

- 30 provide valid voter identification in order to vote during the early voting period;
- 31 ▶ provides definitions of documents that are acceptable as valid voter identification;
- 32 ▶ provides that party affiliation may not be changed during the period beginning after
- 33 the voter registration deadline for a regular primary election and continuing through
- 34 the date of the regular primary election;
- 35 ▶ modifies language relating to processing of voter registration forms to comply with
- 36 the 30-day voter registration deadline;
- 37 ▶ modifies the dates for satellite voter registration to comply with the 30-day voter
- 38 registration deadline;
- 39 ▶ modifies the dates provided in the voter registration notice to comply with the
- 40 30-day voter registration deadline;
- 41 ▶ clarifies absentee ballot filing deadlines for overseas and military voters;
- 42 ▶ modifies the application due date for overseas absentee voters to match the existing
- 43 deadline for other absentee votes;
- 44 ▶ requires poll workers to record the type of identification provided by the voter at the
- 45 time of voting in all cases where a provisional ballot is issued;
- 46 ▶ requires poll workers to issue a voter a provisional ballot when the poll worker
- 47 determines that the voter has not presented sufficient identification;
- 48 ▶ provides for the hours and locations of early voting;
- 49 ▶ requires that at least 10% of the voting devices at each early voting polling place be
- 50 accessible for individuals with disabilities;
- 51 ▶ provides requirements for posting notice of early voting hours and locations;
- 52 ▶ modifies the format of the official register to accommodate identification
- 53 requirements;
- 54 ▶ requires the poll worker to update voting history records during early voting;
- 55 ▶ requires write-in candidates to file a declaration of candidacy no later than 30 days
- 56 before the date of the election;
- 57 ▶ defines terms; and

58 ▶ makes technical corrections.

59 **Monies Appropriated in this Bill:**

60 None

61 **Other Special Clauses:**

62 This bill coordinates with H.B. 348 by substantively modifying language.

63 This bill coordinates with S.B. 10 by substantively modifying language.

64 **Utah Code Sections Affected:**

65 **AMENDS:**

66 **20A-1-102**, as last amended by Chapter 105, Laws of Utah 2005

67 **20A-1-302**, as last amended by Chapter 228, Laws of Utah 1993

68 **20A-1-501**, as last amended by Chapter 45, Laws of Utah 1999

69 **20A-2-103**, as last amended by Chapter 258, Laws of Utah 1996

70 **20A-2-104**, as last amended by Chapter 219, Laws of Utah 2004

71 **20A-2-107**, as last amended by Chapter 328, Laws of Utah 2000

72 **20A-2-201**, as last amended by Chapter 45, Laws of Utah 1999

73 **20A-2-202**, as last amended by Chapter 117, Laws of Utah 2003

74 **20A-2-203**, as last amended by Chapters 117 and 249, Laws of Utah 2003

75 **20A-2-204**, as last amended by Chapters 10, 24 and 183, Laws of Utah 1997

76 **20A-2-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

77 **20A-2-301**, as repealed and reenacted by Chapter 311, Laws of Utah 1994

78 **20A-2-304**, as enacted by Chapter 311, Laws of Utah 1994

79 **20A-2-306**, as last amended by Chapter 24, Laws of Utah 1997

80 **20A-3-104**, as last amended by Chapter 37, Laws of Utah 2003

81 **20A-3-104.5**, as last amended by Chapter 159, Laws of Utah 2003

82 **20A-3-105.5**, as last amended by Chapters 34, 117 and 131, Laws of Utah 2003

83 **20A-3-304.1**, as last amended by Chapter 105, Laws of Utah 2005

84 **20A-3-305**, as last amended by Chapter 195, Laws of Utah 2004

85 **20A-3-308**, as last amended by Chapter 37, Laws of Utah 2003

- 86 **20A-3-401**, as last amended by Chapter 37, Laws of Utah 2003
- 87 **20A-3-404**, as last amended by Chapter 20, Laws of Utah 2001
- 88 **20A-3-406**, as last amended by Chapter 117, Laws of Utah 2003
- 89 **20A-4-107**, as last amended by Chapter 34, Laws of Utah 2003
- 90 **20A-5-401**, as last amended by Chapter 105, Laws of Utah 2005
- 91 **20A-5-605**, as last amended by Chapter 282, Laws of Utah 1998
- 92 **20A-9-601**, as last amended by Chapter 81, Laws of Utah 2000
- 93 **20A-9-808**, as last amended by Chapter 117, Laws of Utah 2003

94 ENACTS:

- 95 **20A-2-102.5**, Utah Code Annotated 1953
- 96 **20A-3-601**, Utah Code Annotated 1953
- 97 **20A-3-602**, Utah Code Annotated 1953
- 98 **20A-3-603**, Utah Code Annotated 1953
- 99 **20A-3-604**, Utah Code Annotated 1953



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

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

103 **20A-1-102. Definitions.**

104 As used in this title:

- 105 (1) "Active voter" means a registered voter who has not been classified as an inactive
- 106 voter by the county clerk.
- 107 (2) "Automatic tabulating equipment" means apparatus that automatically examines
- 108 and counts votes recorded on paper ballots or ballot cards and tabulates the results.
- 109 (3) "Ballot" means the cardboard, paper, or other material upon which a voter records
- 110 his votes and includes ballot cards, paper ballots, and secrecy envelopes.
- 111 (4) "Ballot card" means a ballot that can be counted using automatic tabulating
- 112 equipment.
- 113 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that

114 contain the names of offices and candidates and statements of ballot propositions to be voted
115 on and which are used in conjunction with ballot cards.

116 (6) "Ballot proposition" means opinion questions specifically authorized by the
117 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions
118 that are submitted to the voters for their approval or rejection.

119 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
120 20A-4-306 to canvass election returns.

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

123 (9) "Book voter registration form" means voter registration forms contained in a bound
124 book that are used by election officers and registration agents to register persons to vote.

125 (10) "By-mail voter registration form" means a voter registration form designed to be
126 completed by the voter and mailed to the election officer.

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

129 (12) "Canvassing judge" means an election judge designated to assist in counting
130 ballots at the canvass.

131 (13) "Convention" means the political party convention at which party officers and
132 delegates are selected.

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

135 (15) "Counting judge" means a judge designated to count the ballots during election
136 day.

137 (16) "Counting poll watcher" means a person selected as provided in Section
138 20A-3-201 to witness the counting of ballots.

139 (17) "Counting room" means a suitable and convenient private place or room,
140 immediately adjoining the place where the election is being held, for use by the counting
141 judges to count ballots during election day.

- 142 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).
- 143 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).
- 144 (20) "County officers" means those county officers that are required by law to be
145 elected.
- 146 (21) "Election" means a regular general election, a municipal general election, a
147 statewide special election, a local special election, a regular primary election, a municipal
148 primary election, and a special district election.
- 149 (22) "Election Assistance Commission" means the commission established by Public
150 Law 107-252, the Help America Vote Act of 2002.
- 151 (23) "Election cycle" means the period beginning on the first day persons are eligible to
152 file declarations of candidacy and ending when the canvass is completed.
- 153 (24) "Election judge" means each canvassing judge, counting judge, and receiving
154 judge.
- 155 (25) "Election officer" means:
- 156 (a) the lieutenant governor, for all statewide ballots;
- 157 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
158 as provided in Section 20A-5-400.5;
- 159 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
160 provided in Section 20A-5-400.5;
- 161 (d) the special district clerk or chief executive officer for certain ballots and elections
162 as provided in Section 20A-5-400.5; and
- 163 (e) the business administrator or superintendent of a school district for certain ballots
164 or elections as provided in Section 20A-5-400.5.
- 165 (26) "Election official" means any election officer, election judge, or satellite registrar.
- 166 (27) "Election results" means, for bond elections, the count of those votes cast for and
167 against the bond proposition plus any or all of the election returns that the board of canvassers
168 may request.
- 169 (28) "Election returns" includes the pollbook, all affidavits of registration, the military

170 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
171 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
172 spoiled ballots, the ballot disposition form, and the total votes cast form.

173 (29) "Electronic voting system" means a system in which a voting device is used in
174 conjunction with ballots so that votes recorded by the voter are counted and tabulated by
175 automatic tabulating equipment.

176 (30) "Inactive voter" means a registered voter who has been sent the notice required by
177 Section 20A-2-306 and who has failed to respond to that notice.

178 (31) "Inspecting poll watcher" means a person selected as provided in this title to
179 witness the receipt and safe deposit of voted and counted ballots.

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

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

183 (34) "Local election" means a regular municipal election, a local special election, a
184 special district election, and a bond election.

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

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

190 (37) "Municipal executive" means:

191 (a) the city commission, city council, or town council in the traditional management
192 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

193 (b) the mayor in the council-mayor optional form of government defined in Section
194 10-3-101; and

195 (c) the manager in the council-manager optional form of government defined in
196 Section 10-3-101.

197 (38) "Municipal general election" means the election held in municipalities and special

198 districts on the first Tuesday after the first Monday in November of each odd-numbered year
199 for the purposes established in Section 20A-1-202.

200 (39) "Municipal legislative body" means:

201 (a) the city commission, city council, or town council in the traditional management
202 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

203 (b) the municipal council in the council-mayor optional form of government defined in
204 Section 10-3-101; and

205 (c) the municipal council in the council-manager optional form of government defined
206 in Section 10-3-101.

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

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

211 (42) "Official ballot" means the ballots distributed by the election officer to the election
212 judges to be given to voters to record their votes.

213 (43) "Official endorsement" means:

214 (a) the information on the ballot that identifies:

215 (i) the ballot as an official ballot;

216 (ii) the date of the election; and

217 (iii) the facsimile signature of the election officer; and

218 (b) the information on the ballot stub that identifies:

219 (i) the election judge's initials; and

220 (ii) the ballot number.

221 (44) "Official register" means the book furnished election officials by the election
222 officer that contains the information required by Section 20A-5-401.

223 (45) "Paper ballot" means a paper that contains:

224 (a) the names of offices and candidates and statements of ballot propositions to be
225 voted on; and

226 (b) spaces for the voter to record his vote for each office and for or against each ballot
227 proposition.

228 (46) "Political party" means an organization of registered voters that has qualified to
229 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
230 Formation and Procedures.

231 (47) "Polling place" means the building where ~~[residents of a voting precinct vote or~~
232 ~~where absentee]~~ voting is conducted.

233 (48) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
234 in which the voter marks his choice.

235 (49) "Posting list" means a list of registered voters within a voting precinct.

