

**Senator Deidre M. Henderson** proposes the following substitute bill:

**MODIFICATIONS TO ELECTION LAW**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: Deidre M. Henderson

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ provides that an otherwise eligible voter may register to vote, and vote, by casting a provisional ballot on election day or during the early voting period;
- ▶ amends provisions relating to voter registration deadlines and the information provided to applicants for voter registration;
- ▶ changes the deadline for filing an absentee ballot application and for casting an absentee ballot in person;
- ▶ amends provisions for removing a voter from the absentee ballot list;
- ▶ requires the lieutenant governor to report to the Government Operations Interim Committee regarding implementation of the provisions of this bill;
- ▶ simplifies the process by which an individual may register to vote when the individual applies for or renews the individual's driver license or state identification card;
- ▶ allows an individual to register as an absentee voter when the individual applies for



- 26 or renews the individual's driver license or state identification card;
- 27       ▶ allows any individual to request that the individual's voter registration record be
- 28 classified as a private record;
- 29       ▶ allows certain information in a driver license or state identification card application
- 30 form to be used for voter registration purposes;
- 31       ▶ amends provisions relating to the process by which a voter may request that the
- 32 voter's voter registration record be classified as a private record;
- 33       ▶ requires a county clerk to send certain information to an individual who registers to
- 34 vote;
- 35       ▶ provides certain requirements for conducting an election by absentee ballot;
- 36       ▶ requires a county that conducts ~~§~~ **an** ~~§~~ election by absentee ballot to provide a
- 36a certain
- 37 number of polling places on the date of an election; and
- 38       ▶ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40       None

41 **Other Special Clauses:**

42       This bill provides a coordination clause.

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45       **20A-2-102.5**, as last amended by Laws of Utah 2014, Chapters 98 and 231
- 46       **20A-2-104**, as last amended by Laws of Utah 2015, Chapter 130
- 47       **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130
- 48       **20A-2-201**, as last amended by Laws of Utah 2015, Chapters 130 and 394
- 49       **20A-2-202**, as last amended by Laws of Utah 2015, Chapter 130
- 50       **20A-2-204**, as last amended by Laws of Utah 2015, Chapter 130
- 51       **20A-2-205**, as last amended by Laws of Utah 2015, Chapter 130
- 52       **20A-2-206**, as last amended by Laws of Utah 2015, Chapter 130
- 53       **20A-2-304**, as last amended by Laws of Utah 2017, Chapter 91
- 54       **20A-2-306**, as last amended by Laws of Utah 2017, Chapter 52
- 55       **20A-2-307**, as last amended by Laws of Utah 2015, Chapter 79
- 56       **20A-3-302**, as last amended by Laws of Utah 2017, Chapters 235, 327 and last

57 amended by Coordination Clause, Laws of Utah 2017, Chapter 327  
 58 [20A-3-304](#), as last amended by Laws of Utah 2015, Chapter 394  
 59 [20A-3-306](#), as last amended by Laws of Utah 2015, Chapter 124  
 60 [20A-3-601](#), as last amended by Laws of Utah 2017, Chapter 58  
 61 [20A-3-605](#), as last amended by Laws of Utah 2013, Chapter 320  
 62 [20A-4-107](#), as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended  
 63 by Coordination Clause, Laws of Utah 2014, Chapter 231  
 64 [20A-6-105](#), as last amended by Laws of Utah 2014, Chapter 373  
 65 [63G-2-302](#), as last amended by Laws of Utah 2017, Chapters 168 and 282

66 ENACTS:

67 [20A-2-207](#), Utah Code Annotated 1953

68 **Utah Code Sections Affected by Coordination Clause:**

69 ~~§→ [—[20A-2-104](#), as last amended by Laws of Utah 2015, Chapter 130] ←§~~

70 [20A-3-601](#), as last amended by Laws of Utah 2017, Chapter 58

71 [20A-4-107](#), as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended  
 72 by Coordination Clause, Laws of Utah 2014, Chapter 231



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

75 Section 1. Section [20A-2-102.5](#) is amended to read:

76 **[20A-2-102.5. Voter registration deadline.](#)**

77 (1) Except as provided in Section [20A-2-201](#), [20A-2-204](#), [20A-2-206](#), [20A-2-207](#), or

78 [20A-4-107](#) ~~§→ [H] ←§~~ , ~~§→ [H] ←§~~ or Chapter 16, Uniform Military and Overseas Voters Act, a  
 78a person who fails to

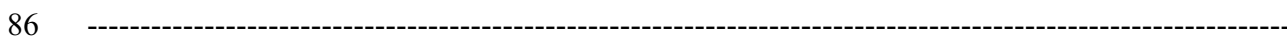
79 submit a correctly completed voter registration form on or before the voter registration deadline  
 80 may not vote in the election.

81 (2) The voter registration deadline is 30 calendar days before the date of the election.

82 Section 2. Section [20A-2-104](#) is amended to read:

83 **[20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.](#)**

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



87 UTAH ELECTION REGISTRATION FORM

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

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

90 Will you be 18 years of age on or before election day? Yes No

91 If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to  
92 vote? Yes No

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

94 Name of Voter

95 \_\_\_\_\_

96 First Middle Last

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

98 Date of Birth \_\_\_\_\_

99 Street Address of Principal Place of Residence

100 \_\_\_\_\_

101 City County State Zip Code

102 Telephone Number (optional) \_\_\_\_\_

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

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

106 \_\_\_\_\_

107 City County State Zip Code

108 Political Party

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

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

112 I do swear (or affirm), subject to penalty of law for false statements, that the  
113 information contained in this form is true, and that I am a citizen of the United States and a  
114 resident of the state of Utah, residing at the above address. Unless I have indicated above that I  
115 am preregistering to vote in a later election, I will be at least 18 years of age and will have  
116 resided in Utah for 30 days immediately before the next election. I am not a convicted felon  
117 currently incarcerated for commission of a felony.

118 Signed and sworn

119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149

\_\_\_\_\_  
Voter's Signature  
\_\_\_\_\_(month/day/year).

"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]~~ You may apply to the lieutenant governor or your county clerk to have your entire voter registration record classified as private."

CITIZENSHIP AFFIDAVIT

- Name:
- Name at birth, if different:
- Place of birth:
- Date of birth:
- Date and place of naturalization (if applicable):

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.

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

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.

NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND PHOTOGRAPH; OR

150 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
151 CURRENT ADDRESS.

152 FOR OFFICIAL USE ONLY

153 Type of I.D. \_\_\_\_\_

154 Voting Precinct \_\_\_\_\_

155 Voting I.D. Number \_\_\_\_\_

156 -----

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

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

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

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

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

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

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

170 (i) a government official or government employee acting in the government official's or  
171 government employee's capacity as a government official or a government employee;

172 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or  
173 independent contractor of a health care provider;

174 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or  
175 independent contractor of an insurance company;

176 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or  
177 independent contractor of a financial institution;

178 (v) a political party, or an agent, employee, or independent contractor of a political  
179 party; or

180 (vi) a person, or an agent, employee, or independent contractor of the person, who:

181 (A) provides the date of birth of a registered voter that is obtained from the list of  
182 registered voters only to a person who is a qualified person;

183 (B) verifies that a person, described in Subsection (4)(a)(vi)(A), to whom a date of  
184 birth that is obtained from the list of registered voters is provided, is a qualified person;

185 (C) ensures, using industry standard security measures, that the date of birth of a  
186 registered voter that is obtained from the list of registered voters may not be accessed by a  
187 person other than a qualified person;

188 (D) verifies that each qualified person, other than a qualified person described in  
189 Subsection (4)(a)(i) or (v), to whom the person provides the date of birth of a registered voter  
190 that is obtained from the list of registered voters, will only use the date of birth to verify the  
191 accuracy of personal information submitted by an individual or to confirm the identity of a  
192 person in order to prevent fraud, waste, or abuse;

193 (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the  
194 person provides the date of birth of a registered voter that is obtained from the list of registered  
195 voters, will only use the date of birth in the qualified person's capacity as a government official  
196 or government employee; and

197 (F) verifies that each qualified person described in Subsection (4)(a)(v), to whom the  
198 person provides the date of birth of a registered voter that is obtained from the list of registered  
199 voters, will only use the date of birth for a political purpose.

200 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in  
201 Subsection 63G-2-302(1)(k), the lieutenant governor or a county clerk shall, when providing  
202 the list of registered voters to a qualified person under this section, include, with the list, the  
203 dates of birth of the registered voters, if:

204 (i) the lieutenant governor or a county clerk verifies the identity of the person and that  
205 the person is a qualified person; and

206 (ii) the qualified person signs a document that includes the following:

207 (A) the name, address, and telephone number of the person requesting the list of  
208 registered voters;

209 (B) an indication of the type of qualified person that the person requesting the list  
210 claims to be;

211 (C) a statement regarding the purpose for which the person desires to obtain the dates

212 of birth;

213 (D) a list of the purposes for which the date of birth of a registered voter that is  
214 obtained from the list of registered voters may be used;

215 (E) a statement that the date of birth of a registered voter that is obtained from the list  
216 of registered voters may not be provided or used for a purpose other than a purpose described  
217 under Subsection (4)(b)(ii)(D);

218 (F) a statement that if the person obtains the date of birth of a registered voter from the  
219 list of registered voters under false pretenses, or provides or uses the date of birth of a  
220 registered voter that is obtained from the list of registered voters in a manner that is prohibited  
221 by law, is guilty of a class A misdemeanor and is subject to a civil fine;

222 (G) an assertion from the person that the person will not provide or use the date of birth  
223 of a registered voter that is obtained from the list of registered voters in a manner that is  
224 prohibited by law; and

225 (H) notice that if the person makes a false statement in the document, the person is  
226 punishable by law under Section 76-8-504.

227 (c) The lieutenant governor or a county clerk may not disclose the date of birth of a  
228 registered voter to a person that the lieutenant governor or county clerk reasonably believes:

229 (i) is not a qualified person or a person described in Subsection (4)(~~k~~)(j); or

230 (ii) will provide or use the date of birth in a manner prohibited by law.

