

**VOTER IDENTIFICATION REQUIREMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Rebecca D. Lockhart**

**This act modifies the Election Code by requiring voters to show a photo identification card or their voter registration card before voting.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**20A-3-104**, as enacted by Chapter 1, Laws of Utah 1993

**20A-3-104.5**, as enacted by Chapter 328, Laws of Utah 2000

**20A-9-808**, as enacted by Chapter 22, Laws of Utah 1999

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

Section 1. Section **20A-3-104** is amended to read:

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

(1) (a) Any registered voter desiring to vote shall:

(i) give his name, and, if requested, his residence, to one of the election judges; and

(ii) show the election judges a photo identification card or the voter's voter registration card.

(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.

(c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

(2) (a) When the voter is properly identified, the election judge in charge of the official register shall check the official register to determine whether or not the person is registered to vote.

(b) (i) If the voter's name is not found on the official register and, if it is not unduly disruptive of the election process, the election judge shall attempt to contact the county clerk's

28 office to request oral verification of the voter's registration.

29 (ii) If oral verification is received from the county clerk's office, the judge shall record the  
30 verification on the official register, perform the other administrative steps required by Subsection  
31 (3), repeat the voter's name, hand the voter a ballot, and allow the voter to enter the voting booth.

32 (3) If the election judge determines that the voter is registered:

33 (a) the election judge in charge of the official register shall:

34 (i) write the ballot number opposite the name of the voter in the official register; and

35 (ii) direct the voter to sign his name in the election column in the official register;

36 (b) another judge shall list the ballot number and voter's name in the pollbook;

37 (c) the election judge having charge of the ballots shall:

38 (i) endorse his initials on the stub;

39 (ii) check the name of the voter on the pollbook list with the number of the stub;

40 (iii) hand the voter a ballot; and

41 (iv) allow the voter to enter the voting booth.

42 (4) Whenever the election officer is required to furnish more than one kind of official  
43 ballot to the voting precinct, the election judges of that voting precinct shall give the registered  
44 voter the kind of ballot that the voter is qualified to vote.

45 Section 2. Section **20A-3-104.5** is amended to read:

46 **20A-3-104.5. Voting -- Regular primary election.**

47 (1) (a) Any registered voter desiring to vote at the regular primary election shall:

48 (i) give his name, the name of the registered political party whose ballot the voter wishes  
49 to vote, and, if requested, his residence, to one of the election judges[-]; and

50 (ii) show the election judges a photo identification card or the voter's voter registration  
51 card.

52 (b) If an election judge does not know the person requesting a ballot and has reason to  
53 doubt that person's identity, the judge shall [~~request identification or~~] have the voter identified by  
54 a known registered voter of the district.

55 (c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a  
56 ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

57 (2) (a) (i) When the voter is properly identified, the election judge in charge of the official  
58 register shall check the official register to determine:

59 (A) whether or not the person is registered to vote; and

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

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

65 (b) (i) If the voter's name is not found on the official register and, if it is not unduly  
66 disruptive of the election process, the election judge shall attempt to contact the county clerk's  
67 office to request oral verification of the voter's registration.

68 (ii) If oral verification is received from the county clerk's office, the judge shall record the  
69 verification on the official register, determine the voter's party affiliation and the ballot that the  
70 voter is qualified to vote, and perform the other administrative steps required by Subsection (3).

71 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation  
72 listed in the official register does not allow the voter to vote the ballot that the voter requested, the  
73 election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that  
74 the voter's party affiliation does allow the voter to vote.

75 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register  
76 does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered  
77 political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the  
78 voter requests, the election judge shall ask the voter if the voter wishes to vote another registered  
79 political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."

80 (B) If the voter wishes to vote another registered political party ballot that the unaffiliated  
81 voter is authorized to vote, the election judge shall proceed as required by Subsection (3).

82 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that  
83 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter  
84 may not vote.

85 (iii) For the primary election held June 24, 2002, only:

86 (A) if the voter is listed in the official register as "unaffiliated," or if the official register  
87 does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a registered  
88 political party, the election judge shall ask the voter if the voter wishes to affiliate with a registered  
89 political party, or remain "unaffiliated."

90 (B) If the voter wishes to affiliate with the registered political party whose ballot the voter  
91 requested, the election judge shall direct the voter to complete the change of party affiliation form  
92 and proceed as required by Subsection (3).

