

HB0092S01 compared with HB0092

~~{deleted text}~~ shows text that was in HB0092 but was deleted in HB0092S01.

inserted text shows text that was not in HB0092 but was inserted into HB0092S01.

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

Representative Mark A. Strong proposes the following substitute bill:

VOTING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~{}~~Mark A. Strong

Senate Sponsor: ~~{}~~_____

LONG TITLE

General Description:

This bill modifies provisions relating to mailed ballots.

Highlighted Provisions:

This bill:

- ▶ ~~{provides that,}~~ defines terms;
- ▶ subject to certain exceptions, provides that an election ~~{officer is only required to send ballots by mail to active voters who request, in a voter registration form or another written document, to receive ballots for all future elections by mail;~~
~~—————>~~ ~~modifies the voter registration form to permit a voter to make the request}~~ is conducted both in person and by mail;
- ▶ requires a county clerk to list a voter as an inactive voter if the voter receives a regular general election ballot by mail and fails to sign and return the ballot

HB0092S01 compared with HB0092

envelope by mail or by depositing the envelope in a ballot drop box;

▶ provides a method for a voter described in the preceding paragraph to be returned to the list of active voters;

▶ ~~{requires}~~ provides that a county clerk ~~{to, subject to certain exceptions:~~

~~—• notify active voters of the requirement to request to receive ballots by mail; and~~

~~—• provide active voters with a form to make the request;~~

~~—▶ permits a voter to request to stop receiving ballots by mail}~~ may only mail a ballot to an active voter or a military or overseas voter; and

▶ makes technical ~~{and conforming amendments}~~ changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-102, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297

~~{ **20A-2-104**, as last amended by Laws of Utah 2023, Chapters 327, 406~~

~~{ **20A-2-505**, as last amended by Laws of Utah 2023, Chapters 327, 406 and renumbered and amended by Laws of Utah 2023, Chapter 297~~

20A-3a-106, as enacted by Laws of Utah 2023, Chapter 297

20A-3a-202, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297

~~{ **20A-6-105**, as last amended by Laws of Utah 2023, Chapter 406~~

ENACTS:

~~— **20A-3a-202.5**, Utah Code Annotated 1953~~

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

Section 1. Section **20A-1-102** is amended to read:

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

HB0092S01 compared with HB0092

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ballots and tabulates the results.

(3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic storage medium, that records an individual voter's vote.

(b) "Ballot" does not include a record to tally multiple votes.

(4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(5) "Bind," "binding," or "bound" means securing more than one piece of paper together using staples or another means in at least three places across the top of the paper in the blank space reserved for securing the paper.

(6) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(7) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(8) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(9) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(10) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(11) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(12) "Convention" means the political party convention at which party officers and

HB0092S01 compared with HB0092

delegates are selected.

(13) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(14) "Counting judge" means a poll worker designated to count the ballots during election day.

(15) "Counting room" means a suitable and convenient private place or room for use by the poll workers and counting judges to count ballots.

(16) "County officers" means those county officers that are required by law to be elected.

(17) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day that the election occurs; and

(b) does not include:

(i) deadlines established for voting by mail, military-overseas voting, or emergency voting; or

(ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early Voting.

(18) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a special district office in accordance with Subsection 20A-1-206(3)(b)(ii).

(19) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.

(20) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(21) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

HB0092S01 compared with HB0092

(22) "Election judge" means a poll worker that is assigned to:

- (a) preside over other poll workers at a polling place;
- (b) act as the presiding election judge; or
- (c) serve as a canvassing judge, counting judge, or receiving judge.

(23) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

- (i) a municipal ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(d) the special district clerk or chief executive officer for:

- (i) a special district ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

(e) the business administrator or superintendent of a school district for:

- (i) a school district ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

(24) "Election official" means any election officer, election judge, or poll worker.

(25) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(26) "Election returns" includes:

(a) the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess

HB0092S01 compared with HB0092

ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form; and

(b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a ballot.

