

Representative Norman K Thurston proposes the following substitute bill:

ELECTIONS RECORD AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill amends provisions relating to elections records.

Highlighted Provisions:

This bill:

- ▶ provides that certain non-identifying information from a withheld voter registration record be provided to political parties and candidates, to be used for a political purpose;
- ▶ in relation to the provision of information described in the preceding paragraph:
 - provides for a plan to provide notice to affected voters; and
 - provides penalties for obtaining, providing, or using the information in a manner that is prohibited by law;
- ▶ modifies the form used to request additional privacy protection to be consistent with the changes made in this bill;
- ▶ addresses the disclosure of certain information relating to a voter whose ballot is rejected; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-2-104**, as last amended by Laws of Utah 2021, Chapter 100

31 **20A-2-108**, as last amended by Laws of Utah 2021, Chapter 100

32 **20A-2-306**, as last amended by Laws of Utah 2022, Chapter 121

33 **20A-3a-401**, as last amended by Laws of Utah 2022, Chapter 392

34 **20A-6-105**, as last amended by Laws of Utah 2021, Chapter 100



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

37 Section 1. Section **20A-2-104** is amended to read:

38 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

39 (1) ~~(a)~~ As used in this section:

40 ~~(i)~~ (a) "Candidate for public office" means an individual:

41 ~~(A)~~ (i) who files a declaration of candidacy for a public office;

42 ~~(B)~~ (ii) who files a notice of intent to gather signatures under Section **20A-9-408**; or

43 ~~(C)~~ (iii) employed by, under contract with, or a volunteer of, an individual described
44 in Subsection ~~[(1)(a)(i)(A) or (B)]~~ (1)(a)(i) or (ii) for political campaign purposes.

45 ~~(ii)~~ (b) "Dating violence" means the same as that term is defined in Section
46 **78B-7-402** and the federal Violence Against Women Act of 1994, as amended.

47 ~~(iii)~~ (c) "Domestic violence" means the same as that term is defined in Section
48 **77-36-1** and the federal Violence Against Women Act of 1994, as amended.

49 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
50 produce a code that:

51 (i) uniquely represents the set of data;

52 (ii) is always the same if the same algorithm is applied to the same set of data; and

53 (iii) cannot be reversed to reveal the data applied to the algorithm.

54 (e) "Protected individual" means an individual:

55 (i) who submits a withholding request form with the individual's voter registration
56 record, or to the lieutenant governor or a county clerk, if the individual indicates on the form

57 that the individual, or an individual who resides with the individual, is a victim of domestic
58 violence or dating violence or is likely to be a victim of domestic violence or dating violence;

59 (ii) who submits a withholding request form with the individual's voter registration
60 record, or to the lieutenant governor or a county clerk, if the individual indicates on the form
61 and provides verification that the individual, or an individual who resides with the individual,
62 is a law enforcement officer, a member of the armed forces as defined in Section [20A-1-513](#), a
63 public figure, or protected by a protective order or protection order; or

64 (iii) whose voter registration record was classified as a private record at the request of
65 the individual before May 12, 2020.

66 ~~[(b)]~~ (2) (a) An individual applying for voter registration, or an individual
67 preregistering to vote, shall complete a voter registration form in substantially the following
68 form:

69 -----

70 UTAH ELECTION REGISTRATION FORM

71 Are you a citizen of the United States of America? Yes No

72 If you checked "no" to the above question, do not complete this form.

73 Will you be 18 years of age on or before election day? Yes No

74 If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to
75 vote? Yes No

76 If you checked "no" to both of the prior two questions, do not complete this form.

77 Name of Voter

78 _____

79 First Middle Last

80 Utah Driver License or Utah Identification Card Number _____

81 Date of Birth _____

82 Street Address of Principal Place of Residence

83 _____

84 City County State Zip Code

85 Telephone Number (optional) _____

86 Email Address (optional) _____

87 Last four digits of Social Security Number _____

88 Last former address at which I was registered to vote (if
89 known)_____

90 _____

91 City County State Zip Code

92 Political Party

93 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by
94 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

95 Unaffiliated (no political party preference) Other (Please specify)_____

96 I do swear (or affirm), subject to penalty of law for false statements, that the
97 information contained in this form is true, and that I am a citizen of the United States and a
98 resident of the state of Utah, residing at the above address. Unless I have indicated above that I
99 am preregistering to vote in a later election, I will be at least 18 years of age and will have
100 resided in Utah for 30 days immediately before the next election. I am not a convicted felon
101 currently incarcerated for commission of a felony.

102 Signed and sworn

103 _____

104 Voter's Signature

105 _____(month/day/year).