231 (d) The lieutenant governor or a county clerk may not disclose the voter registration  
232 form of a person, or information included in the person's voter registration form, whose voter  
233 registration form is classified as private under Subsection (4)(f) to a person other than a  
234 government official or government employee acting in the government official's or government  
235 employee's capacity as a government official or government employee.

236 (e) A person is guilty of a class A misdemeanor if the person:

237 (i) obtains the date of birth of a registered voter from the list of registered voters under  
238 false pretenses; or

239 (ii) uses or provides the date of birth of a registered voter that is obtained from the list  
240 of registered voters, in a manner that is not permitted by law.

241 (f) The lieutenant governor or a county clerk shall classify the voter registration record  
242 of a voter as a private record if the voter submits[:(~~t~~)] a written application, created by the



243 lieutenant governor, requesting that the voter's voter registration record be classified as  
244 private~~[-and]~~.

245 ~~[(ii) provides evidence to the lieutenant governor or a county clerk establishing that~~  
246 ~~release of the information on the voter's voter registration record is likely to put the voter or a~~  
247 ~~member of the voter's household's life or safety at risk, or to put the voter or a member of the~~  
248 ~~voter's household at risk of being stalked or harassed.]~~

249 ~~[(g) The evidence described in Subsection (4)(f) may include:]~~

250 ~~[(i) a protective order;]~~

251 ~~[(ii) a police report; or]~~

252 ~~[(iii) other evidence designated by rule, made in accordance with Title 63G, Chapter 3,~~  
253 ~~Utah Administrative Rulemaking Act, by the director of elections within the Office of the~~  
254 ~~Lieutenant Governor.]~~

255 ~~[(h)]~~ (g) In addition to any criminal penalty that may be imposed under this section, the  
256 lieutenant governor may impose a civil fine against a person who obtains the date of birth of a  
257 registered voter from the list of registered voters under false pretenses, or provides or uses a  
258 date of birth of a registered voter that is obtained from the list of registered voters in a manner  
259 that is not permitted by law, in an amount equal to the greater of:

260 (i) the product of 30 and the square root of the total number of dates of birth obtained,  
261 provided, or used unlawfully, rounded to the nearest whole dollar; or

262 (ii) \$200.

263 ~~[(i)]~~ (h) A qualified person may not obtain, provide, or use the date of birth of a  
264 registered voter, if the date of birth is obtained from the list of registered voters or from a voter  
265 registration record, unless the person:

266 (i) is a government official or government employee who obtains, provides, or uses the  
267 date of birth in the government official's or government employee's capacity as a government  
268 official or government employee;

269 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or  
270 uses the date of birth only to verify the accuracy of personal information submitted by an  
271 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;

272 (iii) is a qualified person described in Subsection (4)(a)(v) and obtains, provides, or  
273 uses the date of birth for a political purpose; or

274 (iv) is a qualified person described in Subsection (4)(a)(vi) and obtains, provides, or  
275 uses the date of birth to provide the date of birth to another qualified person to verify the  
276 accuracy of personal information submitted by an individual or to confirm the identity of a  
277 person in order to prevent fraud, waste, or abuse.

278 ~~[(j)]~~ (i) A person who is not a qualified person may not obtain, provide, or use the date  
279 of birth of a registered voter, if the date of birth is obtained from the list of registered voters or  
280 from a voter registration record, unless the person:

281 (i) is a candidate for public office and uses the date of birth only for a political purpose;  
282 or

283 (ii) obtains the date of birth from a political party or a candidate for public office and  
284 uses the date of birth only for the purpose of assisting the political party or candidate for public  
285 office to fulfill a political purpose.

286 ~~[(k)]~~ (j) The lieutenant governor or a county clerk may provide a date of birth to a  
287 member of the media, in relation to an individual designated by the member of the media, in  
288 order for the member of the media to verify the identity of the individual.

289 (5) When political parties not listed on the voter registration form qualify as registered  
290 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the  
291 lieutenant governor shall inform the county clerks about the name of the new political party  
292 and direct the county clerks to ensure that the voter registration form is modified to include that  
293 political party.

294 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the  
295 clerk's designee shall:

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

297 (b) if the county clerk believes, based upon a review of the form, that an individual  
298 may be seeking to register or preregister to vote who is not legally entitled to register or  
299 preregister to vote, refer the form to the county attorney for investigation and possible  
300 prosecution.

301 Section 3. Section **20A-2-108** is amended to read:

302 **20A-2-108. Driver license or state identification card registration form --**  
303 **Transmittal of information.**

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

305 (a) a driver license application form; or

306 (b) a state identification card application form.

307 ~~[(+)] (2) The lieutenant governor and the Driver License Division shall design [the~~

308 ~~driver license application and renewal forms to include the following questions:] each~~

309 ~~qualifying form to include:~~

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

312 (b) the following question, which an applicant is required to answer if the applicant  
313 answers "yes" to the question described in Subsection (2)(a): "Any voter may register as an  
314 absentee voter to receive ballots by mail. A voter may change this designation at any time.

315 Would you like to be registered as an absentee voter to receive your ballots by mail? YES

316 NO "; and

317 (c) the following statement: "You may request that your voter registration record be  
318 classified as a private record by indicating here: Yes, I would like to request that my voter  
319 registration record be classified as a private record."

320 ~~[(a) "If you are not registered to vote where you live now, would you like to register to~~  
321 ~~vote today?"; and]~~

322 ~~[(b) "If you are 16 or 17 years of age, and will not be 18 years of age before the date of~~  
323 ~~the next election, would you like to preregister to vote today?"]~~

324 ~~[(2) (a) The lieutenant governor and the Driver License Division shall design a motor~~  
325 ~~voter registration form to be used in conjunction with driver license application and renewal~~  
326 ~~forms.]~~

327 ~~[(b) Each driver license application and renewal form shall contain:]~~

328 ~~[(i) a place for the applicant to decline to register or preregister to vote;]~~

329 ~~[(ii) an eligibility statement in substantially the following form:]~~

330 ~~["I do swear (or affirm), subject to penalty of law for false statements, that the~~  
331 ~~information contained in this form is true, and that I am a citizen of the United States and a~~  
332 ~~resident of the state of Utah, residing at the above address. Unless I have indicated above that I~~  
333 ~~am preregistering to vote in a later election, I will be at least 18 years of age and will have~~  
334 ~~resided in Utah for 30 days immediately before the next election.]~~

335 ~~[Signed and sworn]~~

336 [\_\_\_\_\_]

337 [Voter's Signature]

338 [\_\_\_\_\_(month\day\year)";]

339 [(iii) a citizenship affidavit in substantially the following form:]

340 ["CITIZENSHIP AFFIDAVIT]

341 [Name:]

342 [Name at birth, if different:]

343 [Place of birth:]

344 [Date of birth:]

345 [Date and place of naturalization (if applicable):]

346 [I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
347 citizen and that to the best of my knowledge and belief the information above is true and  
348 correct.]

349 [\_\_\_\_\_]

350 [Signature of Applicant]

351 [In accordance with Section [20A-2-401](#), the penalty for willfully causing, procuring, or  
352 allowing yourself to be registered or preregistered to vote if you know you are not entitled to  
353 register or preregister to vote is up to one year in jail and a fine of up to \$2,500";]

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

356 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and  
357 Utah residency, and that the information provided in the form is true;

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

360 [(iv)] (c) a statement that if an applicant declines to register or preregister to vote, the  
361 fact that the applicant has declined to register or preregister will remain confidential and will be  
362 used only for voter registration purposes;

363 [(v)] (d) a statement that if an applicant does register or preregister to vote, the office at  
364 which the applicant submits a voter registration application will remain confidential and will be  
365 used only for voter registration purposes; and

366 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space

367 where an individual may, if desired:

368 (i) indicate the individual's desired political affiliation from a listing of each registered  
 369 political party, as defined in Section 20A-8-101;

370 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the  
 371 individual desires to affiliate; or

372 (iii) indicate that the individual does not wish to affiliate with a political party.

373 ~~[(vi) the following statement:]~~

374 ~~["The portion of a voter registration form that lists a person's driver license or~~  
 375 ~~identification card number, Social Security number, and email address is a private record. The~~  
 376 ~~portion of a voter registration form that lists a person's date of birth is a private record, the use~~  
 377 ~~of which is restricted to government officials, government employees, political parties, or~~  
 378 ~~certain other persons.]~~

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

384 ~~[(3) Upon receipt of a voter registration form from an applicant, the county clerk or the~~  
 385 ~~clerk's designee shall:]~~

386 ~~[(a) review the voter registration form for completeness and accuracy; and]~~

387 ~~[(b) if the county clerk believes, based upon a review of the form, that a person may be~~  
 388 ~~seeking to register or preregister to vote who is not legally entitled to register or preregister to~~  
 389 ~~vote, refer the form to the county attorney for investigation and possible prosecution.]~~

390 Section 4. Section **20A-2-201** is amended to read:

391 **20A-2-201. Registering to vote at office of county clerk.**

392 (1) Except as provided in Subsection (3), the county clerk shall register to vote each  
 393 individual who registers in person at the county clerk's office during designated office hours if  
 394 the individual will, on the date of the election, be legally eligible to vote in a voting precinct in  
 395 the county in accordance with Section **20A-2-101**.

396 (2) If an individual who is registering to vote submits a registration form in person at  
 397 the office of the county clerk during designated office hours, during the period beginning on

398 the date after the voter registration deadline and ending on the date that is 15 calendar days  
399 before the date of the election, the county clerk shall:

400 (a) accept the form if the individual, on the date of the election, will be legally  
401 qualified and entitled to vote in a voting precinct in the county; and

402 (b) inform the individual that the individual will be registered to vote in the pending  
403 election.