(27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-505(4)(c)(i) or (ii) or (4)(d).

(29) "Judicial office" means the office filled by any judicial officer.

(30) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(31) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a special district election, and a bond election.

(32) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

(33) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(34) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

(35) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

(a) is created via electronic or mechanical means; and

(b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

(36) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

(b) the mayor in the council-manager form of government defined in Subsection

HB0092S01 compared with HB0092

10-3b-103(7); or

(c) the mayor of a metro township form of government defined in Section 10-3b-102.

(37) "Municipal general election" means the election held in municipalities and, as applicable, special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(38) "Municipal legislative body" means:

(a) the council of the city or town in any form of municipal government; or

(b) the council of a metro township.

(39) "Municipal office" means an elective office in a municipality.

(40) "Municipal officers" means those municipal officers that are required by law to be elected.

(41) "Municipal primary election" means an election held to nominate candidates for municipal office.

(42) "Municipality" means a city, town, or metro township.

(43) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.

(44) "Official endorsement" means the information on the ballot that identifies:

(a) the ballot as an official ballot;

(b) the date of the election; and

(c) (i) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

(ii) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(b)(iii).

(45) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

(46) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

(47) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

HB0092S01 compared with HB0092

(c) "Poll worker" does not include a watcher.

(48) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(49) "Polling place" means a building where voting is conducted.

(50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(51) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.

(52) "Primary convention" means the political party conventions held during the year of the regular general election.

(53) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

(54) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

(55) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

(56) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(57) (a) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.

(b) "Public figure" does not include an individual:

(i) elected to public office; or

(ii) appointed to fill a vacancy in an elected public office.

(58) "Qualify" or "qualified" means to take the oath of office and begin performing the

HB0092S01 compared with HB0092

duties of the position for which the individual was elected.

(59) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.

(60) "Registration form" means a form by which an individual may register to vote under this title.

(61) "Regular ballot" means a ballot that is not a provisional ballot.

(62) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(63) "Regular primary election" means the election, held on the date specified in Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

(64) "Resident" means a person who resides within a specific voting precinct in Utah.

(65) "Return envelope" means the envelope, described in Subsection [~~20A-3a-202(4)~~] 20A-3a-202(5), provided to a voter with a manual ballot:

(a) into which the voter places the manual ballot after the voter has voted the manual ballot in order to preserve the secrecy of the voter's vote; and

(b) that includes the voter affidavit and a place for the voter's signature.

(66) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.

(67) "Special district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

(68) "Special district officers" means those special district board members who are required by law to be elected.

(69) "Special election" means an election held as authorized by Section 20A-1-203.

(70) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or a poll worker; or

(c) lacks the official endorsement.

(71) "Statewide special election" means a special election called by the governor or the

HB0092S01 compared with HB0092

Legislature in which all registered voters in Utah may vote.

(72) "Tabulation system" means a device or system designed for the sole purpose of tabulating votes cast by voters at an election.

(73) "Ticket" means a list of:

- (a) political parties;
- (b) candidates for an office; or
- (c) ballot propositions.

(74) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

(75) "Vacancy" means:

(a) except as provided in Subsection (75)(b), the absence of an individual to serve in a position created by state constitution or state statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause; or

(b) in relation to a candidate for a position created by state constitution or state statute, the removal of a candidate due to the candidate's death, resignation, or disqualification.

(76) "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
 - (A) the state; or
 - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or
- (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear

HB0092S01 compared with HB0092

the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

(ii) a bank or other financial account statement, or a legible copy thereof;

(iii) a certified birth certificate;

(iv) a valid social security card;

(v) a check issued by the state or the federal government or a legible copy thereof;

(vi) a paycheck from the voter's employer, or a legible copy thereof;

(vii) a currently valid Utah hunting or fishing license;

(viii) certified naturalization documentation;

(ix) a currently valid license issued by an authorized agency of the United States;

(x) a certified copy of court records showing the voter's adoption or name change;

(xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

(C) a college, university, technical school, or professional school located within the state; or

(xiii) a current Utah vehicle registration.