236 ~~[(50) "Proof of identity" means some form of photo identification, such as a driver~~
237 ~~license or identification card, that establishes a person's identity.]~~

238 ~~[(51) "Proof of residence" means some official document or form, such as a driver~~
239 ~~license or utility bill that establishes a person's residence.]~~

240 ~~[(52)]~~ (50) "Provisional ballot" means a ballot voted provisionally by a person:

241 (a) whose name is not listed on the official register at the polling place; ~~[or]~~

242 (b) whose legal right to vote is challenged as provided in this title~~[-:]; or~~

243 (c) whose identity was not sufficiently established by an election judge.

244 ~~[(53)]~~ (51) "Provisional ballot envelope" means an envelope printed in the form
245 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
246 information to verify a person's legal right to vote.

247 ~~[(54)]~~ (52) "Primary convention" means the political party conventions at which
248 nominees for the regular primary election are selected.

249 ~~[(55)]~~ (53) "Protective counter" means a separate counter, which cannot be reset, that is
250 built into a voting machine and records the total number of movements of the operating lever.

251 ~~[(56)]~~ (54) "Qualify" or "qualified" means to take the oath of office and begin
252 performing the duties of the position for which the person was elected.

253 ~~[(57)]~~ (55) "Receiving judge" means the election judge that checks the voter's name in

254 the official register, provides the voter with a ballot, and removes the ballot stub from the ballot
255 after the voter has voted.

256 ~~[(58)]~~ (56) "Registration days" means the days designated in Section 20A-2-203 when
257 a voter may register to vote with a satellite registrar.

258 ~~[(59)]~~ (57) "Registration form" means a book voter registration form and a by-mail
259 voter registration form.

260 ~~[(60)]~~ (58) "Regular ballot" means a ballot that is not a provisional ballot.

261 ~~[(61)]~~ (59) "Regular general election" means the election held throughout the state on
262 the first Tuesday after the first Monday in November of each even-numbered year for the
263 purposes established in Section 20A-1-201.

264 ~~[(62)]~~ (60) "Regular primary election" means the election on the fourth Tuesday of
265 June of each even-numbered year, at which candidates of political parties and nonpolitical
266 groups are voted for nomination.

267 ~~[(63)]~~ (61) "Resident" means a person who resides within a specific voting precinct in
268 Utah.

269 ~~[(64)]~~ (62) "Sample ballot" means a mock ballot similar in form to the official ballot
270 printed and distributed as provided in Section 20A-5-405.

271 ~~[(65)]~~ (63) "Satellite registrar" means a person appointed under Section 20A-5-201 to
272 register voters and perform other duties.

273 ~~[(66)]~~ (64) "Scratch vote" means to mark or punch the straight party ticket and then
274 mark or punch the ballot for one or more candidates who are members of different political
275 parties.

276 ~~[(67)]~~ (65) "Secrecy envelope" means the envelope given to a voter along with the
277 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy
278 of the voter's vote.

279 ~~[(68)]~~ (66) "Special district" means those local government entities created under the
280 authority of Title 17A.

281 ~~[(69)]~~ (67) "Special district officers" means those special district officers that are

282 required by law to be elected.

283 ~~[(70)]~~ (68) "Special election" means an election held as authorized by Section
284 20A-1-204.

285 ~~[(71)]~~ (69) "Spoiled ballot" means each ballot that:

286 (a) is spoiled by the voter;

287 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

288 (c) lacks the official endorsement.

289 ~~[(72)]~~ (70) "Statewide special election" means a special election called by the governor
290 or the Legislature in which all registered voters in Utah may vote.

291 ~~[(73)]~~ (71) "Stub" means the detachable part of each ballot.

292 ~~[(74)]~~ (72) "Substitute ballots" means replacement ballots provided by an election
293 officer to the election judges when the official ballots are lost or stolen.

294 ~~[(75)]~~ (73) "Ticket" means each list of candidates for each political party or for each
295 group of petitioners.

296 ~~[(76)]~~ (74) "Transfer case" means the sealed box used to transport voted ballots to the
297 counting center.

298 ~~[(77)]~~ (75) "Vacancy" means the absence of a person to serve in any position created
299 by statute, whether that absence occurs because of death, disability, disqualification,
300 resignation, or other cause.

301 (76) "Valid voter identification" means:

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

304 (i) a currently valid Utah driver license;

305 (ii) a currently valid identification card that is issued by:

306 (A) the state;

307 (B) a local government within the state; or

308 (C) a branch, department, or agency of the United States;

309 (iii) an identification card that is issued by an employer for an employee;

310 (iv) a currently valid identification card that is issued by a college, university, technical
311 school, or professional school that is located within the state;

312 (v) a currently valid Utah permit to carry a concealed weapon;

313 (vi) a currently valid United States passport; or

314 (vii) a valid tribal identification card; or

315 (b) two forms of identification that bear the name of the voter and provide evidence
316 that the voter resides in the voting precinct, which may include:

317 (i) a voter identification card;

318 (ii) a current utility bill or a legible copy thereof;

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

320 (iv) a certified birth certificate;

321 (v) a valid Social Security card;

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

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

324 (viii) a currently valid Utah hunting or fishing license;

325 (ix) a currently valid United States military identification card;

326 (x) certified naturalization documentation;

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

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

329 (xiii) a Bureau of Indian Affairs card;

330 (xiv) a tribal treaty card;

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

332 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
333 photograph, but establishes the name of the voter and provides evidence that the voter resides
334 in the voting precinct.

335 ~~[(78)]~~ (77) "Valid write-in candidate" means a candidate who has qualified as a
336 write-in candidate by following the procedures and requirements of this title.

337 ~~[(79)]~~ (78) "Voter" means a person who meets the requirements for voting in an

338 election, meets the requirements of election registration, is registered to vote, and is listed in
339 the official register book.

340 (79) "Voter registration deadline" means the registration deadline provided in Section
341 20A-2-102.5.

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

344 (81) "Voting booth" means the space or compartment within a polling place that is
345 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

346 (82) "Voting device" means:

347 (a) an apparatus in which ballot cards are used in connection with a punch device for
348 piercing the ballots by the voter;

349 (b) a device for marking the ballots with ink or another substance; or

350 (c) any other method for recording votes on ballots so that the ballot may be tabulated
351 by means of automatic tabulating equipment.

352 (83) "Voting machine" means a machine designed for the sole purpose of recording
353 and tabulating votes cast by voters at an election.

354 (84) "Voting poll watcher" means a person appointed as provided in this title to
355 witness the distribution of ballots and the voting process.

356 (85) "Voting precinct" means the smallest voting unit established as provided by law
357 within which qualified voters vote at one polling place.

358 (86) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting
359 poll watcher.

360 (87) "Western States Presidential Primary" means the election established in Title 20A,
361 Chapter 9, Part 8.

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

363 (89) "Write-in vote" means a vote cast for a person whose name is not printed on the
364 ballot according to the procedures established in this title.

365 Section 2. Section **20A-1-302** is amended to read:

366 **20A-1-302. Opening and closing of polls on election day.**

367 (1) Polls at all elections on the date of the election shall open at 7 a.m. and shall remain
368 open until 8 p.m. of the same day.

369 (2) The election judges shall allow every voter who arrives at the polls by 8 p.m. to
370 vote.

371 Section 3. Section **20A-1-501** is amended to read:

372 **20A-1-501. Candidate vacancies -- Procedure for filling.**

373 (1) The state central committee of a political party, for candidates for United States
374 senator, United States representative, governor, lieutenant governor, attorney general, state
375 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
376 more than one county, and the county central committee of a political party, for all other party
377 candidates seeking an office elected at a regular general election, may certify the name of
378 another candidate to the appropriate election officer if:

379 (a) after the close of the period for filing declarations of candidacy [~~but before the~~] and
380 continuing through the date 15 days before the date of the primary election:

381 (i) only one or two candidates from that party have filed a declaration of candidacy for
382 that office; and

383 (ii) one or both:

384 (A) dies;

385 (B) resigns because of becoming physically or mentally disabled as certified by a
386 physician; or

387 (C) is disqualified by an election officer for improper filing or nominating procedures;

388 or

389 (b) after the close of the primary election [~~but before the~~] and continuing through the
390 date of the voter registration deadline for the general election as established in Section

391 20A-2-102.5, the party's candidate:

392 (i) dies;

393 (ii) resigns because of becoming physically or mentally disabled as certified by a

394 physician;

395 (iii) is disqualified by an election officer for improper filing or nominating procedures;

396 or

397 (iv) resigns to become a candidate for President or Vice-President of the United States.

398 (2) If no more than two candidates from a political party have filed a declaration of
399 candidacy for an office elected at a regular general election and one resigns to become the party
400 candidate for another position, the state central committee of that political party, for candidates
401 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
402 legislative candidates whose legislative districts encompass more than one county, and the
403 county central committee of that political party, for all other party candidates, may certify the
404 name of another candidate to the appropriate election officer.

405 (3) Each replacement candidate shall file a declaration of candidacy as required by
406 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

407 (4) A replacement candidate may not be certified for an election during the period
408 beginning on the day after the date of the voter registration deadline and continuing through the
409 date of the election.

410 Section 4. Section **20A-2-102.5** is enacted to read:

411 **20A-2-102.5. Voter registration deadline.**

412 (1) Except as provided in Sections 20A-2-201 and 20A-2-203 and in Title 20A,
413 Chapter 3, Part 4, Voting by Members of the Military and by Other Persons Living or Serving
414 Abroad, a person who fails to submit a correctly completed voter registration form on or before
415 the voter registration deadline shall not be permitted to vote in the election.

416 (2) The voter registration deadline shall be the date that is 30 calendar days before the
417 date of the election.

418 (3) If the voter registration deadline established in Subsection (2) falls on a weekend or
419 holiday, it shall be extended to the next regular business day.

420 Section 5. Section **20A-2-103** is amended to read:

421 **20A-2-103. Special elections -- Lists of voters.**

422 (1) (a) A special registration of voters is not required for a statewide or local special
423 election.

424 (b) The last official or revised register is the register for the statewide or local special
425 election.

426 (2) If a statewide or local special election is held at the same time and place as a
427 regular general election, a municipal general election, or a primary, persons qualified to vote at
428 those elections may also vote in the statewide or local special election.

429 (3) ~~[(a)]~~ If a statewide or local special election is held on a date other than the date of a
430 regular or municipal general election, the county clerk of each county in which the municipality
431 or entity is wholly or partly located shall register persons to vote in that election during regular
432 office hours in accordance with the requirements of this chapter.

433 ~~[(b) The county clerk may not register persons to vote in that election if 20 or fewer
434 days remain before the election.]~~

435 (4) The county clerk of each county in which the entity holding the statewide or local
436 special election is located shall make registration lists or copies of those lists available at each
437 polling place for use by registered voters entitled to use those polling places.

