

BALLOT TRACKING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to the Election Code regarding the tracking of certain ballots.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the lieutenant governor to create a system that:
 - tracks all ballots that are mailed or deposited in ballot drop boxes;
 - sends email or text notifications to a voter with updates on the status of the voter's trackable ballot; and
 - allows a voter to opt out of receiving text and email notifications regarding the status of the voter's trackable ballot;
- ▶ requires the lieutenant governor to maintain a website by which a voter may confirm the status of the voter's trackable ballot; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



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

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

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

63 Name of Voter

64 _____

65 First Middle Last

66 Utah Driver License or Utah Identification Card Number _____

67 Date of Birth _____

68 Street Address of Principal Place of Residence

69 _____

70 City County State Zip Code

71 Telephone Number (optional) _____

72 Email Address (optional) _____

73 Last four digits of Social Security Number _____

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

76 _____

77 City County State Zip Code

78 Political Party

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

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

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

88 Signed and sworn

89 _____

90 Voter's Signature
91 _____(month/day/year).

92 PRIVACY INFORMATION

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

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

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

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

107 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

117 A person may request that all information on the person's voter registration records be
118 withheld from all political parties, candidates for public office, and their contractors,
119 employees, and volunteers, by submitting a withholding request form and any required
120 verification with this registration form, or to the lieutenant governor or a county clerk, if the

121 person is, or resides with a person who is, a law enforcement officer, a member of the armed
122 forces, a public figure, or protected by a protective order or a protection order.

123 BALLOT NOTIFICATIONS

124 If you have provided a phone number or email address, you will receive text or email
125 notifications regarding the status of a ballot that is mailed to you or a ballot that you deposit in
126 the mail or in a ballot drop box. You may opt out of receiving these notifications by contacting
127 the lieutenant governor or a county clerk.

128 CITIZENSHIP AFFIDAVIT

129 Name:

130 Name at birth, if different:

131 Place of birth:

132 Date of birth:

133 Date and place of naturalization (if applicable):

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

137 _____

138 Signature of Applicant

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

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

146 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
147 CURRENT ADDRESS.

148 FOR OFFICIAL USE ONLY

149 Type of I.D. _____

150 Voting Precinct _____

151 Voting I.D. Number _____

152 -----
153 (2) (a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy
154 of each voter registration form in a permanent countywide alphabetical file, which may be
155 electronic or some other recognized system.

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

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

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

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

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

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

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

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

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

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

174 (v) a political party, or an agent, employee, or independent contractor of a political
175 party;

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

178 (vii) a person, or an agent, employee, or independent contractor of the person, who:

179 (A) provides the year of birth of a registered voter that is obtained from the list of
180 registered voters only to a person who is a qualified person;

181 (B) verifies that a person, described in Subsection (4)(a)(vii)(A), to whom a year of
182 birth that is obtained from the list of registered voters is provided, is a qualified person;

183 (C) ensures, using industry standard security measures, that the year of birth of a
184 registered voter that is obtained from the list of registered voters may not be accessed by a
185 person other than a qualified person;

186 (D) verifies that each qualified person, other than a qualified person described in
187 Subsection (4)(a)(i), (v), or (vi), to whom the person provides the year of birth of a registered
188 voter that is obtained from the list of registered voters, will only use the year of birth to verify
189 the accuracy of personal information submitted by an individual or to confirm the identity of a
190 person in order to prevent fraud, waste, or abuse;

191 (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the
192 person provides the year of birth of a registered voter that is obtained from the list of registered
193 voters, will only use the year of birth in the qualified person's capacity as a government official
194 or government employee; and

195 (F) verifies that each qualified person described in Subsection (4)(a)(v) or (vi), to
196 whom the person provides the year of birth of a registered voter that is obtained from the list of
197 registered voters, will only use the year of birth for a political purpose of the political party or
198 candidate for public office.