404 (3) If an individual who is registering to vote and who will be legally qualified and  
405 entitled to vote in a voting precinct in the county on the date of an election appears in person,  
406 during designated office hours, and submits a registration form on the date of the election or  
407 during the 14 calendar days before an election, the county clerk shall:

408 (a) accept the registration form; and

409 (b) (i) if ~~[it is]~~ the individual submits the registration form seven or more calendar days  
410 before the date of an election, inform the individual that:

411 (A) ~~[inform the individual that]~~ the individual is registered to vote in the pending  
412 election; and

413 (B) for the pending election, the individual must vote on the day of the election ~~[and is~~  
414 ~~not eligible to vote using early voting under Chapter 3, Part 6, Early Voting]~~ or by provisional  
415 ballot, under Section 20A-2-207, during the early voting period described in Section  
416 20A-3-601, because the individual registered [too] late; or

417 (ii) ~~[except as provided in Subsection 20A-4-108(5), if it is]~~ if the individual submits  
418 the registration form on the date of an election or during the six calendar days before an  
419 election, inform the individual ~~[that the individual]~~:

420 (A) of each manner still available to the individual to timely register to vote in the  
421 current election; and

422 (B) that, if the individual does not timely register in a manner described in Subsection  
423 (3)(b)(ii)(A), the individual will be registered to vote but may not vote in the pending election  
424 because the individual registered ~~[too]~~ late.

425 Section 5. Section 20A-2-202 is amended to read:

426 **20A-2-202. Registration by mail.**

427 (1) (a) A citizen who will be qualified to vote at the next election may register by mail.

428 (b) To register by mail, a citizen shall complete and sign the by-mail registration form

429 and mail or deliver it to the county clerk of the county in which the citizen resides.

430 (c) In order to register to vote in a particular election, the citizen shall:

431 (i) address the by-mail voter registration form to the county clerk; and

432 (ii) ensure that [it] the by-mail voter registration form is postmarked on or before the  
433 voter registration deadline or is otherwise marked by the post office as received by the post  
434 office on or before the voter registration deadline.

435 (d) The citizen has effectively registered to vote under this section only when the  
436 county clerk's office has received a correctly completed by-mail voter registration form.

437 (2) Upon receipt of a correctly completed by-mail voter registration form, the county  
438 clerk shall, unless the individual named in the form is preregistering to vote:

439 (a) enter the applicant's name on the list of registered voters for the voting precinct in  
440 which the applicant resides; and

441 (b) mail confirmation of registration to the newly registered voter after entering the  
442 applicant's voting precinct number on that copy.

443 (3) [~~(a)~~] If the county clerk receives a correctly completed by-mail voter registration  
444 form that is postmarked after the voter registration deadline, and is not otherwise marked by  
445 the post office as received by the post office before the voter registration deadline, the county  
446 clerk shall[~~, unless~~]:

447 (a) if the individual named in the form is preregistering to vote[~~-(i)~~], comply with  
448 Section 20A-2-101.1; or

449 (b) (i) unless the individual timely registers to vote in the current election in a manner  
450 that permits registration after the voter registration deadline, register the [applicant] individual  
451 after the next election; and

452 (ii) if possible, promptly [~~phone or~~] mail a notice to, or otherwise notify, the  
453 [applicant] individual before the election, informing the [applicant that his] individual:

454 (A) of each manner still available to the individual to timely register to vote in the  
455 current election; and

456 (B) that, if the individual does not timely register in a manner described in Subsection  
457 (3)(b)(ii)(A), the individual's registration will not be effective until after the election.

458 [~~(b)~~] (4) When the county clerk receives a correctly completed by-mail voter  
459 registration form at least seven days before an election that is postmarked on or before the date

460 of the voter registration deadline, or is otherwise marked by the post office as received by the  
 461 post office on or before the voter registration deadline, the county clerk shall:

462 ~~[(i)]~~ (a) process the by-mail voter registration form; and

463 ~~[(ii)]~~ (b) record the new voter in the official register.

464 ~~[(4)]~~ (5) If the county clerk determines that a registration form received by mail or  
 465 otherwise is incorrect because of an error or because it is incomplete, the county clerk shall  
 466 mail notice to the person attempting to register or preregister, stating that the person has not  
 467 been registered or preregistered because of an error or because the form is incomplete.

468 Section 6. Section **20A-2-204** is amended to read:

469 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

470 (1) As used in this section, "voter registration form" means ~~[the driver license~~  
 471 ~~application/voter registration form and the driver license renewal/voter registration form~~  
 472 ~~required by Section 20A-2-108]~~, when an individual named on a qualifying form, as defined in  
 473 Section 20A-2-108, answers "yes" to the question described in Subsection 20A-2-108(2)(a), the  
 474 information on the qualifying form that can be used for voter registration purposes.

475 (2) ~~§~~ → ~~[(a)]~~ ← ~~§~~ Any A citizen who is qualified to vote may register to vote, and ~~[any]~~ a  
 475a citizen

476 who is qualified to preregister to vote may preregister to vote, by answering "yes" to the  
 477 question described in Subsection 20A-2-108(2)(a) and completing the voter registration form.

478 (3) The Driver License Division shall:

479 (a) assist ~~[applicants]~~ an individual in completing the voter registration form unless the  
 480 ~~[applicant]~~ individual refuses assistance;

481 ~~[(b) accept a completed voter registration form and transmit the form to the county~~  
 482 ~~clerk of the county in which the applicant resides within five days after the day on which the~~  
 483 ~~division receives the form;]~~

484 ~~[(c)]~~ (b) electronically transmit each address change to the lieutenant governor within  
 485 five days after the day on which the division receives the address change; and

486 ~~[(d) transmit electronically to the lieutenant governor's office the name, address, birth~~  
 487 ~~date, and driver license number of each individual who answers "yes" to a question described~~  
 488 ~~in Subsection 20A-2-108(1), and indicate whether the individual is registering or preregistering~~  
 489 ~~to vote.]~~

490 ~~[(4)(a) Upon receipt of a correctly completed voter registration form from an~~



491 individual who is registering to vote, the county clerk shall:]

492 ~~[(i) enter the applicant's name on the list of registered voters for the voting precinct in~~  
493 ~~which the applicant resides; and]~~

494 ~~[(ii) notify the applicant of registration.]~~

495 ~~[(b) Upon receipt of a correctly completed voter registration form from an individual~~  
496 ~~who is preregistering to vote, the county clerk shall]~~

497 (c) within five days after the day on which the division receives a voter registration  
498 form, electronically transmit the form to the Office of the Lieutenant Governor, including the  
499 following for the individual named on the form:

500 (i) the name, date of birth, driver license or state identification card number, last four  
501 digits of the social security number, Utah residential address, place of birth, and signature;

502 (ii) a mailing address, if different from the individual's Utah residential address;

503 (iii) an email address and phone number, if available;

504 (iv) the desired political affiliation, if indicated; and

505 (v) an indication of whether the individual requested that the individual's voter  
506 registration record be classified as a private record under Subsection [20A-2-108\(2\)\(c\)](#).

507 (4) Upon receipt of an individual's voter registration form from the Driver License  
508 Division under Subsection (3), the lieutenant governor shall:

509 (a) enter the information into the statewide voter registration database; and

510 (b) if the individual requests on the individual's voter registration form that the  
511 individual's voter registration record be classified as a private record, classify the individual's  
512 voter registration record as a private record.

513 (5) The county clerk of an individual whose information is entered into the statewide  
514 voter registration database under Subsection (4) shall:

515 (a) ensure that the individual meets the qualifications to be registered or preregistered  
516 to vote; and

517 (b) (i) if the individual meets the qualifications to be registered to vote:

518 (A) ensure that the individual is assigned to the proper voting precinct; and

519 (B) send the individual the notice described in Section [20A-2-304](#); or

520 (ii) if the individual meets the qualifications to be preregistered to vote, process the  
521 form in accordance with the requirements of Section [20A-2-101.1](#).

522 ~~[(5) (a) If the county clerk receives a correctly completed voter registration form that is~~  
 523 ~~dated after the voter registration deadline, the county clerk shall, unless]~~  
 524 ~~[the individual named in the form is preregistering to vote: (i)]~~  
 525 ~~[register the applicant after the next election; and]~~  
 526 ~~[(ii) if possible, promptly phone or mail a notice to the applicant before the election,~~  
 527 ~~informing the applicant that his]~~  
 528 ~~[registration will not be effective until after the election.]~~

529 ~~[(b) When the county clerk receives a correctly completed voter registration form at~~  
 530 ~~least seven days before an election that is dated on or before the voter registration deadline, the~~  
 531 ~~county clerk shall, unless the individual named in the form is preregistering to vote:]~~

532 ~~[(i) process the voter registration form; and]~~  
 533 ~~[(ii) record the new voter in the official register.]~~

534 ~~Ŝ → [(6) An individual shall submit the application and evidence described in Subsection~~  
 535 ~~(5)(c)(i)(B) to the county clerk within 30 days after the day on which the county clerk sends the~~  
 536 ~~notice described in Subsection (5)(c)(i):~~

537 ~~—— (7) (6) ← Ŝ~~ (a) When the county clerk receives a correctly completed voter registration form  
 538 ~~under this section, the clerk shall:~~

539 ~~(i) comply with the applicable provisions of this Subsection~~ Ŝ → ~~[(7) (6) ← Ŝ~~ ; or  
 540 ~~(ii) if the individual is preregistering to vote, comply with Section~~ [20A-2-101.1](#).

541 ~~(b) If the county clerk receives a correctly completed voter registration form under this~~  
 542 ~~section during the period beginning on the date after the voter registration deadline and ending~~  
 543 ~~on the date that is 15 calendar days before the date of an election, the county clerk shall:~~

544 ~~(i) accept the voter registration form; and~~  
 545 ~~(ii) unless the individual is preregistering to vote, inform the individual that the~~  
 546 ~~individual is registered to vote in the pending election.~~

547 ~~(c) If the county clerk receives a correctly completed voter registration form under this~~  
 548 ~~section during the period beginning on the date that is 14 calendar days before the election and~~  
 549 ~~ending on the date that is seven calendar days before the election, the county clerk shall:~~

550 ~~(i) accept the voter registration form; and~~  
 551 ~~(ii) unless the individual is preregistering to vote, inform the individual that:~~  
 552 ~~(A) the individual is registered to vote in the pending election; and~~

553 (B) for the pending election, the individual must vote on the day of the election or by  
 554 provisional ballot, under Section 20A-2-207, during the early voting period described in  
 555 Section 20A-3-601 because the individual registered late.