438 Section 6. Section **20A-2-104** is amended to read:

439 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

442 -----

443 UTAH ELECTION REGISTRATION FORM

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

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

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

447 Name of Voter _____

448 First Middle Last

449 Driver License or Identification Card Number _____

450 State of issuance of Driver License or Identification Card
 451 Date of Birth _____
 452 Street Address of Principal Place of Residence
 453 _____

454 City County State Zip Code

455 Telephone Number (optional) _____
 456 Last four digits of Social Security Number _____
 457 Last former address at which I was registered to vote (if known) _____
 458 _____

459 City County State Zip Code

460 Voting Precinct (if known) _____

461 Political Party
 462 American Democrat Green Independent American Libertarian Natural Law
 463 Reform Populist Republican Socialist Workers Unaffiliated (no political party
 464 preference)
 465 Other (Please specify) _____

466 I do swear (or affirm), subject to penalty of law for false statements, that the
 467 information contained in this form is true, and that I am a citizen of the United States and a
 468 resident of the state of Utah, residing at the above address. I will be at least 18 years old and
 469 will have resided in Utah for 30 days immediately before the next election. I am not a
 470 convicted felon currently incarcerated for commission of a felony.

471 Signed and sworn
 472 _____
 473 Voter's Signature
 474 _____(month/day/year).

475 **CITIZENSHIP AFFIDAVIT**

476 Name:
 477 Name at birth, if different:

478 Place of birth:

479 Date of birth:

480 Date and place of naturalization (if applicable):

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

484 _____

485 Signature of Applicant

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

489 NOTICE: IN ORDER TO BE ALLOWED TO VOTE FOR THE FIRST TIME IN A VOTING
490 PRECINCT [~~YOU MUST EITHER~~] FOR THE FIRST TIME OR TO VOTE DURING THE
491 EARLY VOTING PERIOD BEFORE THE DATE OF THE ELECTION YOU MUST
492 PRESENT VALID VOTER IDENTIFICATION TO THE ELECTION JUDGE BEFORE
493 VOTING AS FOLLOWS:

494 (1) [~~INCLUDE A COPY OF~~] A VALID FORM OF PHOTO IDENTIFICATION [~~OR PROOF~~
495 ~~OF RESIDENCE WITH THIS VOTER REGISTRATION FORM~~] THAT SHOWS YOUR
496 NAME, PHOTOGRAPH, AND CURRENT ADDRESS; OR
497 [~~(2) PRESENT A VALID FORM OF PHOTO IDENTIFICATION OR PROOF OF~~
498 ~~RESIDENCE TO THE ELECTION JUDGE BEFORE YOU MAY VOTE.~~]

499 (2) TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
500 CURRENT ADDRESS.

501 FOR OFFICIAL USE ONLY

502 Type of I.D. _____

503 Voting Precinct _____

504 Voting I.D. Number _____

505 -----

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

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

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

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

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

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

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

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

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

526 Section 7. Section **20A-2-107** is amended to read:

527 **20A-2-107. Designating or changing party affiliation.**

528 (1) [~~For each person who registers to vote on or after May 1, 2000, the~~] The county
529 clerk shall:

530 (a) record the party affiliation designated by the voter on the voter registration form as
531 the voter's party affiliation; or

532 (b) if no political party affiliation is designated by the voter on the voter registration
533 form, record the voter's party affiliation as "unaffiliated."

534 (2) (a) Any registered voter may designate or change the voter's political party
535 affiliation by complying with the procedures and requirements of this Subsection (2).

536 (b) Except for the ~~[20 days immediately before a]~~ period beginning on the day after the
537 voter registration deadline and continuing through the date of the regular primary election, any
538 registered voter may designate or change the voter's political party affiliation by filing a signed
539 form with the county clerk that identifies the registered political party with which the voter
540 chooses to affiliate.

541 Section 8. Section **20A-2-201** is amended to read:

542 **20A-2-201. Registering to vote at office of county clerk.**

543 (1) Except as provided in Subsection (2), the county clerk shall register to vote all
544 persons who present themselves for registration at the county clerk's office during designated
545 office hours if those persons, on voting day, will be legally qualified and entitled to vote in a
546 voting precinct in the county.

547 (2) ~~[During the seven calendar days immediately before any scheduled election]~~ Except
548 as provided in Subsection (3), if a registration form is submitted to the county clerk after the
549 last day of satellite registration as provided in Section 20A-2-203, the county clerk shall:

550 (a) accept registration forms from all persons who present themselves for registration at
551 the clerk's office during designated office hours if those persons, on voting day, will be legally
552 qualified and entitled to vote in a voting precinct in the county; and

553 (b) inform them that they will be registered to vote but may not vote in the pending
554 election because they registered too late.

555 (3) If a registration form is submitted in person at the office of the county clerk during
556 the period beginning on the date after the voter registration deadline and ending on the last day
557 of satellite registration as provided in Section 20A-2-203, the county clerk shall:

558 (a) accept registration forms from all persons who present themselves for registration at
559 the clerk's office during designated office hours if those persons, on voting day, will be legally
560 qualified and entitled to vote in a voting precinct in the county; and

561 (b) inform them that:

- 562 (i) they will be registered to vote in the pending election; and
- 563 (ii) for the pending election, they must vote on election day and will not be eligible to
- 564 vote using early voting under Chapter 3, Part 6, Early Voting, because they registered too late.
- 565 Section 9. Section **20A-2-202** is amended to read:
- 566 **20A-2-202. Registration by mail.**
- 567 (1) (a) A citizen who will be qualified to vote at the next election may register by mail.
- 568 (b) To register by mail, a citizen shall complete and sign the by-mail registration form
- 569 and mail or deliver it to the county clerk of the county in which the citizen resides.
- 570 (c) (i) In order to register to vote in a particular election, the citizen shall:
- 571 (A) address the by-mail voter registration form to the county clerk; and
- 572 (B) ensure that it is postmarked [~~at least 20 days before the date of the election~~] on or
- 573 before the voter registration deadline.
- 574 (ii) If the voter is registering for the first time in the county, the citizen shall either:
- 575 (A) submit a copy of [~~a proof of identification or proof of residence~~] the voter's valid
- 576 voter identification with the by-mail voter registration form; or
- 577 (B) submit [~~proof of identification or proof of residence~~] valid voter identification to
- 578 the election judge at the time the citizen votes.
- 579 (d) The citizen has effectively registered to vote under this section only when the
- 580 county clerk's office has received a correctly completed by-mail voter registration form.
- 581 (2) Upon receipt of a correctly completed by-mail voter registration form, the county
- 582 clerk shall:
- 583 (a) enter the applicant's name on the list of registered voters for the voting precinct in
- 584 which the applicant resides; and
- 585 (b) mail confirmation of registration to the newly registered voter after entering the
- 586 applicant's voting precinct number on that copy.
- 587 (3) (a) If the county clerk receives a correctly completed by-mail voter registration
- 588 form that is postmarked [~~less than 20 days before an election~~] after the voter registration
- 589 deadline, the county clerk shall:

590 (i) register the applicant after the next election; and
 591 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
 592 informing the applicant that his registration will not be effective until after the election.

593 (b) When the county clerk receives a correctly completed by-mail voter registration
 594 [~~forms~~] form at least seven days before an election that [~~are~~] is postmarked [~~at least 20 days~~
 595 ~~before the election~~] on or before the date of the voter registration deadline, the county clerk
 596 shall:

- 597 (i) process the by-mail voter registration [~~forms~~] form; and
 - 598 (ii) record the new [~~voters~~] voter in the official register and posting list.
- 599 (4) If the county clerk determines that a registration form received by mail or otherwise
 600 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to
 601 the person attempting to register, informing him that he has not been registered because of an
 602 error or because the form is incomplete.

603 Section 10. Section **20A-2-203** is amended to read:

604 **20A-2-203. Satellite location -- Registration by satellite registrar.**

605 (1) (a) Each county clerk shall designate sufficient satellite registration locations to
 606 ensure that voters in all parts of the county have the opportunity to register to vote.

607 (b) A county clerk may designate as many satellite locations as desired.

608 (2) (a) Any person who meets the voter registration requirements may register to vote
 609 with a satellite registrar at any satellite location within the person's county of residence between
 610 8 a.m. and 8 p.m.:

611 (i) on the Friday and Monday, the [~~eighth and eleventh~~] fifteenth and eighteenth day,
 612 before the regular primary election in counties holding a primary election;

613 (ii) on the Friday and Monday, the [~~eighth and eleventh~~] fifteenth and eighteenth day,
 614 before the regular general election;

615 (iii) on the Friday and Monday, the [~~eighth and eleventh~~] fifteenth and eighteenth day,
 616 before the municipal primary election in municipalities holding a municipal primary election;
 617 and

618 (iv) on the Friday and Monday, the ~~[eighth and eleventh]~~ fifteenth and eighteenth day,
619 before the municipal general election.

620 (b) Each satellite registrar shall register to vote all persons who:

621 (i) present themselves for registration; and

622 (ii) are legally qualified and entitled to vote in that voting precinct on election day.

623 (3) (a) Unless the voter is registering for the first time, a voter may not designate or
624 change the voter's political party affiliation at the satellite location for voter registration on the
625 dates established in Subsection (2)(a)(i) for primary election voter registration.

626 (b) A voter wanting to change political party affiliation shall comply with the
627 requirements of Section 20A-2-107.

628 (4) For municipal elections, the municipality in which the registration is made shall pay
629 the expenses of registration.

630 (5) A voter who registers to vote via satellite registration:

631 (a) shall be eligible to vote in the pending election on election day; and

632 (b) shall not be eligible to vote in the pending election using early voting under

633 Chapter 3, Part 6, Early Voting.

634 Section 11. Section **20A-2-204** is amended to read:

635 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

636 (1) As used in this section, "voter registration form" means the driver license
637 application/voter registration form and the driver license renewal/voter registration form
638 required by Section 20A-2-108.

639 (2) Any citizen who is qualified to vote may register to vote by completing the voter
640 registration form.

641 (3) The Driver License Division shall:

642 (a) assist applicants in completing the voter registration form unless the applicant
643 refuses assistance;

644 (b) accept completed forms for transmittal to the appropriate election official;

645 (c) transmit a copy of each voter registration form to the appropriate election official

646 within five days after it is received by the division;

647 (d) transmit each address change within five days after it is received by the division;

648 and

649 (e) transmit electronically to the lieutenant governor's office the name, address, birth
650 date, and driver license number of each person who answers "yes" to the question on the driver
651 license form about registering to vote.

