

Senator Mark B. Madsen proposes the following substitute bill:

**PROOF OF CITIZENSHIP REQUIRED TO
VOTE**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: Aaron Tilton

LONG TITLE

General Description:

This bill modifies the Election Code to require verification of citizenship.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ requires persons that are registering to vote in the state for the first time or that are changing their registration from another state to provide evidence, either at the time of registration or at the time or voting, that they are citizens of the United States;
- ▶ provides that persons who are already registered to vote in the state of Utah need not provide proof of citizenship;
- ▶ provides a list of acceptable documentation for providing proof of citizenship;
- ▶ permits tribes to provide lists or documentation to assist county clerks as part of the citizenship verification process;
- ▶ extends provisional voting to municipal elections, municipal primary elections, state special elections, local special elections, and bond elections;
- ▶ modifies voter registration forms to reflect the new requirements;
- ▶ modifies voting procedures to reflect the new requirements; and



26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 **AMENDS:**

33 **20A-1-102**, as last amended by Laws of Utah 2007, Chapters 75, 256, 285, and 329

34 **20A-2-102**, as last amended by Laws of Utah 2003, Chapter 34

35 **20A-2-104**, as last amended by Laws of Utah 2007, Chapter 75

36 **20A-2-108**, as last amended by Laws of Utah 2004, Chapter 219

37 **20A-2-201**, as last amended by Laws of Utah 2007, Chapter 285

38 **20A-2-202**, as last amended by Laws of Utah 2006, Chapters 264 and 326

39 **20A-2-204**, as last amended by Laws of Utah 2006, Chapters 264 and 326

40 **20A-2-205**, as last amended by Laws of Utah 2006, Chapters 264 and 326

41 **20A-3-104**, as last amended by Laws of Utah 2006, Chapters 264 and 326

42 **20A-3-104.5**, as last amended by Laws of Utah 2006, Chapters 15, 264, and 326

43 **20A-3-105.5**, as last amended by Laws of Utah 2007, Chapter 75

44 **20A-3-305**, as last amended by Laws of Utah 2006, Chapter 264

45 **20A-3-401**, as last amended by Laws of Utah 2006, Chapter 264

46 **20A-4-107**, as last amended by Laws of Utah 2007, Chapters 75 and 285

47 **ENACTS:**

48 **20A-2-110**, Utah Code Annotated 1953

49 **REPEALS AND REENACTS:**

50 **20A-9-808**, as last amended by Laws of Utah 2006, Chapters 264 and 326

51

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

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

54 **20A-1-102. Definitions.**

55 As used in this title:

56 (1) "Active voter" means a registered voter who has not been classified as an inactive

57 voter by the county clerk.

58 (2) "Automatic tabulating equipment" means apparatus that automatically examines
59 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

60 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon
61 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and
62 secrecy envelopes.

63 (4) "Ballot sheet":

64 (a) means a ballot that:

65 (i) consists of paper or a card where the voter's votes are marked or recorded; and

66 (ii) can be counted using automatic tabulating equipment; and

67 (b) includes punch card ballots, and other ballots that are machine-countable.

68 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
69 contain the names of offices and candidates and statements of ballot propositions to be voted
70 on and which are used in conjunction with ballot sheets that do not display that information.

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

74 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
75 20A-4-306 to canvass election returns.

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

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

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

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

84 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
85 the canvass.

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

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

90 (15) "Counting judge" means a poll worker designated to count the ballots during
91 election day.

92 (16) "Counting poll watcher" means a person selected as provided in Section
93 20A-3-201 to witness the counting of ballots.

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

97 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

98 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

99 (20) "County officers" means those county officers that are required by law to be
100 elected.

101 (21) "Election" means a regular general election, a municipal general election, a
102 statewide special election, a local special election, a regular primary election, a municipal
103 primary election, and a local district election.

104 (22) "Election Assistance Commission" means the commission established by Public
105 Law 107-252, the Help America Vote Act of 2002.

106 (23) "Election cycle" means the period beginning on the first day persons are eligible to
107 file declarations of candidacy and ending when the canvass is completed.

108 (24) "Election judge" means a poll worker that is assigned to:

- 109 (a) preside over other poll workers at a polling place;
- 110 (b) act as the presiding election judge; or
- 111 (c) serve as a canvassing judge, counting judge, or receiving judge.

112 (25) "Election officer" means:

- 113 (a) the lieutenant governor, for all statewide ballots;
- 114 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
115 as provided in Section 20A-5-400.5;
- 116 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
117 provided in Section 20A-5-400.5;
- 118 (d) the local district clerk or chief executive officer for certain ballots and elections as

119 provided in Section 20A-5-400.5; and

120 (e) the business administrator or superintendent of a school district for certain ballots
121 or elections as provided in Section 20A-5-400.5.