(77) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

(a) mailing the ballot to the location designated in the mailing; or

(b) depositing the ballot in a ballot drop box designated by the election officer.

(79) "Voter" means an individual who:

(a) meets the requirements for voting in an election;

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

(80) "Voter registration deadline" means the registration deadline provided in Section

HB0092S01 compared with HB0092

20A-2-102.5.

(81) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(82) "Voting booth" means:

(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting enclosure or curtain; or

(b) a voting device that is free standing.

(83) "Voting device" means any device provided by an election officer for a voter to vote a mechanical ballot.

(84) "Voting precinct" means the smallest geographical voting unit, established under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

(85) "Watcher" means an individual who complies with the requirements described in Section 20A-3a-801 to become a watcher for an election.

(86) "Write-in ballot" means a ballot containing any write-in votes.

(87) "Write-in vote" means a vote cast for an individual, whose name is not printed on the ballot, in accordance with the procedures established in this title.

Section 2. Section ~~{20A-2-104}~~20A-2-505 is amended to read:

~~{~~20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.

~~_____ (1) As used in this section:~~

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

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

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

~~_____ (iii) employed by, under contract with, or a volunteer of, an individual described in Subsection (1)(a)(i) or (ii) for political campaign purposes.~~

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

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

~~_____ (d) "Hash [Code] code" means a code generated by applying an algorithm to a set of data to produce a code that:~~

~~_____ (i) uniquely represents the set of data;~~

HB0092S01 compared with HB0092

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

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

~~_____ (c) "Protected individual" means an individual:~~

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

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

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

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

~~=====~~

~~_____ UTAH ELECTION REGISTRATION FORM~~

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

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

~~_____ Will you be 18 years [of age] old on or before election day? _____ Yes _____ No~~

~~_____ If you checked "no" to the above question, are you 16 or 17 years [of age] old and preregistering to vote? _____~~

~~_____ Yes _____ No~~

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

~~_____ Name of Voter~~

~~_____~~

~~_____ First _____ Middle _____ Last~~

~~_____ Utah Driver License or Utah Identification Card~~

~~Number _____~~

~~_____ Date of Birth _____~~

HB0092S01 compared with HB0092

~~Street Address of Principal Place of Residence~~

~~City County State Zip Code~~

~~Telephone Number (optional)~~

~~Email Address (optional)~~

~~Last four digits of Social Security Number~~

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

~~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)~~

~~Unaffiliated (no political party preference) 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] old 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.~~

HB0092S01 compared with HB0092

~~———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.~~

~~—————REQUEST FOR ADDITIONAL PRIVACY PROTECTION~~

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

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

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

~~—————CITIZENSHIP AFFIDAVIT~~

~~———Name:~~

~~———Name at birth, if different:~~

~~———Place of birth:~~

~~———Date of birth:~~

HB0092S01 compared with HB0092

~~_____ Date and place of naturalization (if applicable):~~

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

~~_____
_____ Signature of Applicant~~

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

~~_____ NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND PHOTOGRAPH, OR~~

~~_____ TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND CURRENT ADDRESS.~~

~~_____ FOR OFFICIAL USE ONLY~~

~~_____ Type of I.D. _____
_____ Voting Precinct _____
_____ Voting I.D. Number _____~~

~~_____ (b) The voter registration form described in Subsection (2)(a) shall include a section in substantially the following form:~~

~~_____ REQUEST TO RECEIVE BALLOTS BY MAIL~~

~~_____ You may request to receive your ballot by mail in all elections held after 2025 by indicating here:~~

~~_____ _____ Yes, I would like to receive my ballot by mail in all elections held after 2025.~~

~~_____ You may, at a later date, submit a written request to the county clerk to stop receiving ballots by mail.~~

