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**ELECTION DAY VOTER REGISTRATION**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Neil A. Hansen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Election Code to permit voters to register to vote on the date of the election.

**Highlighted Provisions:**

This bill:

- ▶ allows individuals to register to vote at their voting precinct's polling place on the date of the election;
- ▶ provides definitions;
- ▶ allows voters to change their party affiliation at their voting precinct's polling place on the date of the election, with certain exceptions for primary elections;
- ▶ requires county clerks to provide election day registration information to any individual that seeks to register in person at the county clerk's office after the voter registration deadline has passed;
- ▶ requires county clerks to provide registration information to individuals that submit an untimely or incomplete voter registration form by mail, with a driver license form, or through a voter registration agency, and requires the clerk to notify the individual that the individual was not registered; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-2-107**, as last amended by Laws of Utah 2006, Chapter 264

33 **20A-2-201**, as last amended by Laws of Utah 2007, Chapter 285

34 **20A-2-202**, as last amended by Laws of Utah 2006, Chapters 264 and 326

35 **20A-2-204**, as last amended by Laws of Utah 2006, Chapters 264 and 326

36 **20A-2-205**, as last amended by Laws of Utah 2006, Chapters 264 and 326

37 **20A-2-304**, as last amended by Laws of Utah 2006, Chapter 264

38 **20A-3-104**, as last amended by Laws of Utah 2006, Chapters 264 and 326

39 **20A-3-104.5**, as last amended by Laws of Utah 2006, Chapters 15, 264, and 326

40 **20A-9-808**, as last amended by Laws of Utah 2006, Chapters 264 and 326

41 ENACTS:

42 **20A-2-201.5**, Utah Code Annotated 1953



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

45 Section 1. Section **20A-2-107** is amended to read:

46 **20A-2-107. Designating or changing party affiliation.**

47 (1) The county clerk shall:

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

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

52 (2) ~~[(a) Any]~~ Subject to the provisions of Subsection (3), any registered voter may  
53 designate or change the voter's political party affiliation by ~~[complying with the procedures and~~  
54 ~~requirements of this Subsection (2). (b) Except for the period beginning on the day after the~~  
55 ~~voter registration deadline and continuing through the date of the regular primary election, any~~  
56 ~~registered voter may designate or change the voter's political party affiliation by]~~ filing a signed  
57 form with the county clerk that identifies the registered political party with which the voter  
58 chooses to affiliate~~[-]~~ with the:

59 (a) county clerk; or

60 (b) poll worker at the polling place for the voter's voting precinct on the date of the  
61 election, as defined under Section 20A-2-201.5.

62 (3) A registered voter may designate, but may not change, the voter's political party  
63 affiliation during the period that commences 20 days before a regular primary election and  
64 continues through the date of the regular primary election.

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

66 **20A-2-201. Registering to vote at office of county clerk.**

67 (1) Except as provided in Subsection (3), the county clerk shall register to vote all  
68 persons who present themselves for registration at the county clerk's office during designated  
69 office hours if those persons, on voting day, will be legally qualified [~~and entitled~~] to vote in a  
70 voting precinct in the county.

71 (2) If a registration form is submitted in person at the office of the county clerk during  
72 the period beginning on the date after the voter registration deadline and ending on the date that  
73 is 15 calendar days before the date of the election, the county clerk shall:

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

77 (b) inform them that:

78 (i) they will be registered to vote in the pending election; and

79 (ii) for the pending election, they must vote on the day of the election and will not be  
80 eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they  
81 registered too late.

82 (3) [~~Except as provided in Subsection (3), if~~] If a registration form is submitted to the  
83 county clerk on the date of the election or during the 14 calendar days before an election, the  
84 county clerk shall:

85 (a) [~~accept registration forms from~~] notify all persons who present themselves for  
86 registration at the clerk's office during designated office hours [~~if those persons, on voting day,~~  
87 ~~will be legally qualified and entitled to vote in a voting precinct in the county~~] that if they wish  
88 to register for the pending election, they will be required to register to vote at their assigned  
89 voting precinct on election day; and

90 (b) inform them that if they would like to register on the current date, they will be  
91 registered to vote in later elections, but may not vote in the pending election [~~because they~~  
92 ~~registered too late~~].