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

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

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

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

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

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

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

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

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

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

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

226 (c) The lieutenant governor or a county clerk may not disclose the year of birth of a
227 registered voter to a person that the lieutenant governor or county clerk reasonably believes:

- 228 (i) is not a qualified person or a person described in Subsection (4)(l); or
- 229 (ii) will provide or use the year of birth in a manner prohibited by law.

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

- 233 (i) a government official or government employee acting in the government official's or
234 government employee's capacity as a government official or government employee; or
- 235 (ii) except as provided in Subsection (7) and subject to Subsection (4)(e), a person
236 described in Subsection (4)(a)(v) or (vi) for a political purpose.

237 (e) When disclosing a record or information under Subsection (4)(d)(ii), the lieutenant
238 governor or county clerk shall exclude the information described in Subsection
239 63G-2-302(1)(j), other than the year of birth.

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

- 245 (g) A person is guilty of a class A misdemeanor if the person:
- 246 (i) obtains the year of birth of a registered voter from the list of registered voters under
247 false pretenses;
- 248 (ii) uses or provides the year of birth of a registered voter that is obtained from the list
249 of registered voters in a manner that is not permitted by law;
- 250 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under
251 false pretenses;
- 252 (iv) uses or provides information obtained from a voter registration record described in
253 Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 254 (v) unlawfully discloses or obtains a voter registration record withheld under
255 Subsection (7) or a withholding request form described in Subsections (7) and (8); or
- 256 (vi) unlawfully discloses or obtains information from a voter registration record
257 withheld under Subsection (7) or a withholding request form described in Subsections (7) and
258 (8).
- 259 (h) The lieutenant governor or a county clerk shall classify the voter registration record
260 of a voter as a private record if the voter:
- 261 (i) submits a written application, created by the lieutenant governor, requesting that the
262 voter's voter registration record be classified as private;
- 263 (ii) requests on the voter's voter registration form that the voter's voter registration
264 record be classified as a private record; or
- 265 (iii) submits a withholding request form described in Subsection (7) and any required
266 verification.
- 267 (i) The lieutenant governor or a county clerk may not disclose to a person described in
268 Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter
269 registration record, if the record is withheld under Subsection (7).
- 270 (j) In addition to any criminal penalty that may be imposed under this section, the
271 lieutenant governor may impose a civil fine against a person who violates a provision of this
272 section, in an amount equal to the greater of:
- 273 (i) the product of 30 and the square root of the total number of:
- 274 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
275 dollar; or

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

278 (ii) \$200.

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

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

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

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

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

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

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

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

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

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

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

312 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
313 person described in Subsection (4)(a)(i), the voter registration record, and information obtained
314 from the voter registration record, of an individual:

315 (a) who submits a withholding request form, with the voter registration record or to the
316 lieutenant governor or a county clerk, if:

317 (i) the individual indicates on the form that the individual, or an individual who resides
318 with the individual, is a victim of domestic violence or dating violence or is likely to be a
319 victim of domestic violence or dating violence; or

320 (ii) the individual indicates on the form and provides verification that the individual, or
321 an individual who resides with the individual, is:

322 (A) a law enforcement officer;

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

324 (C) a public figure; or

325 (D) protected by a protective order or protection order; or

326 (b) whose voter registration record was classified as a private record at the request of
327 the individual before May 12, 2020.

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

331 (b) An individual described in Subsection (7)(a)(i) is not required to provide
332 verification, other than the individual's attestation and signature on the withholding request
333 form, that the individual, or an individual who resides with the individual, is a victim of
334 domestic violence or dating violence or is likely to be a victim of domestic violence or dating
335 violence.

336 (c) The director of elections within the Office of the Lieutenant Governor shall make
337 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

338 establishing requirements for providing the verification described in Subsection (7)(a)(ii).

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

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

342 **20A-2-108. Driver license or state identification card registration form --**
343 **Transmittal of information.**

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

- 345 (a) a driver license application form; or
- 346 (b) a state identification card application form.