122 (26) "Election official" means any election officer, election judge, or poll worker.

123 (27) "Election results" means, for bond elections, the count of those votes cast for and
124 against the bond proposition plus any or all of the election returns that the board of canvassers
125 may request.

126 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
127 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
128 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
129 spoiled ballots, the ballot disposition form, and the total votes cast form.

130 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
131 device or other voting device that records and stores ballot information by electronic means.

132 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.

133 (b) "Electronic voting device" includes a direct recording electronic voting device.

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

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

138 (33) "Judicial office" means the office filled by any judicial officer.

139 (34) "Judicial officer" means any justice or judge of a court of record or any county
140 court judge.

141 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
142 Local Government Entities - Local Districts, and includes a special service district under Title
143 17A, Chapter 2, Part 13, Utah Special Service District Act.

144 (36) "Local district officers" means those local district officers that are required by law
145 to be elected.

146 (37) "Local election" means a regular municipal election, a local special election, a
147 local district election, and a bond election.

148 (38) "Local political subdivision" means a county, a municipality, a local district, or a
149 local school district.

150 (39) "Local special election" means a special election called by the governing body of a
151 local political subdivision in which all registered voters of the local political subdivision may
152 vote.

153 (40) "Municipal executive" means:

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

156 (b) the mayor in the council-mayor optional form of government defined in Section
157 10-3-101; and

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

160 (41) "Municipal general election" means the election held in municipalities and local
161 districts on the first Tuesday after the first Monday in November of each odd-numbered year
162 for the purposes established in Section 20A-1-202.

163 (42) "Municipal legislative body" means:

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

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

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

170 (43) "Municipal officers" means those municipal officers that are required by law to be
171 elected.

172 (44) "Municipal primary election" means an election held to nominate candidates for
173 municipal office.

174 (45) "Official ballot" means the ballots distributed by the election officer to the poll
175 workers to be given to voters to record their votes.

176 (46) "Official endorsement" means:

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

178 (i) the ballot as an official ballot;

179 (ii) the date of the election; and

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

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

182 (i) the poll worker's initials; and

183 (ii) the ballot number.

184 (47) "Official register" means the official record furnished to election officials by the
185 election officer that contains the information required by Section 20A-5-401.

186 (48) "Paper ballot" means a paper that contains:

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

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

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

194 (50) (a) "Poll worker" means a person assigned by an election official to assist with an
195 election, voting, or counting votes.

196 (b) "Poll worker" includes election judges.

197 (c) "Poll worker" does not include a watcher.

198 (51) "Pollbook" means a record of the names of voters in the order that they appear to
199 cast votes.

200 (52) "Polling place" means the building where voting is conducted.

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

203 (54) "Provisional ballot" means a ballot voted provisionally by a person:

204 (a) whose name is not listed on the official register at the polling place;

205 (b) whose legal right to vote is challenged as provided in this title; or

206 (c) whose identity or citizenship was not sufficiently established by a poll worker in
207 accordance with the requirements of this title.

208 (55) "Provisional ballot envelope" means an envelope printed in the form required by
209 Section 20A-6-105 that is used to identify provisional ballots and to provide information to
210 verify a person's legal right to vote.

211 (56) "Primary convention" means the political party conventions at which nominees for

212 the regular primary election are selected.

213 (57) "Protective counter" means a separate counter, which cannot be reset, that is built
214 into a voting machine and records the total number of movements of the operating lever.

215 (58) "Qualify" or "qualified" means to take the oath of office and begin performing the
216 duties of the position for which the person was elected.

217 (59) "Receiving judge" means the poll worker that checks the voter's name in the
218 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
219 after the voter has voted.

220 (60) "Registration form" means a book voter registration form and a by-mail voter
221 registration form.

222 (61) "Regular ballot" means a ballot that is not a provisional ballot.

223 (62) "Regular general election" means the election held throughout the state on the first
224 Tuesday after the first Monday in November of each even-numbered year for the purposes
225 established in Section 20A-1-201.

226 (63) "Regular primary election" means the election on the fourth Tuesday of June of
227 each even-numbered year, at which candidates of political parties and nonpolitical groups are
228 voted for nomination.

229 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

230 (65) "Sample ballot" means a mock ballot similar in form to the official ballot printed
231 and distributed as provided in Section 20A-5-405.

232 (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or
233 punch the ballot for one or more candidates who are members of different political parties.

234 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into
235 which the voter places the ballot after he has voted it in order to preserve the secrecy of the
236 voter's vote.

237 (68) "Special election" means an election held as authorized by Section 20A-1-204.

238 (69) "Spoiled ballot" means each ballot that:

239 (a) is spoiled by the voter;

240 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

241 (c) lacks the official endorsement.

