

VOTER REGISTRATION AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Loraine T. Pace

This act modifies the Election Code by changing requirements for voter registration forms and processes. The act requires the lieutenant governor to oversee responsibilities established by recent federal election law, and establishes reports concerning absentee ballots for military personnel and overseas citizen voters. This act makes technical changes.

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

AMENDS:

20A-1-102, as last amended by Chapter 177, Laws of Utah 2002

20A-2-104, as last amended by Chapters 75 and 328, Laws of Utah 2000

20A-2-202, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

20A-2-203, as last amended by Chapter 45, Laws of Utah 1999

20A-2-300.6, as enacted by Chapter 311, Laws of Utah 1994

20A-3-105.5, as enacted by Chapter 177, Laws of Utah 2002

20A-3-406, as enacted by Chapter 1, Laws of Utah 1993

20A-9-808, as last amended by Chapter 177, Laws of Utah 2002

ENACTS:

20A-3-413, Utah Code Annotated 1953

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

Section 1. Section **20A-1-102** is amended to read:

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.



28 (2) "Automatic tabulating equipment" means apparatus that automatically examines
29 and counts votes recorded on paper ballots or ballot cards and tabulates the results.

30 (3) "Ballot" means the cardboard, paper, or other material upon which a voter records
31 his votes and includes ballot cards, paper ballots, and secrecy envelopes.

32 (4) "Ballot card" means a ballot that can be counted using automatic tabulating
33 equipment.

34 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
35 contain the names of offices and candidates and statements of ballot propositions to be voted
36 on and which are used in conjunction with ballot cards.

37 (6) "Ballot proposition" means opinion questions specifically authorized by the
38 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions
39 that are submitted to the voters for their approval or rejection.

40 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
41 20A-4-306 to canvass election returns.

42 (8) "Bond election" means an election held for the sole purpose of approving or
43 rejecting the proposed issuance of bonds by a government entity.

44 (9) "Book voter registration form" means voter registration forms contained in a bound
45 book that are used by election officers and registration agents to register persons to vote.

46 (10) "By-mail voter registration form" means a voter registration form designed to be
47 completed by the voter and mailed to the election officer.

48 (11) "Canvass" means the review of election returns and the official declaration of
49 election results by the board of canvassers.

50 (12) "Canvassing judge" means an election judge designated to assist in counting
51 ballots at the canvass.

52 (13) "Convention" means the political party convention at which party officers and
53 delegates are selected.

54 (14) "Counting center" means one or more locations selected by the election officer in
55 charge of the election for the automatic counting of ballots.

56 (15) "Counting judge" means a judge designated to count the ballots during election
57 day.

58 (16) "Counting poll watcher" means a person selected as provided in Section

59 20A-3-201 to witness the counting of ballots.

60 (17) "Counting room" means a suitable and convenient private place or room,
61 immediately adjoining the place where the election is being held, for use by the counting
62 judges to count ballots during election day.

63 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

64 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

65 (20) "County officers" means those county officers that are required by law to be
66 elected.

67 (21) "Election" means a regular general election, a municipal general election, a
68 statewide special election, a local special election, a regular primary election, a municipal
69 primary election, and a special district election.

70 (22) "Election Assistance Commission" means the commission established by Public
71 Law 107-252, the Help America Vote Act of 2002.

72 [~~(22)~~] (23) "Election cycle" means the period beginning on the first day persons are
73 eligible to file declarations of candidacy and ending when the canvass is completed.

74 [~~(23)~~] (24) "Election judge" means each canvassing judge, counting judge, and
75 receiving judge.

76 [~~(24)~~] (25) "Election officer" means:

77 (a) the lieutenant governor, for all statewide ballots;

78 (b) the county clerk or clerks for all county ballots and for certain special district and
79 school district ballots as provided in Section 20A-5-400.5;

80 (c) the municipal clerk for all municipal ballots and for certain special district and
81 school district ballots as provided in Section 20A-5-400.5; and

82 (d) the special district clerk or chief executive officer for all special district ballots that
83 are not part of a statewide, county, or municipal ballot.

84 [~~(25)~~] (26) "Election official" means any election officer, election judge, or satellite
85 registrar.