~~_____ REQUEST TO RECEIVE BALLOT NOTIFICATIONS~~

~~_____ If you have provided a phone number or email address, you can receive notifications by~~

HB0092S01 compared with HB0092

~~text message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in the mail or in a ballot drop box, by indicating here:~~

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

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

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

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

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

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

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

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

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

~~_____ (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or independent contractor of a health care provider;~~

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

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

~~_____ (v) a political party, or an agent, employee, or independent contractor of a political party;~~

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

~~_____ (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a year~~

HB0092S01 compared with HB0092

of birth from the list of registered voters:

~~—— (A) provides the year of birth only to a person described in Subsections (4)(a)(i) through (vii);~~

~~—— (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person described in Subsections (4)(a)(i) through (vii);~~

~~—— (C) ensures, using industry standard security measures, that the year of birth may not be accessed by a person other than a person described in Subsections (4)(a)(i) through (vii);~~

~~—— (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to whom the person provides the year of birth will only use the year of birth to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;~~

~~—— (E) verifies that each person described in Subsection (4)(a)(i) to whom the person provides the year of birth will only use the year of birth in the person's capacity as a government official or government employee; and~~

~~—— (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the year of birth will only use the year of birth for a political purpose of the political party or candidate for public office; or~~

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

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

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

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

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

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

HB0092S01 compared with HB0092

~~list, the years of birth of the registered voters, if:~~

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

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

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

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

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

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

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

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

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

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

~~—— (c) The lieutenant governor or a county clerk:~~

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

~~—— (A) is not a qualified person or a person described in Subsection (4)(l); or~~

~~—— (B) will provide or use the year of birth in a manner prohibited by law; and~~

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

HB0092S01 compared with HB0092

- ~~—— (A) is not a person described in Subsection (4)(a)(v) or (vi); or~~
- ~~—— (B) will provide or use the information in a manner prohibited by law.~~
- ~~—— (d) The lieutenant governor or a county clerk may not disclose the voter registration form of a person, or information included in the person's voter registration form, whose voter registration form is classified as private under Subsection (4)(h) to a person other than:~~
 - ~~—— (i) a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee; or~~
 - ~~—— (ii) subject to Subsection (4)(c), a person described in Subsection (4)(a)(v) or (vi) for a political purpose.~~
- ~~—— (e) (i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or information under Subsection (4)(d)(ii), the lieutenant governor or county clerk shall exclude the information described in Subsection 63G-2-302(1)(j), other than the year of birth.~~
 - ~~—— (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the voter registration record of a protected individual, the lieutenant governor or county clerk shall comply with Subsections (4)(n) through (p).~~
- ~~—— (f) The lieutenant governor or a county clerk may not disclose a withholding request form, described in Subsections (7) and (8), submitted by an individual, or information obtained from that form, to a person other than a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee.~~
- ~~—— (g) A person is guilty of a class A misdemeanor if the person:~~
 - ~~—— (i) obtains from the list of registered voters, under false pretenses, the year of birth of a registered voter or information described in Subsection (4)(n) or (o);~~
 - ~~—— (ii) uses or provides the year of birth of a registered voter, or information described in Subsection (4)(n) or (o), that is obtained from the list of registered voters in a manner that is not permitted by law;~~
 - ~~—— (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under false pretenses;~~
 - ~~—— (iv) uses or provides information obtained from a voter registration record described in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;~~
 - ~~—— (v) unlawfully discloses or obtains a voter registration record withheld under~~

HB0092S01 compared with HB0092

~~Subsection (7) or a withholding request form described in Subsections (7) and (8); or~~

~~—— (vi) unlawfully discloses or obtains information from a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8);~~

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

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

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

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

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

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

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

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

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

~~—— (ii) \$200.~~

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

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

HB0092S01 compared with HB0092

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (E) a statement that the information may not be provided or used for a purpose other~~

