

1 **VOTER REGISTRATION AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Mike Thompson**

5

LONG TITLE

6 **General Description:**

7 This bill modifies requirements governing voter registration.

8 **Highlighted Provisions:**

9 This bill:

10 ▶ modifies the voter registration form and the driver license voter registration form to
11 include a citizen affidavit and a notice of penalties for illegal registration;

12 ▶ requires the county clerk to review the submitted voter registration forms and refer
13 them to the county attorney if the clerk believes the applicant is seeking to register
14 to vote illegally; and

15 ▶ makes technical amendments.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill takes effect on January 1, 2005.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **20A-2-104**, as last amended by Chapter 117, Laws of Utah 2003

23 **20A-2-108**, as last amended by Chapter 75, Laws of Utah 2000

24 **20A-6-105 (Effective 05/01/04)**, as last amended by Chapter 34, Laws of Utah 2003

25

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



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

29 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

30 (1) Every person applying to be registered shall complete a registration form printed in
31 substantially the following form:

32 -----

33 UTAH ELECTION REGISTRATION FORM

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

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

36 If you checked "no" to either of the above two questions, do not complete this form.

37 Name of Voter _____

38 City Middle Last

39 Driver License or Identification Card Number _____

40 State of issuance of Driver License or Identification Card

41 Date of Birth _____

42 Street Address of Principal Place of Residence

43 _____

44 City County State Zip Code

45 Telephone Number (optional) _____

46 Last four digits of Social Security Number _____

47 [Place of Birth _____]

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

49 _____

50 City County State Zip Code

51 Voting Precinct (if known) _____

52 Political Party

53 American Democrat Green Independent American Libertarian Natural Law

54 Reform Populist Republican Socialist Workers Unaffiliated (no political party

55 preference)

56 Other (Please specify) _____

57 I do swear (or affirm), subject to penalty of law for false statements, that the
58 information contained in this form is true, and that I am a citizen of the United States and a

59 resident of the state of Utah, residing at the above address. I will be at least 18 years old and
60 will have resided in Utah for 30 days immediately before the next election. I am not a
61 convicted felon currently incarcerated for commission of a felony.

62 Signed and sworn

63 _____

64 Voter's Signature

65 _____(month/day/year).

66 CITIZENSHIP AFFIDAVIT

67 Name:

68 Name at birth, if different:

69 Place of birth:

70 Date of birth:

71 Date and place of naturalization (if applicable):

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

75 _____

76 Signature of Applicant

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

80 NOTICE: IN ORDER TO BE ALLOWED TO VOTE FOR THE FIRST TIME IN A VOTING
81 PRECINCT YOU MUST EITHER:

82 (1) INCLUDE A COPY OF A VALID FORM OF PHOTO IDENTIFICATION OR PROOF
83 OF RESIDENCE WITH THIS VOTER REGISTRATION FORM; OR

84 (2) PRESENT A VALID FORM OF PHOTO IDENTIFICATION OR PROOF OF
85 RESIDENCE TO THE ELECTION JUDGE BEFORE YOU MAY VOTE.

86 FOR OFFICIAL USE ONLY

87 Type of I.D. _____

88 Voting Precinct _____

89 Voting I.D. Number _____

90 -----

91 (2) The county clerk shall retain a copy in a permanent countywide alphabetical file,
92 which may be electronic or some other recognized system.

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

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

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

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

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

105 (5) Upon receipt of a voter registration form from an applicant, the county clerk or the
106 clerk's designee shall:

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

108 (b) if the county clerk believes, based upon a review of the form, that a person may be
109 seeking to register to vote who is not legally entitled to register to vote, refer the form to the
110 county attorney for investigation and possible prosecution.

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

112 **20A-2-108. Driver license registration form -- Transmittal of information.**

113 (1) The lieutenant governor and the Driver License Division shall design the driver
114 license application and renewal forms to include the question "if you are not registered to vote
115 where you live now, would you like to register to vote today?"

116 (2) (a) The lieutenant governor and the Driver License Division shall design a motor
117 voter registration form to be used in conjunction with driver license application and renewal
118 forms.