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

349 (a) the following question, which an applicant is required to answer: "Do you authorize
350 the use of information in this form for voter registration purposes? YES____ NO____"; and

351 (b) the following statement:

352 **[“]PRIVACY INFORMATION**

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

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

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

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

367 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

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

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

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

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

383 BALLOT NOTIFICATIONS

384 If you have provided a phone number or email address, you will receive text or email
385 notifications regarding the status of a ballot that is mailed to you or a ballot that you deposit in
386 the mail or in a ballot drop box. You may opt out of receiving these notifications by contacting
387 the lieutenant governor or a county clerk.

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

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

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

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

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

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

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

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

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

407 Section 3. Section 20A-2-304 is amended to read:

408 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

409 Each county clerk shall:

410 (1) register to vote each individual who meets the requirements for registration and
411 who:

412 (a) submits a completed voter registration form to the county clerk;

413 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to
414 the Driver License Division;

415 (c) submits a completed voter registration form to a public assistance agency or a
416 discretionary voter registration agency; or

417 (d) mails a completed voter registration form to the county clerk; and

418 (2) within 30 days after the day on which the county clerk processes a voter registration
419 form, send a notice to the individual who submits the form that:

420 (a) (i) informs the individual that the individual's voter registration form has been
421 accepted and that the individual is registered to vote;

422 (ii) informs the individual of the procedure for designating or changing the individual's
423 political affiliation; ~~and~~

424 (iii) informs the individual of the procedure to cancel a voter registration; and

425 (iv) informs the individual of the process for opting out of text or email ballot status
426 notifications described in Subsection 20A-3a-401.5(4).

427 (b) informs the individual that the individual's voter registration form has been rejected
428 and the reason for the rejection; or

429 (c) (i) informs the individual that the individual's voter registration form is being
430 returned to the individual for further action because the form is incomplete; and

431 (ii) gives instructions to the individual on how to properly complete the form.

432 Section 4. Section 20A-2-306 is amended to read:

433 **20A-2-306. Removing names from the official register -- Determining and**
434 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

454 [u]VOTER REGISTRATION NOTICE

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

458 _____
459 Street City County State Zip

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

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

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

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

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

472 _____

473 Signature of Voter

474 PRIVACY INFORMATION

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

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

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

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

489 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

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

505 BALLOT NOTIFICATIONS

506 If you have provided a phone number or email address, you will receive text or email
507 notifications regarding the status of a ballot that is mailed to you or a ballot that you deposit in
508 the mail or in a ballot drop box. You may opt out of receiving these notifications by contacting
509 the lieutenant governor or a county clerk.

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

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

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

517 (ii) the voter has died.

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

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

523 (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other

524 privileges of a registered voter.

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

527 Section 5. Section **20A-3a-202** is amended to read:

528 **20A-3a-202. Conducting election by mail.**

529 (1) Except as otherwise provided for an election conducted entirely by mail under
530 Section [20A-7-609.5](#), an election officer shall administer an election primarily by mail, in
531 accordance with this section.

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

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

536 (i) a manual ballot;

537 (ii) a return envelope;

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

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

543 (v) for an election administered by an election officer other than a county clerk, if the
544 election officer does not operate a polling location or an election day voting center, a warning,
545 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
546 the instructions included with the ballot, the voter will be unable to vote in that election
547 because there will be no polling place for the voting precinct on the day of the election; and

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

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

550 (ii) a voter whom the election officer is prohibited from sending a ballot under
551 Subsection (10)(c)(ii).

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

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

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

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

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

562 (4) The return envelope shall include:

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

565 (b) a space where a voter may write an email address and phone number by which the
566 election officer may contact the voter;

567 (i) if the voter's ballot is rejected; or

568 (ii) to notify the voter of the status of the voter's ballot;

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

570 "County of ____ State of ____

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

574 _____

575 Signature of Voter"; and

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

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

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

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

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

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

586 election; or

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

588 and

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

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

592 (8) A county that administers an election:

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

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

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

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

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

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

605 (d) is not required to pay return postage for a ballot; and

606 (e) is subject to an audit conducted under Subsection (9).