106 PRIVACY INFORMATION

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

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

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

118 _____ Yes, I request that all information on my voter registration records be withheld

119 from all persons other than government entities, political parties, candidates for public office,
120 and their contractors, employees, and volunteers.

121 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

122 In addition to the protections provided above, you may request that [aH] identifying
123 information on your voter registration records be withheld from all political parties, candidates
124 for public office, and their contractors, employees, and volunteers, by submitting a withholding
125 request form, and any required verification, as described in the following paragraphs.

126 A person may request that [aH] identifying information on the person's voter
127 registration records be withheld from all political parties, candidates for public office, and their
128 contractors, employees, and volunteers, by submitting a withholding request form with this
129 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to
130 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
131 violence.

132 A person may request that [aH] identifying information on the person's voter
133 registration records be withheld from all political parties, candidates for public office, and their
134 contractors, employees, and volunteers, by submitting a withholding request form and any
135 required verification with this registration form, or to the lieutenant governor or a county clerk,
136 if the person is, or resides with a person who is, a law enforcement officer, a member of the
137 armed forces, a public figure, or protected by a protective order or a protection order.

138 CITIZENSHIP AFFIDAVIT

139 Name:

140 Name at birth, if different:

141 Place of birth:

142 Date of birth:

143 Date and place of naturalization (if applicable):

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

147 _____

148 Signature of Applicant

149 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or

150 allowing yourself to be registered or preregistered to vote if you know you are not entitled to
151 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

152 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
153 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
154 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
155 PHOTOGRAPH; OR
156 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
157 CURRENT ADDRESS.

158 FOR OFFICIAL USE ONLY

159 Type of I.D. _____

160 Voting Precinct _____

161 Voting I.D. Number _____

162 -----

163 ~~[(c)]~~ (b) ~~[Beginning May 1, 2022, the]~~ The voter registration form described in
164 Subsection ~~[(1)(b)]~~ (2)(a) shall include a section in substantially the following form:

165 -----

166 BALLOT NOTIFICATIONS

167 If you have provided a phone number or email address, you can receive notifications by
168 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
169 deposit in the mail or in a ballot drop box, by indicating here:

170 _____ Yes, I would like to receive electronic notifications regarding the status of my
171 ballot.

172 -----

173 ~~[(2)]~~ (c) ~~[(a)]~~ (i) Except as provided under Subsection ~~[(2)(b)]~~ (2)(c)(ii), the county
174 clerk shall retain a copy of each voter registration form in a permanent countywide alphabetical
175 file, which may be electronic or some other recognized system.

176 ~~[(b)]~~ (ii) The county clerk may transfer a superseded voter registration form to the
177 Division of Archives and Records Service created under Section 63A-12-101.

178 (3) (a) Each county clerk shall retain lists of currently registered voters.

179 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

180 (c) If there are any discrepancies between the two lists, the county clerk's list is the

181 official list.

182 (d) The lieutenant governor and the county clerks may charge the fees established
183 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of
184 the list of registered voters.

185 (4) (a) As used in this Subsection (4), "qualified person" means:

186 (i) a government official or government employee acting in the government official's or
187 government employee's capacity as a government official or a government employee;

188 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or
189 independent contractor of a health care provider;

190 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or
191 independent contractor of an insurance company;

192 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
193 independent contractor of a financial institution;

194 (v) a political party, or an agent, employee, or independent contractor of a political
195 party;

196 (vi) a candidate for public office, or an employee, independent contractor, or volunteer
197 of a candidate for public office; ~~[or]~~

198 (vii) a person described in Subsections (4)(a)(i) through (vi)~~[, or an agent, employee, or~~
199 ~~independent contractor of the person;]~~ who, after obtaining a year of birth from the list of
200 registered voters:

201 (A) provides the year of birth ~~[of a registered voter that is obtained from the list of~~
202 ~~registered voters]~~ only to a person ~~[who is a qualified person]~~ described in Subsections (4)(a)(i)
203 through (vii);

204 (B) verifies that ~~[a]~~ the person~~;~~ described in Subsection (4)(a)(vii)(A)~~[, to whom a~~
205 ~~year of birth that is obtained from the list of registered voters is provided;]~~ ~~[is a qualified~~
206 ~~person]~~ is a person described in Subsections (4)(a)(i) through (vii);

207 (C) ensures, using industry standard security measures, that the year of birth ~~[of a~~
208 ~~registered voter that is obtained from the list of registered voters]~~ may not be accessed by a
209 person other than a ~~[qualified person]~~ person described in Subsections (4)(a)(i) through (vii);

