

DECEASED VOTER AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Michael K. McKell

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 1 absent

General Description:

This bill provides for removal of a voter's name from the official register of voters upon the voter's death.

Highlighted Provisions:

This bill:

- ▶ requires a local registrar who receives a certificate of death for a Utah resident to notify the county clerk of the voter's last known residence; and
- ▶ requires a county clerk who receives the notice described in the preceding paragraph to remove the voter's name from the official register of voters.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-2-306, as last amended by Laws of Utah 2020, Chapter 255

26-2-13, as last amended by Laws of Utah 2009, Chapters 66 and 68



28

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

30 Section 1. Section **20A-2-306** is amended to read:

31 **20A-2-306. Removing names from the official register -- Determining and**
32 **confirming change of residence.**

33 (1) A county clerk may not remove a voter's name from the official register on the
34 grounds that the voter has changed residence unless the voter:

35 (a) confirms in writing that the voter has changed residence to a place outside the
36 county; or

37 (b) (i) has not voted in an election during the period beginning on the date of the notice
38 required by Subsection (3), and ending on the day after the date of the second regular general
39 election occurring after the date of the notice; and

40 (ii) has failed to respond to the notice required by Subsection (3).

41 (2) (a) When a county clerk obtains information that a voter's address has changed and
42 it appears that the voter still resides within the same county, the county clerk shall:

43 (i) change the official register to show the voter's new address; and

44 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)
45 printed on a postage prepaid, preaddressed return form.

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

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

52 "VOTER REGISTRATION NOTICE

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

56 _____
57 Street City County State Zip

58 If you have not changed your residence or have moved but stayed within the same

59 county, you must complete and return this form to the county clerk so that it is received by the
60 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to
61 return this form within that time:

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

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

68 _____

69 Signature of Voter

70 PRIVACY INFORMATION

71 Voter registration records contain some information that is available to the public, such
72 as your name and address, some information that is available only to government entities, and
73 some information that is available only to certain third parties in accordance with the
74 requirements of law.

75 Your driver license number, identification card number, social security number, email
76 address, and full date of birth are available only to government entities. Your year of birth is
77 available to political parties, candidates for public office, certain third parties, and their
78 contractors, employees, and volunteers, in accordance with the requirements of law.

79 You may request that all information on your voter registration records be withheld
80 from all persons other than government entities, political parties, candidates for public office,
81 and their contractors, employees, and volunteers, by indicating here:

82 _____ Yes, I request that all information on my voter registration records be withheld
83 from all persons other than government entities, political parties, candidates for public office,
84 and their contractors, employees, and volunteers.

85 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

86 In addition to the protections provided above, you may request that all information on
87 your voter registration records be withheld from all political parties, candidates for public
88 office, and their contractors, employees, and volunteers, by submitting a withholding request
89 form, and any required verification, as described in the following paragraphs.

90 A person may request that all information on the person's voter registration records be
91 withheld from all political parties, candidates for public office, and their contractors,
92 employees, and volunteers, by submitting a withholding request form with this registration
93 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
94 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

95 A person may request that all information on the person's voter registration records be
96 withheld from all political parties, candidates for public office, and their contractors,
97 employees, and volunteers, by submitting a withholding request form and any required
98 verification with this registration form, or to the lieutenant governor or a county clerk, if the
99 person is, or resides with a person who is, a law enforcement officer, a member of the armed
100 forces, a public figure, or protected by a protective order or a protection order.

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

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

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

108 (ii) the voter has died.

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

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

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

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

118 (5) A county clerk shall, within five days after the day on which the county clerk
119 receives the information described in Subsection 26-2-13(11) relating to a decedent whose
120 name appears on the official register, remove the decedent's name from the official register.

121 Section 2. Section **26-2-13** is amended to read:

122 **26-2-13. Certificate of death -- Execution and registration requirements.**

123 (1) (a) A certificate of death for each death that occurs in this state shall be filed with
124 the local registrar of the district in which the death occurs, or as otherwise directed by the state
125 registrar, within five days after death and prior to the decedent's interment, any other disposal,
126 or removal from the registration district where the death occurred.

127 (b) A certificate of death shall be registered if the certificate of death is completed and
128 filed in accordance with this chapter.

129 (2) (a) If the place of death is unknown but the dead body is found in this state:

130 (i) the certificate of death shall be completed and filed in accordance with this section;
131 and

132 (ii) the place where the dead body is found shall be shown as the place of death.

