

ELECTION DAY VOTER REGISTRATION PILOT PROJECT

2014 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill amends provisions of the Election Code by establishing a pilot project to test the advisability of implementing election day voter registration in Utah.

Highlighted Provisions:

This bill:

- ▶ establishes the Election Day Voter Registration Pilot Project;
- ▶ provides that a county or municipality may apply to participate in the pilot project to test whether it is advisable to implement election day voter registration in Utah;
- ▶ establishes requirements and an approval process for a county or municipality to participate in the pilot project;
- ▶ enacts provisions implementing election day voter registration for a county or municipality that participates in the pilot project;
- ▶ requires the lieutenant governor and each county and municipality that participate in

28 the pilot project to report on the pilot project to the Government Operations Interim Committee
29 and the Legislative Management Committee;

30 ▶ requires the Government Operations Interim Committee to, during the 2016 interim,
31 study and make a recommendation to the Legislature regarding whether to
32 implement statewide election day voter registration on a statewide, permanent basis;

33 ▶ repeals the provisions of this bill, subject to sunset review, on January 1, 2017; and

34 ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill coordinates with S.B. 135, Voter Registration Amendments, by providing
39 substantive amendments.

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **20A-1-102**, as last amended by Laws of Utah 2013, Chapter 320

43 **20A-2-102**, as last amended by Laws of Utah 2003, Chapter 34

44 **20A-2-102.5**, as last amended by Laws of Utah 2011, Chapters 17, 297, and 327

45 **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 276

46 **20A-2-202**, as last amended by Laws of Utah 2009, Chapter 45

47 **20A-2-204**, as last amended by Laws of Utah 2006, Chapters 264 and 326

48 **20A-2-205**, as last amended by Laws of Utah 2012, Chapter 251

49 **20A-2-206**, as last amended by Laws of Utah 2011, Chapter 17

50 **20A-2-307**, as last amended by Laws of Utah 2003, Chapter 34

51 **20A-4-107**, as last amended by Laws of Utah 2013, Chapter 390

52 **63I-1-220**, as renumbered and amended by Laws of Utah 2008, Chapter 382

53 ENACTS:

54 **20A-4-108**, Utah Code Annotated 1953

55 **Utah Code Sections Affected by Coordination Clause:**

- 56 **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 276
- 57 **20A-2-206**, as last amended by Laws of Utah 2011, Chapter 17
- 58 **20A-4-107**, as last amended by Laws of Utah 2013, Chapter 390
- 59 **20A-4-108**, Utah Code Annotated 1953
- 60 **63I-1-220**, as renumbered and amended by Laws of Utah 2008, Chapter 382



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

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

64 **20A-1-102. Definitions.**

65 As used in this title:

66 (1) "Active voter" means a registered voter who has not been classified as an inactive
67 voter by the county clerk.

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

70 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
71 upon which a voter records the voter's votes.

72 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
73 envelopes.

74 [~~5~~] (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

75 (a) contain the names of offices and candidates and statements of ballot propositions to
76 be voted on; and

77 (b) are used in conjunction with ballot sheets that do not display that information.

78 [~~6~~] (5) "Ballot proposition" means a question, issue, or proposal that is submitted to
79 voters on the ballot for their approval or rejection including:

80 (a) an opinion question specifically authorized by the Legislature;

81 (b) a constitutional amendment;

82 (c) an initiative;

83 (d) a referendum;

- 84 (e) a bond proposition;
- 85 (f) a judicial retention question;
- 86 (g) an incorporation of a city or town; or
- 87 (h) any other ballot question specifically authorized by the Legislature.
- 88 [~~(4)~~] (6) "Ballot sheet":
- 89 (a) means a ballot that:
- 90 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 91 (ii) can be counted using automatic tabulating equipment; and
- 92 (b) includes punch card ballots and other ballots that are machine-countable.
- 93 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 94 together with a staple or stitch in at least three places across the top of the paper in the blank
- 95 space reserved for securing the paper.
- 96 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 97 [20A-4-306](#) to canvass election returns.
- 98 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 99 the proposed issuance of bonds by a government entity.
- 100 (10) "Book voter registration form" means voter registration forms contained in a
- 101 bound book that are used by election officers and registration agents to register persons to vote.
- 102 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 103 charge by the sender.
- 104 (12) "By-mail voter registration form" means a voter registration form designed to be
- 105 completed by the voter and mailed to the election officer.
- 106 (13) "Canvass" means the review of election returns and the official declaration of
- 107 election results by the board of canvassers.
- 108 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 109 the canvass.
- 110 (15) "Contracting election officer" means an election officer who enters into a contract
- 111 or interlocal agreement with a provider election officer.

112 (16) "Convention" means the political party convention at which party officers and
113 delegates are selected.

114 (17) "Counting center" means one or more locations selected by the election officer in
115 charge of the election for the automatic counting of ballots.

116 (18) "Counting judge" means a poll worker designated to count the ballots during
117 election day.