242 (70) "Statewide special election" means a special election called by the governor or the

243 Legislature in which all registered voters in Utah may vote.

244 (71) "Stub" means the detachable part of each ballot.

245 (72) "Substitute ballots" means replacement ballots provided by an election officer to
246 the poll workers when the official ballots are lost or stolen.

247 (73) "Ticket" means each list of candidates for each political party or for each group of
248 petitioners.

249 (74) "Transfer case" means the sealed box used to transport voted ballots to the
250 counting center.

251 (75) "Vacancy" means the absence of a person to serve in any position created by
252 statute, whether that absence occurs because of death, disability, disqualification, resignation,
253 or other cause.

254 (76) "Valid voter identification" means:

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

257 (i) a currently valid Utah driver license;

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

259 (A) the state;

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

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

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

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

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

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

267 (vii) a valid tribal identification card; or

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

270 (i) a voter identification card;

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

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

273 (iv) a certified birth certificate;

- 274 (v) a valid Social Security card;
- 275 (vi) a check issued by the state or the federal government or a legible copy thereof;
- 276 (vii) a paycheck from the voter's employer, or a legible copy thereof;
- 277 (viii) a currently valid Utah hunting or fishing license;
- 278 (ix) a currently valid United States military identification card;
- 279 (x) certified naturalization documentation;
- 280 (xi) a currently valid license issued by an authorized agency of the United States;
- 281 (xii) a certified copy of court records showing the voter's adoption or name change;
- 282 (xiii) a Bureau of Indian Affairs card;
- 283 (xiv) a tribal treaty card;
- 284 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 285 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
- 286 photograph, but establishes the name of the voter and provides evidence that the voter resides
- 287 in the voting precinct.

288 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
289 candidate by following the procedures and requirements of this title.

290 (78) "Voter" means a person who meets the requirements for voting in an election,
291 meets the requirements of election registration, is registered to vote, and is listed in the official
292 register book.

293 (79) "Voter registration deadline" means the registration deadline provided in Section
294 20A-2-102.5.

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

297 (81) "Voting booth" means:

298 (a) the space or compartment within a polling place that is provided for the preparation
299 of ballots, including the voting machine enclosure or curtain; or

300 (b) a voting device that is free standing.

301 (82) "Voting device" means:

302 (a) an apparatus in which ballot sheets are used in connection with a punch device for
303 piercing the ballots by the voter;

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

305 (c) an electronic voting device or other device used to make selections and cast a ballot
306 electronically, or any component thereof;

307 (d) an automated voting system under Section 20A-5-302; or

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

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

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

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

316 (86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
317 poll watcher, and a testing watcher.

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

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

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

323 Section 2. Section **20A-2-102** is amended to read:

324 **20A-2-102. Registration a prerequisite to voting.**

325 (1) Except as provided in Subsection (2), a person may not vote at any election unless
326 that person is registered to vote as required by this chapter.

327 (2) A person may vote a provisional ballot, as provided in Section 20A-2-307, for[~~a~~] a
328 bond election, or an election as defined in Section 20A-1-102.

329 [~~(a) a regular general election;~~]

330 [~~(b) a regular primary election; or~~]

331 [~~(c) an election for federal office.~~]

332 Section 3. Section **20A-2-104** is amended to read:

333 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

336 -----

337 UTAH ELECTION REGISTRATION FORM

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

339 Will you be at least 18 years old on or before election day? Yes No

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

341 Name of Voter

342 _____

343 First Middle Last

344 Driver License or Identification Card Number _____

345 State of issuance of Driver License or Identification Card

346 Date of Birth _____

347 Street Address of Principal Place of Residence

348 _____

349 City County State Zip Code

350 Telephone Number (optional) _____

351 Last four digits of Social Security Number _____

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

354 _____

355 City County State Zip Code

356 Political Party

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

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

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

365 Signed and sworn

366 _____

367 Voter's Signature

368 _____(month/day/year).

369 CITIZENSHIP AFFIDAVIT

370 Name:

371 Name at birth, if different:

372 Place of birth:

373 Date of birth:

374 Date and place of naturalization (if applicable):

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

378 _____

379 Signature of Applicant

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

383 NOTICE: IF YOU ARE REGISTERING TO VOTE IN THIS STATE FOR THE FIRST
384 TIME OR IF YOU ARE CHANGING YOUR VOTER REGISTRATION FROM ANOTHER
385 STATE, YOU MUST EITHER INCLUDE A LEGIBLE COPY OF ONE OF THE
386 FOLLOWING WITH YOUR APPLICATION OR SHOW ONE OF THE FOLLOWING AT
387 THE TIME YOU VOTE AS EVIDENCE OF UNITED STATES CITIZENSHIP:

388 (A) YOUR CURRENTLY VALID UTAH DRIVER LICENSE;

389 (B) YOUR BIRTH CERTIFICATE;