210 (D) verifies that each ~~[qualified person, other than a qualified person described in~~
211 ~~Subsection (4)(a)(i), (v), or (vi);]~~ person described in Subsections (4)(a)(ii) through (iv) to

212 whom the person provides the year of birth [~~of a registered voter that is obtained from the list~~
213 ~~of registered voters;~~] will only use the year of birth to verify the accuracy of personal
214 information submitted by an individual or to confirm the identity of a person in order to
215 prevent fraud, waste, or abuse;

216 (E) verifies that each ~~[qualified]~~ person described in Subsection (4)(a)(i)~~[;]~~ to whom
217 the person provides the year of birth [~~of a registered voter that is obtained from the list of~~
218 ~~registered voters;~~] will only use the year of birth in the ~~[qualified]~~ person's capacity as a
219 government official or government employee; and

220 (F) verifies that each ~~[qualified]~~ person described in Subsection (4)(a)(v) or (vi)~~[;]~~ to
221 whom the person provides the year of birth [~~of a registered voter that is obtained from the list~~
222 ~~of registered voters;~~] will only use the year of birth for a political purpose of the political party
223 or candidate for public office~~[;]~~; or

224 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining
225 information under Subsections (4)(n) and (o):

226 (A) provides the information only to another person described in Subsection (4)(a)(v)
227 or (vi);

228 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person
229 described in Subsection (4)(a)(v) or (vi);

230 (C) ensures, using industry standard security measures, that the information may not be
231 accessed by a person other than a person described in Subsection (4)(a)(v) or (vi); and

232 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
233 person provides the information will only use the information for a political purpose of the
234 political party or candidate for public office.

235 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
236 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when
237 providing the list of registered voters to a qualified person under this section, include, with the
238 list, the years of birth of the registered voters, if:

239 (i) the lieutenant governor or a county clerk verifies the identity of the person and that
240 the person is a qualified person; and

241 (ii) the qualified person signs a document that includes the following:

242 (A) the name, address, and telephone number of the person requesting the list of

243 registered voters;

244 (B) an indication of the type of qualified person that the person requesting the list
245 claims to be;

246 (C) a statement regarding the purpose for which the person desires to obtain the years
247 of birth;

248 (D) a list of the purposes for which the qualified person may use the year of birth of a
249 registered voter that is obtained from the list of registered voters;

250 (E) a statement that the year of birth of a registered voter that is obtained from the list
251 of registered voters may not be provided or used for a purpose other than a purpose described
252 under Subsection (4)(b)(ii)(D);

253 (F) a statement that if the person obtains the year of birth of a registered voter from the
254 list of registered voters under false pretenses, or provides or uses the year of birth of a
255 registered voter that is obtained from the list of registered voters in a manner that is prohibited
256 by law, is guilty of a class A misdemeanor and is subject to a civil fine;

257 (G) an assertion from the person that the person will not provide or use the year of
258 birth of a registered voter that is obtained from the list of registered voters in a manner that is
259 prohibited by law; and

260 (H) notice that if the person makes a false statement in the document, the person is
261 punishable by law under Section [76-8-504](#).

262 (c) The lieutenant governor or a county clerk:

263 (i) may not disclose the year of birth of a registered voter to a person that the
264 lieutenant governor or county clerk reasonably believes:

265 [(†)] (A) is not a qualified person or a person described in Subsection (4)(l); or

266 [(†)] (B) will provide or use the year of birth in a manner prohibited by law[-]; and

267 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the
268 lieutenant governor or county clerk reasonably believes:

269 (A) is not a person described in Subsection (4)(a)(v) or (vi); or

270 (B) will provide or use the information in a manner prohibited by law.

271 (d) The lieutenant governor or a county clerk may not disclose the voter registration
272 form of a person, or information included in the person's voter registration form, whose voter
273 registration form is classified as private under Subsection (4)(h) to a person other than:

274 (i) a government official or government employee acting in the government official's or
275 government employee's capacity as a government official or government employee; or

276 (ii) [~~except as provided in Subsection (7) and~~] subject to Subsection (4)(e), a person
277 described in Subsection (4)(a)(v) or (vi) for a political purpose.

278 (e) [~~(e)~~] (i) [~~When~~] Except as provided in Subsection (4)(e)(ii), when disclosing a
279 record or information under Subsection (4)(d)(ii), the lieutenant governor or county clerk shall
280 exclude the information described in Subsection 63G-2-302(1)(j), other than the year of birth.

281 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the
282 voter registration record of a protected individual, the lieutenant governor or county clerk shall
283 comply with Subsections (4)(n) through (p).