652 (4) Upon receipt of a correctly completed voter registration form, the county clerk
653 shall:

654 (a) enter the applicant's name on the list of registered voters for the voting precinct in
655 which the applicant resides; and

656 (b) notify the applicant of registration.

657 (5) (a) If the county clerk receives a correctly completed voter registration form that is
658 dated [~~less than 20 days before an election~~] after the voter registration deadline, the county
659 clerk shall:

660 (i) register the applicant after the next election; and

661 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
662 informing the applicant that his registration will not be effective until after the election.

663 (b) When the county clerk receives [~~any~~] a correctly completed voter registration
664 [~~forms~~] form at least seven days before an election that [~~are~~] is dated [~~at least 20 days before~~
665 ~~the election~~] on or before the voter registration deadline, the county clerk shall:

666 (i) process the voter registration [~~forms~~] form; and

667 (ii) record the new [~~voters~~] voter in the official register and posting list.

668 (6) If the county clerk determines that a voter registration form received from the
669 Driver License Division is incorrect because of an error or because it is incomplete, the county
670 clerk shall mail notice to the person attempting to register, informing him that he has not been
671 registered because of an error or because the form is incomplete.

672 Section 12. Section **20A-2-205** is amended to read:

673 **20A-2-205. Registration at voter registration agencies.**

674 (1) As used in this section:

675 (a) "Discretionary voter registration agency" means each office designated by the
676 county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide
677 by-mail voter registration forms to the public.

678 (b) "Public assistance agency" means each office in Utah that provides:

679 (i) public assistance; or

680 (ii) state funded programs primarily engaged in providing services to people with
681 disabilities.

682 (2) Any person may obtain and complete a by-mail registration form at a public
683 assistance agency or discretionary voter registration agency.

684 (3) Each public assistance agency and discretionary voter registration agency shall
685 provide, either as part of existing forms or on a separate form, the following information in
686 substantially the following form:

687 "REGISTERING TO VOTE

688 If you are not registered to vote where you live now, would you like to apply to register
689 to vote here today? (Applying to register to vote or declining to register to vote will not affect
690 the amount of assistance that you will be provided by this agency.) Yes___ No___ IF YOU
691 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
692 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
693 voter registration application form, we will help you. The decision about whether or not to
694 seek or accept help is yours. You may fill out the application form in private. If you believe
695 that someone has interfered with your right to register or to decline to register to vote, your
696 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
697 right to choose your own political party or other political preference, you may file a complaint
698 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
699 84114. (801) 538-1040."

700 (4) Unless a person applying for service or assistance from a public assistance agency
701 or discretionary voter registration agency declines, in writing, to register to vote, each public

702 assistance agency and discretionary voter registration agency shall:

703 (a) distribute a by-mail voter registration form with each application for service or
704 assistance provided by the agency or office;

705 (b) assist applicants in completing the voter registration form unless the applicant
706 refuses assistance;

707 (c) accept completed forms for transmittal to the appropriate election official; and

708 (d) transmit a copy of each voter registration form to the appropriate election official
709 within five days after it is received by the division.

710 (5) A person in a public assistance agency or a discretionary voter registration agency
711 that helps a person complete the voter registration form may not:

712 (a) seek to influence an applicant's political preference or party registration;

713 (b) display any political preference or party allegiance;

714 (c) make any statement to an applicant or take any action that has the purpose or effect
715 of discouraging the applicant from registering to vote; or

716 (d) make any statement to an applicant or take any action that has the purpose or effect
717 of leading the applicant to believe that a decision to register or not to register has any bearing
718 upon the availability of services or benefits.

719 (6) Upon receipt of a correctly completed voter registration form, the county clerk
720 shall:

721 (a) enter the applicant's name on the list of registered voters for the voting precinct in
722 which the applicant resides; and

723 (b) notify the applicant of registration.

724 (7) (a) If the county clerk receives a correctly completed voter registration form that is
725 dated [~~less than 20 days before an election~~] after the voter registration deadline, the county
726 clerk shall:

727 (i) register the applicant after the next election; and

728 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
729 informing the applicant that his registration will not be effective until after the election.

730 (b) When the county clerk receives [~~any~~] a correctly completed voter registration
731 [~~forms~~] form at least seven days before an election that [~~are~~] is dated [~~at least 20 days before~~
732 ~~the election~~] on or before the voter registration deadline, the county clerk shall:

733 (i) process the voter registration [~~forms~~] form; and

734 (ii) record the new [~~voters~~] voter in the official register and posting list.

735 (8) If the county clerk determines that a voter registration form received from a public
736 assistance agency or discretionary voter registration agency is incorrect because of an error or
737 because it is incomplete, the county clerk shall mail notice to the person attempting to register,
738 informing him that he has not been registered because of an error or because the form is
739 incomplete.

740 Section 13. Section **20A-2-301** is amended to read:

741 **20A-2-301. County clerk responsibilities -- Voter registration forms.**

742 (1) Each county clerk shall provide book voter registration forms and by-mail voter
743 registration forms for use in the voter registration process.

744 (2) Each county clerk shall:

745 (a) (i) designate certain offices within the county to provide by-mail voter registration
746 forms to the public; and

747 (ii) provide by-mail voter registration forms to each public assistance agency and
748 discretionary voter registration agency; and

749 (b) provide copies of by-mail voter registration forms to public school districts and
750 nonpublic schools as provided in Section 20A-2-302.

751 (3) (a) Each regular general election year, the county clerk shall make by-mail voter
752 registration forms available to the political parties as provided in this Subsection (3).

753 (b) The county clerk shall set aside by-mail registration forms equal to 10% of the
754 number of registered voters in the county as of January 1 of that regular general election year
755 for allocation to political parties.

756 (c) The forms shall be allocated to the respective political parties in each county as
757 follows:

758 (i) ~~[90%]~~ Ninety percent of the forms shall be made available on an equal basis to all
759 parties who had any candidate who polled 10% or more of the vote for any partisan office in
760 the last regular general election.

761 (ii) ~~[10%]~~ Ten percent of the forms shall be made available on an equal basis to all
762 other parties who qualify for a position on the ballot for the next regular general election.

763 (4) Candidates, parties, organizations, and interested persons may purchase by-mail
764 voter registration forms from the county clerk or from the printer.

765 (5) (a) The clerk shall make book voter registration forms available to interested
766 organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

767 (b) Interested organizations that receive book voter registration forms from the county
768 clerk shall return them to the county clerk ~~[at least 20 days before the date of the election]~~ on or
769 before the voter registration deadline.

770 (6) The county clerk may not refuse to register any person to vote for failing to provide
771 a telephone number on the voter registration form.

772 (7) (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter
773 registration forms, obtained as provided in this section, to the county clerk.

774 (b) A person who violates this subsection is guilty of a class B misdemeanor.

775 Section 14. Section **20A-2-304** is amended to read:

776 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

777 Each county clerk shall:

778 (1) register to vote each applicant for registration who meets the requirements for
779 registration and who:

780 (a) submits a completed voter registration form to the county clerk ~~[at least 20 days~~
781 ~~before the date of the election]~~ on or before the voter registration deadline;

782 (b) submits a completed voter registration form to the Driver License Division, a
783 public assistance agency, or a discretionary voter registration agency ~~[at least 20 days before~~
784 ~~the date of the election]~~ on or before the voter registration deadline; or

785 (c) mails a completed by-mail voter registration form to the county clerk ~~[that is~~

786 ~~postmarked at least 20 days before the election]~~ on or before the voter registration deadline;
787 and

788 (2) send a notice to the voter informing the voter that:

789 (a) the voter's application for voter registration has been accepted and that the voter is
790 registered to vote;

791 (b) the voter's application for voter registration has been rejected and the reason for the
792 rejection; or

793 (c) the application for voter registration is being returned to the voter for further action
794 because the application is incomplete and giving instructions to the voter about how to properly
795 complete the application.

796 Section 15. Section **20A-2-306** is amended to read:

797 **20A-2-306. Removing names from the official register -- Determining and**
798 **confirming change of residence.**

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

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

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

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

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

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

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

812 (b) When a county clerk obtains information that a voter's address has changed and it
813 appears that the voter now resides in a different county, the county clerk shall verify the

814 changed residence by sending to the voter, by forwardable mail, the notice required by
815 Subsection (3) printed on a postage prepaid, preaddressed return form.

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

818 "VOTER REGISTRATION NOTICE

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

822 _____
823 Street City County State Zip

824 If you have not changed your residence or have moved but stayed within the same
825 county, you must complete and return this form to the county clerk so that it is received by the
826 county clerk no later than [20] 30 days before the date of the election. If you fail to return this
827 form within that time:

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

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

834 _____
835 Signature of Voter"

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

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

842 (i) the voter requests, in writing, that his name be removed; or

843 (ii) the voter has died.

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

846 (ii) An inactive voter must be allowed to vote, sign petitions, and have all other
847 privileges of a registered voter.

848 (iii) A county is not required to send routine mailings to inactive voters and is not
849 required to count inactive voters when dividing precincts and preparing supplies.

850 Section 16. Section **20A-3-104** is amended to read:

851 **20A-3-104. Manner of voting.**

852 (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his
853 residence, to one of the election judges.

854 (b) ~~[If an]~~ The voter shall present valid voter identification to one of the election judges
855 if the voter is:

856 (i) required to present valid voter identification as indicated by a notation in the official
857 register;

858 (ii) voting in person by absentee ballot; or

859 (iii) voting during the early voting period.

860 (c) If a voter is not required to present valid voter identification under Subsection
861 (1)(b), and the election judge does not know the [person] voter requesting a ballot and has
862 reason to doubt that [person's] voter's identity, the judge shall:

863 (i) request that the voter present valid voter identification; or

864 (ii) have the voter identified by a known registered voter of the district.

865 ~~[(c) If the voter is voting for the first time in the jurisdiction or is otherwise required to~~
866 ~~present proof of identity or proof of residence as indicated by a notation in the official register,~~
867 ~~the election judge shall request proof of identity or proof of residence from the voter.]~~

868 (d) If the election judge is satisfied that the voter has ~~[established proof of identity and~~
869 ~~proof of residence]~~ been properly identified, the election judge shall:

870 (i) record the type of [~~proof of identity or proof of residence~~] identification provided by
871 the voter in the appropriate space in the official register; and

872 (ii) follow the procedures of Subsection [~~(3)~~] (2).