133 (b) If the date of death is unknown, the date shall be determined by approximation.

134 (3) (a) When death occurs in a moving conveyance in the United States and the
135 decedent is first removed from the conveyance in this state:

136 (i) the certificate of death shall be filed with:

137 (A) the local registrar of the district where the decedent is removed; or

138 (B) a person designated by the state registrar; and

139 (ii) the place where the decedent is removed shall be considered the place of death.

140 (b) When a death occurs on a moving conveyance outside the United States and the
141 decedent is first removed from the conveyance in this state:

142 (i) the certificate of death shall be filed with:

143 (A) the local registrar of the district where the decedent is removed; or

144 (B) a person designated by the state registrar; and

145 (ii) the certificate of death shall show the actual place of death to the extent it can be
146 determined.

147 (4) (a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a
148 funeral service director is not retained, a dispositioner shall sign the certificate of death.

149 (b) The custodial funeral service director, an agent of the custodial funeral service
150 director, or, if a funeral service director is not retained, a dispositioner shall:

151 (i) file the certificate of death prior to any disposition of a dead body or fetus; and

152 (ii) obtain the decedent's personal data from the next of kin or the best qualified person
153 or source available, including the decedent's [~~Social Security~~] social security number, if known.

154 (c) The certificate of death may not include the decedent's [~~Social Security~~] social
155 security number.

156 (d) A dispositioner may not sign a certificate of death, unless the signature is witnessed
157 by the state registrar or a local registrar.

158 (5) (a) Except as provided in Section 26-2-14, fetal death certificates, the medical
159 section of the certificate of death shall be completed, signed, and returned to the funeral service
160 director, or, if a funeral service director is not retained, a dispositioner, within 72 hours after
161 death by the health care professional who was in charge of the decedent's care for the illness or
162 condition which resulted in death, except when inquiry is required by Title 26, Chapter 4, Utah
163 Medical Examiner Act.

164 (b) In the absence of the health care professional or with the health care professional's
165 approval, the certificate of death may be completed and signed by an associate physician, the
166 chief medical officer of the institution in which death occurred, or a physician who performed
167 an autopsy upon the decedent, if:

- 168 (i) the person has access to the medical history of the case;
- 169 (ii) the person views the decedent at or after death; and
- 170 (iii) the death is not due to causes required to be investigated by the medical examiner.

171 (6) When death occurs more than 30 days after the decedent was last treated by a health
172 care professional, the case shall be referred to the medical examiner for investigation to
173 determine and certify the cause, date, and place of death.

174 (7) When inquiry is required by Title 26, Chapter 4, Utah Medical Examiner Act, the
175 medical examiner shall make an investigation and complete and sign the medical section of the
176 certificate of death within 72 hours after taking charge of the case.

177 (8) If the cause of death cannot be determined within 72 hours after death:

178 (a) the medical section of the certificate of death shall be completed as provided by
179 department rule;

180 (b) the attending health care professional or medical examiner shall give the funeral
181 service director, or, if a funeral service director is not retained, a dispositioner, notice of the
182 reason for the delay; and

183 (c) final disposition of the decedent may not be made until authorized by the attending
184 health care professional or medical examiner.

185 (9) (a) When a death is presumed to have occurred within this state but the dead body
186 cannot be located, a certificate of death may be prepared by the state registrar upon receipt of
187 an order of a Utah district court.

188 (b) The order described in Subsection (9)(a) shall include a finding of fact stating the
189 name of the decedent, the date of death, and the place of death.

190 (c) A certificate of death prepared under Subsection (9)(a) shall:

191 (i) show the date of registration; and

192 (ii) identify the court and the date of the order.

193 (10) It is unlawful for a dispositioner to charge for or accept any remuneration for:

194 (a) signing a certificate of death; or

195 (b) performing any other duty of a dispositioner, as described in this section.

196 (11) A local registrar shall, within five days after the day on which the local registrar
197 receives a certificate of death for a Utah resident, inform the county clerk of the county of the
198 decedent's most recent residence of:

199 (a) the decedent's name, last known residential address, date of birth, and date of death;
200 and

201 (b) any other information requested by the county clerk to assist the county clerk in
202 identifying the decedent for the purpose of removing the decedent from the official register of
203 voters.