

**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

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**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;

- ▶ provides penalties for obtaining, providing, or using information described in the preceding paragraph 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

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **20A-2-104**, as last amended by Laws of Utah 2021, Chapter 100

29 **20A-2-108**, as last amended by Laws of Utah 2021, Chapter 100

30 **20A-2-306**, as last amended by Laws of Utah 2022, Chapter 121

31 **20A-3a-401**, as last amended by Laws of Utah 2022, Chapter 392

32 **20A-6-105**, as last amended by Laws of Utah 2021, Chapter 100



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

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

36 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

37 (1) ~~[(a)]~~ As used in this section:

38 ~~[(i)]~~ (a) "Candidate for public office" means an individual:

39 ~~[(A)]~~ (i) who files a declaration of candidacy for a public office;

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

41 ~~[(C)]~~ (iii) employed by, under contract with, or a volunteer of, an individual described

42 in Subsection ~~[(1)(a)(i)(A) or (B)]~~ (1)(a)(i) or (ii) for political campaign purposes.

43 ~~[(ii)]~~ (b) "Dating violence" means the same as that term is defined in Section

44 **78B-7-402** and the federal Violence Against Women Act of 1994, as amended.

45 ~~[(iii)]~~ (c) "Domestic violence" means the same as that term is defined in Section

46 **77-36-1** and the federal Violence Against Women Act of 1994, as amended.

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

49 (i) uniquely represents the set of data;

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

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

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

53 (i) who submits a withholding request form with the individual's voter registration  
54 record, or to the lieutenant governor or a county clerk, if the individual indicates on the form  
55 that the individual, or an individual who resides with the individual, is a victim of domestic  
56 violence or dating violence or is likely to be a victim of domestic violence or dating violence;

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

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

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

67 -----

68 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

75 Name of Voter

76 \_\_\_\_\_

77 First Middle Last

78 Utah Driver License or Utah Identification Card Number \_\_\_\_\_

79 Date of Birth \_\_\_\_\_

80 Street Address of Principal Place of Residence

81 \_\_\_\_\_

82 City County State Zip Code

83 Telephone Number (optional) \_\_\_\_\_

84 Email Address (optional) \_\_\_\_\_

85 Last four digits of Social Security Number \_\_\_\_\_

86 Last former address at which I was registered to vote (if  
87 known) \_\_\_\_\_

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City	County	State	Zip Code
Political Party			
(a listing of each registered political party, as defined in Section 20A-8-101 and maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)			
<input type="checkbox"/> Unaffiliated (no political party preference) <input type="checkbox"/> Other (Please specify)_____			

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. I am not a convicted felon currently incarcerated for commission of a felony.

Signed and sworn

\_\_\_\_\_

Voter's Signature

\_\_\_\_\_ (month/day/year).

**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, full date of birth, and phone number 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.

119 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

135 CITIZENSHIP AFFIDAVIT

136 Name:

137 Name at birth, if different:

138 Place of birth:

139 Date of birth:

140 Date and place of naturalization (if applicable):

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

144 \_\_\_\_\_

145 Signature of Applicant

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

149 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID

150 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST  
151 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND  
152 PHOTOGRAPH; OR  
153 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
154 CURRENT ADDRESS.

155 FOR OFFICIAL USE ONLY

156 Type of I.D. \_\_\_\_\_  
157 Voting Precinct \_\_\_\_\_  
158 Voting I.D. Number \_\_\_\_\_

159 -----

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

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163 BALLOT NOTIFICATIONS

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

167 \_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my  
168 ballot.

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

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

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

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

177 (c) If there are any discrepancies between the two lists, the county clerk's list is the  
178 official list.

179 (d) The lieutenant governor and the county clerks may charge the fees established  
180 under the authority of Subsection [63G-2-203\(10\)](#) to individuals who wish to obtain a copy of

181 the list of registered voters.

