

VOTER REGISTRATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to voter registration.

Highlighted Provisions:

This bill:

- ▶ provides that an individual who registers to vote in person or online 15 or more days before an election may participate in early voting or may vote on election day;

- ▶ provides that a person who registers to vote in person or online less than 15 days before an election, but more than six days before an election, may vote on election day;

- ▶ requires a county clerk to accept a voter registration form as late as the day before an election if the registrant timely filled out and submitted the voter registration form to another person who turns the voter registration form in late; and

- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

30 **20A-4-107**, as last amended by Laws of Utah 2013, Chapter 390



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **20A-2-102.5** is amended to read:

34 **20A-2-102.5. Voter registration deadline.**

35 (1) Except as provided in [~~Sections~~] Section 20A-2-201 [~~and~~], 20A-2-206 [~~and~~], or
36 20A-4-107, or Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to
37 submit a correctly completed voter registration form on or before the voter registration deadline
38 may not [~~be permitted to~~] vote in the election.

39 (2) The voter registration deadline [~~shall be the date that~~] is 30 calendar days before the
40 date of the election.

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

42 **20A-2-201. Registering to vote at office of county clerk.**

43 (1) Except as provided in Subsection (3), the county clerk shall register to vote [~~all~~
44 ~~persons who present themselves for registration~~] each individual who registers in person at the
45 county clerk's office during designated office hours if [~~those persons~~] the individual will, on the
46 date of the election, [~~will~~] be legally eligible to vote in a voting precinct in the county in
47 accordance with Section 20A-2-101.

48 (2) [~~If a registration form is submitted~~] If an individual submits a registration form in
49 person at the office of the county clerk during the period beginning on the date after the voter
50 registration deadline and ending on the date that is 15 calendar days before the date of the
51 election, the county clerk shall:

52 (a) accept a registration [~~forms from all persons who present themselves for~~
53 ~~registration~~] form from each individual who submits a registration form in person at the clerk's
54 office during designated office hours if [~~those persons~~] the individual, on the date of the
55 election, will be legally qualified and entitled to vote in a voting precinct in the county; and

56 (b) inform [~~them~~] the individual that[:] the individual will be registered to vote in the
57 pending election.

58 ~~[(i) they will be registered to vote in the pending election; and]~~

59 ~~[(ii) for the pending election, they must vote on the day of the election and will not be~~
60 ~~eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they~~
61 ~~registered too late.]~~

62 ~~[(3) If a registration form is submitted to the county clerk on the date of the election or~~
63 ~~during the 14 calendar days before an election, the county clerk shall:]~~

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

67 ~~[(b) inform them that they will be registered to vote but may not vote in the pending~~
68 ~~election because they registered too late:]~~

69 (3) If an individual who will be legally qualified and entitled to vote in a voting
70 precinct in the county on the date of an election appears in person, during designated office
71 hours, and submits a registration form on the date of the election or during the 14 calendar days
72 before an election, the county clerk shall:

73 (a) accept the registration form; and

74 (b) (i) if it is more than seven calendar days before the date of an election:

75 (A) inform the individual that the individual is registered to vote in the pending
76 election; and

77 (B) for the pending election, the individual must vote on the day of the election and is
78 not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the
79 individual registered too late; or

80 (ii) if it is on the date of an election or during the seven calendar days before an
81 election, inform the individual that the individual will be registered to vote but may not vote in
82 the pending election because the individual registered too late.

83 Section 3. Section **20A-2-206** is amended to read:

84 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

85 (1) The lieutenant governor may create and maintain an electronic system for voter

86 registration and requesting an absentee ballot that is publicly available on the Internet.

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

88 (a) that an applicant have a valid driver license or identification card, issued under Title
89 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of
90 residence;

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

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

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

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

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

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

105 (6) Upon receiving all information from an applicant and the Driver License Division,
106 the lieutenant governor shall send the information to the county clerk for the county in which
107 the applicant's principal place of residence is found for further action as required by Section
108 20A-2-304.

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

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

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

116 (ii) inform the individual that~~[-(A)]~~ the individual is registered to vote in the pending
117 election~~[; and]~~.