556 (d) If the county clerk receives a correctly completed voter registration form under this  
 557 section during the six calendar days before an election, the county clerk shall:

558 (i) accept the application for registration ~~if~~ of ~~the~~ the individual; and

559 (ii) unless the individual is preregistering to vote, inform the individual:

560 (A) of each manner still available to the individual to timely register to vote in the  
 561 current election; and

562 (B) that, if the individual does not timely register in a manner described in Subsection  
 563 (7)(d)(ii)(A), the individual is registered to vote but may not vote in the pending election  
 564 because the individual registered late.

565 ~~[(6)] ~~if~~ (7) ~~of~~ (a)~~ (a) If the county clerk determines that ~~a~~ an individual's voter  
 565a registration

566 form received from the Driver License Division is incorrect because of an error ~~or~~, because  
 567 ~~it~~ the form is incomplete, or because the individual does not meet the qualifications to be  
 568 registered to vote, the county clerk shall mail notice to the individual ~~[attempting to register or~~  
 569 ~~preregister to vote,~~] stating that the individual has not been registered or preregistered because  
 570 of an error ~~or~~, because the form is incomplete, or because the individual does not meet the  
 571 qualifications to be registered to vote.

572 (b) If a county clerk believes, based upon a review of a voter registration form, that an  
 573 individual, who knows that the individual is not legally entitled to register or preregister to  
 574 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer  
 575 the form to the county attorney for investigation and possible prosecution.

576 Section 7. Section 20A-2-205 is amended to read:

577 **20A-2-205. Registration at voter registration agencies.**

578 (1) As used in this section:

579 (a) "Discretionary voter registration agency" means the same as that term is defined in  
 580 Section 20A-2-300.5.

581 (b) "Public assistance agency" means each office in Utah that provides:

582 (i) public assistance; or

583 (ii) state funded programs primarily engaged in providing services to people with

584 disabilities.

585 (2) An individual may obtain and complete a by-mail registration form at a public  
586 assistance agency or discretionary voter registration agency.

587 (3) Each public assistance agency and discretionary voter registration agency shall  
588 provide, either as part of existing forms or on a separate form, the following information in  
589 substantially the following form:

590 "REGISTERING TO VOTE

591 If you are not registered to vote where you live now, would you like to apply to register  
592 or preregister to vote here today? (The decision of whether to register or preregister to vote will  
593 not affect the amount of assistance that you will be provided by this agency.) Yes\_\_\_\_ No\_\_\_\_

594 IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE

595 DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you

596 would like help in filling out the voter registration form, we will help you. The decision about

597 whether to seek or accept help is yours. You may fill out the application form in private. If

598 you believe that someone has interfered with your right to register or preregister or to decline to

599 register or preregister to vote, your right to privacy in deciding whether to register or

600 preregister, or in applying to register or preregister to vote, or your right to choose your own

601 political party or other political preference, you may file a complaint with the Office of the

602 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number

603 of the Office of the Lieutenant Governor)."

604 (4) Unless a person applying for service or assistance from a public assistance agency  
605 or discretionary voter registration agency declines, in writing, to register or preregister to vote,  
606 each public assistance agency and discretionary voter registration agency shall:

607 (a) distribute a by-mail voter registration form with each application for service or  
608 assistance provided by the agency or office;

609 (b) assist applicants in completing the voter registration form unless the applicant  
610 refuses assistance;

611 (c) accept completed forms for transmittal to the appropriate election official; and

612 (d) transmit a copy of each voter registration form to the appropriate election official  
613 within five days after it is received by the division.

614 (5) A person in a public assistance agency or a discretionary voter registration agency

615 that helps a person complete the voter registration form may not:

- 616 (a) seek to influence an applicant's political preference or party registration;
- 617 (b) display any political preference or party allegiance;
- 618 (c) make any statement to an applicant or take any action that has the purpose or effect
- 619 of discouraging the applicant from registering to vote; or
- 620 (d) make any statement to an applicant or take any action that has the purpose or effect
- 621 of leading the applicant to believe that a decision of whether to register or preregister has any
- 622 bearing upon the availability of services or benefits.

623 (6) Upon receipt of a correctly completed voter registration form, the county clerk

624 shall, unless the individual named in the form is preregistering to vote:

625 (a) enter the applicant's name on the list of registered voters for the voting precinct in

626 which the applicant resides; and

627 (b) notify the applicant of registration.

628 (7) ~~(a)~~ If the county clerk receives a correctly completed voter registration form that

629 is dated after the voter registration deadline, the county clerk shall~~[-unless]~~:

630 (a) if the individual named in the form is preregistering to vote~~[-(i)]~~, comply with

631 Section 20A-2-101.1; or

632 (b) (i) unless the individual timely registers to vote in the current election in a manner

633 that permits registration after the voter registration deadline, register the [applicant] individual

634 after the next election; and

635 (ii) if possible, promptly phone or mail a notice to the [applicant] individual before the

636 election, informing the ~~[applicant that his]~~ individual:

637 (A) of each manner still available to the individual to timely register to vote in the

638 current election; and

639 (B) that, if the individual does not timely register in a manner described in Subsection

640 (7)(b)(ii)(A), the individual's registration will not be effective until after the election.

641 ~~(b)~~ (8) When the county clerk receives a correctly completed voter registration form

642 at least seven days before an election that is dated on or before the voter registration deadline,

643 the county clerk shall:

644 ~~(i)~~ (a) process the voter registration form; and

645 ~~(ii)~~ (b) record the new voter in the official register.

646            [(8)] (9) If the county clerk determines that a voter registration form received from a  
647 public assistance agency or discretionary voter registration agency is incorrect because of an  
648 error or because it is incomplete, the county clerk shall mail notice to the individual attempting  
649 to register or preregister to vote, stating that the individual has not been registered or  
650 preregistered to vote because of an error or because the form is incomplete.

651            Section 8. Section **20A-2-206** is amended to read:

652            **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

653            (1) The lieutenant governor may create and maintain an electronic system that is  
654 publicly available on the Internet for an individual to apply for voter registration or  
655 preregistration and for an individual to request an absentee ballot.

656            (2) An electronic system for voter registration or preregistration shall require:

657            (a) that an applicant have a valid driver license or identification card, issued under Title  
658 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place  
659 of residence;

660            (b) that the applicant provide the information required by Section **20A-2-104**, except  
661 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)  
662 and (4);

663            (c) that the applicant attest to the truth of the information provided; and

664            (d) that the applicant authorize the lieutenant governor's and county clerk's use of the  
665 applicant's:

666            (i) driver license or identification card signature, obtained under Title 53, Chapter 3,  
667 Uniform Driver License Act, for voter registration purposes; or

668            (ii) signature on file in the lieutenant governor's statewide voter registration database  
669 developed under Section **20A-2-109**.

670            (3) Notwithstanding Section **20A-2-104**, an applicant using the electronic system for  
671 voter registration or preregistration created under this section is not required to complete a  
672 printed registration form.

673            (4) A system created and maintained under this section shall provide the notices  
674 concerning a voter's presentation of identification contained in Subsection **20A-2-104**(1).

675            (5) The lieutenant governor shall:

676            (a) obtain a digital copy of the applicant's driver license or identification card signature

677 from the Driver License Division; or

678 (b) ensure that the applicant's signature is already on file in the lieutenant governor's  
679 statewide voter registration database developed under Section 20A-2-109.

680 (6) The lieutenant governor shall send the information to the county clerk for the  
681 county in which the applicant's principal place of residence is found for further action as  
682 required by Section 20A-2-304 after:

683 (a) receiving all information from an applicant; and

684 (b) (i) receiving all information from the Driver License Division; or

685 (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's  
686 statewide voter registration database developed under Section 20A-2-109.

687 (7) The lieutenant governor may use additional security measures to ensure the  
688 accuracy and integrity of an electronically submitted voter registration.

689 (8) ~~[(a)]~~ If an individual applies to register under this section during the period  
690 beginning on the date after the voter registration deadline and ending on the date that is 15  
691 calendar days before the date of an election, the county clerk shall, unless the individual is  
692 preregistering to vote:

693 ~~[(i)]~~ (a) accept the application for registration if the individual, on the date of the  
694 election, will be legally qualified and entitled to vote in a voting precinct in the state; and

695 ~~[(ii)]~~ (b) inform the individual that the individual is registered to vote in the pending  
696 election.

697 ~~[(b)]~~ (9) If an individual applies to register under this section during the period  
698 beginning on the date that is 14 calendar days before the election and ending on the date that is  
699 seven calendar days before the election, the county clerk shall, unless the individual is  
700 preregistering to vote:

701 ~~[(i)]~~ (a) accept the application for registration if the individual, on the date of the  
702 election, will be legally qualified and entitled to vote in a voting precinct in the state; and

703 ~~[(ii)]~~ (b) inform the individual that:

704 ~~[(A)]~~ (i) the individual is registered to vote in the pending election; and

705 ~~[(B)]~~ (ii) for the pending election, the individual must vote on the day of the election

706 ~~[and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the~~  
707 ~~individual registered too late]~~ or by provisional ballot, under Section 20A-2-207, during the

708 early voting period described in Section 20A-3-601 because the individual registered late.