284 (f) The lieutenant governor or a county clerk may not disclose a withholding request
285 form, described in Subsections (7) and (8), submitted by an individual, or information obtained
286 from that form, to a person other than a government official or government employee acting in
287 the government official's or government employee's capacity as a government official or
288 government employee.

289 (g) A person is guilty of a class A misdemeanor if the person:

290 (i) obtains [~~the year of birth of a registered voter~~] from the list of registered voters,
291 under false pretenses, the year of birth of a registered voter or information described in
292 Subsection (4)(n) or (o);

293 (ii) uses or provides the year of birth of a registered voter, or information described in
294 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a manner that is
295 not permitted by law;

296 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under
297 false pretenses;

298 (iv) uses or provides information obtained from a voter registration record described in
299 Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;

300 (v) unlawfully discloses or obtains a voter registration record withheld under
301 Subsection (7) or a withholding request form described in Subsections (7) and (8); or

302 (vi) unlawfully discloses or obtains information from a voter registration record
303 withheld under Subsection (7) or a withholding request form described in Subsections (7) and
304 (8).

305 (h) The lieutenant governor or a county clerk shall classify the voter registration record
306 of a voter as a private record if the voter:

307 (i) submits a written application, created by the lieutenant governor, requesting that the
308 voter's voter registration record be classified as private;

309 (ii) requests on the voter's voter registration form that the voter's voter registration
310 record be classified as a private record; or

311 (iii) submits a withholding request form described in Subsection (7) and any required
312 verification.

313 (i) ~~[The]~~ Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant
314 governor or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or
315 (vi) a voter registration record, or information obtained from a voter registration record, if the
316 record is withheld under Subsection (7).

317 (j) In addition to any criminal penalty that may be imposed under this section, the
318 lieutenant governor may impose a civil fine against a person who violates a provision of this
319 section, in an amount equal to the greater of:

320 (i) the product of 30 and the square root of the total number of:

321 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
322 dollar; or

323 (B) records from which information is obtained, provided, or used unlawfully, rounded
324 to the nearest whole dollar; or

325 (ii) \$200.

326 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
327 voter, if the year of birth is obtained from the list of registered voters or from a voter
328 registration record, unless the person:

329 (i) is a government official or government employee who obtains, provides, or uses the
330 year of birth in the government official's or government employee's capacity as a government
331 official or government employee;

332 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
333 uses the year of birth only to verify the accuracy of personal information submitted by an
334 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;

335 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,

336 provides, or uses the year of birth for a political purpose of the political party or candidate for
337 public office; or

338 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
339 uses the year of birth to provide the year of birth to another qualified person to verify the
340 accuracy of personal information submitted by an individual or to confirm the identity of a
341 person in order to prevent fraud, waste, or abuse.

342 (l) The lieutenant governor or a county clerk may provide a year of birth to a member
343 of the media, in relation to an individual designated by the member of the media, in order for
344 the member of the media to verify the identity of the individual.

345 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
346 information from a voter registration record for a purpose other than a political purpose.

347 (n) Notwithstanding Subsection [63G-2-302\(1\)\(k\)](#) or (l), the lieutenant governor or a
348 county clerk shall, when providing the list of registered voters to a qualified person described
349 in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose record is withheld
350 under Subsection (7), the information described in Subsection (4)(o), if:

351 (i) the lieutenant governor or a county clerk verifies the identity of the person and that
352 the person is a qualified person described in Subsection (4)(a)(v) or (vi); and

353 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that
354 includes the following:

355 (A) the name, address, and telephone number of the person requesting the list of
356 registered voters;

357 (B) an indication of the type of qualified person that the person requesting the list
358 claims to be;

359 (C) a statement regarding the purpose for which the person desires to obtain the
360 information;

361 (D) a list of the purposes for which the qualified person may use the information;

362 (E) a statement that the information may not be provided or used for a purpose other
363 than a purpose described under Subsection (4)(n)(ii)(D);

364 (F) a statement that if the person obtains the information under false pretenses, or
365 provides or uses the information in a manner that is prohibited by law, the person is guilty of a
366 class A misdemeanor and is subject to a civil fine;

367 (G) an assertion from the person that the person will not provide or use the information
368 in a manner that is prohibited by law; and

369 (H) notice that if the person makes a false statement in the document, the person is
370 punishable by law under Section 76-8-504.

371 (o) Except as provided in Subsection (4)(p), the information that the lieutenant
372 governor or a county clerk is required to provide, under Subsection (4)(n), from the record of a
373 protected individual is:

374 (i) a single hash code, generated from a string of data that includes both the voter's
375 voter identification number and residential address;

376 (ii) the voter's residential address;

377 (iii) the voter's mailing address, if different from the voter's residential address;

378 (iv) the party affiliation of the voter;

379 (v) the precinct number for the voter's residential address;

380 (vi) the voter's voting history; and

381 (vii) a designation of which age group, of the following age groups, the voter falls
382 within:

383 (A) 25 or younger;

384 (B) 26 through 35;

385 (C) 36 through 45;

386 (D) 46 through 55;

387 (E) 56 through 65;

388 (F) 66 through 75; or

389 (G) 76 or older.