118 (b) If an individual applies to register under this section during the period beginning on
119 the date that is 14 calendar days before the election and ending on the date that is seven
120 calendar days before the election, the county clerk shall:

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

123 (ii) inform the individual that:

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

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

128 ~~[(b)]~~ (c) If an individual applies to register under this section during the ~~[+4]~~ six
129 calendar days before an election, the county clerk shall:

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

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

134 (9) (a) A registered voter may file an application for an absentee ballot in accordance
135 with Section 20A-3-304 on the electronic system for voter registration established under this
136 section.

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

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

140 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

- 142 (a) the person:
- 143 (i) is registered to vote in the state;
- 144 (ii) votes the ballot for the voting precinct in which the person resides; and
- 145 (iii) provided valid voter identification to the poll worker;
- 146 (b) the person:
- 147 (i) is registered to vote in the state;
- 148 (ii) (A) provided valid voter identification to the poll worker; or
- 149 (B) either failed to provide valid voter identification or the documents provided as
- 150 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 151 register but the county clerk verifies the person's identity and residence through some other
- 152 means; and
- 153 (iii) did not vote in the person's precinct of residence, but the ballot that the person
- 154 voted was from the person's county of residence and includes one or more candidates or ballot
- 155 propositions on the ballot voted in the person's precinct of residence; or
- 156 (c) the person:
- 157 (i) is registered to vote in the state;
- 158 (ii) either failed to provide valid voter identification or the documents provided as
- 159 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 160 register; and
- 161 (iii) (A) the county clerk verifies the person's identity and residence through some other
- 162 means as reliable as photo identification; or
- 163 (B) the person provides valid voter identification to the county clerk or an election
- 164 officer who is administering the election by the close of normal office hours on Monday after
- 165 the date of the election.
- 166 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
- 167 the affirmation on the face of each provisional ballot envelope and determine if the person
- 168 signing the affirmation is:
- 169 (i) registered to vote in this state; and

- 170 (ii) legally entitled to vote:
- 171 (A) the ballot that the person voted; or
- 172 (B) if the ballot is from the person's county of residence, for at least one ballot
- 173 proposition or candidate on the ballot that the person voted.
- 174 (b) If the election officer determines that the person is not registered to vote in this
- 175 state or is not legally entitled to vote in the county or for any of the ballot propositions or
- 176 candidates on the ballot that the person voted, the election officer shall retain the ballot
- 177 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to
- 178 produce or count it.
- 179 (c) If the election officer determines that the person is registered to vote in this state
- 180 and is legally entitled to vote in the county and for at least one of the ballot propositions or
- 181 candidates on the ballot that the person voted, the election officer shall remove the ballot from
- 182 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
- 183 those ballots at the canvass.
- 184 (d) The election officer may not count, or allow to be counted a provisional ballot
- 185 unless the person's identity and residence is established by a preponderance of the evidence.
- 186 (3) If the election officer determines that the person is registered to vote in this state,
- 187 the election officer shall ensure that the voter registration records are updated to reflect the
- 188 information provided on the provisional ballot envelope.
- 189 (4) If the election officer determines that the person is not registered to vote in this
- 190 state and the information on the provisional ballot envelope is complete, the election officer
- 191 shall:
- 192 (a) consider the provisional ballot envelope a voter registration form for the person's
- 193 county of residence; and
- 194 (b) (i) register the person if the voter's county of residence is within the county; or
- 195 (ii) forward the voter registration form to the election officer of the person's county of
- 196 residence, which election officer shall register the person.
- 197 (5) Notwithstanding any provision of this section, the election officer shall remove the

198 ballot from a provisional ballot envelope and place the ballot with the absentee ballots to be
199 counted with those ballots at the canvass, if:

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

203 (b) eight or more days before the election, the individual who cast the provisional
204 ballot:

205 (i) completed and signed the voter registration; and

206 (ii) provided the voter registration to another person to file;

207 (c) the late filing was made due to the person described in Subsection (5)(b)(ii) filing
208 the voter registration less than eight days before the election; and

209 (d) the election officer receives the voter registration no later than one day before the
210 day of the election.