

Representative Mike Winder proposes the following substitute bill:

DECEASED VOTER AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Michael K. McKell

LONG TITLE

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 the state registrar to provide the lieutenant governor's office with certain information relating to deceased individuals to ensure that the individuals are removed from the official register of voters;

- ▶ requires the lieutenant governor to provide the information described in the preceding paragraph to the county clerks, who are required to remove deceased individuals from the official register of voters; and

- ▶ requires the lieutenant governor to take certain action to ensure that the county clerks have complied with the requirements of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **20A-2-306**, as last amended by Laws of Utah 2020, Chapter 255

28 **26-2-13**, as last amended by Laws of Utah 2009, Chapters 66 and 68

29

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

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

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

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

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

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

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

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

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

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

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

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

53 **[^]VOTER REGISTRATION NOTICE**

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

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Street City County State Zip

If you have not changed your residence or have moved but stayed within the same county, you must complete and return this form to the county clerk so that it is received by the county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to return this form within that time:

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

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

Signature of Voter

PRIVACY INFORMATION

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

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

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

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

REQUEST FOR ADDITIONAL PRIVACY PROTECTION

In addition to the protections provided above, you may request that all information on

88 your voter registration records be withheld from all political parties, candidates for public
89 office, and their contractors, employees, and volunteers, by submitting a withholding request
90 form, and any required verification, as described in the following paragraphs.

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

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

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

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

- 108 (i) the voter requests, in writing, that the voter's name be removed; or
- 109 (ii) the voter has died.

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

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

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

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

119 (5) Beginning on or before January 1, 2022, the lieutenant governor shall make
120 available to a county clerk United States Social Security Administration data received by the
121 lieutenant governor regarding deceased individuals.

122 (6) A county clerk shall, within ten business days after the day on which the county
123 clerk receives the information described in Subsection (5) or Subsections 26-2-13(11) and (12)
124 relating to a decedent whose name appears on the official register, remove the decedent's name
125 from the official register.

126 (7) Ninety days before a regular primary election and 90 days before a regular general
127 election the lieutenant governor shall compare the information the lieutenant governor has
128 received under Subsection 26-2-13(11) with the official register of voters to ensure that all
129 deceased voters have been removed from the official register.

130 Section 2. Section 26-2-13 is amended to read:

131 **26-2-13. Certificate of death -- Execution and registration requirements --**
132 **Information provided to lieutenant governor.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

178 (i) the person has access to the medical history of the case;

179 (ii) the person views the decedent at or after death; and

180 (iii) the death is not due to causes required to be investigated by the medical examiner.

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

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

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

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

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

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

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

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

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

201 (i) show the date of registration; and

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

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

204 (a) signing a certificate of death; or

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

206 (11) The state registrar shall, within five days after the day on which the state registrar
207 or local registrar registers a certificate of death for a Utah resident, inform the lieutenant
208 governor of:

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

211 (b) any other information requested by the lieutenant governor to assist the county

212 clerk in identifying the decedent for the purpose of removing the decedent from the official
213 register of voters.

214 (12) The lieutenant governor shall, within one business day after the day on which the
215 lieutenant governor receives the information described in Subsection (11), provide the
216 information to the county clerks.