118 (19) "Counting poll watcher" means a person selected as provided in Section
119 [20A-3-201](#) to witness the counting of ballots.

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

123 (21) "County officers" means those county officers that are required by law to be
124 elected.

125 (22) "Date of the election" or "election day" or "day of the election":

126 (a) means the day that is specified in the calendar year as the day that the election
127 occurs; and

128 (b) does not include:

129 (i) deadlines established for absentee voting; or

130 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
131 Voting.

132 (23) "Elected official" means:

133 (a) a person elected to an office under Section [20A-1-303](#);

134 (b) a person who is considered to be elected to a municipal office in accordance with
135 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

136 (c) a person who is considered to be elected to a local district office in accordance with
137 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

138 (24) "Election" means a regular general election, a municipal general election, a
139 statewide special election, a local special election, a regular primary election, a municipal

140 primary election, and a local district election.

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

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

145 (27) "Election judge" means a poll worker that is assigned to:

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

149 (28) "Election officer" means:

- 150 (a) the lieutenant governor, for all statewide ballots and elections;
- 151 (b) the county clerk for:
 - 152 (i) a county ballot and election; and
 - 153 (ii) a ballot and election as a provider election officer as provided in Section

154 [20A-5-400.1](#) or [20A-5-400.5](#);

155 (c) the municipal clerk for:

- 156 (i) a municipal ballot and election; and
- 157 (ii) a ballot and election as a provider election officer as provided in Section

158 [20A-5-400.1](#) or [20A-5-400.5](#);

159 (d) the local district clerk or chief executive officer for:

- 160 (i) a local district ballot and election; and
- 161 (ii) a ballot and election as a provider election officer as provided in Section

162 [20A-5-400.1](#) or [20A-5-400.5](#); or

163 (e) the business administrator or superintendent of a school district for:

- 164 (i) a school district ballot and election; and
- 165 (ii) a ballot and election as a provider election officer as provided in Section

166 [20A-5-400.1](#) or [20A-5-400.5](#).

167 (29) "Election official" means any election officer, election judge, or poll worker.

168 (30) "Election results" means:

169 (a) for an election other than a bond election, the count of votes cast in the election and
170 the election returns requested by the board of canvassers; or

171 (b) for bond elections, the count of those votes cast for and against the bond
172 proposition plus any or all of the election returns that the board of canvassers may request.

173 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
174 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
175 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
176 form, and the total votes cast form.

177 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
178 device or other voting device that records and stores ballot information by electronic means.

179 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
180 or logically associated with a record and executed or adopted by a person with the intent to sign
181 the record.

182 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

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

184 (35) "Inactive voter" means a registered voter who has:

185 (a) been sent the notice required by Section [20A-2-306](#); and

186 (b) failed to respond to that notice.

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

189 (37) "Judicial office" means the office filled by any judicial officer.

190 (38) "Judicial officer" means any justice or judge of a court of record or any county
191 court judge.

192 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
193 Local Government Entities - Local Districts, and includes a special service district under Title
194 17D, Chapter 1, Special Service District Act.

195 (40) "Local district officers" means those local district officers that are required by law

196 to be elected.

197 (41) "Local election" means a regular municipal election, a local special election, a
198 local district election, and a bond election.

199 (42) "Local political subdivision" means a county, a municipality, a local district, or a
200 local school district.

201 (43) "Local special election" means a special election called by the governing body of a
202 local political subdivision in which all registered voters of the local political subdivision may
203 vote.

204 (44) "Municipal executive" means:

205 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);
206 or

207 (b) the mayor in the council-manager form of government defined in Subsection
208 [10-3b-103\(6\)](#).

209 (45) "Municipal general election" means the election held in municipalities and local
210 districts on the first Tuesday after the first Monday in November of each odd-numbered year
211 for the purposes established in Section [20A-1-202](#).

212 (46) "Municipal legislative body" means the council of the city or town in any form of
213 municipal government.

214 (47) "Municipal office" means an elective office in a municipality.

215 (48) "Municipal officers" means those municipal officers that are required by law to be
216 elected.

217 (49) "Municipal primary election" means an election held to nominate candidates for
218 municipal office.

219 (50) "Official ballot" means the ballots distributed by the election officer to the poll
220 workers to be given to voters to record their votes.

