

VOTER ROLL MAINTENANCE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends provisions relating to maintaining the official register of voters.

Highlighted Provisions:

This bill:

- ▶ requires the lieutenant governor and county clerks to take action to regularly update the official register of voters; and
- ▶ provides instructions on the outside of an envelope for returning a ballot mailed to the wrong address.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

20A-2-305, as last amended by Laws of Utah 2017, Chapters 52 and 327

20A-2-306, as last amended by Laws of Utah 2021, Chapters 11 and 100

20A-3a-202, as last amended by Laws of Utah 2021, Chapter 100

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

Section 1. Section **20A-2-305** is amended to read:

20A-2-305. Removing names from the official register -- General requirements.

29 (1) The county clerk may not remove a voter's name from the official register because
30 the voter has failed to vote in an election.

31 (2) The county clerk shall remove a voter's name from the official register if:

32 (a) the voter dies and the requirements of Subsection (3) are met;

33 (b) the county clerk, after complying with the requirements of Section 20A-2-306,
34 receives written confirmation from the voter that the voter no longer resides within the county
35 clerk's county;

36 (c) the county clerk has:

37 (i) obtained evidence that the voter's residence has changed;

38 (ii) mailed notice to the voter as required by Section 20A-2-306;

39 (iii) (A) received no response from the voter; or

40 (B) not received information that confirms the voter's residence; and

41 (iv) the voter has failed to vote or appear to vote in an election during the period
42 beginning on the date of the notice described in Section 20A-2-306 and ending on the day after
43 the date of the second regular general election occurring after the date of the notice;

44 (d) the voter requests, in writing, that the voter's name be removed from the official
45 register;

46 (e) the county clerk receives notice that a voter has been convicted of any felony or a
47 misdemeanor for an offense under this title and the voter's right to vote has not been restored as
48 provided in Section 20A-2-101.3 or 20A-2-101.5; or

49 (f) the county clerk receives notice that a voter has registered to vote in another state
50 after the day on which the voter registered to vote in this state.

51 (3) The county clerk shall remove a voter's name from the official register within five
52 business days after the day on which the county clerk receives confirmation from the
53 Department of Health's Bureau of Vital Records that the voter is deceased.

54 (4) No later than 90 days before each primary and general election, the county clerk
55 shall update the official register by reviewing the official register and taking the actions

56 permitted or required by law under this section, Section 20A-2-304.5, and Section 20A-2-306.

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

58 **20A-2-306. Removing names from the official register -- Determining and**
59 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

79 "VOTER REGISTRATION NOTICE

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

83 _____
 84 Street City County State Zip

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

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

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

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

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

97 _____
 98 Signature of Voter

99 **PRIVACY INFORMATION**

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

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

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

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

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

114 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

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

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

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 and any required
127 verification with this registration form, or to the lieutenant governor or a county clerk, if the
128 person is, or resides with a person who is, a law enforcement officer, a member of the armed
129 forces, a public figure, or protected by a protective order or a protection order."

130 (b) Beginning May 1, 2022, the form described in Subsection (3)(a) shall also include a
131 section in substantially the following form:

132 -----

133 **BALLOT NOTIFICATIONS**

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

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

139 -----

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

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

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

147 (ii) the voter has died.

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

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

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

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

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

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

164 (7) Ninety days before [~~a regular primary election and 90 days before a regular~~] each
165 primary and general election the lieutenant governor shall compare the information the
166 lieutenant governor has received under Subsection 26-2-13(11) with the official register of
167 voters to ensure that all deceased voters have been removed from the official register.

168 Section 3. Section 20A-3a-202 is amended to read:

169 **20A-3a-202. Conducting election by mail.**

170 (1) Except as otherwise provided for an election conducted entirely by mail under
171 Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in
172 accordance with this section.

173 (2) An election officer who administers an election:

174 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
175 and no later than seven days before election day, mail to each active voter within a voting
176 precinct:

177 (i) a manual ballot;

178 (ii) a return envelope;

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

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

184 (v) for an election administered by an election officer other than a county clerk, if the
185 election officer does not operate a polling location or an election day voting center, a warning,
186 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
187 the instructions included with the ballot, the voter will be unable to vote in that election

188 because there will be no polling place for the voting precinct on the day of the election; and

189 (vi) after May 1, 2022, instructions on how a voter may sign up to receive electronic
190 ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5;

191 [and]

192 (b) may not mail a ballot under this section to:

193 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

194 (ii) a voter whom the election officer is prohibited from sending a ballot under

195 Subsection (10)(c)(ii)~~[-];~~ and

196 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
197 include instructions for returning the ballot if the individual to whom the election officer mails
198 the ballot does not live at the address to which the ballot is sent.

199 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail
200 the manual ballot to the address:

201 (i) provided at the time of registration; or

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

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

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

209 (4) The return envelope shall include:

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

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

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

215 "County of ____ State of ____

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

218 currently incarcerated for commission of a felony.

219 _____
220 Signature of Voter"; and

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

224 (5) If the election officer determines that the voter is required to show valid voter
225 identification, the election officer may:

226 (a) mail a ballot to the voter; and

227 (b) instruct the voter to include a copy of the voter's valid voter identification with the
228 return ballot.

229 (6) An election officer who administers an election shall:

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

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

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

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

237 (8) A county that administers an election:

238 (a) shall provide at least one election day voting center in accordance with Chapter 3a,
239 Part 7, Election Day Voting Center, and at least one additional election day voting center for
240 every 5,000 active voters in the county who have requested to not receive a ballot by mail;

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

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

- 245 (i) the county clerk conducts early voting on at least four days;
- 246 (ii) the early voting days are within the period beginning on the date that is 14 days
- 247 before the date of the election and ending on the day before the election; and
- 248 (iii) the county clerk provides notice of the reduced early voting period in accordance
- 249 with Section [20A-3a-604](#);
- 250 (d) is not required to pay return postage for a ballot; and
- 251 (e) is subject to an audit conducted under Subsection (9).
- 252 (9) (a) The lieutenant governor shall:
- 253 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
- 254 an election conducted under this section; and
- 255 (ii) after each primary, general, or special election conducted under this section, select
- 256 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
- 257 developed under Subsection (9)(a)(i).
- 258 (b) The lieutenant governor shall post the results of an audit conducted under this
- 259 Subsection (9) on the lieutenant governor's website.
- 260 (10) (a) An individual may request that the election officer not send the individual a
- 261 ballot by mail in the next and subsequent elections by submitting a written request to the
- 262 election officer.
- 263 (b) An individual shall submit the request described in Subsection (10)(a) to the
- 264 election officer before 5 p.m. no later than 60 days before an election if the individual does not
- 265 wish to receive a ballot by mail in that election.
- 266 (c) An election officer who receives a request from an individual under Subsection
- 267 (10)(a):
- 268 (i) shall remove the individual's name from the list of voters who will receive a ballot
- 269 by mail; and
- 270 (ii) may not send the individual a ballot by mail for:
- 271 (A) the next election, if the individual submits the request described in Subsection

272 (10)(a) before the deadline described in Subsection (10)(b); or
273 (B) an election after the election described in Subsection (10)(c)(ii)(A).
274 (d) An individual who submits a request under Subsection (10)(a) may resume the
275 individual's receipt of a ballot by mail by submitting a written request to the election officer.
276 **Section 4. Effective date.**
277 This bill takes effect on May 4, 2022, except that the amendments to Section
278 [20A-3a-202](#) take effect on January 1, 2023.