93 Section 3. Section **20A-2-201.5** is enacted to read:

94 **20A-2-201.5. Registration on election day.**

95 (1) As used in this section:

96 (a) "Date of the election" means that date that is scheduled for the conducting of:

97 (i) an election, as defined under Section 20A-1-102;

98 (ii) a bond election; or

99 (iii) the Western States Presidential Primary.

100 (b) "Date of the election" does not mean the early voting period provided according to  
101 the requirements of Section 20A-3-601.

102 (2) The poll workers for each voting precinct shall register to vote all persons who  
103 present themselves for registration during the hours that the polls are open on the date of the  
104 election if:

105 (a) the person is legally qualified to vote as of the date of the election;

106 (b) the person appears, in person and during the hours that the polls are open, at the  
107 polling place for the voting precinct in which the person has the person's principal place of  
108 residence; and

109 (c) the person completes a voter registration form according to the procedures and  
110 requirements of Section 20A-2-104.

111 Section 4. Section **20A-2-202** is amended to read:

112 **20A-2-202. Registration by mail.**

113 (1) (a) A citizen who will be qualified to vote at the next election may register by mail.

114 (b) To register by mail, a citizen shall complete and sign the by-mail registration form  
115 and mail or deliver it to the county clerk of the county in which the citizen resides.

116 (c) (i) In order to register to vote in a particular election, the citizen shall:

117 (A) address the by-mail voter registration form to the county clerk; and

118 (B) ensure that it is postmarked on or before the voter registration deadline.

119 (ii) If the voter is registering for the first time in the county, the citizen shall either:

120 (A) submit a copy of the voter's valid voter identification with the by-mail voter

121 registration form; or

122 (B) submit valid voter identification to the poll worker at the time the citizen votes.

123 (d) The citizen has effectively registered to vote under this section only when the  
124 county clerk's office has received a correctly completed by-mail voter registration form.

125 (2) Upon receipt of a correctly completed by-mail voter registration form, the county  
126 clerk shall:

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

129 (b) mail confirmation of registration to the newly registered voter after entering the  
130 applicant's voting precinct number on that copy.

131 (3) (a) If the county clerk receives a correctly completed by-mail voter registration  
132 form that is postmarked after the voter registration deadline~~[-the county clerk shall: (i) register~~  
133 ~~the applicant after the next election; and (ii) if possible, promptly phone or mail a notice to the~~  
134 ~~applicant before the election, informing the applicant that his registration will not be effective~~  
135 ~~until after the election.] or that is postmarked before the registration deadline, but is not~~  
136 received at least seven days before the election, the county clerk shall promptly mail a notice to  
137 the applicant and, if possible, promptly attempt to phone the applicant to provide the applicant  
138 with:

139 (i) notice that the registration form was either not timely mailed or not timely received;

140 (ii) notice that the person may register to vote on the day of the election by appearing,  
141 in person and during the hours that the polls are open, at the polling place for the voting  
142 precinct in which the person has the person's principal place of residence;

143 (iii) the number of the person's local voting precinct and the voting location for that  
144 precinct; and

145 (iv) notice that the person will be required to meet the requirements of Section  
146 20A-2-201.5 in order to register to vote on election day.

147 (b) When the county clerk receives a correctly completed by-mail voter registration  
148 form at least seven days before an election that is postmarked on or before the date of the voter  
149 registration deadline, the county clerk shall:

150 (i) process the by-mail voter registration form; and

151 (ii) record the new voter in the official register.