607 (9) (a) The lieutenant governor shall:

608 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
609 an election conducted under this section; and

610 (ii) after each primary, general, or special election conducted under this section, select
611 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
612 developed under Subsection (9)(a)(i).

613 (b) The lieutenant governor shall post the results of an audit conducted under this
614 Subsection (9) on the lieutenant governor's website.

615 (10) (a) An individual may request that the election officer not send the individual a
616 ballot by mail in the next and subsequent elections by submitting a written request to the

617 election officer.

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

621 (c) An election officer who receives a request from an individual under Subsection
622 (10)(a):

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

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

626 (A) the next election, if the individual submits the request described in Subsection
627 (10)(a) before the deadline described in Subsection (10)(b); or

628 (B) an election after the election described in Subsection (10)(c)(ii)(A).

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

631 Section 6. Section **20A-3a-401.5** is enacted to read:

632 **20A-3a-401.5. Ballot tracking system.**

633 (1) As used in this section:

634 (a) "Ballot tracking system" means the system described in this section to track and
635 confirm the status of trackable ballots.

636 (b) "Change in the status of" includes:

637 (i) when a trackable ballot is mailed to a voter;

638 (ii) when an election official receives a voted trackable ballot; and

639 (iii) when a voted trackable ballot is counted.

640 (c) "Trackable ballot" means a manual ballot that is:

641 (i) mailed to a voter in accordance with Section [20A-3a-202](#);

642 (ii) deposited in the mail by a voter in accordance with Section [20A-3a-204](#); or

643 (iii) deposited in a ballot drop box by a voter in accordance with Section [20A-3a-204](#).

644 (d) "Voter registration database" means the statewide voter registration database
645 described in Section [20A-2-109](#).

646 (2) The lieutenant governor, in cooperation with county, municipal, and local clerks as
647 necessary, shall develop and maintain a system to track and confirm when there is a change in

648 the status of trackable ballots.

649 (3) Except for a voter who complies with the opt-out process described in Subsection
650 (4), when there is a change in the status of a voter's trackable ballot the ballot tracking system
651 shall:

652 (a) send a text message notification to the voter if the voter's information in the voter
653 registration database includes a mobile telephone number; and

654 (b) send an email notification to the voter if the voter's information in the voter
655 registration database includes an email address.

656 (4) The ballot tracking system shall permit a voter to opt out of receiving text or email
657 notifications regarding the status of the voter's trackable ballot.

658 (5) The lieutenant governor shall ensure that the ballot tracking system and the
659 state-provided website described in Section 20A-7-801 automatically share appropriate
660 information to ensure that a voter is able to confirm the status of the voter's trackable ballot via
661 the state-provided website free of charge.

662 (6) The ballot tracking system shall include an offline method, such as a toll-free
663 telephone number, by which a voter can confirm the status of the voter's trackable ballot.

664 (7) The lieutenant governor shall ensure that the ballot tracking system:

665 (a) is secure from unauthorized use by employing data encryption or other security
666 measures; and

667 (b) is only used for the purposes described in this section.

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

669 **20A-6-105. Provisional ballot envelopes.**

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

672 "AFFIRMATION

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

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

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

677 Name of Voter _____

678 First Middle Last

679 Driver License or Identification Card Number _____

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

681 Date of Birth _____

682 Street Address of Principal Place of Residence

683 _____

684 City County State Zip Code

685 Telephone Number (optional) _____

686 Email Address (optional) _____

687 Last four digits of Social Security Number _____

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

689 _____

690 City County State Zip Code

691 Voting Precinct (if known)

692 _____

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

694 affirm:

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

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

702 Signed _____

703 Dated _____

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

706 PRIVACY INFORMATION

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

710 requirements of law.