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

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

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

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

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

191 (v) a political party, or an agent, employee, or independent contractor of a political  
192 party;

193 (vi) a candidate for public office, or an employee, independent contractor, or volunteer  
194 of a candidate for public office; ~~or~~

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

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

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

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

207 (D) verifies that each ~~[qualified person, other than a qualified person described in~~  
208 ~~Subsection (4)(a)(i), (v), or (vi);]~~ person described in Subsections (4)(a)(ii) through (iv) to  
209 whom the person provides the year of birth ~~[of a registered voter that is obtained from the list~~  
210 ~~of registered voters;]~~ will only use the year of birth to verify the accuracy of personal  
211 information submitted by an individual or to confirm the identity of a person in order to

212 prevent fraud, waste, or abuse;

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

273 (ii) [~~except as provided in Subsection (7) and~~] subject to Subsection (4)(e), a person

274 described in Subsection (4)(a)(v) or (vi) for a political purpose.

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

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

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

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

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

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

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

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

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

299 (vi) unlawfully discloses or obtains information from a voter registration record  
300 withheld under Subsection (7) or a withholding request form described in Subsections (7) and  
301 (8).

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

304 (i) submits a written application, created by the lieutenant governor, requesting that the

305 voter's voter registration record be classified as private;

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

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

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

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

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

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

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

322 (ii) \$200.

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

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

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

332 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,  
333 provides, or uses the year of birth for a political purpose of the political party or candidate for  
334 public office; or

335 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or

336 uses the year of birth to provide the year of birth to another qualified person to verify the  
337 accuracy of personal information submitted by an individual or to confirm the identity of a  
338 person in order to prevent fraud, waste, or abuse.

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

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

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

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

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

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

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

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

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

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

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

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

366 (H) notice that if the person makes a false statement in the document, the person is

367 punishable by law under Section [76-8-504](#).

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

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

373 (ii) the voter's residential address;

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

375 (iv) the party affiliation of the voter;

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

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

378 (vii) a designation of which age group, of the following age groups, the voter falls

379 within:

380 (A) 25 or younger;

381 (B) 26 through 35;

382 (C) 36 through 45;

383 (D) 46 through 55;

384 (E) 56 through 65;

385 (F) 66 through 75; or

386 (G) 76 or older.

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

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

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

394 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain,  
395 provide, or use the information described in Subsections (4)(n) or (o), except to the extent that  
396 the qualified person uses the information for a political purpose of a political party or candidate  
397 for public office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

441 **20A-2-108. Driver license or state identification card registration form --**  
 442 **Transmittal of information.**

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

- 444 (a) a driver license application form; or  
 445 (b) a state identification card application form.

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

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

450 (b) the following statement:

451 "PRIVACY INFORMATION

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

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

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

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

466 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

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

484 -----

485 BALLOT NOTIFICATIONS

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

489 \_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my  
490 ballot.



- 491 -----
- 492 (3) The lieutenant governor and the Driver License Division shall ensure that a  
493 qualifying form contains:
- 494 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and  
495 Utah residency, and that the information provided in the form is true;
- 496 (b) a records disclosure that is similar to the records disclosure on a voter registration  
497 form described in Section 20A-2-104;
- 498 (c) a statement that if an applicant declines to register or preregister to vote, the fact  
499 that the applicant has declined to register or preregister will remain confidential and will be  
500 used only for voter registration purposes;
- 501 (d) a statement that if an applicant does register or preregister to vote, the office at  
502 which the applicant submits a voter registration application will remain confidential and will be  
503 used only for voter registration purposes; and
- 504 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space  
505 where an individual may, if desired:
- 506 (i) indicate the individual's desired political affiliation from a listing of each registered  
507 political party, as defined in Section 20A-8-101;
- 508 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the  
509 individual desires to affiliate; or
- 510 (iii) indicate that the individual does not wish to affiliate with a political party.
- 511 Section 3. Section 20A-2-306 is amended to read:
- 512 **20A-2-306. Removing names from the official register -- Determining and**  
513 **confirming change of residence.**
- 514 (1) A county clerk may not remove a voter's name from the official register on the  
515 grounds that the voter has changed residence unless the voter:
- 516 (a) confirms in writing that the voter has changed residence to a place outside the  
517 county; or
- 518 (b) (i) has not voted in an election during the period beginning on the date of the notice  
519 required by Subsection (3), and ending on the day after the date of the second regular general  
520 election occurring after the date of the notice; and
- 521 (ii) has failed to respond to the notice required by Subsection (3).