152 (4) If the county clerk determines that a registration form received by mail or otherwise  
153 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to  
154 the person attempting to register~~[-, informing him that he]~~ to provide the person with:

155 (a) notice that the person has not been registered because of an error or because the  
156 form is incomplete[-];

157 (b) notice that the person may register to vote:

158 (i) on the day of the election by appearing, in person and during the hours that the polls  
159 are open, at the polling place for the voting precinct in which the person has the person's  
160 principal place of residence; or

161 (ii) if the associated deadlines have not passed, by mail, at a voter registration agency,  
162 or at the office of the county clerk;

163 (c) the number of the person's local voting precinct and the voting location for that  
164 precinct, if the voting precinct may be determined from the information provided on the  
165 registration form; and

166 (d) notice that the person will be required to meet the requirements of Section  
167 20A-2-201.5 in order to register to vote.

168 Section 5. Section **20A-2-204** is amended to read:

169 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

175 (3) The Driver License Division shall:

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

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

179 (c) transmit a copy of each voter registration form to the appropriate election official  
180 within five days after it is received by the division;

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

182 and

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

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

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

190 (b) notify the applicant of registration.

191 (5) (a) If the county clerk receives a correctly completed voter registration form from  
192 the Driver License Division that is dated after the voter registration deadline~~[- the county clerk~~  
193 ~~shall: (i) register the applicant after the next election; and (ii) if possible, promptly phone or~~  
194 ~~mail a notice to the applicant before the election, informing the applicant that his registration~~  
195 ~~will not be effective until after the election.]~~ or that is received during the six calendar days  
196 before an election, the county clerk shall promptly mail a notice to the applicant and, if  
197 possible, promptly attempt to phone the applicant to provide the applicant with:

198 (i) notice that the registration form was either not timely mailed or not timely received;

199 (ii) notice that the person may register to vote on the day of the election by appearing,  
200 in person and during the hours that the polls are open, at the polling place for the voting  
201 precinct in which the person has the person's principal place of residence;

202 (iii) the number of the person's local voting precinct and the voting location for that  
203 precinct; and

204 (iv) notice that the person will be required to meet the requirements of Section  
205 20A-2-201.5 in order to register to vote on election day.

206 (b) When the county clerk receives a correctly completed voter registration form at  
207 least seven days before an election that is dated on or before the voter registration deadline, the  
208 county clerk shall:

209 (i) process the voter registration form; and

210 (ii) record the new voter in the official register.

211 (6) If the county clerk determines that a voter registration form received from the  
212 Driver License Division is incorrect because of an error or because it is incomplete, the county  
213 clerk shall mail notice to the person attempting to register~~[- informing him]~~ to provide the

214 person with:

215 (a) notice that [he] the person has not been registered because of an error or because  
216 the form is incomplete[-];

217 (b) notice that the person may register to vote:

218 (i) on the day of the election by appearing, in person and during the hours that the polls  
219 are open, at the polling place for the voting precinct in which the person has the person's  
220 principal place of residence; or

221 (ii) if the associated deadlines have not passed, by mail, at a voter registration agency,  
222 or at the office of the county clerk;

223 (c) the number of the person's local voting precinct and the voting location for that  
224 precinct, if the voting precinct may be determined from the information provided on the  
225 registration form; and

226 (d) notice that the person will be required to meet the requirements of Section  
227 20A-2-201.5 in order to register to vote.

228 Section 6. Section **20A-2-205** is amended to read:

229 **20A-2-205. Registration at voter registration agencies.**

230 (1) As used in this section:

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

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

235 (i) public assistance; or

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

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

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

243 "REGISTERING TO VOTE

244 If you are not registered to vote where you live now, would you like to apply to register

245 to vote here today? (Applying to register to vote or declining to register to vote will not affect  
246 the amount of assistance that you will be provided by this agency.) Yes \_\_\_ No \_\_\_ IF YOU  
247 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED  
248 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the  
249 voter registration application form, we will help you. The decision about whether or not to  
250 seek or accept help is yours. You may fill out the application form in private. If you believe  
251 that someone has interfered with your right to register or to decline to register to vote, your  
252 right to privacy in deciding whether or not to register, or in applying to register to vote, or your  
253 right to choose your own political party or other political preference, you may file a complaint  
254 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah  
255 84114. (801) 538-1040."

