

VOTER REGISTRATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to voter registration.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
 - ▶ provides that an individual who applies for or renews the individual's driver license or state identification card will be registered to vote unless the individual opts out;
 - ▶ allows certain information in a driver license or state identification card application form to be used for voter registration purposes;
 - ▶ requires a county clerk to send certain information to an individual who registers to vote;
 - ▶ provides that an individual is not guilty of fraudulent registration if the individual is ineligible to register to vote but is inadvertently registered to vote under this bill;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130

30 **20A-2-204**, as last amended by Laws of Utah 2015, Chapter 130

31 **20A-2-304**, as last amended by Laws of Utah 2017, Chapter 91

32 **20A-2-401**, as last amended by Laws of Utah 2015, Chapter 130

33

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

35 Section 1. Section **20A-2-108** is amended to read:

36 **20A-2-108. Driver license or state identification card registration form --**

37 **Transmittal of information.**

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

39 (a) a driver license application form; or

40 (b) a state identification card application form.

41 ~~[(+)]~~ (2) The lieutenant governor and the Driver License Division shall design [the
42 driver license application and renewal forms to include the following questions:] each
43 qualifying form to include the following statement: "If you are qualified to register or
44 preregister to vote, the information on this form will be used for voter registration purposes,
45 unless you indicate otherwise by marking here: No, I do not authorize the use of the
46 information in this form for voter registration purposes."

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

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

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

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

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

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

57 ~~["I do swear (or affirm), subject to penalty of law for false statements, that the~~
58 ~~information contained in this form is true, and that I am a citizen of the United States and a~~

59 resident of the state of Utah, residing at the above address. Unless I have indicated above that I
60 am preregistering to vote in a later election, I will be at least 18 years of age and will have
61 resided in Utah for 30 days immediately before the next election.]

62 [Signed and sworn]

63 [_____]

64 [Voter's Signature]

65 [_____(month\day\year)];

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

67 ["CITIZENSHIP AFFIDAVIT]

68 [Name:]

69 [Name at birth, if different:]

70 [Place of birth:]

71 [Date of birth:]

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

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

76 [_____]

77 [Signature of Applicant]

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

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

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

85 (b) a records disclosure that is similar to the records disclosure on a voter registration
86 form described in Section 20A-2-104;

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

90 ~~[(v)]~~ (d) a statement that if an applicant does register or preregister to vote, the office at
 91 which the applicant submits a voter registration application will remain confidential and will be
 92 used only for voter registration purposes~~[-and]~~.

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

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

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

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

106 ~~[(a) review the voter registration form for completeness and accuracy, and]~~

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

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

111 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

112 (1) As used in this section, "voter registration form" means ~~[the driver license~~
 113 ~~application/voter registration form and the driver license renewal/voter registration form~~
 114 ~~required by Section [20A-2-108](#)]~~ the information on a qualifying form, as defined in Section
 115 [20A-2-108](#), that can be used for voter registration purposes if the individual named on the form
 116 does not indicate otherwise under Subsection [20A-2-108\(2\)](#).

117 (2) ~~[Any]~~ A citizen who is qualified to vote ~~[may register]~~ and who completes a voter
 118 registration form under this section shall be registered to vote, and ~~[any]~~ a citizen who is
 119 qualified to preregister to vote ~~[may preregister]~~ and who completes a voter registration form
 120 under this section shall be preregistered to vote~~[-by completing the voter registration form].~~

- 121 (3) The Driver License Division shall:
- 122 (a) assist ~~[applicants]~~ an individual in completing the voter registration form unless the
- 123 ~~[applicant]~~ individual refuses assistance;
- 124 ~~[(b) accept a completed voter registration form and transmit the form to the county~~
- 125 ~~clerk of the county in which the applicant resides within five days after the day on which the~~
- 126 ~~division receives the form;]~~
- 127 ~~[(c)]~~ (b) electronically transmit each address change to the lieutenant governor within
- 128 five days after the day on which the division receives the address change; and
- 129 ~~[(d) transmit electronically to the lieutenant governor's office the name, address, birth~~
- 130 ~~date, and driver license number of each individual who answers "yes" to a question described~~
- 131 ~~in Subsection 20A-2-108(1), and indicate whether the individual is registering or preregistering~~
- 132 ~~to vote.]~~
- 133 ~~[(4) (a) Upon receipt of a correctly completed voter registration form from an~~
- 134 ~~individual who is registering to vote, the county clerk shall:]~~
- 135 ~~[(i) enter the applicant's name on the list of registered voters for the voting precinct in~~
- 136 ~~which the applicant resides; and]~~
- 137 ~~[(ii) notify the applicant of registration.]~~
- 138 ~~[(b) Upon receipt of a correctly completed voter registration form from an individual~~
- 139 ~~who is preregistering to vote, the county clerk shall]~~
- 140 (c) within five days after the day on which the division receives a voter registration
- 141 form, electronically transmit the form to the Office of the Lieutenant Governor, including the
- 142 following for the individual named on the form:
- 143 (i) the name, date of birth, driver license or state identification card number, last four
- 144 digits of the social security number, phone number, Utah residential address, place of birth, and
- 145 signature;
- 146 (ii) a mailing address, if different from the individual's Utah residential address; and
- 147 (iii) an email address, if available.
- 148 (4) Upon receipt of an individual's voter registration form from the Driver License
- 149 Division under Subsection (3), the lieutenant governor shall enter the information into the
- 150 statewide voter registration database.
- 151 (5) The county clerk of an individual whose information is entered into the statewide

