

Representative Rebecca D. Lockhart proposes to substitute the following bill:

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

ENACTS:

20A-3-102.5, Utah Code Annotated 1953

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

Section 1. Section **20A-3-102.5** is enacted to read:

20A-3-102.5. Form of valid identification.

(1) As used in this section, "proper identification" means:

(a) a valid Utah driver's license;

(b) a valid identification card issued by any Utah agency, any other state, or the United States, if the entity is authorized by law to issue personal identification;

(c) a valid United States passport;

(d) a valid employee identification card issued by any agency of the United States government or any Utah agency or the agency of any Utah political subdivision;

(e) a valid employee identification card containing a photograph of the voter and issued by any employer of the elector in the ordinary course of business;



26 (f) a valid student identification card containing a photograph of the voter from any public
27 or private college, university, or postgraduate technical or professional school located in Utah;

28 (g) a valid Utah hunting or fishing license;

29 (h) a valid Utah permit to carry a concealed firearm;

30 (i) a valid pilot's license issued by the Federal Aviation Administration or other authorized
31 agency of the United States;

32 (j) a valid United States military identification card;

33 (k) a certified copy of the voter's birth certificate;

34 (l) a valid social security card;

35 (m) certified naturalization documentation; or

36 (n) a certified copy of court records showing adoption, name, or sex change.

37 (2) Except as provided in Subsection (3), each voter shall present proper identification to
38 the election judges when seeking to vote at any election.

39 (3) (a) If a voter is unable to produce proper identification, and the voter signs a statement
40 under oath in the form approved by the lieutenant governor, swearing or affirming that the voter
41 is the person identified in the official register, the election judges shall allow the voter to vote.

42 (b) Any person who falsely signs the sworn statement required by this Subsection (3) is
43 guilty of a third degree felony.

44 (4) The lieutenant governor shall:

45 (a) prepare a written statement meeting the requirements of Subsection (3);

46 (b) distribute it to the county and municipal clerks; and

47 (c) ensure that the statement identifies clearly the penalty for falsely signing the sworn
48 statement.

49 Section 2. Section **20A-3-104** is amended to read:

50 **20A-3-104. Manner of voting.**

51 (1) (a) ~~[Any]~~ Each registered voter desiring to vote shall:

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

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

56 (ii) as required by Section 20A-3-102.5, either present proper identification or sign the

57 statement required by that section.

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

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

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

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

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

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

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

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

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

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

74 (i) endorse his initials on the stub;

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

76 (iii) hand the voter a ballot; and

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

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

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

82 **20A-3-104.5. Voting -- Regular primary election.**

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

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

86 ~~[(b) If an election judge does not know the person requesting a ballot and has reason to
87 doubt that person's identity, the judge shall request identification or have the voter identified by~~

88 a known registered voter of the district.]

89 (ii) as required by Section 20A-3-102.5, either present proper identification or sign the
90 statement required by that section.

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

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

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

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

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

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

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

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

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

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

118 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that

119 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter
120 may not vote.

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

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

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

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

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

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

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

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

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

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

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

143 (i) endorse his initials on the stub;

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

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

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

148 (4) Whenever the election officer is required to furnish more than one kind of official
149 ballot to the voting precinct, the election judges of that voting precinct shall give the registered

150 voter the kind of ballot that the voter is qualified to vote.

151 Section 4. Section **20A-9-808** is amended to read:

152 **20A-9-808. Voting.**

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

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

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

160 (ii) as required by Section 20A-3-102.5, either present proper identification or sign the
161 statement required by that section.

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

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

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

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

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

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

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

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

181 the voter's party affiliation does allow the voter to vote.

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

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

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

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

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

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

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

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

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

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

204 (i) endorse his initials on the stub;

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

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

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

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