HB0092S01 compared with HB0092

~~than a purpose described under Subsection (4)(n)(ii)(D);~~

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

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

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

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

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

~~—— (ii) the voter's residential address;~~

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

~~—— (iv) the party affiliation of the voter;~~

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

~~—— (vi) the voter's voting history; and~~

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

~~—— (A) 25 or younger;~~

~~—— (B) 26 through 35;~~

~~—— (C) 36 through 45;~~

~~—— (D) 46 through 55;~~

~~—— (E) 56 through 65;~~

~~—— (F) 66 through 75; or~~

~~—— (G) 76 or older.~~

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

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

HB0092S01 compared with HB0092

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

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

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

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

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

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

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

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

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

~~—— (c) The director of elections within the Office of the Lieutenant Governor shall make~~

HB0092S01 compared with HB0092

~~rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for providing the verification described in Subsection (1)(c)(ii).~~

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

~~—— (10) (a) The lieutenant governor shall make and execute a plan to provide notice to registered voters who are protected individuals, that includes the following information:~~

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

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

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

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

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

~~—— (b) The lieutenant governor may include in the notice described in this Subsection (10) a statement that a voter may obtain additional information on the lieutenant governor's website.~~

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

~~—— (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;~~

~~—— (ii) publication on the lieutenant governor's website or a county's website;~~

~~—— (iii) posting the notice in public locations;~~

~~—— (iv) publication in a newspaper;~~

~~—— (v) sending notification to the voters by electronic means;~~

~~—— (vi) sending notice by other methods used by government entities to communicate with citizens; or~~

~~—— (vii) providing notice by any other method.~~

~~—— (d) The lieutenant governor shall provide the notice included in a plan described in this Subsection (10) before June 16, 2023.~~

HB0092S01 compared with HB0092

~~Section 3. Section 20A-2-505 is amended to read:~~

‡ 20A-2-505. Removing names from the official register -- Determining and confirming change of residence -- Active or inactive voter status.

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

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

(b) (i) does not vote in an election during the period beginning on the date of the notice described in Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and

(ii) does not respond to the notice described in Subsection (3).

(2) (a) Within 31 days after the day on which a county clerk obtains information that a voter's address has changed, if it appears that the voter still resides within the same county, the county clerk shall:

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

(ii) send to the voter, by forwardable mail, the notice described in Subsection (3).

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

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

‡[²]VOTER REGISTRATION NOTICE

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

~~_____~~
} Street City County State

Zip

What is your current phone number (optional)? _____

What is your current email address (optional)? _____

HB0092S01 compared with HB0092

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

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

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

{ } _____

{ } Signature of Voter

{ }

PRIVACY INFORMATION

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

Your driver license number, identification card number, social security number, email address, 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.

⊕ REQUEST FOR ADDITIONAL PRIVACY PROTECTION

In addition to the protections provided above, you may request that identifying information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding

HB0092S01 compared with HB0092

request form, and any required verification, as described in the following paragraphs.

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

A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order.[²⁴]

(b) ~~{~~ The form described in Subsection (3)(a) shall also include a section in substantially the following form:

~~REQUEST TO RECEIVE BALLOTS BY MAIL~~

~~_____ You may request to receive your ballot by mail in all elections held after 2025 by indicating here:~~

~~_____ Yes, I would like to receive my ballot by mail in all elections held after 2025.~~

~~_____ You may, at a later date, submit a written request to the county clerk to stop receiving ballots by mail.~~

~~_____ REQUEST TO RECEIVE } BALLOT NOTIFICATIONS~~

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

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

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

HB0092S01 compared with HB0092

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

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

(c) (i) After a county clerk mails a notice under this section, the county clerk shall, unless otherwise prohibited by law, list that voter as inactive.

(ii) If a county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter, the county clerk shall, unless otherwise prohibited by law, list that voter as inactive.

(d) A county clerk shall list a voter as an inactive voter, if the voter:

(i) for a two-year period, is mailed a ballot for each election in which the voter is entitled to vote; and

(ii) fails to sign and return a ballot envelope for at least one election held during the two-year period described in Subsection (4)(d)(i).