221 (51) "Official endorsement" means:

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

223 (i) the ballot as an official ballot;

224 (ii) the date of the election; and
225 (iii) the facsimile signature of the election officer; and
226 (b) the information on the ballot stub that identifies:
227 (i) the poll worker's initials; and
228 (ii) the ballot number.
229 (52) "Official register" means the official record furnished to election officials by the
230 election officer that contains the information required by Section [20A-5-401](#).
231 (53) "Paper ballot" means a paper that contains:
232 (a) the names of offices and candidates and statements of ballot propositions to be
233 voted on; and
234 (b) spaces for the voter to record the voter's vote for each office and for or against each
235 ballot proposition.
236 (54) "Pilot project" means the election day voter registration pilot project created in
237 Section [20A-4-108](#).
238 [~~54~~] (55) "Political party" means an organization of registered voters that has
239 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
240 Formation and Procedures.
241 (56) "Pollbook" means a record of the names of voters in the order that they appear to
242 cast votes.
243 (57) "Polling place" means the building where voting is conducted.
244 [~~55~~] (58) (a) "Poll worker" means a person assigned by an election official to assist
245 with an election, voting, or counting votes.
246 (b) "Poll worker" includes election judges.
247 (c) "Poll worker" does not include a watcher.
248 [~~58~~] (59) "Position" means a square, circle, rectangle, or other geometric shape on a
249 ballot in which the voter marks the voter's choice.
250 [~~62~~] (60) "Primary convention" means the political party conventions at which
251 nominees for the regular primary election are selected.

252 ~~[(63)]~~ (61) "Protective counter" means a separate counter, which cannot be reset, that:

253 (a) is built into a voting machine; and

254 (b) records the total number of movements of the operating lever.

255 ~~[(59)]~~ (62) "Provider election officer" means an election officer who enters into a
256 contract or interlocal agreement with a contracting election officer to conduct an election for
257 the contracting election officer's local political subdivision in accordance with Section
258 [20A-5-400.1](#).

259 ~~[(60)]~~ (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

262 (c) whose identity was not sufficiently established by a poll worker.

263 ~~[(61)]~~ (64) "Provisional ballot envelope" means an envelope printed in the form
264 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide
265 information to verify a person's legal right to vote.

266 ~~[(64)]~~ (65) "Qualify" or "qualified" means to take the oath of office and begin
267 performing the duties of the position for which the person was elected.

268 ~~[(65)]~~ (66) "Receiving judge" means the poll worker that checks the voter's name in the
269 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
270 after the voter has voted.

271 ~~[(66)]~~ (67) "Registration form" means a book voter registration form and a by-mail
272 voter registration form.

273 ~~[(67)]~~ (68) "Regular ballot" means a ballot that is not a provisional ballot.

274 ~~[(68)]~~ (69) "Regular general election" means the election held throughout the state on
275 the first Tuesday after the first Monday in November of each even-numbered year for the
276 purposes established in Section [20A-1-201](#).

277 ~~[(69)]~~ (70) "Regular primary election" means the election on the fourth Tuesday of
278 June of each even-numbered year, to nominate candidates of political parties and nonpolitical
279 groups to advance to the regular general election.

280 [~~(70)~~] (71) "Resident" means a person who resides within a specific voting precinct in
281 Utah.

282 [~~(71)~~] (72) "Sample ballot" means a mock ballot similar in form to the official ballot
283 printed and distributed as provided in Section [20A-5-405](#).

284 [~~(72)~~] (73) "Scratch vote" means to mark or punch the straight party ticket and then
285 mark or punch the ballot for one or more candidates who are members of different political
286 parties.

287 [~~(73)~~] (74) "Secrecy envelope" means the envelope given to a voter along with the
288 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
289 secrecy of the voter's vote.

290 [~~(74)~~] (75) "Special election" means an election held as authorized by Section
291 [20A-1-203](#).

292 [~~(75)~~] (76) "Spoiled ballot" means each ballot that:

293 (a) is spoiled by the voter;

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

295 (c) lacks the official endorsement.

296 [~~(76)~~] (77) "Statewide special election" means a special election called by the governor
297 or the Legislature in which all registered voters in Utah may vote.

298 [~~(77)~~] (78) "Stub" means the detachable part of each ballot.

299 [~~(78)~~] (79) "Substitute ballots" means replacement ballots provided by an election
300 officer to the poll workers when the official ballots are lost or stolen.

301 [~~(79)~~] (80) "Ticket" means each list of candidates for each political party or for each
302 group of petitioners.

303 [~~(80)~~] (81) "Transfer case" means the sealed box used to transport voted ballots to the
304 counting center.

305 [~~(81)~~] (82) "Vacancy" means the absence of a person to serve in any position created
306 by statute, whether that absence occurs because of death, disability, disqualification,
307 resignation, or other cause.