709 ~~[(e)]~~ (10) If an individual applies to register under this section during the six calendar  
710 days before an election, the county clerk shall ~~[, unless]~~:

711 (a) if the individual is preregistering to vote~~[(t)]~~, comply with Section 20A-2-101.1;

712 or

713 (b) (i) accept the application for registration if the individual, on the date of the  
714 election, will be legally qualified and entitled to vote in a voting precinct in the state; and

715 (ii) unless the individual timely registers to vote in the current election in a manner that  
716 permits registration after the voter registration deadline, inform the individual [that the  
717 individual]:

718 (A) of each manner still available to the individual to timely register to vote in the  
719 current election; and

720 (B) that, if the individual does not timely register in a manner described in Subsection  
721 (10)(b)(ii)(A), the individual is registered to vote but may not vote in the pending election  
722 because the individual registered [~~too~~] late.

723 ~~[(9)]~~ (11) (a) A registered voter may file an application for an absentee ballot in  
724 accordance with Section 20A-3-304 on the electronic system for voter registration established  
725 under this section.

726 (b) The lieutenant governor shall provide a means by which a registered voter shall  
727 sign the application form as provided in Section 20A-3-304.

728 Section 9. Section 20A-2-207 is enacted to read:

729 **20A-2-207. Registration by provisional ballot.**

730 (1) An individual who is not registered to vote may register to vote, and vote, on  
731 election day or during the early voting period described in Section 20A-3-601, by voting a  
732 provisional ballot, if:

733 (a) the individual is otherwise legally entitled to vote the ballot;

734 (b) the ballot is identical to the ballot for the precinct in which the individual resides;

735 (c) the information on the provisional ballot form is complete; and

736 (d) the individual provides valid voter identification and proof of residence to the poll  
737 worker.

738 (2) If a provisional ballot and the individual who voted the ballot comply with the



739 requirements described in Subsection (1), the election officer shall:

740 (a) consider the provisional ballot a voter registration form;

741 (b) place the ballot with the absentee ballots, to be counted with those ballots at the  
742 canvass; and

743 (c) as soon as reasonably possible, register the individual to vote.

744 (3) Except as provided in Subsection (4), the election officer shall retain a provisional  
745 ballot form, uncounted, for the period specified in Section [20A-4-202](#), if the election officer  
746 determines that the individual who voted the ballot:

747 (a) is not registered to vote and is not eligible for registration under this section; or

748 (b) is not legally entitled to vote the ballot that the individual voted.

749 (4) Subsection (3) does not apply if a court orders the election officer to produce or  
750 count the provisional ballot.

751 (5) The lieutenant governor shall report to the Government Operations Interim  
752 Committee on or before October 31, 2018, and on or before October 31, 2020, regarding:

753 (a) implementation of registration by provisional ballot, as described in this section, on  
754 a statewide basis;

755 (b) any difficulties resulting from the implementation described in Subsection (5)(a);

756 (c) the effect of registration by provisional ballot on voter participation in Utah;

757 (d) the number of ballots cast by voters who registered by provisional ballot:

758 (i) during the early voting period described in Section [20A-3-601](#); and

759 (ii) on election day; and

760 (e) suggested changes in the law relating to registration by provisional ballot.

761 Section 10. Section **20A-2-304** is amended to read:

762 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

763 Each county clerk shall:

764 (1) register to vote each [~~applicant for registration~~] individual who meets the  
765 requirements for registration and who:

766 (a) submits a completed voter registration form to the county clerk [~~on or before the~~  
767 ~~voter registration deadline~~];

768 (b) submits a completed voter registration form, as defined in Section [20A-2-204](#), to  
769 the Driver License Division[~~;~~];

770 (c) submits a completed voter registration form to a public assistance agency[;] or a  
771 discretionary voter registration agency [~~on or before the voter registration deadline~~]; or  
772 ~~[(c)]~~ (d) mails a completed by-mail voter registration form to the county clerk [~~on or~~  
773 ~~before the voter registration deadline]; and~~  
774 (2) within 30 days after the day on which the county clerk processes a voter registration  
775 [application] form, send a notice to the individual who submits the [application] form that:  
776 (a) (i) informs the individual that the individual's [application for] voter registration  
777 form has been accepted and that the individual is registered to vote;  
778 (ii) informs the individual of the procedure for designating or changing the individual's  
779 political affiliation; and  
780 (iii) informs the individual of the procedure to cancel a voter registration;  
781 (b) informs the individual that the individual's [application for] voter registration form  
782 has been rejected and the reason for the rejection; or  
783 (c) (i) informs the individual that the [application for] individual's voter registration  
784 form is being returned to the individual for further action because the [application] form is  
785 incomplete; and  
786 (ii) gives instructions to the individual on how to properly complete the [application]  
787 form.  
788 Section 11. Section **20A-2-306** is amended to read:  
789 **20A-2-306. Removing names from the official register -- Determining and**  
790 **confirming change of residence.**  
791 (1) A county clerk may not remove a voter's name from the official register on the  
792 grounds that the voter has changed residence unless the voter:  
793 (a) confirms in writing that the voter has changed residence to a place outside the  
794 county; or  
795 (b) (i) has not voted in an election during the period beginning on the date of the notice  
796 required by Subsection (3), and ending on the day after the date of the second regular general  
797 election occurring after the date of the notice; and  
798 (ii) has failed to respond to the notice required by Subsection (3).  
799 (2) (a) When a county clerk obtains information that a voter's address has changed and  
800 it appears that the voter still resides within the same county, the county clerk shall:

801 (i) change the official register to show the voter's new address; and  
 802 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)  
 803 printed on a postage prepaid, preaddressed return form.

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

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

810 "VOTER REGISTRATION NOTICE

811 We have been notified that your residence has changed. Please read, complete, and  
 812 return this form so that we can update our voter registration records. What is your current  
 813 street address?

814 \_\_\_\_\_  
 815 Street City County State Zip

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

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

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

826 \_\_\_\_\_  
 827 Signature of Voter"

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

832 certain other persons.

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

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

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

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

845 (ii) the voter has died.

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

848 (ii) If a county clerk receives a returned voter identification card, determines that there  
849 was no clerical error causing the card to be returned, and has no further information to contact  
850 the voter, the county clerk may list that voter as inactive.

851 (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other  
852 privileges of a registered voter.

853 (iv) A county is not required to send routine mailings to an inactive voter and is not  
854 required to count inactive voters when dividing precincts and preparing supplies.

855 Section 12. Section **20A-2-307** is amended to read:

856 **20A-2-307. County clerks' instructions to election judges.**

857 (1) Each county clerk shall instruct election judges to allow a voter to vote a regular  
858 ballot if:

859 (a) the voter has moved from one address within a voting precinct to another address  
860 within the same voting precinct; and

861 (b) the voter affirms the change of address orally or in writing before the election  
862 judges.

863 (2) Each county clerk shall instruct election judges to allow ~~[a person]~~ an individual to  
864 vote a provisional ballot if:

865 (a) the individual is not registered to vote, but is otherwise legally entitled to vote  
866 under Section 20A-2-207;

867 ~~[(a)]~~ (b) the voter's name does not appear on the official register; or

868 ~~[(b)]~~ (c) the voter is challenged as provided in Section 20A-3-202.

869 Section 13. Section 20A-3-302 is amended to read:

870 **20A-3-302. Conducting election by absentee ballot prohibited -- Exception.**

871 (1) (a) Notwithstanding Section 17B-1-306, an election officer may administer an  
872 election ~~[entirely]~~ by absentee ballot under this section.

873 (b) An election officer who administers an election ~~[entirely]~~ by absentee ballot, except  
874 for an election conducted under Section 20A-7-609.5, shall, before the following dates, notify  
875 the lieutenant governor that the election will be administered ~~[entirely]~~ by absentee ballot:

876 (i) February 1 of an even-numbered year if the election is a regular general election; or

877 (ii) May 1 of an odd-numbered year if the election is a municipal general election.

878 (2) ~~[If the]~~ An election officer ~~[decides to administer]~~ who administers an election  
879 ~~[entirely]~~ by absentee ballot~~[, the election officer]~~:

880 (a) shall mail to each ~~[registered]~~ active voter within ~~[that]~~ a voting precinct:

881 ~~[(a)]~~ (i) an absentee ballot;

882 ~~[(b)]~~ (ii) for an election administered by a county clerk, information regarding the  
883 location and hours of operation of any election day voting center at which the voter may vote;

884 ~~[(c)]~~ (iii) a courtesy reply mail envelope;

885 ~~[(d)]~~ (iv) instructions for returning the ballot that include an express notice about any  
886 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

887 ~~[(e)]~~ (v) for an election administered by an election officer other than a county clerk, if  
888 the election officer does not operate a polling location or an election day voting center, a  
889 warning, on a separate page of colored paper in bold face print, indicating that if the voter fails  
890 to follow the instructions included with the absentee ballot, the voter will be unable to vote in  
891 that election because there will be no polling place in the voting precinct on the day of the  
892 election~~[.];~~ and

893 (b) may not mail an absentee ballot under this section to:

894 (i) an inactive voter; or

895 (ii) a voter whom the election officer is prohibited from sending an absentee ballot  
896 under Subsection (8)(c)(ii).

897 (3) A voter who votes by absentee ballot under this section is not required to apply for  
898 an absentee ballot as required by this part.

899 (4) An election officer who administers an election [~~entirely~~] by absentee ballot shall:

900 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before  
901 the election; or

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

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

905 (5) Upon receipt of a returned absentee ballot, the election officer shall review and  
906 process the ballot under Section 20A-3-308.

907 (6) A county that administers an election [~~entirely~~] by absentee ballot:

908 (a) shall provide at least one election day voting center in accordance with Title 20A,  
909 Chapter 3, Part 7, Election Day Voting Center, for every 5,000 active voters in the county who  
910 will not receive an absentee ballot, but not fewer than one election day voting center;

911 (b) shall ensure that [~~an~~] each election day voting center operated by the county has at  
912 least one voting device that is accessible, in accordance with the Help America Vote Act of  
913 2002, Pub. L. No. 107-252, for individuals with disabilities;

914 (c) may reduce the early voting period described in Section 20A-6-301, if:

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

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

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

920 [~~(e)~~] (d) is not required to pay return postage for an absentee ballot; and

921 [~~(d)~~] (e) is subject to an audit conducted under Subsection (7).