256 (4) Unless a person applying for service or assistance from a public assistance agency  
257 or discretionary voter registration agency declines, in writing, to register to vote, each public  
258 assistance agency and discretionary voter registration agency shall:

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

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

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

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

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

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

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

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

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

275 (6) Upon receipt of a correctly completed voter registration form, the county clerk

276 shall:

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

279 (b) notify the applicant of registration.

280 (7) (a) If the county clerk receives a correctly completed voter registration form from a  
281 public assistance agency or discretionary voter registration agency that is dated after the voter  
282 registration deadline~~], the county clerk shall: (i) register the applicant after the next election;~~  
283 ~~and (ii) if possible, promptly phone or mail a notice to the applicant before the election;~~  
284 ~~informing the applicant that his registration will not be effective until after the election.]~~ or that  
285 is received during the six calendar days before an election, the county clerk shall promptly mail  
286 a notice to the applicant and, if possible, promptly attempt to phone the applicant to provide the  
287 applicant with:

288 (i) notice that the registration form was either not timely mailed or not timely received;

289 (ii) notice that the person may register to vote on the day of the election by appearing,  
290 in person and during the hours that the polls are open, at the polling place for the voting  
291 precinct in which the person has the person's principal place of residence;

292 (iii) the number of the person's local voting precinct and the voting location for that  
293 precinct; and

294 (iv) notice that the person will be required to meet the requirements of Section  
295 20A-2-201.5 in order to register to vote on election day.

296 (b) When the county clerk receives a correctly completed voter registration form at  
297 least seven days before an election that is dated on or before the voter registration deadline, the  
298 county clerk shall:

299 (i) process the voter registration form; and

300 (ii) record the new voter in the official register.

301 (8) If the county clerk determines that a voter registration form received from a public  
302 assistance agency or discretionary voter registration agency is incorrect because of an error or  
303 because it is incomplete, the county clerk shall mail notice to the person attempting to register~~;~~  
304 ~~informing him]~~ to provide the person with:

305 (a) notice that [he] the person has not been registered because of an error or because  
306 the form is incomplete~~[-];~~

307 (b) notice that the person may register to vote:

308 (i) on the day of the election by appearing, in person and during the hours that the polls  
309 are open, at the polling place for the voting precinct in which the person has the person's  
310 principal place of residence; or

311 (ii) if the associated deadlines have not passed, by mail, at a voter registration agency,  
312 or at the office of the county clerk;

313 (c) the number of the person's local voting precinct and the voting location for that  
314 precinct, if the voting precinct may be determined from the information provided on the  
315 registration form; and

316 (d) notice that the person will be required to meet the requirements of Section  
317 20A-2-201.5 in order to register to vote.

318 Section 7. Section **20A-2-304** is amended to read:

319 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

320 Each county clerk shall:

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

323 (a) submits a completed voter registration form to the county clerk on or before the  
324 voter registration deadline;

325 (b) submits a completed voter registration form to the Driver License Division, a  
326 public assistance agency, or a discretionary voter registration agency on or before the voter  
327 registration deadline; [~~or~~]

328 (c) mails a completed by-mail voter registration form to the county clerk on or before  
329 the voter registration deadline; [~~and~~] or

330 (d) submits a completed voter registration form to a poll worker on election day  
331 according to the requirements of Section 20A-2-201.5; and

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

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

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

337 (c) the application for voter registration is being returned to the voter for further action

338 because the application is incomplete and giving instructions to the voter about how to properly  
339 complete the application.

340 Section 8. Section **20A-3-104** is amended to read:

341 **20A-3-104. Manner of voting.**

342 (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his  
343 residence, to one of the poll workers.