308 [~~(82)~~] (83) "Valid voter identification" means:

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

- 311 (i) a currently valid Utah driver license;
- 312 (ii) a currently valid identification card that is issued by:
 - 313 (A) the state; or
 - 314 (B) a branch, department, or agency of the United States;
- 315 (iii) a currently valid Utah permit to carry a concealed weapon;
- 316 (iv) a currently valid United States passport; or
- 317 (v) a currently valid United States military identification card;

318 (b) one of the following identification cards, whether or not the card includes a
319 photograph of the voter:

- 320 (i) a valid tribal identification card;
- 321 (ii) a Bureau of Indian Affairs card; or
- 322 (iii) a tribal treaty card; or

323 (c) two forms of identification not listed under Subsection [~~(82)~~] (83)(a) or (b) but that
324 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
325 which may include:

- 326 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
327 election;
- 328 (ii) a bank or other financial account statement, or a legible copy thereof;
- 329 (iii) a certified birth certificate;
- 330 (iv) a valid Social Security card;
- 331 (v) a check issued by the state or the federal government or a legible copy thereof;
- 332 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 333 (vii) a currently valid Utah hunting or fishing license;
- 334 (viii) certified naturalization documentation;
- 335 (ix) a currently valid license issued by an authorized agency of the United States;

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

337 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

338 (xii) a currently valid identification card issued by:

339 (A) a local government within the state;

340 (B) an employer for an employee; or

341 (C) a college, university, technical school, or professional school located within the

342 state; or

343 (xiii) a current Utah vehicle registration.

344 [~~83~~] (84) "Valid write-in candidate" means a candidate who has qualified as a
345 write-in candidate by following the procedures and requirements of this title.

346 [~~84~~] (85) "Voter" means a person who:

347 (a) meets the requirements for voting in an election;

348 (b) meets the requirements of election registration;

349 (c) is registered to vote; and

350 (d) is listed in the official register book.

351 [~~85~~] (86) "Voter registration deadline" means the registration deadline provided in
352 Section [20A-2-102.5](#).

353 [~~86~~] (87) "Voting area" means the area within six feet of the voting booths, voting
354 machines, and ballot box.

355 [~~87~~] (88) "Voting booth" means:

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

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

359 [~~88~~] (89) "Voting device" means:

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

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

363 (c) an electronic voting device or other device used to make selections and cast a ballot

364 electronically, or any component thereof;

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

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

368 ~~[(89)]~~ (90) "Voting machine" means a machine designed for the sole purpose of
369 recording and tabulating votes cast by voters at an election.

370 ~~[(90)]~~ (91) "Voting poll watcher" means a person appointed as provided in this title to
371 witness the distribution of ballots and the voting process.

372 ~~[(91)]~~ (92) "Voting precinct" means the smallest voting unit established as provided by
373 law within which qualified voters vote at one polling place.

374 ~~[(92)]~~ (93) "Watcher" means a voting poll watcher, a counting poll watcher, an
375 inspecting poll watcher, and a testing watcher.

376 ~~[(93)]~~ (94) "Western States Presidential Primary" means the election established in
377 Chapter 9, Part 8, Western States Presidential Primary.

378 ~~[(94)]~~ (95) "Write-in ballot" means a ballot containing any write-in votes.

379 ~~[(95)]~~ (96) "Write-in vote" means a vote cast for a person whose name is not printed on
380 the ballot according to the procedures established in this title.

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

382 **20A-2-102. Registration a prerequisite to voting.**

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

385 (2) A person may vote a provisional ballot for an election as provided in Section
386 20A-2-307 ~~[for:].~~

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

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

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

390 Section 3. Section 20A-2-102.5 is amended to read:

391 **20A-2-102.5. Voter registration deadline.**

392 (1) Except as provided in [Sections] Section 20A-2-201 [and], 20A-2-206 [and], or
393 20A-4-108, or Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to
394 submit a correctly completed voter registration form on or before the voter registration deadline
395 may not be permitted to vote in the election.

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

398 Section 4. Section **20A-2-201** is amended to read:

399 **20A-2-201. Registering to vote at office of county clerk.**

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

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

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

410 (b) inform them that:

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

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

415 (3) [H] Except as provided in Subsection 20A-4-108(5), if a registration form is
416 submitted to the county clerk on the date of the election or during the 14 calendar days before
417 an election, the county clerk shall:

418 (a) accept registration forms from all persons who present themselves for registration at
419 the clerk's office during designated office hours if those persons, on the date of the election,

420 will be legally qualified and entitled to vote in a voting precinct in the county; and

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

423 Section 5. Section **20A-2-202** is amended to read:

424 **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

439 (3) (a) [H] Except as provided in Subsection [20A-4-108\(6\)](#), if the county clerk receives
440 a correctly completed by-mail voter registration form that is postmarked after the voter
441 registration deadline, the county clerk shall:

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

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

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

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

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

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

454 Section 6. Section **20A-2-204** is amended to read:

455 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

456 (1) As used in this section, "voter registration form" means the driver license
457 application/voter registration form and the driver license renewal/voter registration form
458 required by Section [20A-2-108](#).

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

461 (3) The Driver License Division shall:

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

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

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

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

468 and

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

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

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

476 (b) notify the applicant of registration.