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

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

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

721 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

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

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

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

737 **BALLOT NOTIFICATIONS**

738 If you have provided a phone number or email address, you will receive text or email
739 notifications regarding the status of a ballot that is mailed to you or a ballot that you deposit in
740 the mail or in a ballot drop box. You may opt out of receiving these notifications by contacting

741 the lieutenant governor or a county clerk.

742 CITIZENSHIP AFFIDAVIT

743 Name:

744 Name at birth, if different:

745 Place of birth:

746 Date of birth:

747 Date and place of naturalization (if applicable):

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

751 _____
752 Signature of Applicant

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

756 (2) The provisional ballot envelope shall include:

757 (a) a unique number;

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

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

761 Section 8. Section 20A-7-801 is amended to read:

762 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**
763 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
764 **Frequently asked voter questions -- Other elections.**

765 (1) There is established the Statewide Electronic Voter Information Website Program
766 administered by the lieutenant governor in cooperation with the county clerks for general
767 elections and municipal authorities for municipal elections.

768 (2) In accordance with this section, and as resources become available, the lieutenant
769 governor, in cooperation with county clerks, shall develop, establish, and maintain a
770 state-provided Internet website designed to help inform the voters of the state of:

771 (a) the offices and candidates up for election; [~~and~~]

772 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
773 of ballot propositions submitted to the voters[-]; and

774 (c) the status of a voter's trackable ballot, as that phrase is defined in Section
775 20A-3a-401.5, accessible only by the voter.

776 (3) Except as provided under Subsection (6), the website shall include:

777 (a) all information currently provided in the Utah voter information pamphlet under
778 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and
779 submitted by the Judicial Performance Evaluation Commission describing the judicial selection
780 and retention process;

781 (b) on the homepage of the website, a link to the Judicial Performance Evaluation
782 Commission's website, judges.utah.gov;

783 (c) a link to the retention recommendation made by the Judicial Performance
784 Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial
785 Performance Evaluation, for each judicial appointee to a court that is subject to a retention
786 election, in accordance with Section 20A-12-201, for the upcoming general election;

787 (d) all information submitted by election officers under Subsection (4) on local office
788 races, local office candidates, and local ballot propositions;

789 (e) a list that contains the name of a political subdivision that operates an election day
790 voting center under Section 20A-3a-703 and the location of the election day voting center;

791 (f) other information determined appropriate by the lieutenant governor that is
792 currently being provided by law, rule, or ordinance in relation to candidates and ballot
793 questions; [~~and~~]

794 (g) any differences in voting method, time, or location designated by the lieutenant
795 governor under Subsection 20A-1-308(2)[-]; and

796 (h) an online ballot tracking system by which a voter can view the status of the voter's
797 trackable ballot, as that phrase is defined in Section 20A-3a-401.5, including:

798 (i) whether the ballot has been mailed to the voter;

799 (ii) whether an election official has received the voter's ballot; and

800 (iii) whether the voter's ballot has been counted.

801 (4) (a) An election official shall submit the following information for each ballot under
802 the election official's direct responsibility under this title:

- 803 (i) a list of all candidates for each office;
- 804 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later
805 than 45 days before the primary election or before 5 p.m. no later than 60 days before the
806 general election:
- 807 (A) a statement of qualifications, not exceeding 200 words in length, for each
808 candidate;
- 809 (B) the following current biographical information if desired by the candidate, current:
- 810 (I) age;
- 811 (II) occupation;
- 812 (III) city of residence;
- 813 (IV) years of residence in current city; and
- 814 (V) email address; and
- 815 (C) a single web address where voters may access more information about the
816 candidate and the candidate's views; and
- 817 (iii) factual information pertaining to all ballot propositions submitted to the voters,
818 including:
- 819 (A) a copy of the number and ballot title of each ballot proposition;
- 820 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
821 vote was required to place the ballot proposition on the ballot;
- 822 (C) a complete copy of the text of each ballot proposition, with all new language
823 underlined and all deleted language placed within brackets; and
- 824 (D) other factual information determined helpful by the election official.
- 825 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
826 governor no later than one business day after the deadline under Subsection (4)(a) for each
827 general election year and each municipal election year.
- 828 (c) The lieutenant governor shall:
- 829 (i) review the information submitted under this section, to determine compliance under
830 this section, prior to placing it on the website;
- 831 (ii) refuse to post information submitted under this section on the website if it is not in
832 compliance with the provisions of this section; and
- 833 (iii) organize, format, and arrange the information submitted under this section for the

834 website.