390 (p) The lieutenant governor or a county clerk may not disclose:

391 (i) information described in Subsection (4)(o) that, due to a small number of voters
392 affiliated with a particular political party, or due to another reason, would likely reveal the
393 identity of a voter if disclosed; or

394 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the
395 county clerk determines that the nature of the address would directly reveal sensitive
396 information about the voter.

397 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain,

398 provide, or use the information described in Subsections (4)(n) or (o), except to the extent that
399 the qualified person uses the information for a political purpose of a political party or candidate
400 for public office.

401 (5) When political parties not listed on the voter registration form qualify as registered
402 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
403 lieutenant governor shall inform the county clerks of the name of the new political party and
404 direct the county clerks to ensure that the voter registration form is modified to include that
405 political party.

406 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
407 clerk's designee shall:

408 (a) review each voter registration form for completeness and accuracy; and

409 (b) if the county clerk believes, based upon a review of the form, that an individual
410 may be seeking to register or preregister to vote who is not legally entitled to register or
411 preregister to vote, refer the form to the county attorney for investigation and possible
412 prosecution.

413 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
414 person described in Subsection (4)(a)(i), the voter registration record, and information obtained
415 from the voter registration record, of ~~[an individual:]~~ a protected individual.

416 ~~[(a) who submits a withholding request form, with the voter registration record or to~~
417 ~~the lieutenant governor or a county clerk, if:]~~

418 ~~[(i) the individual indicates on the form that the individual, or an individual who~~
419 ~~resides with the individual, is a victim of domestic violence or dating violence or is likely to be~~
420 ~~a victim of domestic violence or dating violence; or]~~

421 ~~[(ii) the individual indicates on the form and provides verification that the individual,~~
422 ~~or an individual who resides with the individual, is:]~~

423 ~~[(A) a law enforcement officer;]~~

424 ~~[(B) a member of the armed forces, as defined in Section 20A-1-513;]~~

425 ~~[(C) a public figure; or]~~

426 ~~[(D) protected by a protective order or protection order; or]~~

427 ~~[(b) whose voter registration record was classified as a private record at the request of~~
428 ~~the individual before May 12, 2020.]~~

429 (8) (a) The lieutenant governor shall design and distribute the withholding request form
 430 described in Subsection (7) to each election officer and to each agency that provides a voter
 431 registration form.

432 (b) An individual described in Subsection [~~(7)(a)(i)~~] (1)(e)(i) is not required to provide
 433 verification, other than the individual's attestation and signature on the withholding request
 434 form, that the individual, or an individual who resides with the individual, is a victim of
 435 domestic violence or dating violence or is likely to be a victim of domestic violence or dating
 436 violence.

437 (c) The director of elections within the Office of the Lieutenant Governor shall make
 438 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 439 establishing requirements for providing the verification described in Subsection [~~(7)(a)(ii)~~]
 440 (1)(e)(ii).

441 (9) An election officer or an employee of an election officer may not encourage an
 442 individual to submit, or discourage an individual from submitting, a withholding request form.

443 (10) (a) A county clerk shall make and execute a plan to provide notice to protected
 444 individuals registered in the county that includes the ~~Ŝ~~→ **follow** **following** ←~~Ŝ~~ information:

445 (i) that the voter's classification of the record as private remains in effect;

446 (ii) that certain non-identifying information from the voter's voter registration record
 447 may, under certain circumstances, be released to political parties and candidates for public
 448 office;

449 (iii) that the voter's name, driver license or identification card number, social security
 450 number, email address, phone number, and the voter's day, month, and year of birth will remain
 451 private and will not be released to political parties or candidates for public office;

452 (iv) that the clerk will only release information to political parties and candidates in a
 453 manner that does not associate the information with a particular voter; and

454 (v) that a county clerk may, under certain circumstances, withhold other information
 455 that the county clerk determines would reveal identifying information about the voter.

456 (b) The county clerk may include in the notice described in this Subsection (10) a
 457 statement that a voter may obtain additional information on the county clerk's website.