477 (5) (a) [H] Except as provided in Subsection 20A-4-108(7), if the county clerk receives
478 a correctly completed voter registration form that is dated after the voter registration deadline,
479 the county clerk shall:

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

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

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

486 (i) process the voter registration form; and

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

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

492 Section 7. Section **20A-2-205** is amended to read:

493 **20A-2-205. Registration at voter registration agencies.**

494 (1) As used in this section:

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

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

499 (i) public assistance; or

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

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

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

507 "REGISTERING TO VOTE

508 If you are not registered to vote where you live now, would you like to apply to register
509 to vote here today? (Applying to register to vote or declining to register to vote will not affect
510 the amount of assistance that you will be provided by this agency.) Yes ___ No ___ IF YOU
511 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
512 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
513 voter registration application form, we will help you. The decision about whether or not to
514 seek or accept help is yours. You may fill out the application form in private. If you believe
515 that someone has interfered with your right to register or to decline to register to vote, your
516 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
517 right to choose your own political party or other political preference, you may file a complaint
518 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
519 84114. (The phone number of the Office of the Lieutenant Governor)."

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

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

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

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

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

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

- 532 (a) seek to influence an applicant's political preference or party registration;
- 533 (b) display any political preference or party allegiance;
- 534 (c) make any statement to an applicant or take any action that has the purpose or effect
535 of discouraging the applicant from registering to vote; or
- 536 (d) make any statement to an applicant or take any action that has the purpose or effect
537 of leading the applicant to believe that a decision to register or not to register has any bearing
538 upon the availability of services or benefits.
- 539 (6) Upon receipt of a correctly completed voter registration form, the county clerk
540 shall:
- 541 (a) enter the applicant's name on the list of registered voters for the voting precinct in
542 which the applicant resides; and
- 543 (b) notify the applicant of registration.
- 544 (7) (a) [H] Except as provided in Subsection 20A-4-108(8), if the county clerk receives
545 a correctly completed voter registration form that is dated after the voter registration deadline,
546 the county clerk shall:
- 547 (i) register the applicant after the next election; and
- 548 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
549 informing the applicant that his registration will not be effective until after the election.
- 550 (b) When the county clerk receives a correctly completed voter registration form at
551 least seven days before an election that is dated on or before the voter registration deadline, the
552 county clerk shall:
- 553 (i) process the voter registration form; and
- 554 (ii) record the new voter in the official register.
- 555 (8) If the county clerk determines that a voter registration form received from a public
556 assistance agency or discretionary voter registration agency is incorrect because of an error or
557 because it is incomplete, the county clerk shall mail notice to the person attempting to register,
558 ~~[informing him that he]~~ stating that the person has not been registered because of an error or
559 because the form is incomplete.

560 Section 8. Section **20A-2-206** is amended to read:

561 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

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

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

565 (a) that an applicant have a valid driver license or identification card, issued under Title
566 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of
567 residence;

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

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

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

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

578 (4) A system created and maintained under this section shall provide the notices
579 concerning a voter's presentation of identification contained in Subsection **20A-2-104**(1).

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

582 (6) Upon receiving all information from an applicant and the Driver License Division,
583 the lieutenant governor shall send the information to the county clerk for the county in which
584 the applicant's principal place of residence is found for further action as required by Section
585 **20A-2-304**.

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

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

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

593 (ii) inform the individual that:

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

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

598 (b) [Hf] Except as provided in Subsection [20A-4-108\(9\)](#), if an individual applies to
599 register under this section during the 14 calendar days before an election, the county clerk
600 shall:

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

603 (ii) inform the individual that the individual is registered to vote but may not vote in
604 the pending election because the individual registered too late.

605 (9) (a) A registered voter may file an application for an absentee ballot in accordance
606 with Section [20A-3-304](#) on the electronic system for voter registration established under this
607 section.

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

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

611 **20A-2-307. County clerks' instructions to election judges.**

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

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

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

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

620 (a) the person registers to vote on election day, in accordance with the pilot project
621 described in Section 20A-4-108, by casting a provisional ballot in a municipality or county that
622 is participating in the pilot project;

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

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

625 Section 10. Section 20A-4-107 is amended to read:

626 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

628 (a) the person:

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

630 (ii) votes the ballot for the voting precinct in which the person resides; and

631 (iii) [~~provided~~] provides valid voter identification to the poll worker;

632 (b) the person:

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

634 (ii) (A) provided valid voter identification to the poll worker; or

635 (B) either failed to provide valid voter identification or the documents provided as
636 valid voter identification were inadequate and the poll worker recorded that fact in the official
637 register but the county clerk verifies the person's identity and residence through some other
638 means; and

639 (iii) did not vote in the person's precinct of residence, but the ballot that the person
640 voted was from the person's county of residence and includes one or more candidates or ballot
641 propositions on the ballot voted in the person's precinct of residence; or

642 (c) the person:

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

644 (ii) either failed to provide valid voter identification or the documents provided as
645 valid voter identification were inadequate and the poll worker recorded that fact in the official
646 register; and

647 (iii) (A) the county clerk verifies the person's identity and residence through some other
648 means as reliable as photo identification; or

649 (B) the person provides valid voter identification to the county clerk or an election
650 officer who is administering the election by the close of normal office hours on Monday after
651 the date of the election.