344 (b) The voter shall present valid voter identification to one of the poll workers if the  
345 voter is:

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

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

349 (iii) voting during the early voting period.

350 (c) If a voter is not required to present valid voter identification under Subsection  
351 (1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt  
352 that voter's identity, the poll worker shall:

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

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

355 (d) If the poll worker is satisfied that the voter has been properly identified, the poll  
356 worker shall:

357 (i) record the type of identification provided by the voter in the appropriate space in the  
358 official register; and

359 (ii) follow the procedures of Subsection (2).

360 (e) If the poll worker is not satisfied that the voter has been properly identified, the poll  
361 worker shall:

362 (i) indicate on the official register that the voter was not properly identified;

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

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

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

367 (2) (a) The poll worker in charge of the official register shall check the official register  
368 to determine whether or not the voter is registered to vote.

369 (b) If the voter's name is not found on the official register and the voter has not  
370 registered to vote on election day, the poll worker shall follow the procedures and  
371 requirements of Section 20A-3-105.5.

372 (3) If the poll worker determines that the voter is registered and:

373 (a) if the ballot is a paper ballot or a ballot sheet:

374 (i) the poll worker in charge of the official register shall:

375 (A) write the ballot number opposite the name of the voter in the official register; and

376 (B) direct the voter to sign his name in the election column in the official register;

377 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;

378 and

379 (iii) the poll worker having charge of the ballots shall:

380 (A) endorse his initials on the stub;

381 (B) check the name of the voter on the pollbook list with the number of the stub;

382 (C) hand the voter a ballot; and

383 (D) allow the voter to enter the voting booth; or

384 (b) if the ballot is an electronic ballot:

385 (i) the poll worker in charge of the official register shall direct the voter to sign the  
386 voter's name in the official register;

387 (ii) another poll worker shall list the voter's name in the pollbook; and

388 (iii) the poll worker having charge of the ballots shall:

389 (A) provide the voter access to the electronic ballot; and

390 (B) allow the voter to vote the electronic ballot.

391 (4) Whenever the election officer is required to furnish more than one kind of official  
392 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered  
393 voter the kind of ballot that the voter is qualified to vote.

394 Section 9. Section **20A-3-104.5** is amended to read:

395 **20A-3-104.5. Voting -- Regular primary election.**

396 (1) (a) Any registered voter desiring to vote at the regular primary election shall give  
397 his name, the name of the registered political party whose ballot the voter wishes to vote, and,  
398 if requested, his residence, to one of the poll workers.

399 (b) The voter shall present valid voter identification to one of the poll workers if the

400 voter is:

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

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

404 (iii) voting during the early voting period.

405 (c) If a voter is not required to present valid voter identification under Subsection  
406 (1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt  
407 that voter's identity, the poll worker shall:

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

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

410 (d) The poll worker shall follow the procedures and requirements of Section  
411 20A-3-105.5 if:

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

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

414 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official  
415 register shall [~~check the official register to~~] determine:

416 (A) whether or not the voter is registered to vote by checking the official register or  
417 confirming that the person has registered to vote on election day; and

418 (B) whether or not the voter's party affiliation designation [~~in the official register~~]  
419 allows the voter to vote the ballot that the voter requested[:] by checking:

420 (I) the official register; or

421 (II) if the voter has registered on election day, the voter's registration form.

422 (ii) If the official register or registration form does not affirmatively identify the voter  
423 as being affiliated with a registered political party, or if the official register or voter registration  
424 form identifies the voter as being "unaffiliated," the voter shall be considered to be  
425 "unaffiliated."

426 (b) [~~(i) Except as provided in Subsection (2)(b)(ii), if~~] If the voter's name is not found  
427 on the official register and the voter has not registered to vote on election day, the poll worker  
428 shall follow the procedures and requirements of Section 20A-3-105.5.

429 [~~(ii) (A) If it is not unduly disruptive of the election process, the poll worker shall~~  
430 ~~attempt to contact the county clerk's office to request oral verification of the voter's~~

431 registration.]