458 (c) The plan described in Subsection (10)(a) may include providing the notice
 459 described in Subsection (10)(a) by:

- 460 (i) publication on the Utah Public Notice Website, created in Section [63A-16-601](#);
- 461 (ii) publication on the county's website;
- 462 (iii) posting the notice in public locations;
- 463 (iv) publication in a newspaper of general circulation within the county;
- 464 (v) sending notification to the voters by electronic means;
- 465 (vi) sending notice by other methods that the county uses to communicate with the
- 466 county's citizens; or
- 467 (vii) providing notice by any other method.

468 (d) A county clerk shall provide the notice included in a plan described in this
 469 Subsection (10) before June 16, 2023.

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

471 **20A-2-108. Driver license or state identification card registration form --**
 472 **Transmittal of information.**

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

- 474 (a) a driver license application form; or
- 475 (b) a state identification card application form.

476 (2) The lieutenant governor and the Driver License Division shall design each
 477 qualifying form to include:

478 (a) the following question, which an applicant is required to answer: "Do you authorize
 479 the use of information in this form for voter registration purposes? YES ____ NO ____";

480 (b) the following statement:

481 "PRIVACY INFORMATION

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

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

490 You may request that all information on your voter registration records be withheld

491 from all persons other than government entities, political parties, candidates for public office,
492 and their contractors, employees, and volunteers, by indicating here:

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

496 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

497 In addition to the protections provided above, you may request that [aH] identifying
498 information on your voter registration records be withheld from all political parties, candidates
499 for public office, and their contractors, employees, and volunteers, by submitting a withholding
500 request form, and any required verification, as described in the following paragraphs.

501 A person may request that [aH] identifying information on the person's voter
502 registration records be withheld from all political parties, candidates for public office, and their
503 contractors, employees, and volunteers, by submitting a withholding request form with this
504 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to
505 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
506 violence.

507 A person may request that [aH] identifying information on the person's voter
508 registration records be withheld from all political parties, candidates for public office, and their
509 contractors, employees, and volunteers, by submitting a withholding request form and any
510 required verification with this registration form, or to the lieutenant governor or a county clerk,
511 if the person is, or resides with a person who is, a law enforcement officer, a member of the
512 armed forces, a public figure, or protected by a protective order or a protection order."; and

513 (c) [~~beginning May 1, 2022,~~] a section in substantially the following form:

514 -----

515 BALLOT NOTIFICATIONS

516 If you have provided a phone number or email address, you can receive notifications by
517 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
518 deposit in the mail or in a ballot drop box, by indicating here:

519 _____ Yes, I would like to receive electronic notifications regarding the status of my
520 ballot.

521 -----

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

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

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

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

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

534 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space
535 where an individual may, if desired:

536 (i) indicate the individual's desired political affiliation from a listing of each registered
537 political party, as defined in Section 20A-8-101;

538 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the
539 individual desires to affiliate; or

540 (iii) indicate that the individual does not wish to affiliate with a political party.

541 Section 3. Section 20A-2-306 is amended to read:

542 **20A-2-306. Removing names from the official register -- Determining and**
543 **confirming change of residence.**

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

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

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

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

552 (2) (a) When a county clerk obtains information that a voter's address has changed and

553 it appears that the voter still resides within the same county, the county clerk shall:

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

555 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)

556 printed on a postage prepaid, preaddressed return form.

557 (b) When a county clerk obtains information that a voter's address has changed and it

558 appears that the voter now resides in a different county, the county clerk shall verify the

559 changed residence by sending to the voter, by forwardable mail, the notice required by

560 Subsection (3) printed on a postage prepaid, preaddressed return form.

561 (3) (a) Each county clerk shall use substantially the following form to notify voters

562 whose addresses have changed:

563 "VOTER REGISTRATION NOTICE

564 We have been notified that your residence has changed. Please read, complete, and

565 return this form so that we can update our voter registration records. What is your current

566 street address?

567 _____

568 Street City County State Zip

569 What is your current phone number (optional)? _____

570 What is your current email address (optional)? _____

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

572 county, you must complete and return this form to the county clerk so that it is received by the

573 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to

574 return this form within that time:

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

577 - if you fail to vote at least once from the date this notice was mailed until the passing
578 of two regular general elections, you will no longer be registered to vote. If you have changed

579 your residence and have moved to a different county in Utah, you may register to vote by
580 contacting the county clerk in your county.

581 _____

582 Signature of Voter

583 PRIVACY INFORMATION

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

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

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

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

598 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

599 In addition to the protections provided above, you may request that [aH] identifying
600 information on your voter registration records be withheld from all political parties, candidates
601 for public office, and their contractors, employees, and volunteers, by submitting a withholding
602 request form, and any required verification, as described in the following paragraphs.