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

- 524 (i) change the official register to show the voter's new address; and
- 525 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)
- 526 printed on a postage prepaid, preaddressed return form.

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

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

533 "VOTER REGISTRATION NOTICE

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

537 \_\_\_\_\_

538 Street	City	County	State	Zip
------------	------	--------	-------	-----

539 What is your current phone number (optional)? \_\_\_\_\_

540 What is your current email address (optional)? \_\_\_\_\_

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

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

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

551 \_\_\_\_\_  
552 Signature of Voter

## 553 PRIVACY INFORMATION

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

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

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

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

## 568 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

579 A person may request that [aH] identifying information on the person's voter  
580 registration records be withheld from all political parties, candidates for public office, and their  
581 contractors, employees, and volunteers, by submitting a withholding request form and any  
582 required verification with this registration form, or to the lieutenant governor or a county clerk,  
583 if the person is, or resides with a person who is, a law enforcement officer, a member of the

584 armed forces, a public figure, or protected by a protective order or a protection order."

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

587 -----

588 BALLOT NOTIFICATIONS

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

592 \_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my  
593 ballot.

594 -----

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

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

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

602 (ii) the voter has died.

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

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

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

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

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

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

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

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

624 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**  
625 **Disposition -- Notice.**

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

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

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

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

632 (a) the signatures correspond;

633 (b) the affidavit is sufficient;

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

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

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

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

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

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

642 (i) the signatures correspond;

643 (ii) the affidavit is sufficient;

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

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

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

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

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

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

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

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

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

658 (i) disallow the vote;

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

660 (A) "Rejected as defective"; or

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

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

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

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

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

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

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

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

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

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

677 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant  
678 governor's and county clerk's use of the individual's signature on the affidavit for voter  
679 identification purposes.

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

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

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

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

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

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

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

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

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

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

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

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

706 (a) the election officer receives a signed affidavit from the individual under Subsection  
707 (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's

708 identity; and

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

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

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

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

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

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

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

723 **20A-6-105. Provisional ballot envelopes.**

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

726 "AFFIRMATION

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

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

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

731 Name of Voter \_\_\_\_\_

732 First Middle Last

733 Driver License or Identification Card Number \_\_\_\_\_

734 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

735 Date of Birth \_\_\_\_\_

736 Street Address of Principal Place of Residence

737 \_\_\_\_\_

738 City County State Zip Code



739 Telephone Number (optional) \_\_\_\_\_

740 Email Address (optional) \_\_\_\_\_

741 Last four digits of Social Security Number \_\_\_\_\_

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

743 \_\_\_\_\_

744 City County State Zip Code

745 Voting Precinct (if known)

746 \_\_\_\_\_

747 I, (please print your full name) \_\_\_\_\_ do solemnly swear or  
748 affirm:

749 That I am eligible to vote in this election; that I have not voted in this election in any  
750 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to  
751 vote in this precinct; and

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

756 Signed \_\_\_\_\_

757 Dated \_\_\_\_\_

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

760 PRIVACY INFORMATION

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

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

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

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

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

775 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

792 CITIZENSHIP AFFIDAVIT

793 Name:

794 Name at birth, if different:

795 Place of birth:

796 Date of birth:

797 Date and place of naturalization (if applicable):

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

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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.