

Representative Karianne Lisonbee proposes the following substitute bill:

VOTER REGISTRATION MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to voter registration.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ amends the driver license and state identification card application forms;
- ▶ requires the Driver License Division to submit certain information to the lieutenant governor for entry into the statewide voter registration database;
- ▶ requires a county clerk to send certain information to an individual who registers to vote; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



26 **20A-2-204**, as last amended by Laws of Utah 2015, Chapter 130
 27 **20A-2-304**, as last amended by Laws of Utah 2017, Chapter 91
 28 **63I-2-220**, as last amended by Laws of Utah 2017, Chapters 32 and 452

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

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

32 **20A-2-108. Driver license or state identification card registration form --**
 33 **Transmittal of information.**

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

- 35 (a) a driver license application form; or
- 36 (b) a state identification card application form.

37 ~~[(1)]~~ (2) The lieutenant governor and the Driver License Division shall design ~~[the~~
 38 ~~driver license application and renewal forms]~~ each qualifying form to include the following
 39 questions in at least 14-point bold type:

40 (a) "If you are not registered to vote where you live now, would you like to register to
 41 vote today?"; and

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

44 ~~[(2)]~~ (3) (a) The lieutenant governor and the Driver License Division shall design a
 45 motor voter registration form to be used in conjunction with ~~[driver license application and~~
 46 ~~renewal forms]~~ a qualifying form.

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

48 (i) an explanation, in at least 14-point bold type, that an applicant may decline to
 49 register or preregister to vote, including a place for the applicant to decline to register or
 50 preregister to vote;

51 (ii) an eligibility statement in substantially the following form:

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

57 Signed and sworn

58

59 Voter's Signature

60 _____(month\day\year)";

61 (iii) a citizenship affidavit in substantially the following form:

62 "CITIZENSHIP AFFIDAVIT

63 Name:

64 Name at birth, if different:

65 Place of birth:

66 Date of birth:

67 Date and place of naturalization (if applicable):

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

71 _____

72 Signature of Applicant

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

76 (iv) a statement that if an applicant declines to register or preregister to vote, the fact
77 that the applicant has declined to register or preregister will remain confidential and will be
78 used only for voter registration purposes;

79 (v) a statement that if an applicant does register or preregister to vote, the office at
80 which the applicant submits a voter registration application will remain confidential and will be
81 used only for voter registration purposes; and

82 (vi) the following statement:

83 "The portion of a voter registration form that lists a person's driver license or
84 identification card number, Social Security number, and email address is a private record. The
85 portion of a voter registration form that lists a person's date of birth is a private record, the use
86 of which is restricted to government officials, government employees, political parties, or
87 certain other persons.

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

93 ~~[(3)]~~ (4) Upon receipt of a voter registration form from an applicant, the county clerk
94 or the clerk's designee shall:

95 (a) review the voter registration form for completeness and accuracy; and

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

99 (5) The Driver License Division may use a paper qualifying form that does not comply
100 with Subsections (2) and (3)(b)(i) if the paper form:

101 (a) was printed before May 8, 2018; and

102 (b) complies with the requirements of this section that were in effect on May 7, 2018.

103 (6) Beginning on May 8, 2018, the Driver License Division may not print a paper
104 qualifying form that does not comply with Subsections (2) and (3)(b)(i).

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

106 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

107 (1) As used in this section, "voter registration form" means the ~~[driver license~~
108 ~~application/voter registration form and the driver license renewal/voter registration form~~
109 ~~required by Section 20A-2-108.]~~ information that an individual submits to the driver license
110 division for voter registration purposes on:

111 (a) a qualifying form, as defined in Section 20A-2-108; or

112 (b) a motor voter registration form that is used in conjunction with a qualifying form
113 under Section 20A-2-108.

114 (2) Any citizen who is qualified to vote may register to vote, and any citizen who is
115 qualified to preregister to vote may preregister to vote, by completing the voter registration
116 form.

117 (3) The Driver License Division shall:

118 (a) assist applicants in completing the voter registration form unless the applicant

119 refuses assistance;

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

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

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

129 ~~[(4) (a) Upon receipt of a correctly completed voter registration form from an~~
130 ~~individual who is registering to vote, the county clerk shall:]~~

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

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

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

136 (c) within five days after the day on which the division receives a voter registration
137 form, electronically transmit the form to the Office of the Lieutenant Governor.

138 (4) Upon receipt of an individual's voter registration form from the Driver License
139 Division under Subsection (3), the lieutenant governor shall enter the information on the form
140 into the statewide voter registration database.

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

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

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

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

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

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

150 ~~[(5)]~~ (6) (a) If the county clerk receives a correctly completed voter registration form
 151 under this section that is dated after the voter registration deadline, the county clerk shall,
 152 unless the individual named in the form is preregistering to vote:

- 153 (i) register the ~~[applicant]~~ individual after the next election; and
 154 (ii) if possible, promptly phone or mail a notice to the ~~[applicant]~~ individual before the
 155 election, informing the ~~[applicant]~~ individual that ~~[his]~~ the individual's registration will not be
 156 effective until after the election.

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

- 160 (i) process the voter registration form; and
 161 (ii) record the ~~[new voter]~~ individual in the official register.

162 ~~[(6)]~~ (7) If the county clerk determines that ~~[a]~~ an individual's voter registration form
 163 received from the Driver License Division is incorrect because of an error ~~[or]~~, because ~~[it]~~ the
 164 form is incomplete, or because the individual does not meet the qualifications to be registered
 165 or preregistered to vote, the county clerk shall mail notice to the individual ~~[attempting to~~
 166 ~~register or preregister to vote,]~~ stating that the individual has not been registered or
 167 preregistered because of an error ~~[or]~~, because the form is incomplete, or because the
 168 individual does not meet the qualifications to be registered or preregistered to vote.

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

170 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

171 Each county clerk shall:

- 172 (1) register to vote each ~~[applicant for registration]~~ individual who meets the
 173 requirements for registration and who:
 174 (a) submits a completed voter registration form to the county clerk ~~[on or before the~~
 175 ~~voter registration deadline]~~;
 176 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to
 177 the Driver License Division~~;~~;
 178 (c) submits a completed voter registration form to a public assistance agency; or a
 179 discretionary voter registration agency ~~[on or before the voter registration deadline]~~; or
 180 ~~[(c)]~~ (d) mails a completed by-mail voter registration form to the county clerk ~~[on or~~

181 ~~before the voter registration deadline~~]; and

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

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

186 (ii) if the voter registration form was submitted under Subsection (1) after the voter
187 registration deadline and before the election to which the deadline pertains, informs the
188 individual that the individual's voter registration will not be effective until after the election;

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

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

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

196 Section 4. Section **63I-2-220** is amended to read:

197 **63I-2-220. Repeal dates, Title 20A.**

198 (1) Subsections 20A-2-108(5) and (6) are repealed July 1, 2021.

199 [(+) (2) Subsection 20A-5-803(8) is repealed July 1, 2023.

200 [(2) (3) Section 20A-5-804 is repealed July 1, 2023.

201 [(3) (4) On July 1, 2018, in Subsection 20A-11-101(21), the language that states "
202 10-2a-302," is repealed.