652 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
653 the affirmation on the face of each provisional ballot envelope and determine if the person
654 signing the affirmation is:

655 (i) registered to vote in this state; and

656 (ii) legally entitled to vote:

657 (A) the ballot that the person voted; or

658 (B) if the ballot is from the person's county of residence, for at least one ballot
659 proposition or candidate on the ballot that the person voted.

660 (b) [H] Except as provided in Subsection 20A-4-108(10), if the election officer
661 determines that the person is not registered to vote in this state or is not legally entitled to vote
662 in the county or for any of the ballot propositions or candidates on the ballot that the person
663 voted, the election officer shall retain the ballot envelope, unopened, for the period specified in
664 Section 20A-4-202 unless ordered by a court to produce or count it.

665 (c) If the election officer determines that the person is registered to vote in this state
666 and is legally entitled to vote in the county and for at least one of the ballot propositions or
667 candidates on the ballot that the person voted, the election officer shall remove the ballot from
668 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
669 those ballots at the canvass.

670 (d) The election officer may not count, or allow to be counted a provisional ballot
671 unless the person's identity and residence is established by a preponderance of the evidence.

672 (3) If the election officer determines that the person is registered to vote in this state, or
673 if the voter is, in accordance with the pilot project, registered to vote under Subsection
674 20A-4-108(10), the election officer shall ensure that the voter registration records are updated
675 to reflect the information provided on the provisional ballot envelope.

676 (4) [~~H~~] Except as provided in Subsection 20A-4-108(12), if the election officer
677 determines that the person is not registered to vote in this state and the information on the
678 provisional ballot envelope is complete, the election officer shall:

679 (a) consider the provisional ballot envelope a voter registration form for the person's
680 county of residence; and

681 (b) (i) register the person if the voter's county of residence is within the county; or

682 (ii) forward the voter registration form to the election officer of the person's county of
683 residence, which election officer shall register the person.

684 Section 11. Section **20A-4-108** is enacted to read:

685 **20A-4-108. Election day voter registration pilot project.**

686 (1) There is created, beginning on June 1, 2014, and ending on January 1, 2017, an
687 election day voter registration pilot project, as described in this section.

688 (2) A county may participate in the pilot project if the county clerk submits to the
689 lieutenant governor a written application to participate in the pilot project that contains:

690 (a) the name of the county;

691 (b) a request that the county be permitted to participate in the pilot project;

692 (c) an estimate of the extent to which election day voter registration may increase voter
693 participation; and

694 (d) any other reasons that the county desires to participate in the project.

695 (3) A municipality may participate in the pilot project for a municipal election if the
696 municipal clerk submits to the lieutenant governor a written application to participate in the
697 pilot project that contains:

698 (a) the name of the municipality;

699 (b) a request that the municipality be permitted to participate in the pilot project;

700 (c) an estimate of the extent to which election day voter registration may increase voter
701 participation; and

702 (d) any other reasons that the municipality desires to participate in the project.

703 (4) Within 10 business days after the day on which the lieutenant governor receives an
704 application described in Subsection (2) or (3), the lieutenant governor shall approve the
705 application if:

706 (a) the application complies with the requirements described in Subsection (2) or (3),
707 as applicable; and

708 (b) the lieutenant governor determines, based on the information contained in the
709 application, that implementing the pilot project in the county or municipality:

710 (i) will yield valuable information to determine whether election day voter registration
711 should be implemented on a permanent, statewide basis; and

712 (ii) will not adversely affect the rights of voters or candidates.

713 (5) For a county or municipality that is approved by the lieutenant governor to
714 participate in the pilot project, if, under Subsection [20A-2-201\(3\)](#), a registration form is
715 submitted to the county clerk on the date of the election or during the 14 calendar days before
716 an election, the county clerk shall:

717 (a) if the person desires to vote in the pending election, inform the person that the
718 person must, on election day, register to vote by casting a provisional ballot in accordance with
719 Subsection (10); or

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

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

724 (ii) inform the person that the person will be registered to vote but may not vote in the
725 pending election because the person registered too late and chose not to register and vote as
726 described in Subsection (5)(a).

727 (6) For a county or municipality that is approved by the lieutenant governor to

728 participate in the pilot project, if, under Subsection 20A-2-202(3)(a), the county clerk receives
729 a correctly completed by-mail voter registration form that is postmarked after the voter
730 registration deadline, the county clerk shall:

731 (a) unless the applicant registers on election day by casting a provisional ballot in
732 accordance with Subsection (10), register the applicant for the next election; and

733 (b) if possible, promptly phone, mail, or email a notice to the applicant before the
734 election, informing the applicant that:

735 (i) the applicant's registration will not be effective until after the election; and

736 (ii) the applicant may register to vote on election day by casting a provisional ballot in
737 accordance with Subsection (10).