603 A person may request that [aH] identifying information on the person's voter
604 registration records be withheld from all political parties, candidates for public office, and their
605 contractors, employees, and volunteers, by submitting a withholding request form with this
606 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to
607 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
608 violence.

609 A person may request that [aH] identifying information on the person's voter
610 registration records be withheld from all political parties, candidates for public office, and their
611 contractors, employees, and volunteers, by submitting a withholding request form and any
612 required verification with this registration form, or to the lieutenant governor or a county clerk,
613 if the person is, or resides with a person who is, a law enforcement officer, a member of the
614 armed forces, a public figure, or protected by a protective order or a protection order."

615 (b) [~~Beginning May 1, 2022, the~~] The form described in Subsection (3)(a) shall also
616 include a section in substantially the following form:

617 -----

618 BALLOT NOTIFICATIONS

619 If you have provided a phone number or email address, you can receive notifications by
620 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
621 deposit in the mail or in a ballot drop box, by indicating here:

622 _____ Yes, I would like to receive electronic notifications regarding the status of my
623 ballot.

624 -----

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

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

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

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

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

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

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

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

645 (6) A county clerk shall, within ten business days after the day on which the county

646 clerk receives the information described in Subsection (5) or Subsections 26-2-13(11) and (12)
647 relating to a decedent whose name appears on the official register, remove the decedent's name
648 from the official register.

649 (7) Ninety days before each primary and general election the lieutenant governor shall
650 compare the information the lieutenant governor has received under Subsection 26-2-13(11)
651 with the official register of voters to ensure that all deceased voters have been removed from
652 the official register.

653 Section 4. Section 20A-3a-401 is amended to read:

654 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**
655 **Disposition -- Notice.**

656 (1) This section governs ballots returned by mail or via a ballot drop box.

657 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in
658 the custody of the poll workers in accordance with Subsection (2)(b).

659 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
660 the return envelope to the signature of the voter in the voter registration records.

661 (3) After complying with Subsection (2), the poll workers shall determine whether:

662 (a) the signatures correspond;

663 (b) the affidavit is sufficient;

664 (c) the voter is registered to vote in the correct precinct;

665 (d) the voter's right to vote the ballot has been challenged;

666 (e) the voter has already voted in the election;

667 (f) the voter is required to provide valid voter identification; and

668 (g) if the voter is required to provide valid voter identification, whether the voter has
669 provided valid voter identification.

670 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
671 workers determine that:

672 (i) the signatures correspond;

673 (ii) the affidavit is sufficient;

674 (iii) the voter is registered to vote in the correct precinct;

675 (iv) the voter's right to vote the ballot has not been challenged;

676 (v) the voter has not already voted in the election; and

677 (vi) for a voter required to provide valid voter identification, that the voter has
678 provided valid voter identification.

679 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
680 workers shall:

681 (i) remove the manual ballot from the return envelope in a manner that does not
682 destroy the affidavit on the return envelope;

683 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
684 with the return envelope; and

685 (iii) place the ballot with the other ballots to be counted.

686 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
687 the poll workers shall:

688 (i) disallow the vote;

689 (ii) without opening the return envelope, mark across the face of the return envelope:

690 (A) "Rejected as defective"; or

691 (B) "Rejected as not a registered voter"; and

692 (iii) place the return envelope, unopened, with the other rejected return envelopes.

693 (5) (a) If the poll workers reject an individual's ballot because the poll workers
694 determine that the signature on the return envelope does not match the individual's signature in
695 the voter registration records, the election officer shall contact the individual in accordance
696 with Subsection (7) by mail, email, text message, or phone, and inform the individual:

697 (i) that the individual's signature is in question;

698 (ii) how the individual may resolve the issue; and

699 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
700 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
701 requirements described in Subsection (5)(b).

702 (b) An affidavit described in Subsection (5)(a)(iii) shall include:

703 (i) an attestation that the individual voted the ballot;

704 (ii) a space for the individual to enter the individual's name, date of birth, and driver
705 license number or the last four digits of the individual's social security number;

706 (iii) a space for the individual to sign the affidavit; and

707 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant

708 governor's and county clerk's use of the individual's signature on the affidavit for voter
709 identification purposes.

710 (c) In order for an individual described in Subsection (5)(a) to have the individual's
711 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the
712 election officer.

713 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
714 immediately:

715 (i) scan the signature on the affidavit electronically and keep the signature on file in the
716 statewide voter registration database developed under Section 20A-2-109; and

717 (ii) if the election officer receives the affidavit no later than 5 p.m. three days before
718 the day on which the canvass begins, count the individual's ballot.

719 (6) If the poll workers reject an individual's ballot for any reason, other than the reason
720 described in Subsection (5)(a), the election officer shall notify the individual of the rejection in
721 accordance with Subsection (7) by mail, email, text message, or phone and specify the reason
722 for the rejection.

