

VOTER REGISTRATION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions in Title 20A, Election Code, relating to voter registration.

Highlighted Provisions:

This bill:

- ▶ requires the removal of a voter from the official register:
 - upon notification that a voter has subsequently registered to vote in another state;
 - upon notification of a criminal conviction that prohibits a person from voting;
- and
 - after two consecutive regular general elections following a notice to which the voter fails to respond;
- ▶ requires the county clerk to send a notice to a voter who fails to vote in two consecutive regular general elections; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **20A-2-305**, as last amended by Laws of Utah 1997, Chapter 183

29 **20A-2-306**, as last amended by Laws of Utah 2011, Chapter 297

30

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

32 Section 1. Section **20A-2-305** is amended to read:

33 **20A-2-305. Removing names from the official register -- General requirements.**

34 (1) The county clerk may not remove a voter's name from the official register because
35 the voter has failed to vote in an election.

36 (2) The county clerk [~~may~~] shall remove a voter's name from the official register only
37 [~~when~~] if:

38 (a) the voter dies and the requirements of Subsection (3) are met;

39 (b) the county clerk, after complying with the requirements of Section 20A-2-306,
40 receives written confirmation from the voter that the voter no longer resides within the county
41 clerk's county;

42 (c) the county clerk has:

43 (i) obtained evidence that the voter's residence has changed[~~, has~~];

44 (ii) mailed notice to the voter as required by Section 20A-2-306 [~~and~~];

45 (iii) received no response from the voter[~~;~~]; and

46 (iv) the voter has failed to vote or appear to vote in [~~either of~~] the next two consecutive
47 regular general elections following the date of the notice;

48 (d) (i) the county clerk has mailed notice to the voter as required by Subsection
49 20A-2-306(4)(d);

50 (ii) the county clerk received no response from the voter; and

51 (iii) the voter has failed to vote or appear to vote in the next two consecutive regular
52 general elections following the date of the notice;

53 [~~(d)~~] (e) the voter requests, in writing, that [~~his~~] the voter's name be removed from the
54 official register; [~~or~~]

55 [~~(e)~~] (f) the county clerk receives a returned voter identification card, determines that
56 there was no clerical error causing the card to be returned, and has no further information to
57 contact the voter[~~;~~];

58 (g) the county clerk receives notice that a voter has been convicted of a felony or a

59 misdemeanor for an offense under this title and the voter's right to vote has not been restored as
60 provided in Section 20A-2-101.3 or 20A-2-101.5; or

61 (h) the county clerk receives notice that a voter has registered to vote in another state
62 after the day on which the voter registered to vote in this state.

63 (3) The county clerk [~~may~~] shall remove a voter's name from the registration list upon
64 the annual receipt of a listing of all deceased residents from the Department of Health's Bureau
65 of Vital Records.

66 Section 2. Section **20A-2-306** is amended to read:

67 **20A-2-306. Removing names from the official register -- Determining and**
68 **confirming change of residence.**

69 (1) A county clerk may not remove a voter's name from the official register on the
70 grounds that the voter has changed residence unless the voter:

71 (a) confirms in writing that the voter has changed residence to a place outside the
72 county; or

73 (b) (i) has not voted in an election during the period beginning on the date of the notice
74 required by Subsection (3), and ending on the day after the date of the second regular general
75 election occurring after the date of the notice; and

76 (ii) has failed to respond to the notice required by Subsection (3).

77 (2) (a) When a county clerk obtains information that a voter's address has changed and
78 it appears that the voter still resides within the same county, the county clerk shall:

79 (i) change the official register to show the voter's new address; and

80 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)
81 printed on a postage prepaid, preaddressed return form.

82 (b) When a county clerk obtains information that a voter's address has changed and it
83 appears that the voter now resides in a different county, the county clerk shall verify the
84 changed residence by sending to the voter, by forwardable mail, the notice required by
85 Subsection (3) printed on a postage prepaid, preaddressed return form.

86 (3) Each county clerk shall use substantially the following form to notify voters whose
87 addresses have changed:

88 "VOTER REGISTRATION NOTICE

89 We have been notified that your residence has changed or you have not voted or

90 appeared to vote in the previous two regular general elections. Please read, complete, and
91 return this form so that we can update our voter registration records. What is your current
92 street address?

93 _____
94 Street City County State Zip

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

99 - you may be required to show evidence of your address to the poll worker before being
100 allowed to vote in either of the next two regular general elections; or

101 - if you fail to vote at least once from the date this notice was mailed until the passing
102 of two regular general elections, you will no longer be registered to vote. If you have changed
103 your residence and have moved to a different county in Utah, you may register to vote by
104 contacting the county clerk in your county.

105 _____

106 Signature of Voter"

107 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the
108 names of any voters from the official register during the 90 days before a regular primary
109 election and the 90 days before a regular general election.

110 (b) The county clerk may remove the names of voters from the official register during
111 the 90 days before a regular primary election and the 90 days before a regular general election
112 if:

113 (i) the voter requests, in writing, that the voter's name be removed; or

114 (ii) the voter has died.

115 (c) (i) After a county clerk mails a notice as required in this section, the clerk may list
116 that voter as inactive.

117 (ii) An inactive voter shall be allowed to vote, sign petitions, and have all other
118 privileges of a registered voter.

119 (iii) A county is not required to send routine mailings to inactive voters and is not
120 required to count inactive voters when dividing precincts and preparing supplies.

121 (d) A county clerk shall send the notice described in Subsection (3) to a voter who does
122 not vote in two consecutive regular general elections.

Legislative Review Note
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Office of Legislative Research and General Counsel