922 (7) (a) The lieutenant governor shall:

923 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in  
924 an election conducted under this section; and

925 (ii) after each primary, general, or special election conducted under this section, select  
 926 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures  
 927 developed under Subsection (7)(a)(i).

928 (b) The lieutenant governor shall post the results of an audit conducted under this  
 929 Subsection (7) on the lieutenant governor's website.

930 (8) (a) An individual in a jurisdiction that conducts an election by absentee ballot may  
 931 request that the election officer not send the individual a ballot by mail in the next and  
 932 subsequent elections by submitting a written request to the election officer.

933 (b) An individual shall submit the request described in Subsection (8)(a) to the election  
 934 officer at least 60 days before an election if the individual does not wish to receive an absentee  
 935 ballot in that election.

936 (c) An election officer who receives a request from an individual under Subsection  
 937 (8)(a):

938 (i) shall remove the individual's name from the list of voters who will receive an  
 939 absentee ballot; and

940 (ii) may not send the individual an absentee ballot for:

941 (A) the next election, if the individual submits the request described in Subsection  
 942 (8)(a) before the deadline described in Subsection (8)(b); or

943 (B) an election after the election described in Subsection (8)(c)(ii)(A).

944 (d) An individual who submits a request under Subsection (8)(a) may resume the  
 945 individual's receipt of an absentee ballot in an election conducted under this section by filing an  
 946 absentee ballot request under Section [20A-3-304](#).

947 Section 14. Section **20A-3-304** is amended to read:

948 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

949 (1) (a) [~~Any~~] A registered voter who wishes to vote an absentee ballot may [~~either:(i)~~]  
 950 file an absentee ballot application:

951 [~~(A)~~] (i) on the electronic system maintained by the lieutenant governor under Section  
 952 [20A-2-206](#); [~~or~~]

953 [~~(B)~~] (ii) with the appropriate election officer for an official absentee ballot as provided  
 954 in this section; or

955 (iii) by answering "yes" to the question described in Subsection [20A-2-108\(2\)\(a\)](#) when

956 registering to vote while filing a driver license or state identification card application.

957 ~~[(ii)]~~ (b) An absentee voter may vote in person at the office of the appropriate election  
958 officer as provided in Section 20A-3-306.

959 ~~[(b)]~~ (c) A person that collects a completed absentee ballot application from a  
960 registered voter shall file the completed absentee ballot application with the appropriate  
961 election official before the earlier of:

962 (i) 14 days after the day on which the registered voter signed the absentee ballot form;  
963 or

964 (ii) the ~~[Thursday]~~ Tuesday before the next election.

965 (2) As it relates to an absentee ballot application to be filled out entirely by the voter:

966 (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer  
967 shall approve an application form for absentee ballot applications:

968 (i) in substantially the following form:

969 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
970 apply for an official absentee ballot to be voted by me at the election.

971 Date \_\_\_\_\_ (month\day\year) Signed \_\_\_\_\_  
972 Voter"; and

973 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
974 status:

975 (A) until the voter requests otherwise at a future date; or

976 (B) until a date specified by the voter in the application form; and

977 (b) the lieutenant governor or election officer shall approve an application form for  
978 regular primary elections and for the Western States Presidential Primary:

979 (i) in substantially the following form:

980 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
981 apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me  
982 at the primary election.

983 I understand that I must be affiliated with or authorized to vote the political party's  
984 ballot that I request.

985 Dated \_\_\_\_\_ (month\day\year) \_\_\_\_\_ Signed \_\_\_\_\_  
986 Voter"; and



987 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
988 status:

989 (A) until the voter requests otherwise at a future date; or

990 (B) until a date specified by the voter in the application form.

991 (3) If requested by the applicant, the election officer shall:

992 (a) mail or fax the application form to the absentee voter; or

993 (b) deliver the application form to any voter who personally applies for it at the office  
994 of the election officer.

995 (4) As it relates to an absentee ballot application to be filled out for, and finished and  
996 signed by, a voter:

997 (a) except as provided in Subsection (4)(b), the lieutenant governor or election officer  
998 shall approve an application form for absentee ballot applications:

999 (i) in substantially the following form:

1000 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
1001 apply for an official absentee ballot to be voted by me at the election.

1002 I understand that a person that collects this absentee ballot application is required to file  
1003 it with the appropriate election official before the earlier of fourteen days after the day on  
1004 which I sign the application or the [~~Thursday~~] Tuesday before the next election.

1005 This form is provided by (insert name of person or organization).

1006 I have verified that the information on this application is correct.

1007 I understand that I will receive a ballot at the following address: (insert address and an  
1008 adjacent check box);

1009 OR

1010 I request that the ballot be mailed to the following address: (insert blank space for an  
1011 address and an adjacent check box).

1012 Date \_\_\_\_\_ (month\day\year) Signed \_\_\_\_\_

1013 Voter"; and

1014 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
1015 status:

1016 (A) until the voter requests otherwise at a future date; or

1017 (B) until a date specified by the voter in the application form; and

1018 (b) the lieutenant governor or election officer shall approve an application form for  
1019 regular primary elections and for the Western States Presidential Primary:

1020 (i) in substantially the following form:

1021 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
1022 apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me  
1023 at the primary election.

1024 I understand that I must be affiliated with or authorized to vote the political party's  
1025 ballot that I request. I understand that a person that collects this absentee ballot application is  
1026 required to file it with the appropriate election official before the earlier of fourteen days after  
1027 the day on which I sign the application or the [~~Thursday~~] Tuesday before the next primary  
1028 election.

1029 This form is provided by (insert name of person or organization).

1030 I have verified that the information on this application is correct.

1031 I understand that I will receive a ballot at the following address: (insert address and an  
1032 adjacent check box);

1033 OR

1034 I request that the ballot be mailed to the following address: (insert blank space for an  
1035 address and an adjacent check box).

1036 Dated \_\_\_\_\_ (month\day\year) \_\_\_\_\_ Signed \_\_\_\_\_

1037 Voter"; and

1038 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
1039 status:

1040 (A) until the voter requests otherwise at a future date; or

1041 (B) until a date specified by the voter in the application form.

1042 (5) The forms described in Subsections (2) and (4) shall contain instructions on how a  
1043 voter may cancel an absentee ballot application.

1044 (6) Except as provided in Subsection [20A-3-306\(2\)\(a\)](#), a voter who wishes to vote by  
1045 absentee ballot shall file the application for an absentee ballot with the lieutenant governor or  
1046 appropriate election officer no later than the [~~Thursday~~] Tuesday before election day.

1047 (7) (a) A county clerk shall establish an absentee voter list containing the name of each  
1048 voter who:

- 1049 (i) requests absentee voter status; and  
 1050 (ii) meets the requirements of this section.
- 1051 (b) A county clerk may not remove a voter's name from the list described in Subsection  
 1052 (7)(a) unless:
- 1053 (i) the voter is no longer listed in the official register;  
 1054 (ii) the voter cancels the voter's absentee status; [~~or~~]  
 1055 (iii) the voter's name is removed on the date specified by the voter on the absentee  
 1056 ballot application form[-]; or  
 1057 (iv) the county clerk is required to remove the voter's name from the list under  
 1058 Subsection (7)(c) or 20A-3-302(8)(c)(ii).
- 1059 (c) A county clerk shall remove a voter's name from the list described in Subsection  
 1060 (7)(a) if the voter fails to vote in two consecutive regular general elections.
- 1061 [~~(c)~~] (d) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is  
 1062 on the absentee voter list.
- 1063 (ii) The questionnaire shall allow the voter to:  
 1064 (A) verify the voter's residence; or  
 1065 (B) cancel the voter's absentee status.
- 1066 [~~(d)~~] (e) The clerk shall provide a copy of the absentee voter list to election officers for  
 1067 use in elections.
- 1068 Section 15. Section **20A-3-306** is amended to read:
- 1069 **20A-3-306. Voting ballot -- Returning ballot.**
- 1070 (1) (a) Except as provided by Section **20A-1-308**, to vote a mail-in absentee ballot, the  
 1071 absentee voter shall:
- 1072 (i) complete and sign the affidavit on the envelope;  
 1073 (ii) mark the votes on the absentee ballot;  
 1074 (iii) place the voted absentee ballot in the envelope;  
 1075 (iv) securely seal the envelope; and  
 1076 (v) attach postage, unless voting in accordance with Section **20A-3-302**, and deposit  
 1077 the envelope in the mail or deliver it in person to the election officer from whom the ballot was  
 1078 obtained.
- 1079 (b) Except as provided by Section **20A-1-308**, to vote an absentee ballot in person at

1080 the office of the election officer, the absent voter shall:

- 1081 (i) complete and sign the affidavit on the envelope;
- 1082 (ii) mark the votes on the absent-voter ballot;
- 1083 (iii) place the voted absent-voter ballot in the envelope;
- 1084 (iv) securely seal the envelope; and
- 1085 (v) give the ballot and envelope to the election officer.

1086 (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:

1087 (a) in the case of an absentee ballot that is voted in person, the ballot is:

1088 (i) applied for and cast in person at the office of the appropriate election officer no later  
1089 than the [~~Thursday~~] Tuesday before election day; or

1090 (ii) submitted on election day at a polling location in the political subdivision where  
1091 the absentee voter resides;

1092 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:

1093 (i) clearly postmarked before election day, or otherwise clearly marked by the post  
1094 office as received by the post office before election day; and

1095 (ii) received in the office of the election officer before noon on the day of the official  
1096 canvass following the election; or

1097 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with  
1098 Section 20A-16-404.

1099 (3) An absentee voter may submit a completed absentee ballot at a polling location in a  
1100 political subdivision holding the election, if the absentee voter resides in the political  
1101 subdivision.

1102 (4) An absentee voter may submit an incomplete absentee ballot at a polling location  
1103 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and  
1104 vote in person.

1105 Section 16. Section 20A-3-601 is amended to read:

1106 **20A-3-601. Early voting.**

1107 (1) (a) An individual who is registered to vote may vote before the election date in  
1108 accordance with this section.