873 (e) If the election judge is not satisfied that the voter has [~~established proof of identity~~
874 ~~or proof of residence~~] been properly identified, the election judge shall:

875 (i) indicate on the official register that the voter [~~failed to provide adequate proof of~~
876 ~~identity or proof of residence~~] was not properly identified;

877 (ii) issue the voter a provisional ballot; and

878 (iii) follow the procedures and requirements of Section 20A-3-105.5.

879 (f) If the person's right to vote is challenged as provided in Section 20A-3-202, the
880 judge shall follow the procedures and requirements of Section 20A-3-105.5.

881 (2) (a) [~~When the voter is properly identified, the~~] The election judge in charge of the
882 official register shall check the official register to determine whether or not the [~~person~~] voter
883 is registered to vote.

884 (b) If the voter's name is not found on the official register, the election judge shall
885 follow the procedures and requirements of Section 20A-3-105.5.

886 (3) If the election judge determines that the voter is registered:

887 (a) the election judge in charge of the official register shall:

888 (i) write the ballot number opposite the name of the voter in the official register; and

889 (ii) direct the voter to sign his name in the election column in the official register;

890 (b) another judge shall list the ballot number and voter's name in the pollbook; and

891 (c) the election judge having charge of the ballots shall:

892 (i) endorse his initials on the stub;

893 (ii) check the name of the voter on the pollbook list with the number of the stub;

894 (iii) hand the voter a ballot; and

895 (iv) allow the voter to enter the voting booth.

896 (4) Whenever the election officer is required to furnish more than one kind of official
897 ballot to the voting precinct, the election judges of that voting precinct shall give the registered

898 voter the kind of ballot that the voter is qualified to vote.

899 Section 17. Section **20A-3-104.5** is amended to read:

900 **20A-3-104.5. Voting -- Regular primary election.**

901 (1) (a) Any registered voter desiring to vote at the regular primary election shall give
 902 his name, the name of the registered political party whose ballot the voter wishes to vote, and,
 903 if requested, his residence, to one of the election judges.

904 (b) ~~[If an]~~ The voter shall present valid voter identification to one of the election judges
 905 if the voter is:

906 (i) required to present valid voter identification as indicated by a notation in the official
 907 register;

908 (ii) is voting in person by absentee ballot; or

909 (iii) is voting during the early voting period.

910 (c) If a voter is not required to present valid voter identification under Subsection
 911 (1)(b), and the election judge does not know the [person] voter requesting a ballot and has
 912 reason to doubt that [person's] voter's identity, the judge shall:

913 (i) request that the voter present valid voter identification; or

914 (ii) have the voter identified by a known registered voter of the district.

915 (d) If the election judge is not satisfied that the voter has been properly identified, the
 916 election judge shall follow the procedures and requirements of Section 20A-3-105.5.

917 ~~(c)~~ (e) If the voter is challenged as provided in Section 20A-3-202, the judge shall
 918 provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are
 919 false.

920 (2) (a) (i) When the voter is properly identified, the election judge in charge of the
 921 official register shall check the official register to determine:

922 (A) whether or not the [person] voter is registered to vote; and

923 (B) whether or not the [person's] voter's party affiliation designation in the official
 924 register allows the voter to vote the ballot that the voter requested.

925 (ii) If the official register does not affirmatively identify the voter as being affiliated

926 with a registered political party or if the official register identifies the voter as being
927 "unaffiliated," the voter shall be considered to be "unaffiliated."

928 (b) (i) If the voter's name is not found on the official register and, if it is not unduly
929 disruptive of the election process, the election judge shall attempt to contact the county clerk's
930 office to request oral verification of the voter's registration.

931 (ii) If oral verification is received from the county clerk's office, the judge shall record
932 the verification on the official register, determine the voter's party affiliation and the ballot that
933 the voter is qualified to vote, and perform the other administrative steps required by Subsection
934 (3).

935 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
936 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
937 requested, the election judge shall inform the voter of that fact and inform the voter of the
938 ballot or ballots that the voter's party affiliation does allow the voter to vote.

939 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
940 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
941 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
942 ballot that the voter requests, the election judge shall ask the voter if the voter wishes to vote
943 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
944 remain "unaffiliated."

945 (B) If the voter wishes to vote another registered political party ballot that the
946 unaffiliated voter is authorized to vote, the election judge shall proceed as required by
947 Subsection (3).

948 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
949 that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the
950 voter may not vote.

951 (iii) For the primary elections held in 2004, 2006, and 2008 only:

952 (A) If the voter is listed in the official register as "unaffiliated," or if the official
953 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a

954 registered political party, the election judge shall ask the voter if the voter wishes to affiliate
955 with a registered political party, or remain "unaffiliated."

956 (B) If the voter wishes to affiliate with the registered political party whose ballot the
957 voter requested, the election judge shall direct the voter to complete the change of party
958 affiliation form and proceed as required by Subsection (3).

959 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered
960 political party ballot that the unaffiliated voter is authorized to vote, the election judge shall
961 proceed as required by Subsection (3).

962 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
963 that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the
964 voter may not vote.

965 (3) If the election judge determines that the voter is registered and eligible, under
966 Subsection (2), to vote the ballot that the voter requested:

967 (a) the election judge in charge of the official register shall:

968 (i) write the ballot number and the name of the registered political party whose ballot
969 the voter voted opposite the name of the voter in the official register; and

970 (ii) direct the voter to sign his name in the election column in the official register;

971 (b) another judge shall list the ballot number and voter's name in the pollbook; and

972 (c) the election judge having charge of the ballots shall:

973 (i) endorse his initials on the stub;

974 (ii) check the name of the voter on the pollbook list with the number of the stub;

975 (iii) hand the voter the ballot for the registered political party that the voter requested
976 and for which the voter is authorized to vote; and

977 (iv) allow the voter to enter the voting booth.

978 (4) Whenever the election officer is required to furnish more than one kind of official
979 ballot to the voting precinct, the election judges of that voting precinct shall give the registered
980 voter the kind of ballot that the voter is qualified to vote.

981 Section 18. Section **20A-3-105.5** is amended to read:

982 **20A-3-105.5. Manner of voting -- Provisional ballot.**

983 (1) The election judges shall follow the procedures and requirements of this section
984 when:

985 (a) the person's right to vote is challenged as provided in Section 20A-3-202; ~~[or]~~

986 (b) the person's name is not found on the official register~~[-]; or~~

987 (c) the election judge is not satisfied that the voter has provided valid voter
988 identification.

989 (2) When faced with one of the circumstances outlined in Subsection (1)(a) or (1)(b),
990 the election judge shall:

991 (a) request that the person provide ~~[proof of identity and proof of residence]~~ valid voter
992 identification; and

993 (b) review the ~~[proof of identity and proof of residence]~~ identification provided by the
994 person.

995 (3) If the election judge is satisfied that the person has ~~[established]~~ provided valid
996 voter identification that establishes the person's identity and residence in the voting precinct:

997 (a) the election judge in charge of the official register shall:

998 (i) record in the official register the type of ~~[source documents]~~ identification that
999 established the person's ~~[proof of]~~ identity and ~~[proof]~~ place of residence;

1000 (ii) write the provisional ballot envelope number opposite the name of the voter in the
1001 official register; and

1002 (iii) direct the voter to sign his name in the election column in the official register;

1003 (b) another judge shall list the ballot number and voter's name in the pollbook; and

1004 (c) the election judge having charge of the ballots shall:

1005 (i) endorse his initials on the stub;

1006 (ii) check the name of the voter on the pollbook list with the number of the stub;

1007 (iii) give the voter a ballot and a provisional ballot envelope; and

1008 (iv) allow the voter to enter the voting booth.

1009 (4) If the election judge is not satisfied that the voter has provided ~~[sufficient proof of]~~

1010 valid voter identification that establishes the person's identity and [proof of] residence in the
 1011 voting precinct:

1012 (a) the election judge in charge of the official register shall:

1013 (i) record in the official register that the voter did not provide [~~adequate proof of~~
 1014 ~~identity and proof of residence~~] valid voter identification;

1015 (ii) record in the official register the type of identification that was provided by the
 1016 voter, if any;

1017 [~~(ii)~~] (iii) write the provisional ballot envelope number opposite the name of the voter
 1018 in the official register; and

1019 [~~(iii)~~] (iv) direct the voter to sign his name in the election column in the official
 1020 register;

1021 (b) another judge shall list the ballot number and voter's name in the pollbook; and

1022 (c) the election judge having charge of the ballots shall:

1023 (i) endorse his initials on the stub;

1024 (ii) check the name of the voter on the pollbook list with the number of the stub;

1025 (iii) give the voter a ballot and a provisional ballot envelope; and

1026 (iv) allow the voter to enter the voting booth.

1027 (5) Whenever the election officer is required to furnish more than one kind of official
 1028 ballot to a voting precinct, the election judges of that voting precinct shall give the registered
 1029 voter the kind of ballot that the voter is qualified to vote.

1030 Section 19. Section **20A-3-304.1** is amended to read:

1031 **20A-3-304.1. Election officer to provide voting history information and status.**

1032 (1) As used in this section:

1033 [~~(b)~~] (a) "Qualified absentee ballot application" means an absentee ballot application
 1034 filed under Section 20A-3-304 from a voter who the election officer determines is eligible to
 1035 receive an absentee ballot.

1036 [~~(a)~~] (b) [~~"Absentee ballot~~] "Voting history record" means the information about the
 1037 existence and status of absentee ballot requests required by this section.

1038 (2) (a) Each election officer shall maintain ~~[an absentee ballot record in the election~~
1039 ~~officer's office.]~~, in the election officer's office, a voting history record of those voters that have
1040 cast a vote by:

1041 (i) absentee ballot; and

1042 (ii) early voting.

1043 (b) The ~~[absentee ballot]~~ voting history record is a public record under Title 63,
1044 Chapter 2, Government Records Access and Management Act.

1045 (3) The election officer shall ensure that the ~~[absentee ballot]~~ voting history record
1046 ~~[contains;]~~ for each voting precinct contains:

1047 (a) for absentee voting:

1048 ~~[(a)]~~ (i) the name and address of each person who has filed a qualified absentee ballot
1049 application;

1050 ~~[(b)]~~ (ii) the date that the application was received; and

1051 ~~[(c)]~~ (iii) the current status of each qualified absentee ballot application including
1052 specifically:

1053 ~~[(i)]~~ (A) the date that the absentee ballot was mailed to the voter; and

1054 ~~[(ii)]~~ (B) the date that the voted absentee ballot was received by the election officer[-];

1055 and

1056 (b) for early voting:

1057 (i) the name and address of each person who has voted during the early voting period;

1058 and

1059 (ii) the date the person's vote was cast.

