

**Senator Karen Mayne** proposes the following substitute bill:

**VOTER INFORMATION AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Lee B. Perry

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code in relation to disclosure of, and the use of, the list of registered voters and information from the list of registered voters.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a person, other than an election officer, from using the list of registered voters, or information obtained from the list of registered voters, for certain purposes, including commercial purposes or harassment;
- ▶ subject to certain exceptions, prohibits a person from reproducing the list of registered voters, or information obtained from the list of registered voters;
- ▶ prohibits a person from using the list of registered voters, or information obtained from the list of registered voters, to solicit donations or to conduct surveys;
- ▶ prohibits a person from providing the list of registered voters, or information obtained from the list of registered voters to another person if the person providing the information has reason to believe that the other person will use the list, or information obtained from the list, in violation of the provisions of this bill;
- ▶ provides exceptions to certain provisions of this bill if the list of registered voters, or information obtained from the list of registered voters, is used for political,



26 scholarly, journalistic, or governmental purposes;

27 ▶ describes the circumstances under which the lieutenant governor or a county clerk  
28 may disclose the list of registered voters or information from the list of registered  
29 voters;

30 ▶ requires a person who requests the list of registered voters, or information from the  
31 list of registered voters, to provide identification, other information, and assurances  
32 regarding the use of the list and information from the list;

33 ▶ provides that making a false statement when providing the information and  
34 assurances described above constitutes a crime; and

35 ▶ makes technical changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **20A-2-104**, as last amended by Laws of Utah 2010, Chapter 197

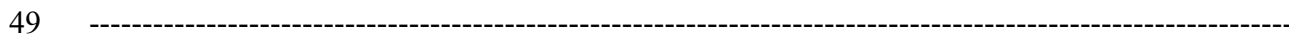


44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **20A-2-104** is amended to read:

46 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

47 (1) Every person applying to be registered shall complete a registration form printed in  
48 substantially the following form:



50 UTAH ELECTION REGISTRATION FORM

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

52 Will you be 18 years old on or before election day? Yes No

53 If you checked "no" to either of the above two questions, do not complete this form.

54 Name of Voter



56 First Middle Last

57 Utah Driver License or Utah Identification Card Number \_\_\_\_\_

58 Date of Birth \_\_\_\_\_

59 Street Address of Principal Place of Residence

60 \_\_\_\_\_

61 City County State Zip Code

62 Telephone Number (optional) \_\_\_\_\_

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

64 Last former address at which I was registered to vote (if known) \_\_\_\_\_

65 \_\_\_\_\_

66 City County State Zip Code

67 Political Party

68 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by  
69 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

70  Unaffiliated (no political party preference)  Other (Please specify) \_\_\_\_\_

71 I do swear (or affirm), subject to penalty of law for false statements, that the  
72 information contained in this form is true, and that I am a citizen of the United States and a  
73 resident of the state of Utah, residing at the above address. I will be at least 18 years old and  
74 will have resided in Utah for 30 days immediately before the next election. I am not a  
75 convicted felon currently incarcerated for commission of a felony.

76 Signed and sworn

77 \_\_\_\_\_

78 Voter's Signature

79 \_\_\_\_\_ (month/day/year).

80 CITIZENSHIP AFFIDAVIT

81 Name:

82 Name at birth, if different:

83 Place of birth:

84 Date of birth:

85 Date and place of naturalization (if applicable):

86 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a

87 citizen and that to the best of my knowledge and belief the information above is true and  
88 correct.

89 \_\_\_\_\_

90 Signature of Applicant

91 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
92 allowing yourself to be registered to vote if you know you are not entitled to register to vote is  
93 up to one year in jail and a fine of up to \$2,500.

94 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID  
95 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST  
96 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND  
97 PHOTOGRAPH; OR  
98 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
99 CURRENT ADDRESS.

100 FOR OFFICIAL USE ONLY

101 Type of I.D. \_\_\_\_\_

102 Voting Precinct \_\_\_\_\_

103 Voting I.D. Number \_\_\_\_\_

104 -----

105 (2) (a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy  
106 of each voter registration form in a permanent countywide alphabetical file, which may be  
107 electronic or some other recognized system.