(e) A county clerk shall return to the list of active voters a voter who is listed as an inactive voter under Subsection (4)(d) if:

(i) the voter requests:

(A) that the county clerk mail a ballot to the voter; or

(B) to be listed as an active voter, but, in accordance with Subsection 20A-3a-202(10), requests that the county clerk not mail a ballot to the voter in the next and subsequent elections; and

(ii) the county clerk is not otherwise prohibited by law from listing the voter as an active voter.

~~[(iii)]~~ (f) An inactive voter may vote, sign petitions, and have all other privileges of a registered voter.

~~[(iv)]~~ (g) A county is not required to:

~~[(A)]~~ (i) send routine mailings to an inactive voter; or

~~[(B)]~~ (ii) count inactive voters when dividing precincts and preparing supplies.

(5) The lieutenant governor shall make available to a county clerk United States Social Security Administration data received by the lieutenant governor regarding deceased individuals.

HB0092S01 compared with HB0092

(6) A county clerk shall, within ten business days after the day on which the county clerk receives the information described in Subsection (5) or Subsections 26B-8-114(11) and (12) relating to a decedent whose name appears on the official register, remove the decedent's name from the official register.

(7) Ninety days before each primary and general election the lieutenant governor shall compare the information the lieutenant governor has received under Subsection 26B-8-114(11) with the official register of voters to ensure that all deceased voters have been removed from the official register.

Section ~~{4}~~3. Section **20A-3a-106** is amended to read:

20A-3a-106. Rulemaking authority relating to conducting an election.

The director of elections, within the Office of the Lieutenant Governor, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for:

(1) a return envelope described in Subsection ~~[20A-3a-202(4)]~~ 20A-3a-202(5), to ensure uniformity and security of the envelopes;

(2) complying with the signature comparison audit requirements described in Section 20A-3a-402.5; or

(3) conducting and documenting the identity verification process described in Subsection 20A-3a-401(7)(b).

Section ~~{5}~~4. Section **20A-3a-202** is amended to read:

20A-3a-202. Conducting election.

(1) As used in this section:

(a) "By-mail voter" means:

~~(i) except as provided in Subsection (1)(a)(ii), an active voter;~~

~~(ii) beginning on January 1, 2026,} an active voter {who has requested, on a voter registration form or another form provided by a clerk, to receive a ballot by mail; or~~

~~(iii) }or a covered voter.~~

(b) "Covered voter" means the same as that term is defined in Section 20A-16-102.

~~{†}~~ (2) (a) Except as otherwise provided for an election conducted entirely by mail under Section 20A-7-609.5, an election officer shall

~~(i) except as provided in Subsection (2)(a)(ii),} administer an election {primarily by~~

HB0092S01 compared with HB0092

~~mail, in accordance with this section[.]; and~~

~~— (ii) beginning on January 1, 2026, administer an election } [primarily] both in person, and by mail, in accordance with this section.~~

(b) An individual who did not provide valid voter identification at the time the voter registered to vote shall provide valid voter identification before voting.

~~(3) [(2)] ~~[(3)]~~(a) [An] Except as provided in Subsection (3)(b), an election officer who administers an election[~~-(3)]~~~~

~~[(a)] shall, in accordance with Subsection [(3)] (4), no sooner than 21 days before election day and no later than seven days before election day, mail to each [active] by-mail voter within a voting precinct:~~

~~(i) a manual ballot;~~

~~(ii) a return envelope;~~

~~(iii) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;~~

~~(iv) for an election administered by a county clerk, information regarding the location and hours of operation of any election day voting center at which the voter may vote or a website address where the voter may view this information; and~~

~~(v) instructions on how a voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.~~

~~[(v)] (b) [for an election administered by an] An election officer, other than a county clerk, [if the election officer] who does not operate a polling place or an election day voting center[;] shall, in accordance with Subsection (4), no sooner than 21 days before election day and no later than seven days before election day, mail to each ~~factive~~by-mail voter within a voting precinct:~~

~~(i) a manual ballot;~~

~~(ii) a return envelope;~~

~~(iii) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;~~

~~(iv) a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the ballot, the voter will be unable to vote in that election because there will be no polling place for the voting precinct on the day of~~

HB0092S01 compared with HB0092

the election; and

~~[(vi)]~~ (v) instructions on how a voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5[;].