1060 (4) (a) Notwithstanding the time limits for response to a request for records under
1061 Section 63-2-204 or the time limits for a request for records established in any ordinance, the
1062 election officer shall ensure that the information required by this section is recorded and made
1063 available to the public no later than one business day after its receipt in the election officer's
1064 office.

1065 (b) Notwithstanding the fee requirements of Section 63-2-203 or the fee requirements

1066 established in any ordinance, the election officer shall make copies of the [~~absentee ballot~~
1067 voting history record available to the public for the actual cost of production or copying.

1068 Section 20. Section **20A-3-305** is amended to read:

1069 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**
1070 **Affidavit.**

1071 (1) Upon timely receipt of an absentee voter application properly filled out and signed,
1072 or as soon after receipt of the application as the official absentee ballots for the voting precinct
1073 in which the applicant resides have been printed, the election officer shall either:

- 1074 (a) give the applicant an official absentee ballot and envelope to vote in the office; or
- 1075 (b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an
1076 envelope printed as required in Subsection (2).

1077 (2) The election officer shall ensure that:

- 1078 (a) the name, official title, and post office address of the election officer is printed on
1079 the front of the envelope; and

- 1080 (b) a printed affidavit in substantially the following form is printed on the back of the
1081 envelope:

1082 "County of _____ State of _____

1083 I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct
1084 in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election.
1085 I am not a convicted felon currently incarcerated for commission of a felony.

1086 _____
1087 Signature of Absentee Voter"

1088 (3) If the election officer determines that the absentee voter is required to show [~~proof~~
1089 ~~of identity or proof of residence~~] valid voter identification as indicated in the official register,
1090 the election officer shall:

- 1091 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;
- 1092 (b) instruct the voter to include a [~~valid form of proof of identity and proof of~~
1093 ~~residence~~] copy of the voter's valid voter identification with the return ballot;

1094 (c) provide the voter clear instructions on how to vote a provisional ballot; and

1095 (d) comply with the requirements of Subsection (2).

1096 Section 21. Section **20A-3-308** is amended to read:

1097 **20A-3-308. Absentee ballots in the custody of election judges -- Disposition.**

1098 (1) (a) Voting precinct election judges shall open envelopes containing absentee ballots
1099 that are in their custody on election day at the polling places during the time the polls are open
1100 as provided in this Subsection (1).

1101 (b) The election judges shall:

1102 (i) first, open the outer envelope only; and

1103 (ii) compare the signature of the voter on the application with the signature on the
1104 affidavit.

1105 (2) (a) The judges shall carefully open and remove the absentee voter envelope so as
1106 not to destroy the affidavit on the envelope if they find that:

1107 (i) the affidavit is sufficient;

1108 (ii) the signatures correspond; and

1109 (iii) the applicant is registered to vote in that voting precinct and has not voted in that
1110 election.

1111 (b) If, after opening the absentee voter envelope, the judge finds that a provisional
1112 ballot envelope is enclosed and the voter has included [~~proof of identity and proof of residence~~]
1113 identification, the election judge shall:

1114 (i) record in the official register that the voter included valid voter identification;

1115 [~~(i)~~] (ii) record the type of [proof of identity and proof of residence] identification
1116 provided by the voter in the appropriate space in the official register;

1117 [~~(ii)~~] (iii) record the provisional ballot envelope number on the official register; and

1118 [~~(iii)~~] (iv) place the provisional ballot envelope with the other provisional ballot
1119 envelopes to be transmitted to the county clerk.

1120 (c) If, after opening the absentee voter envelope, the judge finds that a provisional
1121 ballot envelope is enclosed, and that the voter has not included [~~proof of identity and proof of~~

1122 ~~residence]~~ valid voter identification, the election judge shall:

1123 (i) record in the official register that the voter did not include [~~proof of identity and~~
1124 ~~proof of residence]~~ valid voter identification;

1125 (ii) record the provisional ballot number in the official register; and

1126 (iii) place the provisional ballot envelope with the other provisional ballot envelopes to
1127 be transmitted to the county clerk.

1128 (d) If the absentee ballot is not a provisional ballot, the election judges shall:

1129 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to
1130 be opened or examined;

1131 (ii) initial the stub in the same manner as for other ballots;

1132 (iii) remove the stub from the ballot;

1133 (iv) deposit the ballot in the ballot box; and

1134 (v) mark the official register and pollbook to show that the voter has voted.

1135 (3) If the election judges determine that the affidavit is insufficient, or that the
1136 signatures do not correspond, or that the applicant is not a registered voter in the voting
1137 precinct, they shall:

1138 (a) disallow the vote; and

1139 (b) without opening the absentee voter envelope, mark across the face of the envelope:

1140 (i) "Rejected as defective"; or

1141 (ii) "Rejected as not a registered voter."

1142 (4) The election judges shall deposit the absentee voter envelope, when the absentee
1143 ballot is voted, and the absentee voter envelope with its contents unopened when the absent
1144 vote is rejected, in the ballot box containing the ballots.

1145 (5) The election officer shall retain and preserve the absentee voter envelopes in the
1146 manner provided by law for the retention and preservation of official ballots voted at that
1147 election.

1148 Section 22. Section **20A-3-401** is amended to read:

1149 **20A-3-401. Intent and purpose of part.**

1150 (1) Each election officer, election official, and judge shall liberally interpret and apply
1151 this part to:

1152 (a) make it possible for Utah voters living or serving abroad to vote in county, state,
1153 and national elections during their absence;

1154 (b) enable these voters to register more conveniently;

1155 (c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting
1156 Act; and

1157 (d) in accordance with Public Law 107-252, the Help America Vote Act of 2002,
1158 exempt overseas and military voters from the [~~proof of identity and proof of residence~~]
1159 identification requirements of Section 20A-3-308 [~~in accordance with Public Law 107-252, the~~
1160 ~~Help America Vote Act of 2002~~].

1161 (2) The state selective service, all military organizations, and citizens and officers of
1162 Utah or of the respective counties and municipalities of the state shall cooperate with the
1163 election and party officers in carrying out the intent and purpose of this part.

1164 (3) All state and county officers of Utah shall:

1165 (a) do all things and perform all acts necessary to put into effect the provisions of any
1166 Act of Congress or this state allowing uniformed and overseas citizen voters to vote; and

1167 (b) permit the use of any official ballot authorized by any Act of Congress and this part
1168 as a ballot supplementary to the official Utah election military ballot.

1169 (4) Each provision of this part prevails over any inconsistent provision of any other
1170 statute or any part of any statute.

1171 Section 23. Section **20A-3-404** is amended to read:

1172 **20A-3-404. Special military write-in absentee ballots.**

1173 (1) (a) Notwithstanding any other provisions of this chapter, a military voter may apply
1174 for a special write-in absentee ballot not later than [30] the date 20 days before the date of an
1175 election.

1176 (b) If the application deadline falls on a weekend or holiday, it shall be extended to the
1177 next regular business day.

- 1178 (2) To qualify for a special write-in absentee ballot, a military voter shall:
1179 (a) apply for a special write-in absentee ballot by submitting a federal postcard
1180 application form; and
1181 (b) state on the form or on a separate paper submitted with the form that he is unable to
1182 vote by regular absentee ballot or in person because of his military service.
1183 (3) Upon receipt of the application, the county clerk shall issue and mail a special
1184 military write-in ballot.

1185 Section 24. Section **20A-3-406** is amended to read:

1186 **20A-3-406. Absentee ballots for military personnel and citizens living overseas --**
1187 **Federal postcard applications for ballot.**

1188 (1) (a) Applications for absentee ballots for military voters that are located in the
1189 United States shall be filed in the county clerk's office no later than the Friday immediately
1190 before the day of election.

1191 (b) Military personnel voting an absentee ballot at the office of the clerk shall apply
1192 and cast their ballot no later than the day before the election.

1193 (2) (a) Military voters stationed overseas and overseas citizen voters shall file an
1194 application for a ballot with the county clerk no later than 20 days before the [~~day~~] date of the
1195 election.

1196 (b) Upon receipt of a properly completed written application for an absentee ballot
1197 signed by any military voter or overseas citizen voter, the county clerk shall mail an appropriate
1198 ballot to the military voter or overseas citizen voter.

1199 (c) The county clerk, at the time he furnishes the ballot, shall record, in a record book
1200 provided for that purpose, the name and home address of the military voter or overseas citizen
1201 voter to whom the ballot is mailed, the address mailed to, and the date of mailing the ballot.

1202 (d) If the military voter or overseas citizen voter sends his application to the lieutenant
1203 governor, the lieutenant governor shall forward the application to the county clerk of the county
1204 where the military voter or overseas citizen voter is entitled to vote.

1205 (e) If the county clerk rejects the application for an absentee ballot from a military or

1206 overseas citizen voter, the county clerk shall inform the voter of the reasons for rejecting the
1207 application.

1208 (3) Any military voter or overseas citizen voter who is physically disabled so as to be
1209 unable to see or write may apply for a ballot by having a commissioned, noncommissioned, or
1210 petty officer not below the rank of sergeant, or other person authorized to administer oaths to
1211 apply for a ballot on the voter's behalf.

1212 (4) (a) A federal postcard application issued under the authority of any Act of Congress
1213 or federal regulation is acceptable, when properly executed, as an application for a ballot under
1214 this chapter.

1215 (b) The county clerk shall accept the completed postcard application as an application
1216 for ballots for each election for federal office held in the next two even-numbered years and
1217 shall send the applicant a ballot for each of those elections, as required by Section 20A-3-407.

1218 (5) The county clerk shall retain the application for use at the time the ballot is received
1219 from the military voter or overseas citizen voter.

1220 Section 25. Section **20A-3-601** is enacted to read:

1221 **Part 6. Early Voting**

1222 **20A-3-601. Early voting.**

1223 (1) A person who is registered to vote may vote before the election date in accordance
1224 with this section.

1225 (2) (a) The early voting period shall begin on the date that is 14 days before the date of
1226 the election.

1227 (b) Early voting shall continue through:

1228 (i) the Friday before the election if the election date is a Tuesday; or

1229 (ii) the date that is two regular business days before the date of the election if the
1230 election date is a day other than Tuesday.

1231 (c) During the early voting period, the election officer:

1232 (i) shall conduct early voting on regular business days; and

1233 (ii) may elect to conduct early voting on Saturdays, Sundays, or holidays.

1234 (3) Except as specifically provided in this Part 6, Early Voting, early voting shall be
1235 administered according to the requirements of this title.