738 (7) For a county or municipality that is approved by the lieutenant governor to
739 participate in the pilot project, if, under Subsection 20A-2-204(5)(a), the county clerk receives
740 a correctly completed voter registration form that is dated after the voter registration deadline,
741 the county clerk shall:

742 (a) unless the applicant registers to vote on election day by casting a provisional ballot
743 in accordance with Subsection (10), register the applicant after the next election; and

744 (b) if possible, promptly phone, mail, or email a notice to the applicant before the
745 election, informing the applicant that:

746 (i) the applicant's registration will not be effective until after the election; and

747 (ii) the applicant may register to vote on election day by casting a provisional ballot in
748 accordance with Subsection (10).

749 (8) For a county or municipality that is approved by the lieutenant governor to
750 participate in the pilot project, if, under Subsection 20A-2-205(7)(a), the county clerk receives
751 a correctly completed voter registration form that is dated after the voter registration deadline,
752 the county clerk shall:

753 (a) unless the applicant registers to vote on election day by casting a provisional ballot
754 in accordance with Subsection (10), register the applicant after the next election; and

755 (b) if possible, promptly phone, mail, or email a notice to the applicant before the

756 election, informing the applicant that:

757 (i) the applicant's registration will not be effective until after the election; and

758 (ii) the applicant may register to vote on election day by casting a provisional ballot in
759 accordance with Subsection (10).

760 (9) For a county or municipality that is approved by the lieutenant governor to
761 participate in the pilot project, if, under Subsection 20A-2-206(8)(b), an individual applies to
762 register under this section during the 14 calendar days before an election, the county clerk
763 shall:

764 (a) if the individual desires to vote in the pending election, inform the individual that
765 the individual must, on election day, register to vote by casting a provisional ballot in
766 accordance with Subsection (10); or

767 (b) if the individual does not desire to vote in the pending election:

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

770 (ii) inform the individual that the individual is registered to vote but may not vote in
771 the pending election because the individual registered too late and chose not to register and
772 vote as described in Subsection (9)(a).

773 (10) For a county or municipality that is approved by the lieutenant governor to
774 participate in the pilot project:

775 (a) the election officer shall take the action described in Subsection (10)(b) in relation
776 to a provisional ballot if the election officer determines that:

777 (i) the person who voted the ballot is not registered to vote, but is otherwise legally
778 entitled to vote the ballot;

779 (ii) the ballot that the person voted is identical to the ballot for the precinct in which
780 the person resides;

781 (iii) the information on the ballot is complete; and

782 (iv) the person provided valid voter identification and proof of residence to the poll
783 worker;

784 (b) if a provisional ballot and the person who voted the provisional ballot comply with
785 the requirements described in Subsection (10)(a), the election officer shall:

786 (i) consider the provisional ballot a voter registration form;

787 (ii) place the ballot with the absentee ballots, to be counted with those ballots at the
788 canvass; and

789 (iii) as soon as reasonably possible, register the person to vote; and

790 (c) except as provided in Subsection (11), the election officer shall retain a provisional
791 ballot envelope, unopened, for the period specified in Section [20A-4-202](#), if the election officer
792 determines that the person who voted the ballot:

793 (i) (A) is not registered to vote in this state; and

794 (B) is not eligible for registration under Subsection (10); or

795 (ii) is not legally entitled to vote the ballot that the person voted.

796 (11) Subsection (10)(c) does not apply if a court orders the election officer to produce
797 or count the provisional ballot.

798 (12) For a county or municipality that is approved by the lieutenant governor to
799 participate in the pilot project, if, under Subsection [20A-4-107\(4\)](#), the election officer
800 determines that the person is not registered to vote in this state, that the information on the
801 provisional ballot envelope is complete, and that the provisional ballot and the person who
802 voted the provisional ballot do not comply with the requirements described in Subsection
803 (10)(a), the election officer shall:

804 (a) consider the provisional ballot envelope a voter registration form for the person's
805 county of residence; and

806 (b) (i) register the person if the voter's county of residence is within the county; or

807 (ii) forward the voter registration form to the election officer of the person's county of
808 residence, which election officer shall register the person.

809 (13) (a) The county clerk of a county that is approved to participate in the pilot project,
810 and the municipal clerk of a municipality that is approved to participate in the pilot project,
811 shall provide training for the poll workers of the county or municipality on administering the

812 pilot program.

813 (b) The lieutenant governor shall, for a county or municipality that is approved to
814 participate in the pilot project, provide information relating to the pilot project in accordance
815 with the provisions of Subsection 67-1a-2(2)(a)(iv).

816 (14) The lieutenant governor and each county and municipality that is approved by the
817 lieutenant governor to participate in the pilot project shall:

818 (a) report to the Government Operations Interim Committee, on or before October 31
819 of each year that the pilot project is in effect, regarding:

820 (i) the implementation of the pilot project;

821 (ii) the number of ballots cast by voters who registered on election day;

822 (iii) any difficulties resulting from the pilot project; and

823 (iv) whether, in the opinion of the lieutenant governor, the county, or the municipality,
824 the state would benefit from implementing election day voter registration permanently and on a
825 statewide basis; and

826 (b) on or before December 31, 2016, report to the Legislative Management Committee
827 regarding the matters described in Subsection (14)(a).