119 (b) Each driver license application and renewal form shall contain:

120 (i) a place for the applicant to decline to register to vote;

121 (ii) an eligibility statement in substantially the following form:

122 "I do swear (or affirm), subject to penalty of law for false statements, that the
123 information contained in this form is true, and that I am a citizen of the United States and a
124 resident of the state of Utah, residing at the above address. I will be at least 18 years old and
125 will have resided in Utah for 30 days immediately before the next election.

126 Signed and sworn

127 _____

128 Voter's Signature

129 _____(month\day\year)";

130 (iii) a citizenship affidavit in substantially the following form:

131 CITIZENSHIP AFFIDAVIT

132 Name:

133 Name at birth, if different:

134 Place of birth:

135 Date of birth:

136 Date and place of naturalization (if applicable):

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

140 _____

141 Signature of Applicant

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

145 [~~(iii)~~] (iv) a statement that if an applicant declines to register to vote, the fact that the
146 applicant has declined to register will remain confidential and will be used only for voter
147 registration purposes; and

148 [(iv)] (v) a statement that if an applicant does register to vote, the office at which the
149 applicant submits a voter registration application will remain confidential and will be used only
150 for voter registration purposes.

151 (3) Upon receipt of a voter registration form from an applicant, the county clerk or the

152 clerk's designee shall:

153 (a) review the voter registration form for completeness and accuracy; and

154 (b) if the county clerk believes, based upon a review of the form, that a person may be

155 seeking to register to vote who is not legally entitled to register to vote, refer the form to the

156 county attorney for investigation and possible prosecution.

157 Section 3. Section **20A-6-105 (Effective 05/01/04)** is amended to read:

158 **20A-6-105 (Effective 05/01/04). Provisional ballot envelopes.**

159 (1) Each election officer shall ensure that provisional ballot envelopes are printed in

160 substantially the following form:

161 "AFFIRMATION

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

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

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

166 Name of Voter _____

167 First Middle Last

168 Driver License or Identification Card Number _____

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

170 Date of Birth _____

171 Street Address of Principal Place of Residence
172 _____

173 City County State Zip Code

174 Telephone Number (optional) _____

175 Last four digits of Social Security Number _____

176 [~~Place of Birth~~ _____]

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

179 City County State Zip Code

180 Voting Precinct (if known)
181 _____

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

183 affirm:

184 1. that I am currently registered to vote in _____, County, Utah;
185 that I have not moved out of the county since the date of the original registration; that I have
186 not voted in this election in any other precinct; and that I request that I be permitted to vote in
187 this election in this precinct;

188 2. that on or about _____ (Date), I completed a voter registration
189 application at _____ (please indicate the office at which you
190 completed the voter registration application, for example, Human Services, Driver License,
191 etc., or, if you filled out a mail-in registration form, please indicate.);

192 3. that I have previously registered to vote in _____, County, Utah; that
193 I have not resided outside of that county since completing that registration; and that I am
194 entitled to vote today; and

195 4. subject to penalty of law for false statements, that the information contained in this
196 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the
197 above address; and that I am at least 18 years old and have resided in Utah for the 30 days
198 immediately before this election.

199 Signed _____

200 Dated _____"

201 "CITIZENSHIP AFFIDAVIT

202 Name:

203 Name at birth, if different:

204 Place of birth:

205 Date of birth:

206 Date and place of naturalization (if applicable):

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

210 _____
211 Signature of Applicant

212 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
213 allowing yourself to be registered to vote if you know you are not entitled to register to vote is

214 up to one year in jail and a fine of up to \$2,500."

215 (2) The provisional ballot envelope shall include:

216 (a) a unique number;

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

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

220 Section 4. **Effective date.**

221 This bill takes effect on January 1, 2005.

Legislative Review Note

as of **2-11-04 10:58 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0301

Voter Registration Amendments

19-Feb-04

5:33 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact for individuals who comply with provisions of the bill.

Office of the Legislative Fiscal Analyst