1236 Section 26. Section **20A-3-602** is enacted to read:

1237 **20A-3-602. Hours for early voting.**

1238 (1) The election officer shall determine the times for opening and closing the polls for
1239 each day of early voting provided that:

1240 (a) voting is open for a minimum of four hours during each early voting day; and

1241 (b) polls close at 5 p.m. on the last early voting day.

1242 (2) Every registered voter who arrives at the polls before the time scheduled for closing
1243 of the polls shall be allowed to vote.

1244 Section 27. Section **20A-3-603** is enacted to read:

1245 **20A-3-603. Early voting polling places.**

1246 (1) The election officer shall designate one or more polling places for early voting,
1247 provided that:

1248 (a) at least one polling place is open on each day of early voting;

1249 (b) each polling place meets the requirements for polling places under Chapter 5,

1250 Election Administration;

1251 (c) at least 10% of the voting devices at a polling place are accessible for individuals
1252 with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002;

1253 and

1254 (d) each polling place is located in a government building or office, unless no
1255 government building or office is available.

1256 (2) (a) In the event the election officer determines that the number of early voting
1257 polling places is insufficient due to the number of registered voters who are voting, the election
1258 officer may designate additional polling places during the early voting period.

1259 (b) If an additional early voting polling place is designated, the election officer shall, as
1260 soon as is reasonably possible, give notice of the dates, times, and location of the additional
1261 polling place by:

1262 (i) publishing the notice in one issue of a newspaper of general circulation in the
1263 county; and

1264 (ii) posting the notice at the additional polling place.

1265 Section 28. Section **20A-3-604** is enacted to read:

1266 **20A-3-604. Notice of time and place of early voting.**

1267 The election officer shall give notice of the dates, times, and locations of early voting
1268 by:

1269 (1) publishing the notice in one issue of a newspaper of general circulation in the
1270 county at least five calendar days before the date early voting begins; and

1271 (2) posting the notice at each early voting polling place at least five calendar days
1272 before the date early voting begins.

1273 Section 29. Section **20A-4-107** is amended to read:

1274 **20A-4-107. Review and disposition of provisional ballot envelopes.**

1275 (1) As used in this section, a voter is "legally entitled to vote" if:

1276 (a) the voter:

1277 (i) is registered to vote in the county;

1278 (ii) resides within the voting precinct where the voter seeks to vote; and

1279 (iii) provided [~~sufficient proof of identity and proof of residence~~] valid voter
1280 identification to the election judge as indicated by a notation in the official register;

1281 (b) the voter:

1282 (i) is registered to vote in the county; and

1283 (ii) did not vote in the voter's precinct of residence, but the ballot that the voter voted is
1284 identical to the ballot voted in the voter's precinct of residence; or

1285 (c) the voter:

1286 (i) is registered to vote in the county;

1287 (ii) the judge recorded in the official register that the voter either failed to provide

1288 [~~proof of identity and proof of residence or the proof of identity and proof of residence was~~]
1289 valid voter identification or the documents provided as valid voter identification were

1290 inadequate; and

1291 (iii) the county clerk verifies the voter's [~~proof of~~] identity and [~~proof of~~] residence
1292 through some other means.

1293 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
1294 the affirmation on the face of each provisional ballot envelope and determine if the person
1295 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter
1296 voted.

1297 (b) If the election officer determines that the person is not a registered voter or is not
1298 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
1299 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to
1300 produce or count it.

1301 (c) If the election officer determines that the person is a registered voter and is legally
1302 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from
1303 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
1304 those ballots at the canvass.

1305 (d) The election officer may not count, or allow to be counted a provisional ballot
1306 unless the voter's [~~proof of~~] identity and [~~proof of~~] residence is established by a preponderance
1307 of the evidence.

1308 (3) If the election officer determines that the person is a registered voter, the election
1309 officer shall ensure that the voter registration records are updated to reflect the information
1310 provided on the provisional ballot envelope.

1311 (4) If the election officer determines that the person is not a registered voter and the
1312 information on the provisional ballot envelope is complete, the election officer shall:

1313 (a) consider the provisional ballot envelope a voter registration form; and

1314 (b) register the voter.

1315 Section 30. Section **20A-5-401** is amended to read:

1316 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

1317 (1) (a) Before the registration days for each regular general, municipal general, regular

1318 primary, municipal primary, or Western States Presidential Primary election, each county clerk
1319 shall prepare an official register and posting list of voters for each voting precinct that will
1320 participate in the election.

1321 (b) The county clerk shall ensure that the official register and posting list are bound or
1322 loose leaf books prepared for the alphabetical entry of names and ruled in columns of suitable
1323 dimensions to provide for the following entries:

- 1324 (i) registered voter's name;
- 1325 (ii) party affiliation;
- 1326 (iii) grounds for challenge;
- 1327 (iv) name of person challenging a voter;
- 1328 (v) ballot numbers, primary, November, special;
- 1329 (vi) date of birth;
- 1330 (vii) place of birth;
- 1331 (viii) place of current residence;
- 1332 (ix) street address;
- 1333 (x) zip code; [~~and~~]
- 1334 (xi) identification and provisional ballot information as required under Subsection
1335 (1)(d); and
- 1336 [~~(xi)~~] (xii) space for the voter to sign his name for each election.

1337 (c) When preparing the official register and posting list for the Western States
1338 Presidential Primary, the county clerk shall include:

- 1339 (i) a column to record the name of the political party whose ballot the voter voted; and
- 1340 (ii) a column for the election judge to record changes in the voter's party affiliation.

1341 (d) When preparing the official register and posting list for any regular general
1342 election, municipal general election, statewide special election, local special election, regular
1343 primary election, municipal primary election, special district election, or election for federal
1344 office, the county clerk shall include:

- 1345 (i) a column that indicates if the voter is required to show identification before voting;

1346 (ii) a column for the election judge to record the type of identification provided by the
 1347 voter;

1348 ~~[(ii)]~~ (iii) a column for the election judge to record the provisional envelope ballot
 1349 number for voters who receive a provisional ballot; and

1350 ~~[(iii)]~~ (iv) a space for the election judge to record the type of [~~proof of identity and the~~
 1351 ~~type of proof of residence]~~ identification that was provided by voters who receive a provisional
 1352 ballot.

1353 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
 1354 elections, special district elections, and bond elections, the county clerk shall make an official
 1355 register and posting list only for voting precincts affected by the primary, municipal, special
 1356 district, or bond election.

1357 (ii) If a polling place to be used in a bond election serves both voters residing in the
 1358 local political subdivision calling the bond election and voters residing outside of that local
 1359 political subdivision, the official register shall designate whether each voter resides in or
 1360 outside of the local political subdivision.

1361 (iii) Each county clerk, with the assistance of the clerk of each affected special district,
 1362 shall provide a detailed map or an indication on the registration list or other means to enable an
 1363 election judge to determine the voters entitled to vote at an election of special district officers.

1364 (b) Municipalities shall pay the costs of making the official register and posting list for
 1365 municipal elections.

1366 Section 31. Section **20A-5-605** is amended to read:

1367 **20A-5-605. Duties of election judges on days when polls are open for voting.**

1368 (1) (a) Receiving judges shall arrive at the polling place 30 minutes before the polls
 1369 open and remain until the official election returns are prepared for delivery.

1370 (b) Counting judges shall be at the polls as directed by the election officer and remain
 1371 until the official election returns are prepared for delivery.

1372 (2) Upon their arrival to open the polls, each set of election judges shall:

1373 (a) designate which judge shall preside and which judges shall act as clerks;

- 1374 (b) in voting precincts using paper ballots, select one of their number to deliver the
1375 election returns to the election officer or to the place that the election officer designates;
- 1376 (c) in voting precincts using ballot cards, select two of their number, each from a
1377 different party, to deliver the election returns to the election officer or to the place that the
1378 election officer designates;
- 1379 (d) display the United States flag;
- 1380 (e) open the voting devices and examine them to see that they are in proper working
1381 order;
- 1382 (f) place the voting devices, voting booths, and the ballot box in plain view of election
1383 judges and watchers;
- 1384 (g) open the ballot packages in the presence of all the judges;
- 1385 (h) check the ballots, supplies, records, and forms;
- 1386 (i) if directed to do so by the election officer, make any necessary corrections to the
1387 official ballots before they are distributed at the polls;
- 1388 (j) post the sample ballots, instructions to voters, and constitutional amendments, if
1389 any;
- 1390 (k) hang the posting list near the polling place entrance; and
- 1391 (l) open the ballot box in the presence of those assembled, turn it upside down to empty
1392 it of anything, and then, immediately before polls open, lock it, or if locks and keys are not
1393 available, tape it securely.
- 1394 (3) (a) If any election judge fails to appear on the morning of the election, or fails or
1395 refuses to act, at least six qualified electors from the voting precinct who are present at the
1396 polling place at the hour designated by law for the opening of the polls shall fill the vacancy by
1397 appointing another qualified person from the voting precinct who is a member of the same
1398 political party as the judge who is being replaced to act as election judge.
- 1399 (b) If a majority of the receiving election judges are present, they shall open the polls,
1400 even though the alternate judge has not arrived.
- 1401 (4) (a) If it is impossible or inconvenient to hold an election at the polling place

1402 designated, the election judges, after having assembled at or as near as practicable to the
1403 designated place, and before receiving any vote, may move to the nearest convenient place for
1404 holding the election.

1405 (b) If the judges move to a new polling place, they shall display a proclamation of the
1406 change and station a peace officer or some other proper person at the original polling place to
1407 notify voters of the location of the new polling place.

1408 (5) If the election judge who received delivery of the ballots produces packages of
1409 substitute ballots accompanied by a written and sworn statement of the election officer that the
1410 ballots are substitute ballots because the original ballots were not received, were destroyed, or
1411 were stolen, the election judges shall use those substitute ballots as the official election ballots.

1412 (6) If, for any reason, none of the official or substitute ballots are ready for distribution
1413 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the
1414 election judges may use unofficial ballots, made as nearly as possible in the form of the official
1415 ballot, until substitutes prepared by the election officer are printed and delivered.

1416 (7) When it is time to open the polls, one of the election judges shall announce that the
1417 polls are open as required by Section 20A-1-302, or in the case of early voting, Section
1418 20A-3-602.

1419 (8) (a) The election judges shall comply with the voting procedures and requirements
1420 of Title 20A, Chapter 3, Voting, in allowing people to vote.

1421 (b) The election judges may not allow any person, other than election officials and
1422 those admitted to vote, within six feet of voting machines, voting booths, and the ballot box.

1423 (c) Besides the election judges and watchers, the election judges may not allow more
1424 than four voters in excess of the number of voting booths provided within six feet of voting
1425 machines, voting booths, and the ballot box.