1109 (b) An individual who is not registered to vote may register to vote and vote before the  
1110 election date in accordance with this section if the individual:

1111 (i) is otherwise legally entitled to vote the ballot [~~in a jurisdiction that is approved by~~  
1112 ~~the lieutenant governor to participate in the pilot project described in Section 20A-4-108~~]; and

1113 (ii) casts a provisional ballot in accordance with Section [~~20A-4-108~~] 20A-2-207.

1114 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period  
1115 shall:

1116 (a) begin on the date that is 14 days before the date of the election; and

1117 (b) continue through the Friday before the election if the election date is a Tuesday.

1118 (3) An election officer may extend the end of the early voting period to the day before  
1119 the election date if the election officer provides notice of the extension in accordance with  
1120 Section 20A-3-604.

1121 (4) Except as provided in Section 20A-1-308, during the early voting period, the  
1122 election officer:

1123 (a) for a local special election, a municipal primary election, and a municipal general  
1124 election:

1125 (i) shall conduct early voting on a minimum of four days during each week of the early  
1126 voting period; and

1127 (ii) shall conduct early voting on the last day of the early voting period; and

1128 (b) for all other elections:

1129 (i) shall conduct early voting on each weekday; and

1130 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

1131 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,  
1132 early voting shall be administered according to the requirements of this title.

1133 Section 17. Section **20A-3-605** is amended to read:

1134 **20A-3-605. Exemptions from early voting.**

1135 (1) (a) This part does not apply to an election of a board member of a local district.

1136 (b) Notwithstanding Subsection (1)(a), a local district may, at its discretion, provide  
1137 early voting in accordance with this part for an election of a board member.

1138 (2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth  
1139 class or a town as described in Section 10-2-301 may provide early voting as provided under  
1140 this part for:

1141 (a) a municipal primary election; or

1142 (b) a municipal general election.

1143 (3) A municipality [~~or county~~] that administers an election entirely by absentee ballot,  
1144 in accordance with Section 20A-3-302, is not required to conduct early voting for the election.

1145 Section 18. Section 20A-4-107 is amended to read:

1146 **20A-4-107. Review and disposition of provisional ballot envelopes.**

1147 (1) As used in this section, a person is "legally entitled to vote" if:

1148 (a) the person:

1149 (i) is registered to vote in the state;

1150 (ii) votes the ballot for the voting precinct in which the person resides; and

1151 (iii) provides valid voter identification to the poll worker;

1152 (b) the person:

1153 (i) is registered to vote in the state;

1154 (ii) (A) provided valid voter identification to the poll worker; or

1155 (B) either failed to provide valid voter identification or the documents provided as  
1156 valid voter identification were inadequate and the poll worker recorded that fact in the official  
1157 register but the county clerk verifies the person's identity and residence through some other  
1158 means; and

1159 (iii) did not vote in the person's precinct of residence, but the ballot that the person  
1160 voted was from the person's county of residence and includes one or more candidates or ballot  
1161 propositions on the ballot voted in the person's precinct of residence; or

1162 (c) the person:

1163 (i) is registered to vote in the state;

1164 (ii) either failed to provide valid voter identification or the documents provided as  
1165 valid voter identification were inadequate and the poll worker recorded that fact in the official  
1166 register; and

1167 (iii) (A) the county clerk verifies the person's identity and residence through some other  
1168 means as reliable as photo identification; or

1169 (B) the person provides valid voter identification to the county clerk or an election  
1170 officer who is administering the election by the close of normal office hours on Monday after  
1171 the date of the election.

1172 (2) (a) Upon receipt of a provisional ballot [~~envelopes~~] form, the election officer shall

1173 review the affirmation on the ~~[face of each]~~ provisional ballot ~~[envelope]~~ form and determine if  
1174 the person signing the affirmation is:

1175 (i) registered to vote in this state; and

1176 (ii) legally entitled to vote:

1177 (A) the ballot that the person voted; or

1178 (B) if the ballot is from the person's county of residence, for at least one ballot

1179 proposition or candidate on the ballot that the person voted.

1180 (b) ~~[H]~~ Except as provided in Section 20A-2-207, if the election officer determines that  
1181 the person is not registered to vote in this state or is not legally entitled to vote in the county or  
1182 for any of the ballot propositions or candidates on the ballot that the person voted, the election  
1183 officer shall retain the ballot ~~[envelope, unopened]~~ form, uncounted, for the period specified in  
1184 Section 20A-4-202 unless ordered by a court to produce or count it.

1185 (c) If the election officer determines that the person is registered to vote in this state  
1186 and is legally entitled to vote in the county and for at least one of the ballot propositions or  
1187 candidates on the ballot that the person voted, the election officer shall ~~[remove the ballot from~~  
1188 ~~the provisional ballot envelope and]~~ place the provisional ballot with the absentee ballots to be  
1189 counted with those ballots at the canvass.

1190 (d) The election officer may not count, or allow to be counted a provisional ballot  
1191 unless the person's identity and residence is established by a preponderance of the evidence.

1192 (3) If the election officer determines that the person is registered to vote in this state, or  
1193 if the voter registers to vote in accordance with Section 20A-2-207, the election officer shall  
1194 ensure that the voter registration records are updated to reflect the information provided on the  
1195 provisional ballot ~~[envelope]~~ form.

1196 (4) ~~[H]~~ Except as provided in Section 20A-2-207, if the election officer determines that  
1197 the person is not registered to vote in this state and the information on the provisional ballot  
1198 ~~[envelope]~~ form is complete, the election officer shall:

1199 (a) consider the provisional ballot ~~[envelope]~~ form a voter registration form for the  
1200 person's county of residence; and

1201 (b) (i) register the person if the voter's county of residence is within the county; or

1202 (ii) forward the voter registration form to the election officer of the person's county of  
1203 residence, which election officer shall register the person.

1204 (5) Notwithstanding any provision of this section, the election officer shall [~~remove the~~  
1205 ~~ballot from~~] place a provisional ballot [~~envelope and place the ballot~~] with the absentee ballots  
1206 to be counted with those ballots at the canvass, if:

1207 (a) (i) the election officer determines, in accordance with the provisions of this section,  
1208 that the sole reason a provisional ballot may not otherwise be counted is because the voter  
1209 registration was filed less than [~~eight~~] seven days before the election;

1210 (ii) [~~eight~~] seven or more days before the election, the individual who cast the  
1211 provisional ballot:

1212 (A) completed and signed the voter registration; and

1213 (B) provided the voter registration to another person to file;

1214 (iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B)  
1215 filing the voter registration less than [~~eight~~] seven days before the election; and

1216 (iv) the election officer receives the voter registration no later than one day before the  
1217 day of the election; or

1218 (b) the provisional ballot is cast on or before election day [~~in a county or municipality~~  
1219 ~~that is approved by the lieutenant governor to participate in the pilot project and the provisional~~  
1220 ~~ballot~~] and is not otherwise prohibited from being counted under the provisions of this chapter.

1221 Section 19. Section **20A-6-105** is amended to read:

1222 **20A-6-105. Provisional ballot envelopes.**

1223 (1) Each election officer shall ensure that provisional ballot envelopes are printed in  
1224 substantially the following form:

1225 "AFFIRMATION

1226 Are you a citizen of the United States of America? Yes No

1227 Will you be 18 years old on or before election day? Yes No

1228 If you checked "no" in response to either of the two above questions, do not complete this  
1229 form.

1230 Name of Voter \_\_\_\_\_

1231 First Middle Last

1232 Driver License or Identification Card Number \_\_\_\_\_

1233 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

1234 Date of Birth \_\_\_\_\_



1235 Street Address of Principal Place of Residence

1236 \_\_\_\_\_

1237 City County State Zip Code

1238 Telephone Number (optional) \_\_\_\_\_

1239 Last four digits of Social Security Number \_\_\_\_\_

1240 Last former address at which I was registered to vote (if known)

1241 \_\_\_\_\_

1242 City County State Zip Code

1243 Voting Precinct (if known)

1244 \_\_\_\_\_

1245 I, (please print your full name) \_\_\_\_\_ do solemnly swear or

1246 affirm:

1247 That I ~~Ŝ→ [am currently registered to vote in the state of Utah and]~~ ←Ŝ am eligible to vote

1247a in this

1248 election; that I have not voted in this election in any other precinct; that I am eligible to vote in

1249 this precinct; and that I request that I be permitted to vote in this precinct; and

1250 Subject to penalty of law for false statements, that the information contained in this

1251 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the

1252 above address; and that I am at least 18 years old and have resided in Utah for the 30 days

1253 immediately before this election.

1254 Signed \_\_\_\_\_

1255 Dated \_\_\_\_\_

1256 In accordance with Section 20A-3-506, wilfully providing false information above is a  
1257 class B misdemeanor under Utah law and is punishable by imprisonment and by fine."

1258 "The portion of a voter registration form that lists a person's driver license or  
1259 identification card number, social security number, and email address is a private record. The  
1260 portion of a voter registration form that lists a person's date of birth is a private record, the use  
1261 of which is restricted to government officials, government employees, political parties, or  
1262 certain other persons.

1263 ~~[If you believe that disclosure of any information contained in this voter registration~~  
1264 ~~form to a person other than a government official or government employee is likely to put you~~  
1265 ~~or a member of your household's life or safety at risk, or to put you or a member of your~~

1266 ~~household at risk of being stalked or harassed, you]~~ You may apply to the lieutenant governor  
1267 or your county clerk to have your entire voter registration record classified as private."

1268 "CITIZENSHIP AFFIDAVIT

1269 Name:

1270 Name at birth, if different:

1271 Place of birth:

1272 Date of birth:

1273 Date and place of naturalization (if applicable):

1274 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
1275 citizen and that to the best of my knowledge and belief the information above is true and  
1276 correct.

1277 \_\_\_\_\_

1278 Signature of Applicant

1279 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
1280 allowing yourself to be registered to vote if you know you are not entitled to register to vote is  
1281 up to one year in jail and a fine of up to \$2,500."

