

Effective 5/3/2023

Part 5
Voter Registration System and Process

20A-2-501 Definitions.

As used in this part:

- (1) "Annual maintenance utility" means a tool within the system that:
 - (a) is designed to comply with Section 20A-2-504;
 - (b) a county clerk is required to run on an annual basis; and
 - (c) identifies each inactive voter and each voter to be removed from the voter registration database.
- (2) "Database" means the statewide voter registration database, described in Subsection 20A-2-502(1)(a) that:
 - (a) is maintained and updated via the system; and
 - (b) uses information relative to voter registration and voting, including information that is obtained from a voter, a governmental entity, as defined in Section 63G-2-103, or another state.
- (3) "Duplicate voter utility" means a tool within the system that runs a set of queries to identify potential duplicate voter records.
- (4) "System" means the statewide voter registration system described in Subsection 20A-2-502(1)(a), including the database and all information within the system or database.
- (5) "Voter identification verification tool" means a tool within the system that compares data in a voter registration record to Driver License Division data and Social Security Administration data to verify voter identification.

Enacted by Chapter 297, 2023 General Session

20A-2-502 Statewide voter registration system -- Maintenance and update of system -- Record security -- List of incarcerated felons -- Public document showing compliance by county clerks.

- (1) The lieutenant governor shall:
 - (a) develop, manage, and maintain a statewide voter registration system to be used by county clerks to maintain an updated statewide voter registration database in accordance with this section and rules made under Section 20A-2-507;
 - (b) except as provided in Subsection (2)(c), regularly update the system with information relevant to voter registration, as follows:
 - (i) on at least a weekly basis, information received from the Driver License Division in relation to:
 - (A) voter registration;
 - (B) a registered voter's change of address; or
 - (C) a registered voter's change of name;
 - (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11) from the state registrar, regarding deceased individuals;
 - (iii) on at least a monthly basis, the information described in Subsection (3), received from the Department of Corrections regarding incarcerated individuals;
 - (iv) on at least a monthly basis, information received from other states, including information received under an agreement described in Subsection (2); and

- (v) within 31 days after receiving information relevant to voter registration, other than the information described in Subsections (1)(b)(i) through (v);
 - (c) regularly monitor the system to ensure that each county clerk complies with the requirements of this part and rules made under Section 20A-2-507;
 - (d) establish matching criteria and security measures for identifying a change described in Subsection (1)(b) to ensure the accuracy of a voter registration record; and
 - (e) on at least a monthly basis:
 - (i) use the matching criteria and security measures described in Subsection (1)(d) to compare information in the database to identify duplicate data, contradictory data, and changes in data;
 - (ii) notify the applicable county clerk of the data identified; and
 - (iii) notify the county clerk of the county in which a voter's principal place of residence is located of a change in a registered voter's principal place of residence or name.
- (2)
- (a) Subject to Subsection (2)(b), the lieutenant governor may cooperate or enter into an agreement with a governmental entity or another state to share information and increase the accuracy of the database.
 - (b) For a record shared under Subsection (2)(a), the lieutenant governor shall ensure:
 - (i) that the record is only used to maintain the accuracy of the database;
 - (ii) compliance with Section 63G-2-206; and
 - (iii) that the record is secure from unauthorized use by employing data encryption or another similar technology security system.
 - (c) The lieutenant governor is not required to comply with an updating requirement described in Subsection (1)(b) to the extent that the person responsible to provide the information to the lieutenant governor fails to provide the information.
- (3)
- (a) The lieutenant governor shall maintain a current list of all incarcerated felons in Utah.
 - (b) The Department of Corrections shall provide the lieutenant governor's office with:
 - (i) the name and last-known address of each individual who:
 - (A) was convicted of a felony in a Utah state court; and
 - (B) is currently incarcerated for commission of a felony; and
 - (ii) the name of each convicted felon who has been released from incarceration.
- (4) The lieutenant governor shall maintain on the lieutenant governor's website a document that:
- (a) describes the utilities and tools within the system that a county clerk is required to run;
 - (b) describes the actions, if any, that a county clerk is required to take in relation to the results of running a utility or tool;
 - (c) lists, by date, the recurring deadlines by which a county clerk must comply with Subsection (4) (a) or (b); and
 - (d) indicates, by county:
 - (i) whether the county clerk timely complies with each deadline described in Subsection (4)(c); and
 - (ii) if the county clerk fails to timely comply with a deadline described in Subsection (4)(c), whether the county clerk subsequently complies with the deadline and the date on which the county clerk complies.

Renumbered and Amended by Chapter 297, 2023 General Session

20A-2-503 County clerk's responsibilities -- Updating voter registration.

