HB0154S01 compared with HB0154

{deleted text} shows text that was in HB0154 but was deleted in HB0154S01.

Inserted text shows text that was not in HB0154 but was inserted into HB0154S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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{ and renewal} 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 {review and take}send certain {action in relation to the }information {entered}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

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

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

63I-2-220, as last amended by Laws of Utah 2017, Chapters 32 and 452

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

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

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

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

(a) a driver license application form; or

(b) a state identification card application form.

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

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

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

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

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

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

preregister to vote;

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

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

Signed and sworn

_____

Voter's Signature

_____(month\day\year)";

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

"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";

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

(v) a statement that if an applicant does register or preregister to vote, the office at which the applicant submits a voter registration application will remain confidential and will be

used only for voter registration purposes; and

(vi) the following statement:

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

[(3)] (4) {[}Upon receipt of a voter registration form from an applicant, the{] The county clerk of an individual whose information is entered into the statewide voter registration database under Subsection 20A-2-204(4),} county clerk or the clerk's designee{,} shall:

(a) review the {[}voter registration form{] information} for completeness and accuracy; and

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

({[4]}5) The Driver License Division may use a paper {driver license application or renewal}qualifying form that does not comply with Subsections ({[1]}2) and ({[2]}3)(b)(i) if the paper form:

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

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

({[5]}6) Beginning on May 8, 2018, the Driver License Division may not print a paper {driver license application or renewal}qualifying form that does not comply with Subsections ({[1]}2) and ({[2]}3)(b)(i).

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

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

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

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

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

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

(3) The Driver License Division shall:

(a) assist applicants in completing the voter registration form unless the applicant refuses assistance;

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

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

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

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

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

[(ii) notify the applicant of registration.]

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) process the voter registration form; and

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

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

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

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

Each county clerk shall:

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

(a) submits a completed voter registration form to the county clerk [on or before the voter registration deadline{;

      (b}];

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

(c) submits a completed voter registration form to{ the Driver License Division,} a public assistance agency[;] or a discretionary voter registration agency [on or before the voter registration deadline]; or

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

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

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

}; and

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

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

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

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

Section {3}4. Section **63I-2-220** is amended to read:

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

(1) Subsections 20A-2-108([4]5) and ([5]6) are repealed July 1, 2021.

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

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

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

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Legislative Review Note

Office of Legislative Research and General Counsel}