



**Judicial  
Watch®**  
*Because no one  
is above the law!*

March 3, 2025

**VIA FIRST-CLASS MAIL and EMAIL**

Lt. Governor Deidre M. Henderson  
Utah State Capitol Complex  
350 North State Street, Suite 200  
Salt Lake City, Utah 84114

Re: Notice of Violation of the National Voter Registration  
Act Pursuant to 52 U.S.C. §§ 20507(i) and 20510(b)

Dear Lt. Governor Henderson,

I write on behalf of Judicial Watch, Inc. to notify you that the State of Utah is currently in violation of Section 8(i) of the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20507(i). As the chief election official of Utah responsible for coordinating the state's compliance with the NVRA, this letter serves as pre-suit notice pursuant to 52 U.S.C. § 20510(b)(1) & (2). If this violation is not corrected within 90 days of your receipt of this notice, Judicial Watch will file a lawsuit against you to enforce compliance.

Judicial Watch is a non-profit organization that seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. As part of its mission, Judicial Watch is committed to the private enforcement of the NVRA, and we regularly commence and litigate NVRA lawsuits. *See Judicial Watch, Inc. v. Lamone*, 399 F. Supp. 3d 425 (D. Md. 2019) and *Illinois Conservative Union v. Illinois*, 2021 U.S. Dist. LEXIS 102543 (N.D. Ill. June 1, 2021).

As the top election official in Utah, it is your responsibility under federal law to coordinate Utah's statewide effort to conduct a program that reasonably ensures all records concerning the accuracy and currency of Utah's official list of eligible voters is available and open to the public. The following information explains how we determined that your state is in

violation of NVRA Section 8 and the remedial steps you now must take to comply with the law.

### **Background**

The NVRA was intended both to “increase the number of eligible citizens who register” and “to protect the integrity of the electoral process” and “ensure that accurate and current voter registration rolls are maintained.”<sup>1</sup> Section 8 (i), codified at 52 U.S.C. § 20507(i), Section 8(i) requires that “[e]ach state shall maintain for at least 2 years and shall make available for public inspection . . . all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.”<sup>2</sup> That provision goes on to specifically provide that “[t]he records maintained . . . shall include lists of the names and addresses of all persons to whom [address confirmation] notices . . . are sent, and information concerning whether or not each such person has responded to the notice.”<sup>3</sup> These provisions ensure transparency and public oversight of voter list maintenance efforts, which are critical to maintaining accurate voter rolls.

### **Utah Code Ann. § 20A-2-104**

Utah Code Ann. § 20A-2-104 governs access to voter registration information and records, including the list of registered voters. However, our review indicates that this statute fails to include provisions ensuring compliance with the record maintenance and public disclosure requirements of 52 U.S.C. § 20507(i). For example, the categories of “qualified persons” under subsection 4(a) directly contravenes the requirement under 52 U.S.C. § 20507(i) that such records be made available for all persons and organizations for “public inspection.” Similarly, the restrictions such as that “political parties” may only use such records for “political purpose” violates 52 U.S.C. § 20507(i). § 20A-2-104(4)(a)(vii)(F). Finally, early analysis of the “protected individual” and “private record” procedures under §20A-2-104(1)(e) and (4)(h) is being overused, further preventing “public inspection” of records mandated by the NVRA.

In short, rather than facilitating the NVRA’s requirement that records are made available for public inspection, as explicitly required by the NVRA, § 20A-2-104 restricts such records greatly limiting groups such as Judicial Watch’s ability to conduct reasonable election integrity analysis in Utah. This

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<sup>1</sup> 52 U.S.C. § 20501(b).

<sup>2</sup> 52 U.S.C. § 20507(i).

<sup>3</sup> *Id.*

absence of necessary provisions in Utah's voter registration law directly contravenes the federal mandate under the NVRA.

### **Pending Legislation**

Pending legislation suggests Utah's leadership may be aware that Utah Code Ann. § 20A-2-104 violates the NVRA.<sup>4</sup> But the text of the proposed legislation does not remedy these violations. In fact, it may make the violations even worse. Substitute #3 of HB 270 further limits reasonable election integrity programs even more than § 20A-2-104. It restricts the voter data to "qualified persons," restricts use of the data only for "political purposes," presumably excluding the purpose to ensure the accuracy of the list, and creates an automatic opt-out for "at-risk" registered voters without a need to demonstrate any particularized showing of risk or harm. The overly broad opt-out will frustrate the purposes of the public disclosure provision of the NVRA by preventing public interest groups and individuals to ensure an accurate voter registration list. These changes do not resolve the NVRA violations cited above and likely creates additional NVRA violations.

\* \* \* \* \*

If you do not contact us about correcting or otherwise resolving the above-identified violations within 90 days, Judicial Watch reserves the right to commence a federal lawsuit seeking declaratory and injunctive relief against you. In such a lawsuit we would seek, in addition to injunctive relief, a judgment awarding reasonable attorney's fees, expenses, and costs. *See* 52 U.S.C. § 20510(c). For the reasons set forth above, we believe that such a lawsuit would be likely to succeed.

We have long experience with public records litigation and are well aware of the practical difficulties jurisdictions face in trying to maintain their voter rolls under the NVRA. Judicial Watch is committed to ensuring compliance with federal election laws while avoiding costly litigation. We are willing to discuss this matter with you to explore amicable solutions that bring Utah into compliance with the NVRA. Please feel free to contact me at (202) 527-9866 or [Rnobile@judicialwatch.org](mailto:Rnobile@judicialwatch.org) to arrange a discussion or address any questions you may have.

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<https://le.utah.gov/~2025/bills/static/HB0270.html>

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**Lt. Governor Henderson**

March 3, 2025

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Sincerely,

/s/ Russ Nobile

T. Russell Nobile

Senior Attorney

JUDICIAL WATCH, INC.

cc: Ryan Cowley, Director of Elections  
Senator John D. Johnson  
Representative Trevor Lee