

1                   **VOTER REGISTRATION - ELECTION DAY VOTER**  
2                                   **REGISTRATION**

3                                   2013 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Rebecca Chavez-Houck**

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

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7  
8 **LONG TITLE**

9 **General Description:**

10                   This bill amends Title 20A, Election Code, to permit election day voter registration.

11 **Highlighted Provisions:**

12                   This bill:

13                   ▶ permits a person to register to vote on election day and to cast a provisional ballot if  
14 the person presents himself or herself:

- 15                   • when the polls are open on election day; and
- 16                   • at the voting precinct where the person resides; and

17                   ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19                   None

20 **Other Special Clauses:**

21                   None

22 **Utah Code Sections Affected:**

23 **AMENDS:**

24                   **20A-2-102**, as last amended by Laws of Utah 2003, Chapter 34

25                   **20A-2-102.5**, as last amended by Laws of Utah 2011, Chapters 17, 297, and 327

26                   **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 276

27                   **20A-2-202**, as last amended by Laws of Utah 2009, Chapter 45



28 20A-2-204, as last amended by Laws of Utah 2006, Chapters 264 and 326

29 20A-2-205, as last amended by Laws of Utah 2012, Chapter 251

30 20A-2-206, as last amended by Laws of Utah 2011, Chapter 17

31 20A-2-307, as last amended by Laws of Utah 2003, Chapter 34

32 ENACTS:

33 20A-2-207, Utah Code Annotated 1953



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

36 Section 1. Section 20A-2-102 is amended to read:

37 **20A-2-102. Registration a prerequisite to voting.**

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

40 (2) A person may vote a provisional ballot for an election as provided in Section  
41 20A-2-307 [~~for~~].

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

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

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

45 Section 2. Section 20A-2-102.5 is amended to read:

46 **20A-2-102.5. Voter registration deadline.**

47 (1) Except as provided in [~~Sections~~] Section 20A-2-201 [~~and~~], 20A-2-206 [~~and~~], or  
48 20A-2-207, or Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to  
49 submit a correctly completed voter registration form on or before the voter registration deadline  
50 may not be permitted to vote in the election.

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

53 Section 3. Section 20A-2-201 is amended to read:

54 **20A-2-201. Registering to vote at office of county clerk.**

55 (1) Except as provided in Subsection (3)(b), the county clerk shall register to vote all  
56 persons who present themselves for registration at the county clerk's office during designated  
57 office hours if those persons, on the date of the election, will be legally eligible to vote in a  
58 voting precinct in the county in accordance with Section 20A-2-101.

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

62 (a) accept registration forms from all persons who present themselves for registration at  
 63 the clerk's office during designated office hours if those persons, on the date of the election,  
 64 will be legally qualified and entitled to vote in a voting precinct in the county; and

65 (b) inform them that:

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

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

70 (3) If a registration form is submitted to the county clerk in person on the date of the  
 71 election or during the 14 calendar days before an election, the county clerk shall:

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

74 (a) if the person desires to vote in the pending election, inform the person that the  
 75 person must, on election day, register and cast a provisional ballot in the person's voting  
 76 precinct; or

77 (b) if the person does not desire to vote in the pending election:

78 (i) accept a registration form from the person if, on the date of the election, the person  
 79 will be legally qualified and entitled to vote in a voting precinct in the county; and

80 ~~[(b) (ii) inform [them] the person that [they] the person will be registered to vote but~~  
 81 may not vote in the pending election because [they] the person registered too late and chose not  
 82 to register and vote as described in Subsection (3)(a).

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

84 **20A-2-202. Registration by mail.**

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

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

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

89 (i) address the by-mail voter registration form to the county clerk; and

90 (ii) ensure that it is postmarked on or before the voter registration deadline.

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

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

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

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

99 (3) (a) If the county clerk receives a correctly completed by-mail voter registration  
100 form that is postmarked after the voter registration deadline, the county clerk shall:

101 (i) unless the applicant registers on election day under Section 20A-2-207, register the  
102 applicant after the next election; and

103 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
104 informing the applicant that ~~his~~:

105 (A) the applicant's registration will not be effective until after the election[.]; and

106 (B) the applicant may register to vote on election day under Section 20A-2-207.

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

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

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

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

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

117 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

123 (3) The Driver License Division shall:

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

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

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

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

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

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

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

138 (b) notify the applicant of registration.

139 (5) (a) If the county clerk receives a correctly completed voter registration form that is  
140 dated after the voter registration deadline, the county clerk shall:

141 (i) unless the applicant registers on election day under Section 20A-2-207, register the  
142 applicant after the next election; and

143 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
144 informing the applicant that [his]:

145 (A) the applicant's registration will not be effective until after the election[-]; and

146 (B) the applicant may register to vote on election day under Section 20A-2-207.

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

150 (i) process the voter registration form; and

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

152 (6) If the county clerk determines that a voter registration form received from the  
153 Driver License Division is incorrect because of an error or because it is incomplete, the county  
154 clerk shall mail notice to the person attempting to register, [~~informing him that he~~] stating that  
155 the person has not been registered because of an error or because the form is incomplete.

