

VOTER ELIGIBILITY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

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LONG TITLE

General Description:

This bill modifies provisions of the Election Code relating to voter age requirements.

Highlighted Provisions:

This bill:

- ▶ provides that an individual who is 17 years of age may register for and vote in a primary election if the individual will be 18 years of age on or before the date of the general election;
- ▶ makes changes to the process of preregistering to vote to conform with the provisions of this bill; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

28 20A-2-101, as last amended by Laws of Utah 2011, Chapter 395

29 20A-2-101.1, as enacted by Laws of Utah 2015, Chapter 130

30 ENACTS:

31 20A-3-101.5, Utah Code Annotated 1953



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

34 Section 1. Section 20A-2-101 is amended to read:

35 **20A-2-101. Eligibility for registration.**

36 (1) Except as provided in Subsection (2), ~~[any person may apply to]~~ an individual may
37 register to vote in an election who:

38 (a) is a citizen of the United States;

39 (b) has been a resident of Utah for at least the 30 days immediately before the election;

40 (c) will be:

41 (i) at least 18 years ~~[old]~~ of age on the day of the election; ~~[and]~~ or

42 (ii) if the election is a regular primary election, a municipal primary election, or a

43 Western States Presidential Primary:

44 (A) 17 years of age on or before the day of the regular primary election, municipal
45 primary election, or Western States Presidential Primary; and

46 (B) 18 years of age on or before the day of the general election that immediately
47 follows the regular primary election, municipal primary election, or Western States Presidential
48 Primary; and

49 (d) currently resides within the voting district or precinct in which the ~~[person]~~
50 individual applies to register to vote.

51 (2) (a) (i) ~~[A person]~~ An individual who is involuntarily confined or incarcerated in a
52 jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and
53 may not register to vote in that voting precinct unless the ~~[person]~~ individual was a resident of
54 that voting precinct before the confinement or incarceration.

55 (ii) ~~[A person]~~ An individual who is involuntarily confined or incarcerated in a jail or

56 prison is a resident of the voting precinct in which the ~~[person]~~ individual resided before the
57 confinement or incarceration.

58 (b) ~~[A person]~~ An individual who has been convicted of a felony or a misdemeanor for
59 an offense under this title may not register to vote or remain registered to vote unless the
60 ~~[person's]~~ individual's right to vote has been restored as provided in Section 20A-2-101.3 or
61 20A-2-101.5.

62 (c) ~~[A person]~~ An individual whose right to vote has been restored, as provided in
63 Section 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.

64 (3) ~~[A person]~~ An individual who is eligible to vote and who resides within the
65 geographic boundaries of the entity in which the election is held may register to vote in a:

- 66 (a) regular general election;
- 67 (b) regular primary election;
- 68 (c) municipal general election;
- 69 (d) municipal primary election;
- 70 (e) statewide special election;
- 71 (f) local special election;
- 72 (g) local district election; ~~[and]~~
- 73 (h) bond election~~[-];~~ and
- 74 (i) Western States Presidential Primary.

75 Section 2. Section 20A-2-101.1 is amended to read:

76 **20A-2-101.1. Preregistering to vote.**

77 (1) An individual may preregister to vote if the individual:

- 78 (a) is 16 or 17 years of age;
- 79 ~~[(b) will not be 18 years of age before the next election;]~~
- 80 (b) is not eligible to register to vote because the individual does not comply with the
81 age requirements described in Subsection 20A-2-101(1)(c);
- 82 (c) is a citizen of the United States;
- 83 (d) has been a resident of Utah for at least 30 days; and

84 (e) currently resides within the voting district or precinct in which the individual
85 preregisters to vote.

86 (2) An individual described in Subsection (1) may not vote in an election and is not
87 registered to vote until:

88 (a) the individual [~~is at least 18 years of age~~] is otherwise eligible to register to vote
89 because the individual complies with the age requirements described in Subsection
90 20A-2-101(1)(c); and

91 (b) the county clerk registers the individual to vote under Subsection (4).

92 (3) An individual who preregisters to vote shall:

93 (a) complete a voter registration form, including an indication that the individual is
94 preregistering to vote; and

95 (b) submit the voter registration form to a county clerk in person, by mail, or in any
96 other manner authorized by this chapter for the submission of a voter registration form.

97 (4) (a) A county clerk shall:

98 (i) retain the voter registration form of an individual who meets the qualifications for
99 preregistration and who submits a completed voter registration form to the county clerk under
100 Subsection (3)(b);

101 (ii) register the individual to vote in the next election in which the individual will be
102 eligible to vote, before the voter registration deadline established in Section 20A-2-102.5 for
103 that election; and

104 (iii) send a notice to the individual that:

105 (A) informs the individual that the individual's voter registration form has been
106 accepted as an application for preregistration;

107 (B) informs the individual that the individual will be registered to vote in the next
108 election in which the individual will be eligible to vote; and

109 (C) indicates in which election the individual will be registered to vote.

110 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is
111 considered to have applied for voter registration on the earlier of:

112 (i) the day of the voter registration deadline immediately preceding the election day on
 113 which the individual will be at least 18 years of age; or

114 (ii) the day on which the individual turns 18 years of age.

115 (c) A county clerk shall refer a voter registration form to the county attorney for
 116 investigation and possible prosecution if the clerk or the clerk's designee believes the
 117 individual is attempting to preregister to vote in an election[~~:(i) that will be held on or after the~~
 118 ~~day on which the individual turns 18 years of age; and (ii)] in which the individual will not be
 119 legally entitled to vote.~~

120 (5) (a) The lieutenant governor or a county clerk shall classify the voter registration
 121 record of an individual who preregisters to vote as a private record until the day on which the
 122 individual turns 18 years of age.

123 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years of
 124 age, the lieutenant governor or county clerk shall classify the individual's voter registration
 125 record as a public record in accordance with Subsection 63G-2-301(2)(1).

126 (6) If an individual who is at least 18 years of age erroneously indicates on the voter
 127 registration form that the individual is preregistering to vote, the county clerk shall consider the
 128 form as a voter registration form and shall process the form in accordance with this chapter.

129 Section 3. Section 20A-3-101.5 is enacted to read:

130 **20A-3-101.5. Age requirements for primary elections -- 17-year-olds may vote.**

131 An individual who is 17 years of age may vote in a regular primary election, a
 132 municipal primary election, or a Western States Presidential Primary, if:

133 (1) the individual will be 18 years of age on or before the day of the general election
 134 that immediately follows the regular primary election, municipal primary election, or Western
 135 States Presidential Primary;

136 (2) the individual is registered to vote in accordance with Chapter 2, Voter
 137 Registration;

138 (3) the individual's political party affiliation, or unaffiliated status, allows the
 139 individual to vote in the election; and

140 (4) the individual otherwise complies with the requirements to vote in the primary
141 election.