390 (C) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND
391 PASSPORT NUMBER;

392 (D) YOUR UNITED STATES NATURALIZATION DOCUMENTS, AS
393 PERMITTED BY FEDERAL LAW, SHOWING YOUR NAME AND THE NUMBER OF
394 THE CERTIFICATE OF NATURALIZATION;

395 (E) A DOCUMENT ESTABLISHED AS PROOF OF CITIZENSHIP UNDER THE
396 IMMIGRATION REFORM AND CONTROL ACT OF 1968;

397 (F) YOUR BUREAU OF INDIAN AFFAIRS CARD OR CERTIFICATION OF

398 INDIAN BLOOD;

399 (G) YOUR TRIBAL ENROLLMENT CARD, TRIBAL ENROLLMENT

400 DOCUMENTATION, TRIBAL ENROLLMENT NUMBER, OR OTHER

401 DOCUMENTATION CERTIFYING THAT YOU ARE LISTED ON A TRIBAL

402 ENROLLMENT LIST; OR

403 (H) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER

404 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE

405 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY

406 ACKNOWLEDGED BY A STATE.

407 IN ORDER TO BE ALLOWED TO VOTE IN A VOTING PRECINCT FOR THE FIRST

408 TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE DATE OF

409 THE ELECTION, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE

410 POLL WORKER BEFORE VOTING AS FOLLOWS:

411 (1) A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME,

412 PHOTOGRAPH, AND CURRENT ADDRESS; OR

413 (2) TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND

414 CURRENT ADDRESS.

415 FOR OFFICIAL USE ONLY

416 Type of I.D. _____

417 Voting Precinct _____

418 Voting I.D. Number _____

419 -----

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

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

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

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

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

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

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

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

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

440 Section 4. Section **20A-2-108** is amended to read:

441 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

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

455 Signed and sworn

456 _____

457 Voter's Signature

458 _____(month\day\year)";

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

460 "CITIZENSHIP AFFIDAVIT

461 Name:

462 Name at birth, if different:

463 Place of birth:

464 Date of birth:

465 Date and place of naturalization (if applicable):

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

469 _____

470 Signature of Applicant

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

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

477 (v) a statement that if an applicant does register to vote, the office at which the
478 applicant submits a voter registration application will remain confidential and will be used only
479 for voter registration purposes[-]; and

480 (vi) the information required on the form under Section 20A-2-104, provided that the
481 voter application portion of the driver license application does not require the applicant to
482 duplicate information provided in the driver license portion of the form.

483 (3) Upon receipt of a voter registration form from an applicant, the county clerk or the
484 clerk's designee shall:

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

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

489 Section 5. Section 20A-2-110 is enacted to read:

490 **20A-2-110. Review of voter registration applications -- Evidence of citizenship,**

491 **age, and residence.**

492 (1) As used in this section, "tribe" means an Indian tribe, or band, or Alaskan Native
493 Village which is recognized by federal law or formally acknowledged by a state.

494 (2) Before registering an applicant to vote, the county clerk shall determine that each
495 applicant:

496 (a) has provided the required information on the voter registration form;

497 (b) has signed the voter registration form;

498 (c) has signed a statement certifying that the applicant will have resided in Utah for 30
499 days immediately before the next election;

500 (d) has provided birth date information showing that the applicant will be at least 18
501 years old on the date of the election; and

502 (e) has provided address information showing that the applicant is a resident of the
503 county where the applicant has submitted the applicant's registration form.

504 (3) (a) Subject to the requirements of Subsection (4), the county clerk shall determine
505 whether each applicant has provided evidence of citizenship, which shall consist of
506 presentation of one of the following, or a legible copy of one of the following:

507 (i) the applicant's currently valid Utah driver license;

508 (ii) the applicant's birth certificate showing that the applicant was born in the United
509 States;

510 (iii) the applicant's United States passport showing the applicant's name and the
511 passport number;

512 (iv) the applicant's United States naturalization documents showing that the applicant
513 is a citizen of the United States;

514 (v) subject to the requirements of Subsection (5), the number of the applicant's
515 certificate of naturalization;

516 (vi) other documents or methods of proof of citizenship that are established by the
517 Immigration Reform and Control Act of 1986, Pub. L. No. 99-603;

518 (vii) the applicant's Bureau of Indian Affairs card or Bureau of Indian Affairs
519 certification of Indian blood;

520 (viii) the applicant's tribal enrollment card, tribal enrollment documentation, tribal
521 enrollment number, or other documentation certifying that the applicant is listed on a tribal

522 enrollment list; or

523 (ix) other documentation establishing that the applicant is a member of a tribe;

524 (b) The county clerk may not accept a driving privilege card issued under Section
525 53-3-207 as valid identification for evidence of citizenship.