432 [~~(B) If oral verification is received from the county clerk's office, the poll worker~~

433 shall:]

434 [~~(F) record the verification on the official register;~~

435 [~~(H) determine the voter's party affiliation and the ballot that the voter is qualified to~~

436 vote; and]

437 [~~(HH) perform the other administrative steps required by Subsection (3).]~~

438 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party  
439 affiliation listed in the official register or on the election day voter registration form does not  
440 allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter  
441 of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does  
442 allow the voter to vote.

443 (ii) (A) If the voter is listed in the official register or on the election day voter  
444 registration form as "unaffiliated," or if the official register or voter registration form does not  
445 affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political  
446 party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter  
447 requests, the poll worker shall ask the voter if the voter wishes to:

448 (I) vote another registered political party ballot that the voter, as "unaffiliated," is  
449 authorized to vote[;]; or

450 (II) remain "unaffiliated."

451 (B) If the voter wishes to vote another registered political party ballot that the  
452 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection  
453 (3).

454 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
455 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the  
456 voter may not vote.

457 (iii) For the primary elections held in [~~2004, 2006, and~~] 2008 only:

458 (A) If the voter is listed in the official register or on the election day voter registration  
459 form as "unaffiliated," or if the official register or voter registration form does not affirmatively  
460 identify the voter as either "unaffiliated" or "affiliated" with a registered political party, the poll  
461 worker shall ask the voter if the voter wishes to:

462            (I) affiliate with a registered political party[-]; or

463            (II) remain "unaffiliated."

464            (B) If the voter wishes to affiliate with the registered political party whose ballot the  
465 voter requested, the poll worker shall direct the voter to complete the change of party affiliation  
466 form and proceed as required by Subsection (3).

467            (C) If the voter wishes to remain unaffiliated and wishes to vote another registered  
468 political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall  
469 proceed as required by Subsection (3).

470            (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
471 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the  
472 voter may not vote.

473            (3) If the poll worker determines that the voter is registered and eligible, under  
474 Subsection (2), to vote the ballot that the voter requested and:

475            (a) if the ballot is a paper ballot or a ballot sheet:

476            (i) the poll worker in charge of the official register shall:

477            (A) write the ballot number and the name of the registered political party whose ballot  
478 the voter voted opposite the name of the voter in the official register; and

479            (B) direct the voter to sign his name in the election column in the official register;

480            (ii) another poll worker shall list the ballot number and voter's name in the pollbook;  
481 and

482            (iii) the poll worker having charge of the ballots shall:

483            (A) endorse his initials on the stub;

484            (B) check the name of the voter on the pollbook list with the number of the stub;

485            (C) hand the voter the ballot for the registered political party that the voter requested  
486 and for which the voter is authorized to vote; and

487            (D) allow the voter to enter the voting booth; or

488            (b) if the ballot is an electronic ballot:

489            (i) the poll worker in charge of the official register shall direct the voter to sign his  
490 name in the official register;

491            (ii) another poll worker shall list the voter's name in the pollbook; and

492            (iii) the poll worker having charge of the ballots shall:

493 (A) provide the voter access to the electronic ballot for the registered political party  
494 that the voter requested and for which the voter is authorized to vote; and

495 (B) allow the voter to vote the electronic ballot.

496 (4) Whenever the election officer is required to furnish more than one kind of official  
497 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered  
498 voter the kind of ballot that the voter is qualified to vote.

499 Section 10. Section **20A-9-808** is amended to read:

500 **20A-9-808. Voting.**

501 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary  
502 shall give his name, the name of the registered political party whose ballot the voter wishes to  
503 vote, and, if requested, his residence, to one of the poll workers.

504 (b) The voter shall present valid voter identification to one of the poll workers if the  
505 voter is:

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

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

509 (iii) voting during the early voting period prior to the date of the election.