- (1)
 - (a) Each county clerk shall use the system to record or modify all voter registration records.
 - (b) A county clerk shall:
 - (i) at the time the county clerk enters a voter registration record into the system, run the system's voter identification verification tool in relation to the record; and
 - (ii) in accordance with rules made under Section 20A-2-507, regularly report to the lieutenant governor the information described in Subsection 20A-2-502(4).
- (2) A county clerk who receives notification from the lieutenant governor, as provided in Subsection 20A-2-502(1)(e), of a change in a registered voter's principal place of residence or name may verify the change with the registered voter.
- (3) Unless the county clerk verifies that a change described in Subsection (2) 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.
- (4) A county clerk shall, in accordance with rules made under Section 20A-2-507:
 - (a) on at least a monthly basis, run the duplicate voter utility and take the action required to resolve potential duplicate data identified by the utility; and
 - (b) every December, run the annual maintenance utility.
- (5)
 - (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-2-505 during the period, the county clerk shall, within 14 days after the day on which the county clerk runs the annual maintenance utility, 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	City	County	State
ZIP			

 Signature of Voter
 - (b) The county clerk shall mail the form described in Subsection (5)(a) with a postal service that will notify the county clerk if the voter has changed the voter's address.

Renumbered and Amended by Chapter 297, 2023 General Session

20A-2-504 Removing names from the official register -- General requirements.

- (1) The county clerk may not remove a voter's name from the official register solely 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-2-505, receives written confirmation from the voter that the voter no longer resides within the county clerk's county;
 - (c)
 - (i) the county clerk obtains evidence that the voter's residence has changed;

- (ii) the county clerk mails notice to the voter as required under Section 20A-2-505;
 - (iii) the county clerk:
 - (A) receives no response from the voter; or
 - (B) does not receive information that confirms the voter's residence; and
 - (iv) the voter does not vote or appear to vote in an election during the period beginning on the date of the notice described in Section 20A-2-505 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 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
 - (f) 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 official register within five business days after the day on which the county clerk receives confirmation from the Office of Vital Records that the voter is deceased.
- (4) No later than 90 days before each primary and general election, the county clerk shall update the official register by reviewing the official register and taking the actions permitted or required by law under this section, Section 20A-2-503, and Section 20A-2-505.

Renumbered and Amended by Chapter 297, 2023 General Session

20A-2-505 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) does not vote in an election during the period beginning on the date of the notice described in 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) does not respond to the notice described in Subsection (3).
- (2)
- (a) Within 31 days after the day on which a county clerk obtains information that a voter's address has changed, if 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 described in Subsection (3).
 - (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 described in Subsection (3), printed on a postage prepaid, preaddressed return form.
- (3)
- (a) 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	What is your current phone number (optional)? _____		
What is your current email address (optional)? _____			

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 before 5 p.m. 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

PRIVACY INFORMATION

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.

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.

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:

_____ 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.

REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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.

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.

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."

(b) The form described in Subsection (3)(a) shall also include a section in substantially the following form:

BALLOT NOTIFICATIONS

If you have provided a phone number or email address, you can receive notifications by text message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in the mail or in a ballot drop box, by indicating here:

_____ Yes, I would like to receive electronic notifications regarding the status of my ballot.

- (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 or 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 or 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 dies.
 - (c)
 - (i) After a county clerk mails a notice under this section, the county clerk shall, unless otherwise prohibited by law, list that voter as inactive.
 - (ii) If a 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, the county clerk shall, unless otherwise prohibited by law, list that voter as inactive.
 - (iii) An inactive voter may vote, sign petitions, and have all other privileges of a registered voter.
 - (iv) A county is not required to:
 - (A) send routine mailings to an inactive voter; or
 - (B) count inactive voters when dividing precincts and preparing supplies.
- (5) The lieutenant governor shall make available to a county clerk United States Social Security Administration data received by the lieutenant governor regarding deceased individuals.
- (6) A county clerk shall, within ten business days after the day on which the county clerk receives the information described in Subsection (5) or Subsections 26B-8-114(11) and (12) relating to a decedent whose name appears on the official register, remove the decedent's name from the official register.
- (7) Ninety days before each primary and general election the lieutenant governor shall compare the information the lieutenant governor has received under Subsection 26B-8-114(11) with the official register of voters to ensure that all deceased voters have been removed from the official register.

Renumbered and Amended by Chapter 297, 2023 General Session
Amended by Chapter 327, 2023 General Session
Amended by Chapter 406, 2023 General Session

20A-2-506 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 name and address of each individual to whom the notice required by Section 20A-2-505 was sent and a notation regarding whether the individual 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.
- (3) The lieutenant governor shall take, and store for at least 22 months, a static copy of the official register made at the following times:
 - (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);
 - (b) the day of the election; and
 - (c) the last day of the canvass.

Renumbered and Amended by Chapter 297, 2023 General Session

20A-2-507 Rulemaking authority relating to voter registration records.

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:

- (1) to regulate the use, security, maintenance, data entry, and update of the system;
- (2) establishing duties and deadlines for a county clerk to:
 - (a) ensure that the database is updated, accurate, and secure; and
 - (b) regularly report to the lieutenant governor the information described in Subsection 20A-2-502(4); and
- (3) establishing requirements for a county clerk in relation to:
 - (a) running the utilities and tools in the system;
 - (b) actions that the county clerk is required to take in response to the matters identified, or the results produced, from running the utilities and tools; and
 - (c) documenting and reporting compliance with the requirements of this part and rules made under this section.

Enacted by Chapter 297, 2023 General Session