526 (c) If the applicant has not provided evidence of citizenship, the county clerk shall
527 register the applicant to vote, but shall make a notation in the official register that the applicant
528 is required to present evidence of citizenship at the time of voting.

529 (4) Any person who is registered to vote in this state as of May 5, 2008, shall not be
530 required to provide evidence of citizenship under Subsection (3), unless that person is changing
531 the person's voter registration from another state to this state.

532 (5) If an applicant provides the number of the applicant's certificate of naturalization as
533 evidence of citizenship under Subsection (3)(a)(v), the county clerk may not register the
534 applicant to vote until the county clerk is able to verify the number of the certificate with the
535 United States Citizenship and Immigration Services.

536 (6) A tribe may provide lists or other documentation to assist the county clerk in
537 meeting the county clerk's obligations under this section.

538 Section 6. Section **20A-2-201** is amended to read:

539 **20A-2-201. Registering to vote at office of county clerk.**

540 (1) Except as provided in Subsection (3), the county clerk shall register to vote all
541 persons who present themselves for registration at the county clerk's office during designated
542 office hours if those persons[;]:

543 (a) on voting day, will be legally qualified and entitled to vote in a voting precinct in
544 the county[;]; and

545 (b) meet the requirements of Section 20A-2-110.

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

549 (a) accept registration forms from all persons who present themselves for registration at
550 the clerk's office during designated office hours if those persons[;]:

551 (i) on voting day, will be legally qualified and entitled to vote in a voting precinct in
552 the county; and

553 (ii) meet the requirements of Section 20A-2-110; and
 554 (b) inform them that:
 555 (i) they will be registered to vote in the pending election; and
 556 (ii) for the pending election, they must vote on the day of the election and will not be
 557 eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they
 558 registered too late.

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

562 (a) accept registration forms from all persons who present themselves for registration at
 563 the clerk's office during designated office hours if those persons[;]:

564 (i) on voting day, will be legally qualified and entitled to vote in a voting precinct in
 565 the county; and

566 (ii) meet the requirements of Section 20A-2-110; and

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

569 Section 7. Section **20A-2-202** is amended to read:

570 **20A-2-202. Registration by mail.**

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

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

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

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

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

577 (ii) The citizen shall provide evidence of citizenship by submitting a copy of
 578 documentation required under Section 20A-2-110 with the by-mail voter registration form if
 579 the citizen is:

580 (A) registering to vote for the first time; or

581 (B) is changing the citizen's voter registration from another state.

582 [~~(ii)~~] (iii) If the voter is registering for the first time in the county, the citizen shall
 583 either:

584 (A) submit a copy of the voter's valid voter identification with the by-mail voter
585 registration form; or

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

587 (d) The citizen has effectively registered to vote under this section only when;

588 (i) the county clerk's office has received a correctly completed by-mail voter
589 registration form[-]; and

590 (ii) the county clerk has determined that the citizen has met the requirements of Section
591 20A-2-110.

592 (2) Upon receipt of a correctly completed by-mail voter registration form and
593 documentation that meets the requirements of Section 20A-2-110, the county clerk shall:

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

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

598 (3) (a) If the county clerk receives a correctly completed by-mail voter registration
599 form that is postmarked after the voter registration deadline and documentation that meets the
600 requirements of Section 20A-2-110, the county clerk shall:

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

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

604 (b) When the county clerk receives, at least seven days before an election, a correctly
605 completed by-mail voter registration form [~~at least seven days before an election that is~~
606 ~~postmarked on or before the date of the voter registration deadline~~] that is postmarked on or
607 before the date of the voter registration deadline and documentation that meets the
608 requirements of Section 20A-2-110, the county clerk shall:

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

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

611 (4) If the county clerk determines that a registration form received by mail or otherwise
612 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to
613 the person attempting to register, informing him that he has not been registered because of an
614 error or because the form is incomplete.

615 Section 8. Section **20A-2-204** is amended to read:

616 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

622 (3) The Driver License Division shall:

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

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

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

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

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

633 (4) Upon receipt of a correctly completed voter registration form and documentation
634 that meets the requirements of Section 20A-2-110, the county clerk shall:

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

637 (b) notify the applicant of registration.

638 (5) (a) If the county clerk receives a correctly completed voter registration form that is
639 dated after the voter registration deadline and documentation that meets the requirements of
640 Section 20A-2-110, the county clerk shall:

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

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

644 (b) When the county clerk receives, at least seven days before an election, a correctly
645 completed voter registration form [~~at least seven days before an election~~] that is dated on or

646 before the voter registration deadline and documentation that meets the requirements of Section
647 20A-2-110, the county clerk shall:

648 (i) process the voter registration form; and

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

650 (6) If the county clerk determines that a voter registration form received from the

651 Driver License Division is incorrect because of an error or because it is incomplete, the county

652 clerk shall mail notice to the person attempting to register, informing him that he has not been

653 registered because of an error or because the form is incomplete.