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

157 **20A-2-205. Registration at voter registration agencies.**

158 (1) As used in this section:

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

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

163 (i) public assistance; or

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

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

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

171 "REGISTERING TO VOTE

172 If you are not registered to vote where you live now, would you like to apply to register  
173 to vote here today? (Applying to register to vote or declining to register to vote will not affect  
174 the amount of assistance that you will be provided by this agency.) Yes\_\_\_ No\_\_\_ IF YOU  
175 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED  
176 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the  
177 voter registration application form, we will help you. The decision about whether or not to  
178 seek or accept help is yours. You may fill out the application form in private. If you believe  
179 that someone has interfered with your right to register or to decline to register to vote, your  
180 right to privacy in deciding whether or not to register, or in applying to register to vote, or your  
181 right to choose your own political party or other political preference, you may file a complaint  
182 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah

183 84114. (The phone number of the Office of the Lieutenant Governor)."

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

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

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

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

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

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

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

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

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

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

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

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

207 (b) notify the applicant of registration.

208 (7) (a) If the county clerk receives a correctly completed voter registration form that is  
209 dated after the voter registration deadline, the county clerk shall:

210 (i) unless the applicant registers on election day under Section 20A-2-207, register the  
211 applicant after the next election; and

212 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
213 informing the applicant that [his]:

214 (A) the applicant's registration will not be effective until after the election[-]; and

215 (B) the applicant may register to vote on election day under Section 20A-2-207.

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

219 (i) process the voter registration form; and

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

221 (8) If the county clerk determines that a voter registration form received from a public  
222 assistance agency or discretionary voter registration agency is incorrect because of an error or  
223 because it is incomplete, the county clerk shall mail notice to the person attempting to register,  
224 [~~informing him that he~~] stating that the person has not been registered because of an error or  
225 because the form is incomplete.

226 Section 7. Section **20A-2-206** is amended to read:

227 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

228 (1) The lieutenant governor may create and maintain an electronic system for voter  
229 registration and requesting an absentee ballot that is publicly available on the Internet.

230 (2) An electronic system for voter registration shall require:

231 (a) that an applicant have a valid driver license or identification card, issued under Title  
232 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of  
233 residence;

234 (b) that the applicant provide the information required by Section 20A-2-104, except  
235 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)  
236 and (4);

237 (c) that the applicant attest to the truth of the information provided; and

238 (d) that the applicant authorize the lieutenant governor's and county clerk's use of the  
239 applicant's driver license or identification card signature, obtained under Title 53, Chapter 3,  
240 Uniform Driver License Act, for voter registration purposes.

241 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for  
242 voter registration created under this section is not required to complete a printed registration  
243 form.

244 (4) A system created and maintained under this section shall provide the notices

245 concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

246 (5) The lieutenant governor shall obtain a digital copy of the applicant's driver license  
247 or identification card signature from the Driver License Division.

248 (6) Upon receiving all information from an applicant and the Driver License Division,  
249 the lieutenant governor shall send the information to the county clerk for the county in which  
250 the applicant's principal place of residence is found for further action as required by Section  
251 20A-2-304.

252 (7) The lieutenant governor may use additional security measures to ensure the  
253 accuracy and integrity of an electronically submitted voter registration.

254 (8) (a) If an individual applies to register under this section during the period beginning  
255 on the date after the voter registration deadline and ending on the date that is 15 calendar days  
256 before the date of an election, the county clerk shall:

257 (i) accept the application for registration if the individual, on the date of the election,  
258 will be legally qualified and entitled to vote in a voting precinct in the state; and

259 (ii) inform the individual that:

260 (A) the individual is registered to vote in the pending election; and

261 (B) for the pending election, the individual must vote on the day of the election and is  
262 not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the  
263 individual registered too late.

264 (b) If an individual applies to register under this section during the 14 calendar days  
265 before an election, the county clerk shall:

266 (i) if the individual desires to vote in the pending election, inform the individual that  
267 the individual must, on election day, register and cast a provisional ballot in the individual's  
268 voting precinct; or

269 (ii) if the individual does not desire to vote in the pending election:

270 [(†)] (A) accept the application for registration if the individual, on the date of the  
271 election, will be legally qualified and entitled to vote in a voting precinct in the state; and

272 [(†)] (B) inform the individual that the individual is registered to vote but may not vote  
273 in the pending election because the individual registered too late and chose not to register and  
274 vote as described in Subsection (8)(b)(i).

275 (9) (a) A registered voter may file an application for an absentee ballot in accordance

276 with Section 20A-3-304 on the electronic system for voter registration established under this  
277 section.

278 (b) The lieutenant governor shall provide a means by which a registered voter shall  
279 sign the application form as provided in Section 20A-3-304.

280 Section 8. Section 20A-2-207 is enacted to read:

281 **20A-2-207. Election day registration -- Provisional ballots.**

282 (1) An election official shall register a person to vote who:

283 (a) is legally eligible to vote, in accordance with Section 20A-2-101; and

284 (b) presents himself or herself:

285 (i) when the polls are open on election day; and

286 (ii) at the voting precinct where the person resides.

287 (2) A person who registers to vote on election day, in accordance with this section, may  
288 cast a provisional ballot.

289 Section 9. Section 20A-2-307 is amended to read:

290 **20A-2-307. County clerks' instructions to election judges.**

291 (1) Each county clerk shall instruct election judges to allow a voter to vote a regular  
292 ballot if:

293 (a) the voter has moved from one address within a voting precinct to another address  
294 within the same voting precinct; and

295 (b) the voter affirms the change of address orally or in writing before the election  
296 judges.

297 (2) Each county clerk shall instruct election judges to allow a person to vote a  
298 provisional ballot if:

299 (a) the person registers to vote on election day under Section 20A-2-207;

300 [~~(a)~~] (b) the voter's name does not appear on the official register; or

301 [~~(b)~~] (c) the voter is challenged as provided in Section 20A-3-202.