510 (c) If a voter is not required to present valid voter identification under Subsection  
511 (1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt  
512 that voter's identity, the poll worker shall:

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

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

515 (d) The poll worker shall follow the procedures and requirements of Section  
516 20A-3-105.5 if:

517 (i) the voter's right to vote is challenged under Section 20A-3-202; or

518 (ii) the poll worker is not satisfied that the voter has been properly identified.

519 (2) (a) (i) When the voter is properly identified, the poll worker in charge of the official  
520 register shall [~~check the official register to~~] determine:

521 (A) whether or not the voter is registered to vote by checking the official register or, if  
522 the voter has registered to vote on election day, the voter's registration form; and

523 (B) whether or not the voter's party affiliation designation [~~in the official~~] register

524 allows the voter to vote the ballot that the voter requested by checking the official register or, if  
525 the voter has registered to vote on election day, the voter's registration form.

526 (ii) If the official register or voter registration form does not affirmatively identify the  
527 voter as being affiliated with a registered political party or if the official register or voter  
528 registration form identifies the voter as being "unaffiliated," the voter shall be considered to be  
529 "unaffiliated."

530 (b) If the voter's name is not found on the official register and the voter has not  
531 registered to vote on election day, the poll worker shall follow the procedures and requirements  
532 of Section 20A-3-105.5.

533 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party  
534 affiliation listed in the official register or on the election day voter registration form does not  
535 allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter  
536 of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does  
537 allow the voter to vote.

538 (ii) (A) If the voter is listed in the official register or on the election day voter  
539 registration form as "unaffiliated," or if the official register or voter registration form does not  
540 affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political  
541 party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter  
542 requests, the poll worker shall ask the voter if the voter wishes to:

543 (I) affiliate with the registered political party whose ballot the voter requested[;];

544 (II) vote another registered political party ballot that the voter, as "unaffiliated," is  
545 authorized to vote[;]; or

546 (III) remain "unaffiliated."

547 (B) If the voter wishes to affiliate with the registered political party whose ballot the  
548 voter requested, the poll worker shall enter in the official register the voter's new party  
549 affiliation and proceed as required by Subsection (3).

550 (C) If the voter wishes to vote another registered political party ballot that the  
551 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection  
552 (3).

553 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
554 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the

555 voter may not vote.

556 (3) If the poll worker determines that the voter is registered and eligible, under  
557 Subsection (2), to vote the ballot that the voter requested and:

558 (a) if the ballot is a paper ballot or a ballot sheet:

559 (i) the poll worker in charge of the official register shall:

560 (A) write the ballot number and the name of the registered political party whose ballot  
561 the voter voted opposite the name of the voter in the official register; and

562 (B) direct the voter to sign his name in the election column in the official register;

563 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;

564 and

565 (iii) the poll worker having charge of the ballots shall:

566 (A) endorse his initials on the stub;

567 (B) check the name of the voter on the pollbook list with the number of the stub;

568 (C) hand the voter the ballot for the registered political party that the voter requested  
569 and for which the voter is authorized to vote; and

570 (D) allow the voter to enter the voting booth; or

571 (b) if the ballot is an electronic ballot:

572 (i) the poll worker in charge of the official register shall direct the voter to sign the  
573 voter's name in the official register;

574 (ii) another poll worker shall list the voter's name in the pollbook; and

575 (iii) the poll worker having charge of the ballots shall:

576 (A) provide the voter access to the electronic ballot for the registered political party  
577 that the voter requested and for which the voter is authorized to vote; and

578 (B) allow the voter to vote the electronic ballot.

579 (4) Whenever the election officer is required to furnish more than one kind of official  
580 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered  
581 voter the kind of ballot that the voter is qualified to vote.

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**Legislative Review Note**  
as of 1-19-08 4:38 PM

**Office of Legislative Research and General Counsel**

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**H.B. 317 - Election Day Voter Registration**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses; however, some county governments without adequate election process infrastructure could be significantly impacted to comply with the provisions of the bill.

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