654 Section 9. Section **20A-2-205** is amended to read:

655 **20A-2-205. Registration at voter registration agencies.**

656 (1) As used in this section:

657 (a) "Discretionary voter registration agency" means each office designated by the

658 county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide

659 by-mail voter registration forms to the public.

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

661 (i) public assistance; or

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

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

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

669 "REGISTERING TO VOTE

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

671 to vote here today? (Applying to register to vote or declining to register to vote will not affect

672 the amount of assistance that you will be provided by this agency.) Yes____ No____ IF YOU

673 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED

674 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the

675 voter registration application form, we will help you. The decision about whether or not to

676 seek or accept help is yours. You may fill out the application form in private. If you believe

677 that someone has interfered with your right to register or to decline to register to vote, your
678 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
679 right to choose your own political party or other political preference, you may file a complaint
680 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
681 84114. (801) 538-1040."

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

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

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

689 (c) accept completed forms and copies of documentation provided as evidence of
690 citizenship for transmittal to the appropriate election official; and

691 (d) transmit a copy of each voter registration form and evidence of citizenship to the
692 appropriate election official within five days after it is received by the division.

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

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

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

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

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

702 (6) Upon receipt of a correctly completed voter registration form and documentation
703 that meets the requirements of Section 20A-2-110, the county clerk shall:

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

706 (b) notify the applicant of registration.

707 (7) (a) If the county clerk receives a correctly completed voter registration form that is

708 dated after the voter registration deadline and documentation that meets the requirements of
709 Section 20A-2-110, the county clerk shall:

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

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

713 (b) When the county clerk receives, at least seven days before an election, a correctly
714 completed voter registration form [~~at least seven days before an election~~] that is dated on or
715 before the voter registration deadline and documentation that meets the requirements of Section
716 20A-2-110, the county clerk shall:

717 (i) process the voter registration form; and

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

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

724 Section 10. Section **20A-3-104** is amended to read:

725 **20A-3-104. Manner of voting.**

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

728 (b) (i) The voter shall present valid voter identification to one of the poll workers if the
729 voter is:

730 ~~[(i)]~~ (A) required to present valid voter identification as indicated by a notation in the
731 official register;

732 ~~[(ii)]~~ (B) voting in person by absentee ballot; or

733 ~~[(iii)]~~ (C) voting during the early voting period.

734 ~~[(c)]~~ (ii) If a voter is not required to present valid voter identification under Subsection
735 (1)(b)(i), and the poll worker does not know the voter requesting a ballot and has reason to
736 doubt that voter's identity, the poll worker shall:

737 ~~[(i)]~~ (A) request that the voter present valid voter identification; or

738 ~~[(ii)]~~ (B) have the voter identified by a known registered voter of the district.

739 (c) The voter shall present evidence of citizenship to one of the poll workers if the
740 voter is required to present evidence of citizenship as indicated by a notation in the official
741 register.

742 (d) If the poll worker is satisfied that the voter [~~has been properly identified~~] has
743 satisfied the requirements of Subsections (1)(b) and (1)(c), the poll worker shall:

744 (i) record the type of identification and proof of citizenship provided by the voter in the
745 appropriate space in the official register, as applicable; and

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

747 (e) If the poll worker is not satisfied that the voter [~~has been properly identified~~] has
748 satisfied the requirements of Subsections (1)(b) and (1)(c), the poll worker shall:

749 (i) indicate on the official register that the voter [~~was not properly identified~~] failed to
750 provide valid voter identification or proof of citizenship;

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

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

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

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

757 (b) If the voter's name is not found on the official register, the poll worker shall follow
758 the procedures and requirements of Section 20A-3-105.5.

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

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

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

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

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

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

765 and

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

767 (A) endorse his initials on the stub;

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

769 (C) hand the voter a ballot; and

- 770 (D) allow the voter to enter the voting booth; or
771 (b) if the ballot is an electronic ballot:
772 (i) the poll worker in charge of the official register shall direct the voter to sign the
773 voter's name in the official register;
774 (ii) another poll worker shall list the voter's name in the pollbook; and
775 (iii) the poll worker having charge of the ballots shall:
776 (A) provide the voter access to the electronic ballot; and
777 (B) allow the voter to vote the electronic ballot.
778 (4) Whenever the election officer is required to furnish more than one kind of official
779 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
780 voter the kind of ballot that the voter is qualified to vote.