1282 (2) The provisional ballot envelope shall include:

1283 (a) a unique number;

1284 (b) a detachable part that includes the unique number; and

1285 (c) a telephone number, internet address, or other indicator of a means, in accordance  
1286 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

1287 Section 20. Section 63G-2-302 is amended to read:

1288 **63G-2-302. Private records.**

1289 (1) The following records are private:

1290 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
1291 social services, welfare benefits, or the determination of benefit levels;

1292 (b) records containing data on individuals describing medical history, diagnosis,  
1293 condition, treatment, evaluation, or similar medical data;

1294 (c) records of publicly funded libraries that when examined alone or with other records  
1295 identify a patron;

1296 (d) records received by or generated by or for:

- 1297 (i) the Independent Legislative Ethics Commission, except for:
- 1298 (A) the commission's summary data report that is required under legislative rule; and
- 1299 (B) any other document that is classified as public under legislative rule; or
- 1300 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
- 1301 unless the record is classified as public under legislative rule;
- 1302 (e) records received by, or generated by or for, the Independent Executive Branch
- 1303 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
- 1304 of Executive Branch Ethics Complaints;
- 1305 (f) records received or generated for a Senate confirmation committee concerning
- 1306 character, professional competence, or physical or mental health of an individual:
- 1307 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 1308 (A) reasonably could be expected to interfere with the investigation undertaken by the
- 1309 committee; or
- 1310 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 1311 impartial hearing; and
- 1312 (ii) after the meeting, if the meeting was closed to the public;
- 1313 (g) employment records concerning a current or former employee of, or applicant for
- 1314 employment with, a governmental entity that would disclose that individual's home address,
- 1315 home telephone number, social security number, insurance coverage, marital status, or payroll
- 1316 deductions;
- 1317 (h) records or parts of records under Section [63G-2-303](#) that a current or former
- 1318 employee identifies as private according to the requirements of that section;
- 1319 (i) that part of a record indicating a person's social security number or federal employer
- 1320 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),
- 1321 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);
- 1322 (j) that part of a voter registration record identifying a voter's:
- 1323 (i) driver license or identification card number;
- 1324 (ii) Social Security number, or last four digits of the Social Security number;
- 1325 (iii) email address; or
- 1326 (iv) date of birth;
- 1327 (k) a voter registration record that is classified as a private record by the lieutenant

1328 governor or a county clerk under Subsection [20A-2-104\(4\)\(f\)](#) [or], [20A-2-101.1\(5\)\(a\)](#), or  
1329 [20A-2-204\(4\)\(b\)](#);

1330 (l) a record that:

1331 (i) contains information about an individual;

1332 (ii) is voluntarily provided by the individual; and

1333 (iii) goes into an electronic database that:

1334 (A) is designated by and administered under the authority of the Chief Information  
1335 Officer; and

1336 (B) acts as a repository of information about the individual that can be electronically  
1337 retrieved and used to facilitate the individual's online interaction with a state agency;

1338 (m) information provided to the Commissioner of Insurance under:

1339 (i) Subsection [31A-23a-115\(3\)\(a\)](#);

1340 (ii) Subsection [31A-23a-302\(4\)](#); or

1341 (iii) Subsection [31A-26-210\(4\)](#);

1342 (n) information obtained through a criminal background check under Title 11, Chapter  
1343 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

1344 (o) information provided by an offender that is:

1345 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
1346 Offender Registry or Title 77, Chapter 43, Child Abuse Registry; and

1347 (ii) not required to be made available to the public under Subsection [77-41-110\(4\)](#) or  
1348 [77-43-108\(4\)](#);

1349 (p) a statement and any supporting documentation filed with the attorney general in  
1350 accordance with Section [34-45-107](#), if the federal law or action supporting the filing involves  
1351 homeland security;

1352 (q) electronic toll collection customer account information received or collected under  
1353 Section [72-6-118](#) and customer information described in Section [17B-2a-815](#) received or  
1354 collected by a public transit district, including contact and payment information and customer  
1355 travel data;

1356 (r) an email address provided by a military or overseas voter under Section  
1357 [20A-16-501](#);

1358 (s) a completed military-overseas ballot that is electronically transmitted under Title

- 1359 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 1360 (t) records received by or generated by or for the Political Subdivisions Ethics Review  
1361 Commission established in Section 11-49-201, except for:
- 1362 (i) the commission's summary data report that is required in Section 11-49-202; and  
1363 (ii) any other document that is classified as public in accordance with Title 11, Chapter  
1364 49, Political Subdivisions Ethics Review Commission;
- 1365 (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was  
1366 notified of an incident or threat; and
- 1367 (v) a criminal background check or credit history report conducted in accordance with  
1368 Section 63A-3-201.
- 1369 (2) The following records are private if properly classified by a governmental entity:
- 1370 (a) records concerning a current or former employee of, or applicant for employment  
1371 with a governmental entity, including performance evaluations and personal status information  
1372 such as race, religion, or disabilities, but not including records that are public under Subsection  
1373 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);
- 1374 (b) records describing an individual's finances, except that the following are public:
- 1375 (i) records described in Subsection 63G-2-301(2);  
1376 (ii) information provided to the governmental entity for the purpose of complying with  
1377 a financial assurance requirement; or
- 1378 (iii) records that must be disclosed in accordance with another statute;
- 1379 (c) records of independent state agencies if the disclosure of those records would  
1380 conflict with the fiduciary obligations of the agency;
- 1381 (d) other records containing data on individuals the disclosure of which constitutes a  
1382 clearly unwarranted invasion of personal privacy;
- 1383 (e) records provided by the United States or by a government entity outside the state  
1384 that are given with the requirement that the records be managed as private records, if the  
1385 providing entity states in writing that the record would not be subject to public disclosure if  
1386 retained by it;
- 1387 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
1388 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a  
1389 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

1390 (g) audio and video recordings created by a body-worn camera, as defined in Section  
 1391 [77-7a-103](#), that record sound or images inside a home or residence except for recordings that:

1392 (i) depict the commission of an alleged crime;

1393 (ii) record any encounter between a law enforcement officer and a person that results in  
 1394 death or bodily injury, or includes an instance when an officer fires a weapon;

1395 (iii) record any encounter that is the subject of a complaint or a legal proceeding  
 1396 against a law enforcement officer or law enforcement agency;

1397 (iv) contain an officer involved critical incident as defined in Section [76-2-408\(1\)\(d\)](#);

1398 or

1399 (v) have been requested for reclassification as a public record by a subject or  
 1400 authorized agent of a subject featured in the recording.

1401 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
 1402 records, statements, history, diagnosis, condition, treatment, and evaluation.

1403 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
 1404 doctors, or affiliated entities are not private records or controlled records under Section  
 1405 [63G-2-304](#) when the records are sought:

1406 (i) in connection with any legal or administrative proceeding in which the patient's  
 1407 physical, mental, or emotional condition is an element of any claim or defense; or

1408 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
 1409 relies upon the condition as an element of the claim or defense.

1410 (c) Medical records are subject to production in a legal or administrative proceeding  
 1411 according to state or federal statutes or rules of procedure and evidence as if the medical  
 1412 records were in the possession of a nongovernmental medical care provider.

1413 ~~§→ [Section 21. Coordinating H.B. 218 with S.B. 74 -- Substantive amendments.~~

1414 ~~—— If this H.B. 218 and S.B. 74, Voter Privacy Amendments, both pass and become law, it~~  
 1415 ~~is the intent of the Legislature that, when the Office of Legislative Research and General~~  
 1416 ~~Counsel prepares the Utah Code database for publication, Subsection [20A-2-104\(6\)](#) in S.B. 74,~~  
 1417 ~~is amended to read:~~

1418 ~~—— "(6) (a) The lieutenant governor or a county clerk shall classify the voter registration~~  
 1419 ~~record of a voter as a private record if the voter submits a written application, created by the~~

1420 ~~lieutenant governor, requesting that the voter's voter registration record be classified as private.~~

1421 ~~Ⓢ(b) The lieutenant governor or a county clerk may not disclose the voter registration~~  
 1422 ~~form of an individual, or information included in the individual's voter registration form, whose~~  
 1423 ~~voter registration form is classified as private under Subsection (6)(a) to a person, other than a~~  
 1424 ~~government official or government employee acting in the government official's or government~~  
 1425 ~~employee's capacity as a government official or government employee." ] ← §~~

1426 Section 22. **Coordinating H.B. 218 with S.B. 17 -- Technical amendments.**

1427 If this H.B. 218 and S.B. 17, Election Law Modifications, both pass and become law, it  
 1428 is the intent of the Legislature that the amendments to Section [20A-4-107](#) in this H.B. 218  
 1429 supersede the amendments to Section [20A-4-107](#) in S.B. 17, when the Office of Legislative  
 1430 Research and General Counsel prepares the Utah Code database for publication.

1431 Section 23. **Coordinating H.B. 218 with S.B. 116 -- Technical amendments.**

1432 If this H.B. 218 and S.B. 116, Revisor's Technical Corrections to Utah Code, both pass  
 1433 and become law, it is the intent of the Legislature that the amendments to Sections [20A-3-601](#)  
 1434 and [20A-4-107](#) in this H.B. 218 supersede the amendments to Sections [20A-3-601](#) and  
 1435 [20A-4-107](#) in S.B. 116, when the Office of Legislative Research and General Counsel prepares  
 1436 the Utah Code database for publication.

1437 Section 24. **Coordinating H.B. 218 with H.B. 141 -- Technical amendments.**

1438 If this H.B. 218 and H.B. 141, Early Voting Amendments, both pass and become law, it  
 1439 is the intent of the Legislature that the amendments to Subsection [20A-3-601](#)(1) in this H.B.  
 1440 218 supersede the amendments to Subsection [20A-3-601](#)(1) in H.B. 141, when the Office of  
 1441 Legislative Research and General Counsel prepares the Utah Code database for publication.