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

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

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

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

114 (d) The lieutenant governor and the county clerks may charge the fees established  
115 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of  
116 the list of registered voters.

117 (4) (a) A person, other than an election officer acting in the election officer's capacity as

118 an election officer, may not use the list of registered voters, or information obtained from the  
119 list of registered voters, for the purpose of:

- 120 (i) selling the list or information;
- 121 (ii) selling use of the list or information;
- 122 (iii) advertising, soliciting, selling, or marketing products or services to a person;
- 123 (iv) except as provided in Subsection (4)(d), providing the list or information through a  
124 medium that displays or sends paid advertising to a person that accesses the list or information;
- 125 (v) except as provided in Subsection (4)(e), soliciting a donation;
- 126 (vi) except as provided in Subsection (4)(f), conducting a survey;
- 127 (vii) charging a fee to a person to have the person's information, or a portion of the  
128 person's information, removed, withheld, or changed; or
- 129 (viii) harassing a person.

130 (b) Except as provided in Subsection (4)(g), a person may not reproduce the list of  
131 registered voters, or information obtained from the list of registered voters, in any manner,  
132 including print, visual or audio format, electronic format, on the Internet, or via computer  
133 terminal.

134 (c) A person may not provide the list of registered voters, or information obtained from  
135 the list of registered voters to another person if the person providing the information has reason  
136 to believe that the other person will use the list of registered voters, or information obtained  
137 from the list of registered voters, in violation of Subsection (4)(a) or (b).

138 (d) Subsection (4)(a)(iv) does not prohibit a person from providing information  
139 obtained from the list of registered voters as part of a newspaper or other journalistic  
140 publication.

141 (e) Subsection (4)(a)(v) does not prohibit a person from using information obtained  
142 from the list of registered voters to solicit a donation for political or governmental purposes.

143 (f) Subsection (4)(a)(vi) does not prohibit a person from using information obtained  
144 from the list of registered voters to conduct a survey for political, scholarly, journalistic, or  
145 governmental purposes.

146 (g) Subsection (4)(b) does not prohibit a person from reproducing the list of registered  
147 voters, or information obtained from the list of registered voters, for political, scholarly,  
148 journalistic, or governmental purposes.

149 (h) The lieutenant governor or a county clerk may not disclose the list of registered  
150 voters, or information from the list of registered voters, to a person other than an authorized  
151 government official, unless the person:

152 (i) provides proof of the person's identity; and

153 (ii) signs a document that includes the following:

154 (A) the name, address, and telephone number of the person requesting the list or  
155 information from the list;

156 (B) a statement regarding the purpose for which the person desires to obtain the list;

157 (C) a list of the purposes for which the list, or information obtained from the list, may  
158 be used and may not be used;

159 (D) an assertion from the person that the person will not use the list or information  
160 obtained from the list for a purpose prohibited by law;

161 (E) notice that if the person makes a false statement in the document, the person is  
162 punishable by law under Section [76-8-504](#); and

163 (F) notice that a person who uses the list or information obtained from the list in a  
164 manner that is prohibited by law is guilty of a class B misdemeanor.

165 (i) The lieutenant governor or a county clerk may not disclose the list of registered  
166 voters, or information from the list of registered voters, to a person that the lieutenant governor  
167 or county clerk reasonably believes will use the list or information obtained from the list in a  
168 manner prohibited by law.

169 (j) A person is guilty of a class B misdemeanor if the person uses the list of registered  
170 voters, or information obtained from the list of registered voters, in violation of Subsection  
171 (4)(a), (b), or (c).

172 [~~4~~] (5) When political parties not listed on the voter registration form qualify as  
173 registered political parties under Title 20A, Chapter 8, Political Party Formation and  
174 Procedures, the lieutenant governor shall inform the county clerks about the name of the new  
175 political party and direct the county clerks to ensure that the voter registration form is modified  
176 to include that political party.

177 [~~5~~] (6) Upon receipt of a voter registration form from an applicant, the county clerk  
178 or the clerk's designee shall:

179 (a) review each voter registration form for completeness and accuracy; and

180           (b) if the county clerk believes, based upon a review of the form, that a person may be  
181 seeking to register to vote who is not legally entitled to register to vote, refer the form to the  
182 county attorney for investigation and possible prosecution.