(c) An election officer:

~~[(b)]~~ (i) may not mail a ballot under this section to:

~~[(i)]~~ (A) an inactive voter, unless the inactive voter requests a manual ballot; or

~~[(ii)]~~ (B) a voter whom the election officer is prohibited from sending a ballot under Subsection ~~[(9)(c)(ii)]~~ (10)(c)(ii); and

~~[(e)]~~ (ii) shall, on the outside of the envelope in which the election officer mails ~~[the]~~ a ~~ballot~~ ballot, include instructions for returning the ballot if the individual to whom the election officer mails the ballot does not live at the address to which the ballot is sent;

~~[(d)]~~ (iii) shall provide a method of accessible voting to a voter with a disability who is not able to vote by mail; and

~~[(e)]~~ (iv) shall include, on the election officer's website and with each ballot mailed, instructions regarding how a voter described in Subsection ~~[(2)(d)]~~ (3)(c)(iii) may vote.

~~[(3)]~~ (4) (a) An election officer who mails a manual ballot under Subsection ~~[(2)]~~ (3) shall mail the manual ballot to the address:

(i) provided at the time of registration; or

(ii) if, at or after the time of registration, the voter files an alternate address request form described in Subsection ~~[(3)(b)]~~ (4)(b), the alternate address indicated on the form.

(b) The lieutenant governor shall make available to voters an alternate address request form that permits a voter to request that the election officer mail the voter's ballot to a location other than the voter's residence.

(c) A voter shall provide the completed alternate address request form to the election officer no later than 11 days before the day of the election.

~~[(4)]~~ (5) ~~[The]~~ A return envelope shall include:

(a) the name, official title, and post office address of the election officer on the front of the envelope;

(b) a space where a voter may write an email address and phone number by which the election officer may contact the voter if the voter's ballot is rejected;

(c) a printed affidavit in substantially the following form:

HB0092S01 compared with HB0092

"County of ____ State of ____

I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon currently incarcerated for commission of a felony.

Signature of Voter"; and

(d) a warning that the affidavit must be signed by the individual to whom the ballot was sent and that the ballot will not be counted if the signature on the affidavit does not match the signature on file with the election officer of the individual to whom the ballot was sent.

~~[(5)]~~ (6) If the election officer determines that the voter is required to show valid voter identification, the election officer may:

(a) mail a ballot to the voter;

(b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot; and

(c) provide instructions to the voter on how the voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

~~[(6)]~~ (7) An election officer who administers an election shall:

(a) (i) before the election, obtain the signatures of each voter qualified to vote in the election; or

(ii) obtain the signature of each voter within the voting precinct from the county clerk; and

(b) maintain the signatures on file in the election officer's office.

~~[(7)]~~ (8) Upon receipt of a returned ballot, the election officer shall review and process the ballot under Section 20A-3a-401.

~~[(8)]~~ (9) A county that administers an election:

(a) shall provide at least one election day voting center in accordance with Part 7, Election Day Voting Center, and at least one additional election day voting center for every 5,000 active voters in the county who have not requested to [~~not~~] receive a ballot by mail;

(b) shall ensure that each election day voting center operated by the county has at least one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities;

HB0092S01 compared with HB0092

(c) may reduce the early voting period described in Section 20A-3a-601, if:

(i) the county clerk conducts early voting on at least four days;

(ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and

(iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604; and

(d) is not required to pay return postage for a ballot.

~~[(9)]~~ (10) (a) An individual may request that the election officer not send the individual a ballot by mail in the next and subsequent elections by submitting a written request to the election officer.