93 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered political  
94 party ballot that the unaffiliated voter is authorized to vote, the election judge shall proceed as  
95 required by Subsection (3).

96 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that  
97 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter  
98 may not vote.

99 (3) If the election judge determines that the voter is registered and eligible, under  
100 Subsection (2), to vote the ballot that the voter requested:

101 (a) the election judge in charge of the official register shall:

102 (i) write the ballot number and the name of the registered political party whose ballot the  
103 voter voted opposite the name of the voter in the official register; and

104 (ii) direct the voter to sign his name in the election column in the official register;

105 (b) another judge shall list the ballot number and voter's name in the pollbook; and

106 (c) the election judge having charge of the ballots shall:

107 (i) endorse his initials on the stub;

108 (ii) check the name of the voter on the pollbook list with the number of the stub;

109 (iii) hand the voter the ballot for the registered political party that the voter requested and  
110 for which the voter is authorized to vote; and

111 (iv) allow the voter to enter the voting booth.

112 (4) Whenever the election officer is required to furnish more than one kind of official  
113 ballot to the voting precinct, the election judges of that voting precinct shall give the registered  
114 voter the kind of ballot that the voter is qualified to vote.

115 Section 3. Section **20A-9-808** is amended to read:

116 **20A-9-808. Voting.**

117 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary  
118 shall:

119 (i) give his name, the name of the registered political party whose ballot the voter wishes  
120 to vote, and, if requested, his residence, to one of the election judges[-]; and

121           (ii) show the election judges a photo identification card or the voter's voter registration  
122 card.

123           (b) If an election judge does not know the person requesting a ballot and has reason to  
124 doubt that person's identity, the judge shall request identification or have the voter identified by  
125 a known registered voter of the district.

126           (c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide a  
127 ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

128           (2) (a) (i) When the voter is properly identified, the election judge in charge of the official  
129 register shall check the official register to determine:

130                   (A) whether or not the person is registered to vote; and

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

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

136           (b) (i) If the voter's name is not found on the official register and, if it is not unduly  
137 disruptive of the election process, the election judge shall attempt to contact the county clerk's  
138 office to request oral verification of the voter's registration.

139           (ii) If oral verification is received from the county clerk's office, the judge shall record the  
140 verification on the official register, determine the voter's party affiliation and the ballot that the  
141 voter is qualified to vote, and perform the other administrative steps required by Subsection (3).

142           (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation  
143 listed in the official register does not allow the voter to vote the ballot that the voter requested, the  
144 election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that  
145 the voter's party affiliation does allow the voter to vote.

146           (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register  
147 does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered  
148 political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the  
149 voter requests, the election judge shall ask the voter if the voter wishes to affiliate with the  
150 registered political party whose ballot the voter requested, vote another registered political party  
151 ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."

152 (B) If the voter wishes to affiliate with the registered political party whose ballot the voter  
153 requested, the election judge shall enter in the official register the voter's new party affiliation and  
154 proceed as required by Subsection (3).

155 (C) If the voter wishes to vote another registered political party ballot that the unaffiliated  
156 voter is authorized to vote, the election judge shall proceed as required by Subsection (3).

157 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that  
158 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter  
159 may not vote.

160 (3) If the election judge determines that the voter is registered and eligible, under  
161 Subsection (2), to vote the ballot that the voter requested:

162 (a) the election judge in charge of the official register shall:

163 (i) write the ballot number and the name of the registered political party whose ballot the  
164 voter voted opposite the name of the voter in the official register; and

165 (ii) direct the voter to sign his name in the election column in the official register;

166 (b) another judge shall list the ballot number and voter's name in the pollbook; and

167 (c) the election judge having charge of the ballots shall:

168 (i) endorse his initials on the stub;

169 (ii) check the name of the voter on the pollbook list with the number of the stub;

170 (iii) hand the voter the ballot for the registered political party that the voter requested and  
171 for which the voter is authorized to vote; and

172 (iv) allow the voter to enter the voting booth.

173 (4) Whenever the election officer is required to furnish more than one kind of official  
174 ballot to the voting precinct, the election judges of that voting precinct shall give the registered  
175 voter the kind of ballot that the voter is qualified to vote.

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**Legislative Review Note**  
**as of 1-22-01 5:14 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**