which a particular voter registered to vote.
- (2) The lieutenant governor and each county clerk shall:
 - (a) preserve for at least two years all records relating to voter registration, including:
 - (i) the official register; and
 - (ii) the names and addresses of all persons to whom the notice required by Section 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;
 - (b) make a voter registration record available for public inspection, except for a voter registration record, or part of a voter registration record that is classified as private under Section 63G-2-302; and
 - (c) allow a record or part of a record described in Subsection (2)(b) that is not classified as a private record to be photocopied for a reasonable cost.

Amended by Chapter 373, 2014 General Session