723 (7) An election officer who is required to give notice under Subsection (5) or (6) shall
724 give the notice no later than:

725 (a) if the election officer rejects the ballot before election day:

726 (i) one business day after the day on which the election officer rejects the ballot, if the
727 election officer gives the notice by email or text message; or

728 (ii) two business days after the day on which the election officer rejects the ballot, if
729 the election officer gives the notice by postal mail or phone;

730 (b) seven days after election day if the election officer rejects the ballot on election day;
731 or

732 (c) seven days after the canvass if the election officer rejects the ballot after election
733 day and before the end of the canvass.

734 (8) An election officer may not count the ballot of an individual whom the election
735 officer contacts under Subsection (5) or (6) unless:

736 (a) the election officer receives a signed affidavit from the individual under Subsection
737 (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's
738 identity; and

739 (b) the affidavit described in Subsection (8)(a) is received, or the confirmation
740 described in Subsection (8)(a) occurs, no later than 5 p.m. three days before the day on which
741 the canvass begins.

742 (9) The election officer shall retain and preserve the return envelopes in the manner
743 provided by law for the retention and preservation of ballots voted at that election.

744 (10) If, in response to a request, and in accordance with the requirements of law, an
745 election officer discloses the name or address of voters whose ballots have been rejected and
746 not yet resolved, the election officer shall:

747 (a) make the disclosure within two business days after the day on which the request is
748 made;

749 (b) respond to each request in the order the requests were made; and

750 (c) make each disclosure in a manner, and within a period of time, that does not reflect
751 favoritism to one requestor over another.

752 Section 5. Section **20A-6-105** is amended to read:

753 **20A-6-105. Provisional ballot envelopes.**

754 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
755 substantially the following form:

756 "AFFIRMATION

757 Are you a citizen of the United States of America? Yes No

758 Will you be 18 years old on or before election day? Yes No

759 If you checked "no" in response to either of the two above questions, do not complete this
760 form.

761 Name of Voter _____

762 First Middle Last

763 Driver License or Identification Card Number _____

764 State of Issuance of Driver License or Identification Card Number _____

765 Date of Birth _____

766 Street Address of Principal Place of Residence

767 _____

768 City County State Zip Code

769 Telephone Number (optional) _____

770 Email Address (optional) _____

771 Last four digits of Social Security Number _____

772 Last former address at which I was registered to vote (if known)

773 _____

774 City County State Zip Code

775 Voting Precinct (if known)

776 _____

777 I, (please print your full name) _____ do solemnly swear or
778 affirm:

779 That I am eligible to vote in this election; that I have not voted in this election in any
780 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to
781 vote in this precinct; and

782 Subject to penalty of law for false statements, that the information contained in this
783 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the
784 above address; and that I am at least 18 years old and have resided in Utah for the 30 days
785 immediately before this election.

786 Signed _____

787 Dated _____

788 In accordance with Section 20A-3a-506, wilfully providing false information above is a
789 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

790 PRIVACY INFORMATION

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

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

799 You may request that all information on your voter registration records be withheld
800 from all persons other than government entities, political parties, candidates for public office,

801 and their contractors, employees, and volunteers, by indicating here:

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

805 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

806 In addition to the protections provided above, you may request that [aH] identifying
807 information on your voter registration records be withheld from all political parties, candidates
808 for public office, and their contractors, employees, and volunteers, by submitting a withholding
809 request form, and any required verification, as described in the following paragraphs.

810 A person may request that [aH] identifying information on the person's voter
811 registration records be withheld from all political parties, candidates for public office, and their
812 contractors, employees, and volunteers, by submitting a withholding request form with this
813 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to
814 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
815 violence.

816 A person may request that [aH] identifying information on the person's voter
817 registration records be withheld from all political parties, candidates for public office, and their
818 contractors, employees, and volunteers, by submitting a withholding request form and any
819 required verification with this registration form, or to the lieutenant governor or a county clerk,
820 if the person is, or resides with a person who is, a law enforcement officer, a member of the
821 armed forces, a public figure, or protected by a protective order or a protection order.

822 CITIZENSHIP AFFIDAVIT

823 Name:

824 Name at birth, if different:

825 Place of birth:

826 Date of birth:

827 Date and place of naturalization (if applicable):

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

831 _____

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Signature of Applicant

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

(2) The provisional ballot envelope shall include:

(a) a unique number;

(b) a detachable part that includes the unique number;

(c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted; and

(d) [~~beginning May 1, 2022,~~] an insert containing written instructions on how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.