152 voter registration database under Subsection (4) shall:

153 (a) (i) ensure that the individual meets the qualifications to be registered or
 154 preregistered to vote; and

155 (ii) if the individual meets the qualifications to be registered to vote:

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

157 (B) send the individual the notice described in Section 20A-2-304; or

158 (b) if the individual meets the qualifications to be preregistered to vote, process the
 159 form in accordance with the requirements of Section 20A-2-101.1.

160 ~~[(5)]~~ (6) (a) If the county clerk receives a correctly completed voter registration form
 161 under this section that is dated after the voter registration deadline, the county clerk shall,
 162 unless the individual named in the form is preregistering to vote:

163 (i) register the ~~[applicant]~~ individual after the next election; and

164 (ii) if possible, promptly phone or mail a notice to the ~~[applicant]~~ individual before the
 165 election~~[-]~~ informing the ~~[applicant]~~ individual that ~~[his]~~ the individual's registration will not be
 166 effective until after the election.

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

170 (i) process the voter registration form; and

171 (ii) record the ~~[new voter]~~ individual in the official register.

172 ~~[(6)]~~ (7) (a) If the county clerk determines that ~~[a]~~ an individual's voter registration
 173 form received from the Driver License Division is incorrect because of an error ~~[or]~~, because
 174 ~~[it]~~ the form is incomplete, or because the individual does not meet the qualifications to be
 175 registered to vote, the county clerk shall mail notice to the individual ~~[attempting to register or~~
 176 ~~preregister to vote,-]~~ stating that the individual has not been registered or preregistered because
 177 of an error ~~[or]~~, because the form is incomplete, or because the individual does not meet the
 178 qualifications to be registered to vote.

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

183 Section 3. Section **20A-2-304** is amended to read:

184 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

185 Each county clerk shall:

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

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

190 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to
191 the Driver License Division~~;~~;

192 (c) submits a completed voter registration form to a public assistance agency~~;~~ or a
193 discretionary voter registration agency ~~[on or before the voter registration deadline]~~; or

194 ~~[(c)]~~ (d) mails a completed by-mail voter registration form to the county clerk ~~[on or~~
195 before the voter registration deadline]; and

196 (2) within 30 days after the day on which the county clerk processes a voter registration
197 ~~[application]~~ form, send a notice to the individual who submits the ~~[application]~~ form that:

198 (a) (i) informs the individual that the individual's ~~[application for]~~ voter registration
199 form has been accepted and that the individual is registered to vote;

200 (ii) informs the individual of the procedure for designating or changing the individual's
201 political affiliation;

202 (iii) informs the individual of the procedure to cancel a voter registration; and

203 (iv) if the voter registration form was submitted under Subsection (1)(b) after the voter
204 registration deadline and before the election to which the deadline pertains, informs the
205 individual that the individual's voter registration will not be effective until after the election;

206 (b) informs the individual that the individual's ~~[application for]~~ voter registration form
207 has been rejected and the reason for the rejection; or

208 (c) (i) informs the individual that the ~~[application for]~~ individual's voter registration
209 form is being returned to the individual for further action because the ~~[application]~~ form is
210 incomplete; and

211 (ii) gives instructions to the individual on how to properly complete the ~~[application]~~
212 form.

213 Section 4. Section **20A-2-401** is amended to read:

214 **20A-2-401. Fraudulent registration -- Penalty.**

215 (1) (a) An individual may not willfully register to vote, or cause, procure, or allow
216 himself or herself to be registered to vote, knowing that the individual is not eligible to register
217 to vote under Section [20A-2-101](#).

218 (b) A person may not willfully cause, procure, advise, encourage, or assist any
219 individual to be registered to vote, knowing or believing that the individual is not eligible to
220 register to vote under Section [20A-2-101](#).

221 (2) (a) An individual may not willfully preregister to vote, or allow himself or herself
222 to be preregistered to vote, knowing that the individual is not eligible to preregister to vote
223 under Section [20A-2-101.1](#).

224 (b) A person may not willfully cause, advise, encourage, or assist an individual to
225 preregister to vote, knowing or believing that the individual is not eligible to preregister to vote
226 under Section [20A-2-101.1](#).

227 (3) A person is not guilty of violating this section if:

228 (a) the individual who is ineligible to vote becomes registered to vote under Section
229 [20A-2-204](#); and

230 (b) the person did not:

231 (i) provide false information; or

232 (ii) take other action intended to cause the registration of an individual who is
233 ineligible to vote.

234 [~~3~~] (4) A person who violates this section is guilty of a class A misdemeanor.

Legislative Review Note
Office of Legislative Research and General Counsel