835 (d) The lieutenant governor may refuse to include information the lieutenant governor
836 determines is not in keeping with:

837 (i) Utah voter needs;

838 (ii) public decency; or

839 (iii) the purposes, organization, or uniformity of the website.

840 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
841 Subsection (5).

842 (5) (a) A person whose information is refused under Subsection (4), and who is
843 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
844 lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

845 A notice of appeal submitted under this Subsection (5)(a) shall contain:

846 (i) a listing of each objection to the lieutenant governor's determination; and

847 (ii) the basis for each objection.

848 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
849 response within 10 business days after the day on which the notice of appeal is submitted.

850 (c) An appeal of the response of the lieutenant governor shall be made to the district
851 court, which shall review the matter de novo.

852 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
853 enter the voter's address information on the website to retrieve information on which offices,
854 candidates, and ballot propositions will be on the voter's ballot at the next general election or
855 municipal election.

856 (b) The information on the website will anticipate and answer frequent voter questions
857 including the following:

858 (i) what offices are up in the current year for which the voter may cast a vote;

859 (ii) who is running for what office and who is the incumbent, if any;

860 (iii) what address each candidate may be reached at and how the candidate may be
861 contacted;

862 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

863 (v) what qualifications have been submitted by each candidate;

864 (vi) where additional information on each candidate may be obtained;

865 (vii) what ballot propositions will be on the ballot; and

866 (viii) what judges are up for retention election.

867 (7) The lieutenant governor shall ensure that each voter will be able to conveniently
868 enter the voter's name, date of birth, and address information on the website to retrieve
869 information on the status of the voter's ballot if the voter's ballot is trackable under Section
870 20A-3a-401.5.

871 [~~(7)~~] (8) As resources are made available and in cooperation with the county clerks, the
872 lieutenant governor may expand the electronic voter information website program to include
873 the same information as provided under this section for special elections and primary elections.

874 Section 9. Section **20A-16-501** is amended to read:

875 **20A-16-501. Use of voter's email address.**

876 (1) An election officer shall request an email address from each covered voter who
877 registers to vote after January 1, 2012.

878 (2) An email address provided by a covered voter:

879 (a) is a private record under Section [63G-2-302](#); and

880 (b) may be used only for official communication with the covered voter about the
881 voting process, including transmitting military-overseas ballots and election materials if the
882 voter has requested electronic transmission, [~~and~~] verifying the voter's mailing address and
883 physical location[-], and informing the voter of the status of the voter's ballot in accordance
884 with Section [20A-3a-401.5](#).

885 (3) The request for an email address shall:

886 (a) describe the purposes for which the email address may be used; [~~and~~]

887 (b) include a statement that any other use or disclosure of the email address is
888 prohibited[-]; and

889 (c) describe the process by which a voter may opt out of text or email ballot status
890 notifications, described in Subsection [20A-3a-401.5\(4\)](#).

891 (4) (a) A covered voter who provides an email address may request that the covered
892 voter's application for a military-overseas ballot be considered a standing request for electronic
893 delivery of a ballot for all elections held through December 31 of the year following the
894 calendar year of the date of the application or another shorter period the covered voter
895 specifies.

896 (b) An election official shall provide a military-overseas ballot to a covered voter who
897 makes a standing request for each election to which the request is applicable.

898 (c) A covered voter who is entitled to receive a military-overseas ballot for a primary
899 election under this Subsection (4) is entitled to receive a military-overseas ballot for the general
900 election.