781 Section 11. Section **20A-3-104.5** is amended to read:

782 **20A-3-104.5. Voting -- Regular primary election.**

- 783 (1) (a) Any registered voter desiring to vote at the regular primary election or the
784 Western States Presidential Primary shall give his name, the name of the registered political
785 party whose ballot the voter wishes to vote, and, if requested, his residence, to one of the poll
786 workers.
787 (b) (i) The voter shall present valid voter identification to one of the poll workers if the
788 voter is:
789 [~~(i)~~] (A) required to present valid voter identification as indicated by a notation in the
790 official register;
791 [~~(ii)~~] (B) voting in person by absentee ballot; or
792 [~~(iii)~~] (C) voting during the early voting period.
793 [~~(e)~~] (ii) If a voter is not required to present valid voter identification under Subsection
794 (1)(b)(i), and the poll worker does not know the voter requesting a ballot and has reason to
795 doubt that voter's identity, the poll worker shall:
796 [~~(i)~~] (A) request that the voter present valid voter identification; or
797 [~~(ii)~~] (B) have the voter identified by a known registered voter of the district.
798 (c) The voter shall present evidence of citizenship to one of the poll workers if the
799 voter is required to present evidence of citizenship as indicated by a notation in the official
800 register.

801 (d) The poll worker shall follow the procedures and requirements of Section
802 20A-3-105.5 if:

803 (i) the poll worker is not satisfied that the voter has been properly identified; [~~or~~]

804 (ii) the voter has not provided evidence of citizenship as required by Subsection (1)(c);

805 or

806 [~~(ii)~~] (iii) the voter's right to vote is challenged under Section 20A-3-202.

807 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official
808 register shall check the official register to determine:

809 (A) whether or not the voter is registered to vote; and

810 (B) whether or not the voter's party affiliation designation in the official register allows
811 the voter to vote the ballot that the voter requested.

812 (ii) If the official register does not affirmatively identify the voter as being affiliated
813 with a registered political party or if the official register identifies the voter as being
814 "unaffiliated," the voter shall be considered to be "unaffiliated."

815 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
816 the official register, the poll worker shall follow the procedures and requirements of Section
817 20A-3-105.5.

818 (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall
819 attempt to contact the county clerk's office to request oral verification of the voter's registration.

820 (B) If oral verification is received from the county clerk's office, the poll worker shall:

821 (I) record the verification on the official register;

822 (II) determine the voter's party affiliation and the ballot that the voter is qualified to
823 vote; and

824 (III) perform the other administrative steps required by Subsection (3).

825 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
826 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
827 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot
828 or ballots that the voter's party affiliation does allow the voter to vote.

829 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
830 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
831 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the

832 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
833 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
834 remain "unaffiliated."

835 (B) If the voter wishes to vote another registered political party ballot that the
836 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
837 (3).

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

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

842 (A) If the voter is listed in the official register as "unaffiliated," or if the official
843 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a
844 registered political party, the poll worker shall ask the voter if the voter wishes to affiliate with
845 a registered political party, or remain "unaffiliated."

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

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

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

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

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

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

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

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

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

863 and

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

865 (A) endorse his initials on the stub;

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

867 (C) hand the voter the ballot for the registered political party that the voter requested

868 and for which the voter is authorized to vote; and

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

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

871 (i) the poll worker in charge of the official register shall direct the voter to sign his

872 name in the official register;

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

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

875 (A) provide the voter access to the electronic ballot for the registered political party

876 that the voter requested and for which the voter is authorized to vote; and

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

878 (4) Whenever the election officer is required to furnish more than one kind of official

879 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered

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

881 Section 12. Section **20A-3-105.5** is amended to read:

882 **20A-3-105.5. Manner of voting -- Provisional ballot.**

883 (1) The poll workers shall follow the procedures and requirements of this section

884 when:

885 (a) the person's right to vote is challenged as provided in Section 20A-3-202;

886 (b) the person's name is not found on the official register; ~~or~~

887 (c) the poll worker is not satisfied that the voter has provided valid voter

888 identification~~[-]; or~~

889 (d) the person has not provided evidence of citizenship as required by a notation in the
890 official register.

891 (2) When faced with one of the circumstances outlined in Subsection (1)(a) ~~or~~, (1)(b),
892 or (1)(d), the poll worker shall:

893 (a) request that the person provide valid voter identification; and

- 894 (b) review the identification provided by the person.
- 895 (3) If the poll worker is satisfied that the person has provided valid voter identification
896 that establishes the person's identity and residence in the voting precinct:
- 897 (a) the poll worker in charge of the official register shall:
- 898 (i) record in the official register the type of identification that established the person's
899 identity and place of residence, and, as applicable, the type of identification that the person
900 provided as evidence of citizenship;
- 901 (ii) write the provisional ballot envelope number opposite the name of the voter in the
902 official register; and
- 903 (iii) direct the voter to sign his name in the election column in the official register;
- 904 (b) another poll worker shall list the ballot number and voter's name in the pollbook;
905 and
- 906 (c) the poll worker having charge of the ballots shall:
- 907 (i) endorse his initials on the stub;
- 908 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 909 (iii) give the voter a ballot and a provisional ballot envelope; and
- 910 (iv) allow the voter to enter the voting booth.
- 911 (4) If the poll worker is not satisfied that the voter has provided valid voter
912 identification that establishes the person's identity and residence in the voting precinct:
- 913 (a) the poll worker in charge of the official register shall:
- 914 (i) record in the official register that the voter did not provide valid voter identification;
- 915 (ii) record in the official register the type of identification that was provided by the
916 voter, if any, and, as applicable, the type of identification that was provided by the voter as
917 evidence of citizenship;
- 918 (iii) write the provisional ballot envelope number opposite the name of the voter in the
919 official register; and
- 920 (iv) direct the voter to sign his name in the election column in the official register;
- 921 (b) another poll worker shall list the ballot number and voter's name in the pollbook;
922 and
- 923 (c) the poll worker having charge of the ballots shall:
- 924 (i) endorse his initials on the stub;

- 925 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 926 (iii) give the voter a ballot and a provisional ballot envelope; and
- 927 (iv) allow the voter to enter the voting booth.

928 (5) Whenever the election officer is required to furnish more than one kind of official
 929 ballot to a voting precinct, the poll workers of that voting precinct shall give the registered
 930 voter the kind of ballot that the voter is qualified to vote.

931 Section 13. Section **20A-3-305** is amended to read:

932 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**

933 **Affidavit.**

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

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

940 (2) The election officer shall ensure that:

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

943 (b) a printed affidavit in substantially the following form is printed on the back of the
 944 envelope:

945 "County of _____ State of _____

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

949 _____
 950 Signature of Absentee Voter"

951 (3) If the election officer determines that the absentee voter is required to show valid
 952 voter identification or evidence of citizenship as indicated in the official register, the election
 953 officer shall:

- 954 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;
- 955 (b) instruct the voter to include a copy of the voter's valid voter identification or

956 evidence of citizenship with the return ballot;

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

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

959 Section 14. Section **20A-3-401** is amended to read:

960 **20A-3-401. Intent and purpose of part.**

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

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

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

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

968 (d) in accordance with Public Law 107-252, the Help America Vote Act of 2002,
969 exempt overseas and military voters from:

970 (i) the identification requirements of Section 20A-3-308[-]; and

971 (ii) the evidence of citizenship requirements of Section 20A-2-110.

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

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

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

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

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

982 Section 15. Section **20A-4-107** is amended to read:

983 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

985 (a) the voter:

986 (i) is registered to vote in the state;

987 (ii) resides within the voting precinct where the voter seeks to vote; and
988 (iii) provided valid voter identification and evidence of citizenship to the poll worker
989 as ~~[indicated]~~ required by a notation in the official register;

990 (b) the voter:

991 (i) is registered to vote in the state; and

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

994 (c) the voter:

995 (i) is registered to vote in the state;

996 (ii) the poll worker recorded in the official register that:

997 (A) the voter ~~[either]~~ failed to provide valid voter identification or evidence of
998 citizenship; or

999 (B) the documents provided as valid voter identification or evidence of citizenship
1000 were inadequate; and

1001 (iii) the county clerk verifies the voter's identity and residence through some other
1002 means.

1003 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
1004 the affirmation on the face of each provisional ballot envelope and determine if the person
1005 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter
1006 voted.

1007 (b) If the election officer determines that the person is not a registered voter or is not
1008 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
1009 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to
1010 produce or count it.

1011 (c) If the election officer determines that the person is a registered voter and is legally
1012 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from
1013 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
1014 those ballots at the canvass.

1015 (d) The election officer may not count, or allow to be counted a provisional ballot
1016 unless;

1017 (i) the voter's identity and residence ~~[is]~~ are established by a preponderance of the

1018 evidence[-]; and

1019 (ii) if the voter was required to provide evidence of citizenship under the requirements
1020 of this title, the voter's citizenship is established by a preponderance of the evidence.

1021 (3) If the election officer determines that the person is a registered voter, the election
1022 officer shall ensure that the voter registration records are updated to reflect the information
1023 provided on the provisional ballot envelope.

1024 (4) If the election officer determines that the person is not a registered voter and the
1025 information on the provisional ballot envelope is complete, the election officer shall:

1026 (a) consider the provisional ballot envelope a voter registration form; and

1027 (b) register the voter.

1028 Section 16. Section **20A-9-808** is repealed and reenacted to read:

1029 **20A-9-808. Voting.**

1030 Voting in Utah's Western States Presidential Primary shall be conducted in accordance
1031 with the procedures of Section 20A-3-104.5.

S.B. 210 1st Sub. (Green) - Proof of Citizenship Required to Vote

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
