

1 **VOTER IDENTIFICATION REQUIREMENTS**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Rebecca D. Lockhart**

5 **This act modifies the Election Code by requiring voters to show a form of valid identification**
6 **before voting.**

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

8 AMENDS:

9 **20A-3-104**, as enacted by Chapter 1, Laws of Utah 1993

10 **20A-3-104.5**, as enacted by Chapter 328, Laws of Utah 2000

11 **20A-9-808**, as enacted by Chapter 22, Laws of Utah 1999

12 ENACTS:

13 **20A-3-102.5**, Utah Code Annotated 1953

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

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

16 **20A-3-102.5. Form of valid identification.**

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

18 (a) a valid Utah driver's license;

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

21 (c) a valid United States passport;

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

24 (e) a valid employee identification card containing a photograph of the voter and issued
25 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;
36 (n) a certified copy of court records showing adoption, name, or sex change; or
37 (o) personal recognition of the voter by the election judge.
38 (2) Except as provided in Subsection (3), each voter shall present proper identification to
39 the election judges when seeking to vote at any election.
40 (3) (a) If a voter is unable to produce proper identification, and the voter signs a statement
41 under oath in the form approved by the lieutenant governor, swearing or affirming that the voter
42 is the person identified in the official register, the election judges shall allow the voter to vote.
43 (b) Any person who falsely signs the sworn statement required by this Subsection (3) is
44 guilty of a third degree felony.
45 (4) The lieutenant governor shall:
46 (a) prepare a written statement meeting the requirements of Subsection (3);
47 (b) distribute it to the county and municipal clerks; and
48 (c) ensure that the statement identifies clearly the penalty for falsely signing the sworn
49 statement.
50 Section 2. Section **20A-3-104** is amended to read:
51 **20A-3-104. Manner of voting.**
52 (1) (a) ~~[Any]~~ Each registered voter desiring to vote shall:
53 (i) give his name, and, if requested, his residence, to one of the election judges[-]; and
54 ~~[(b) If an election judge does not know the person requesting a ballot and has reason to~~
55 ~~doubt that person's identity, the judge shall request identification or have the voter identified by~~
56 ~~a known registered voter of the district.]~~
57 (ii) as required by Section 20A-3-102.5, either present proper identification or sign the
58 statement required by that section.

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

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

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

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

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

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

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

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

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

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

75 (i) endorse his initials on the stub;

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

77 (iii) hand the voter a ballot; and

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

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

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

83 **20A-3-104.5. Voting -- Regular primary election.**

84 (1) (a) ~~[Any]~~ Each registered voter desiring to vote at the regular primary election shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

119 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that
120 unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the voter

121 may not vote.

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

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

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

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

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

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

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

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

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

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

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

144 (i) endorse his initials on the stub;

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

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

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

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

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

153 **20A-9-808. Voting.**

154 (1) (a) [~~Any~~] Each registered voter desiring to vote at the Western States Presidential
155 Primary shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

205 (i) endorse his initials on the stub;

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

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

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

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

Legislative Review Note
as of 1-17-02 9:42 AM

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

Office of Legislative Research and General Counsel