828 (15) During the 2016 interim, the Government Operations Interim Committee shall
829 study and make a recommendation to the Legislature regarding whether to implement statewide
830 election day voter registration on a permanent, statewide basis.

831 Section 12. Section **63I-1-220** is amended to read:

832 **63I-1-220. Repeal dates, Title 20A.**

833 On January 1, 2017:

834 (1) Subsection 20A-1-102(54) is repealed.

835 (2) Subsection 20A-2-102.5(1) the language that states "20A-4-108, or" is repealed.

836 (3) Subsection 20A-2-201(3) the language that states "Except as provided in
837 Subsection 20A-4-108(5)," is repealed.

838 (4) Subsection 20A-2-202(3)(a) the language that states "Except as provided in
839 Subsection 20A-4-108(6)," is repealed.

840 (5) Subsection 20A-2-204(5)(a) the language that states "Except as provided in
841 Subsection 20A-4-108(7)," is repealed.

842 (6) Subsection 20A-2-205(7)(a) the language that states "Except as provided in
843 Subsection 20A-4-108(8)," is repealed.

844 (7) Subsection 20A-2-206(8)(b) the language that states "Except as provided in
845 Subsection 20A-4-108(9)," is repealed.

846 (8) Subsection 20A-2-307(2)(a) is repealed.

847 (9) Subsection 20A-4-107(2)(b) the language that states "Except as provided in
848 Subsection 20A-4-108(10)," is repealed.

849 (10) Subsection 20A-4-107(3) the language that states "or if the voter is, in accordance
850 with the pilot project, registered to vote under Subsection 20A-4-108(10)," is repealed.

851 (11) Subsection 20A-4-107(4) the language that states "Except as provided in
852 Subsection 20A-4-108(12)," is repealed.

853 (12) Section 20A-4-108 is repealed.

854 Section 13. **Coordinating H.B. 156 with S.B. 135 -- Substantive amendments.**

855 If this H.B. 156 and S.B. 135, Voter Registration Amendments, both pass and become
856 law, it is the intent of the Legislature that the Office of Legislative Research and General
857 Counsel shall prepare the Utah Code database for publication as follows:

858 (1) modify Subsection 20A-2-201(3)(b)(ii) to read:

859 "(ii) except as provided in Subsection 20A-4-108(5), if it is on the date of an election or
860 during the seven calendar days before an election, inform the individual that the individual will
861 be registered to vote but may not vote in the pending election because the individual registered
862 too late.";

863 (2) amend the existing Subsection 20A-2-206(8)(b) to read as follows:

864 "[(b)H] (c) Except as provided in Subsection 20A-4-108(9), if an individual applies to
865 register under this section during the [14] six calendar days before an election, the county clerk
866 shall:

867 (i) accept the application for registration if the individual, on the date of the election,

868 will be legally qualified and entitled to vote in a voting precinct in the state; and

869 (ii) inform the individual that the individual is registered to vote but may not vote in the
870 pending election because the individual registered too late.";

871 (3) modify Subsection [20A-4-107\(5\)](#) to read:

872 "(5) Notwithstanding any provision of this section, the election officer shall remove the
873 ballot from a provisional ballot envelope and place the ballot with the absentee ballots to be
874 counted with those ballots at the canvass, if:

875 (a) (i) the election officer determines, in accordance with the provisions of this section,
876 that the sole reason a provisional ballot may not otherwise be counted is because the voter
877 registration was filed less than eight days before the election;

878 (ii) eight or more days before the election, the individual who cast the provisional
879 ballot:

880 (A) completed and signed the voter registration; and

881 (B) provided the voter registration to another person to file;

882 (iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B)
883 filing the voter registration less than eight days before the election; and

884 (iv) the election officer receives the voter registration no later than one day before the
885 day of the election; or

886 (b) the provisional ballot is cast on or before election day in a county or municipality
887 that is approved by the lieutenant governor to participate in the pilot project and the provisional
888 ballot is not otherwise prohibited from being counted under the provisions of this chapter;
889 and"; and

890 (4) replace the reference in Subsection [20A-4-108\(5\)](#), to "Subsection [20A-2-201\(3\)](#)"
891 with "Subsection [20A-2-201\(3\)\(b\)\(ii\)](#)";

892 (5) change the language in Subsection [20A-4-108\(5\)](#) from "14 calendar days" to "seven
893 calendar days";

894 (6) replace the reference in Subsection [20A-4-108\(9\)](#), to "Subsection [20A-2-206\(8\)\(b\)](#)"
895 with "Subsection [20A-2-206\(8\)\(c\)](#)"; and

896 (7) change the language in Subsection [20A-4-108\(9\)](#), from "14 calendar days" to "six
897 calendar days".