1426 (d) If necessary, the election judges shall instruct each voter about how to operate the
1427 voting device before the voter enters the voting booth.

1428 (e) (i) If the voter requests additional instructions after entering the voting booth, two
1429 election judges may, if necessary, enter the booth and give the voter additional instructions.

1430 (ii) In regular general elections and regular primary elections, the two election judges
1431 who enter the voting booth to assist the voter shall be of different political parties.

1432 Section 32. Section **20A-9-601** is amended to read:

1433 **20A-9-601. Qualifying as a write-in candidate.**

1434 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
1435 of candidacy with the appropriate filing officer not later than [~~14~~] 30 days before the regular
1436 general election or municipal general election in which the person intends to be a write-in
1437 candidate.

1438 (b) If the filing deadline falls on a weekend or holiday, it shall be extended to the next
1439 regular business day.

1440 [~~(b)~~] (c) (i) The filing officer shall:

1441 (A) read to the candidate the constitutional and statutory requirements for the office;
1442 and

1443 (B) ask the candidate whether or not the candidate meets the requirements.

1444 (ii) If the candidate cannot meet the requirements of office, the filing officer may not
1445 accept the write-in candidate's declaration of candidacy.

1446 (2) A write-in candidate in towns need not prequalify with the filing officer.

1447 (3) By November 1 of each regular general election year, the lieutenant governor shall
1448 certify to each county clerk the names of all write-in candidates who filed their declaration of
1449 candidacy with the lieutenant governor.

1450 Section 33. Section **20A-9-808** is amended to read:

1451 **20A-9-808. Voting.**

1452 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary
1453 shall give his name, the name of the registered political party whose ballot the voter wishes to
1454 vote, and, if requested, his residence, to one of the election judges.

1455 (b) [~~If an~~] The voter shall present valid voter identification to one of the election judges
1456 if the voter is:

1457 (i) required to present valid voter identification as indicated by a notation in the official

- 1458 register;
- 1459 (ii) voting in person by absentee ballot; or
- 1460 (iii) voting during the early voting period prior to the date of the election.
- 1461 (c) If a voter is not required to present valid voter identification under Subsection
- 1462 (1)(b), and the election judge does not know the [person] voter requesting a ballot and has
- 1463 reason to doubt that [person's] voter's identity, the judge shall:
- 1464 (i) request that the voter present valid voter identification; or
- 1465 (ii) have the voter identified by a known registered voter of the district.
- 1466 ~~[(c) If the person's right to vote is challenged as provided in Section 20A-3-202, the]~~
- 1467 (d) The election judge shall follow the procedures and requirements of Section
- 1468 20A-3-105.5[?] if:
- 1469 (i) the voter's right to vote is challenged under Section 20A-3-202; or
- 1470 (ii) the election judge is not satisfied that the voter has been properly identified.
- 1471 (2) (a) (i) When the voter is properly identified, the election judge in charge of the
- 1472 official register shall check the official register to determine:
- 1473 (A) whether or not the [person] voter is registered to vote; and
- 1474 (B) whether or not the [person's] voter's party affiliation designation in the official
- 1475 register allows the voter to vote the ballot that the voter requested.
- 1476 (ii) If the official register does not affirmatively identify the voter as being affiliated
- 1477 with a registered political party or if the official register identifies the voter as being
- 1478 "unaffiliated," the voter shall be considered to be "unaffiliated."
- 1479 (b) If the voter's name is not found on the official register, the election judge shall
- 1480 follow the procedures and requirements of Section 20A-3-105.5.
- 1481 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
- 1482 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
- 1483 requested, the election judge shall inform the voter of that fact and inform the voter of the
- 1484 ballot or ballots that the voter's party affiliation does allow the voter to vote.
- 1485 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official

1486 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
1487 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
1488 ballot that the voter requests, the election judge shall ask the voter if the voter wishes to
1489 affiliate with the registered political party whose ballot the voter requested, vote another
1490 registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain
1491 "unaffiliated."

1492 (B) If the voter wishes to affiliate with the registered political party whose ballot the
1493 voter requested, the election judge shall enter in the official register the voter's new party
1494 affiliation and proceed as required by Subsection (3).

1495 (C) If the voter wishes to vote another registered political party ballot that the
1496 unaffiliated voter is authorized to vote, the election judge shall proceed as required by
1497 Subsection (3).

1498 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
1499 that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the
1500 voter may not vote.

1501 (3) If the election judge determines that the voter is registered and eligible, under
1502 Subsection (2), to vote the ballot that the voter requested:

1503 (a) the election judge in charge of the official register shall:

1504 (i) write the ballot number and the name of the registered political party whose ballot
1505 the voter voted opposite the name of the voter in the official register; and

1506 (ii) direct the voter to sign his name in the election column in the official register;

1507 (b) another judge shall list the ballot number and voter's name in the pollbook; and

1508 (c) the election judge having charge of the ballots shall:

1509 (i) endorse his initials on the stub;

1510 (ii) check the name of the voter on the pollbook list with the number of the stub;

1511 (iii) hand the voter the ballot for the registered political party that the voter requested
1512 and for which the voter is authorized to vote; and

1513 (iv) allow the voter to enter the voting booth.

1514 (4) Whenever the election officer is required to furnish more than one kind of official
1515 ballot to the voting precinct, the election judges of that voting precinct shall give the registered
1516 voter the kind of ballot that the voter is qualified to vote.

1517 Section 34. **Coordinating H.B. 15 with H.B. 348 -- Substantive and technical**
1518 **changes.**

1519 If this H.B. 15 and H.B. 348, Election Code - Electronic Voting Procedures and
1520 Requirements, both pass, it is the intent of the Legislature that the Office of Legislative
1521 Research and General Counsel, in preparing the Utah Code database for publication:

1522 (1) change the language in Subsection 20A-3-104(1)(b) from "election judges" to "poll
1523 workers";

1524 (2) modify Subsection 20A-3-104.5(1) to read as follows:

1525 "(1) (a) Any registered voter desiring to vote at the regular primary election shall give
1526 his name, the name of the registered political party whose ballot the voter wishes to vote, and,
1527 if requested, his residence, to one of the [~~election judges~~] poll workers.

1528 (b) [~~If an election judge~~] The voter shall present valid voter identification to one of the
1529 poll workers if the voter is:

1530 (i) required to present valid voter identification as indicated by a notation in the official
1531 register;

1532 (ii) voting in person by absentee ballot; or

1533 (iii) voting during the early voting period.

1534 (c) If a voter is not required to present valid voter identification under Subsection
1535 (1)(b), and the poll worker does not know the [person] voter requesting a ballot and has reason
1536 to doubt that [person's] voter's identity, the [judge] poll worker shall:

1537 (i) request that the voter present valid voter identification; or

1538 (ii) have the voter identified by a known registered voter of the district.

1539 [~~(c) If the voter is challenged as provided in Section 20A-3-202, the judge shall~~
1540 ~~provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are~~
1541 ~~false.~~]

1542 (d) The poll worker shall follow the procedures and requirements of Section
1543 20A-3-105.5 if:
1544 (i) the poll worker is not satisfied that the voter has been properly identified; or
1545 (ii) the voter's right to vote is challenged under Section 20A-3-202."
1546 (3) change the language in Subsection 20A-5-401(1)(d)(ii) to read as follows:
1547 "(ii) an entry field for the poll worker to record the type of identification provided by
1548 the voter;"; and
1549 (4) modify Subsection 20A-9-808(1) to read as follows:
1550 "(1) (a) Any registered voter desiring to vote at the Western States Presidential Primary
1551 shall give his name, the name of the registered political party whose ballot the voter wishes to
1552 vote, and, if requested, his residence, to one of the [~~election judges~~] poll workers.
1553 (b) [~~If an election judge~~] The voter shall present valid voter identification to one of the
1554 poll workers if the voter is:
1555 (i) required to present valid voter identification as indicated by a notation in the official
1556 register;
1557 (ii) voting in person by absentee ballot; or
1558 (iii) voting during the early voting period prior to the date of the election.
1559 (c) If a voter is not required to present valid voter identification under Subsection
1560 (1)(b), and the poll worker does not know the [~~person~~] voter requesting a ballot and has reason
1561 to doubt that [~~person's~~] voter's identity, the [~~judge~~] poll worker shall:
1562 (i) request that the voter present valid voter identification; or
1563 (ii) have the voter identified by a known registered voter of the district.
1564 ~~[(c) If the person's right to vote is challenged as provided in Section 20A-3-202, the~~
1565 ~~judge]~~
1566 (d) The poll worker shall follow the procedures and requirements of Section
1567 20A-3-105.5[;] if:
1568 (i) the voter's right to vote is challenged under Section 20A-3-202; or
1569 (ii) the poll worker is not satisfied that the voter has been properly identified."

1570 Section 35. **Coordinating H.B. 15 with S.B. 10 -- Substantive and technical**
1571 **changes.**

1572 If this H.B. 15 and S.B. 10, Provisional Ballot Amendments, both pass, it is the intent
1573 of the Legislature that the Office of Legislative Research and General Counsel, in preparing the
1574 Utah Code database for publication:

1575 (1) modify Subsection 20A-3-104.5(1) to read as follows:

1576 "(1) (a) Any registered voter desiring to vote at the regular primary election shall give
1577 his name, the name of the registered political party whose ballot the voter wishes to vote, and,
1578 if requested, his residence, to one of the [~~election judges~~] poll workers.

1579 (b) [~~If an election judge~~] The voter shall present valid voter identification to one of the
1580 poll workers if the voter is:

1581 (i) required to present valid voter identification as indicated by a notation in the official
1582 register;

1583 (ii) voting in person by absentee ballot; or

1584 (iii) voting during the early voting period.

1585 (c) If a voter is not required to present valid voter identification under Subsection
1586 (1)(b), and the poll worker does not know the [person] voter requesting a ballot and has reason
1587 to doubt that [person's] voter's identity, the [judge] poll worker shall:

1588 (i) request that the voter present valid voter identification; or

1589 (ii) have the voter identified by a known registered voter of the district.

1590 [~~(c) If the voter is challenged as provided in Section 20A-3-202, the judge shall~~
1591 ~~provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are~~
1592 ~~false.]~~

1593 (d) The poll worker shall follow the procedures and requirements of Section
1594 20A-3-105.5 if:

1595 (i) the poll worker is not satisfied that the voter has been properly identified; or

1596 (ii) the voter's right to vote is challenged under Section 20A-3-202."; and

1597 (2) modify Subsection 20A-3-105.5(1)(c) to read as follows:

1598 "(c) the poll worker is not satisfied that the voter has provided valid voter
1599 identification."