(b) An individual shall submit the request described in Subsection ~~[(9)(a)]~~ (10)(a) to the election officer before 5 p.m. no later than 60 days before an election if the individual does not wish to receive a ballot by mail in that election.

(c) An election officer who receives a request from an individual under Subsection ~~[(9)(a)]~~ (10)(a):

(i) shall remove the individual's name from the list of voters who will receive a ballot by mail; and

(ii) may not send the individual a ballot by mail for:

(A) the next election, if the individual submits the request described in Subsection ~~[(9)(a)]~~ (10)(a) before the deadline described in Subsection ~~[(9)(b)]~~ (10)(b); or

(B) an election after the election described in Subsection ~~[(9)(c)(ii)(A)]~~ (10)(c)(ii)(A).

(d) An individual who submits a request under Subsection ~~[(9)(a)]~~ (10)(a) may resume the individual's receipt of a ballot by mail by submitting a written request to the election officer.

~~{ Section 6. Section 20A-3a-202.5 is enacted to read:~~

~~20A-3a-202.5. Request for ballot by mail -- Notice.~~

~~No sooner than September 1, 2025, and no later than December 31, 2025, a county clerk shall mail to each active voter, other than a covered voter, whose principal place of residence is in the county:~~

~~(1) a notice informing the voter that, except in limited circumstances, the voter will not receive a ballot by mail for an election held after 2025, unless the voter requests otherwise in~~

HB0092S01 compared with HB0092

writing; and

~~_____ (2) a form that the voter may use to request that the voter receive a ballot by mail in all future elections:~~

~~_____ Section 7. Section **20A-6-105** is amended to read:~~

~~_____ **20A-6-105. Provisional ballot envelopes:**~~

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

~~_____ ["]AFFIRMATION~~

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

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

~~_____ If you checked "no" in response to either of the two above questions, do not complete this form:~~

~~_____ Name of Voter _____~~

~~_____ First _____ Middle _____ Last~~

~~_____ Driver License or Identification Card Number _____~~

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

~~_____ Date of Birth _____~~

~~_____ Street Address of Principal Place of Residence~~

~~_____~~

~~_____ City _____ County _____ State _____ Zip Code~~

~~_____ Telephone Number (optional) _____~~

~~_____ Email Address (optional) _____~~

~~_____ Last four digits of Social Security Number _____~~

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

~~_____~~

~~_____ City _____ County _____ State _____ Zip Code~~

~~_____ Voting Precinct (if known) _____~~

~~_____ I, (please print your full name) _____ do solemnly swear or~~

~~affirm:~~

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

HB0092S01 compared with HB0092

~~vote in this precinct; and~~

~~_____ 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 Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah for the 30 days immediately before this election.~~

~~_____ Signed~~

~~_____~~

~~_____ Dated~~

~~_____~~

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

~~_____ REQUEST TO RECEIVE BALLOTS BY MAIL~~

~~_____ You may request to receive your ballot by mail in all elections held after 2025 by indicating here:~~

~~_____ _____ Yes, I would like to receive my ballot by mail in all elections held after 2025.~~

~~_____ You may, at a later date, submit a written request to the county clerk to stop receiving ballots by mail.~~

~~_____ 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,~~

HB0092S01 compared with HB0092

~~and their contractors, employees, and volunteers.~~

~~REQUEST FOR ADDITIONAL PRIVACY PROTECTION~~

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

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

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

~~CITIZENSHIP AFFIDAVIT~~

~~Name:~~

~~Name at birth, if different:~~

~~Place of birth:~~

~~Date of birth:~~

~~Date and place of naturalization (if applicable):~~

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

~~Signature of Applicant~~

~~In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered 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.["]~~

HB0092S01 compared with HB0092

- ~~———— (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) 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.~~

‡ Section ~~{8}~~5. **Effective date.**

This bill takes effect on May 1, 2024.