86 [~~(26)~~] (27) "Election returns" includes the pollbook, all affidavits of registration, the
87 military and overseas absentee voter registration and voting certificates, one of the tally sheets,
88 any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
89 spoiled ballots, the ballot disposition form, and the total votes cast form.

90 [~~(27)~~] (28) "Electronic voting system" means a system in which a voting device is used
91 in conjunction with ballots so that votes recorded by the voter are counted and tabulated by
92 automatic tabulating equipment.

93 [~~(28)~~] (29) "Inactive voter" means a registered voter who has been sent the notice
94 required by Section 20A-2-306 and who has failed to respond to that notice.

95 [~~(29)~~] (30) "Inspecting poll watcher" means a person selected as provided in this title to
96 witness the receipt and safe deposit of voted and counted ballots.

97 [~~(30)~~] (31) "Judicial office" means the office filled by any judicial officer.

98 [~~(31)~~] (32) "Judicial officer" means any justice or judge of a court of record or any
99 county court judge.

100 [~~(32)~~] (33) "Local election" means a regular municipal election, a local special
101 election, a special district election, and a bond election.

102 [~~(33)~~] (34) "Local political subdivision" means a county, a municipality, a special
103 district, or a local school district.

104 [~~(34)~~] (35) "Local special election" means a special election called by the governing
105 body of a local political subdivision in which all registered voters of the local political
106 subdivision may vote.

107 [~~(35)~~] (36) "Municipal executive" means:

108 (a) the city commission, city council, or town council in the traditional management
109 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

110 (b) the mayor in the council-mayor optional form of government defined in Section
111 10-3-1209; and

112 (c) the manager in the council-manager optional form of government defined in
113 Section 10-3-1209.

114 [~~(36)~~] (37) "Municipal general election" means the election held in municipalities and
115 special districts on the first Tuesday after the first Monday in November of each odd-numbered
116 year for the purposes established in Section 20A-1-202.

117 [~~(37)~~] (38) "Municipal legislative body" means:

118 (a) the city commission, city council, or town council in the traditional management
119 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

120 (b) the municipal council in the council-mayor optional form of government defined in

121 Section 10-3-1209; and

122 (c) the municipal council in the council-manager optional form of government defined
123 in Section 10-3-1209.

124 [~~(38)~~] (39) "Municipal officers" means those municipal officers that are required by
125 law to be elected.

126 [~~(39)~~] (40) "Municipal primary election" means an election held to nominate
127 candidates for municipal office.

128 [~~(40)~~] (41) "Official ballot" means the ballots distributed by the election officer to the
129 election judges to be given to voters to record their votes.

130 [~~(41)~~] (42) "Official endorsement" means:

131 (a) the information on the ballot that identifies:

132 (i) the ballot as an official ballot;

133 (ii) the date of the election; and

134 (iii) the facsimile signature of the election officer; and

135 (b) the information on the ballot stub that identifies:

136 (i) the election judge's initials; and

137 (ii) the ballot number.

138 [~~(42)~~] (43) "Official register" means the book furnished election officials by the
139 election officer that contains the information required by Section 20A-5-401.

140 [~~(43)~~] (44) "Paper ballot" means a paper that contains:

141 (a) the names of offices and candidates and statements of ballot propositions to be
142 voted on; and

143 (b) spaces for the voter to record his vote for each office and for or against each ballot
144 proposition.

145 [~~(44)~~] (45) "Political party" means an organization of registered voters that has
146 qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8,
147 Political Party Formation and Procedures.

148 [~~(45)~~] (46) "Polling place" means the building where residents of a voting precinct
149 vote.

150 [~~(46)~~] (47) "Position" means a square, circle, rectangle, or other geometric shape on a
151 ballot in which the voter marks his choice.

152 [~~(47)~~] (48) "Posting list" means a list of registered voters within a voting precinct.

153 (49) "Proof of identity" means some form of photo identification, such as a driver
154 license or identification card, that establishes a person's identity.

155 (50) "Proof of residence" means some official document or form, such as a driver
156 license or utility bill that establishes a person's residence.

157 [~~(48)~~] (51) "Provisional ballot" means a ballot voted provisionally by a person:

158 (a) whose name is not listed on the official register at the polling place; or

159 (b) whose legal right to vote is challenged as provided in this title.

160 [~~(49)~~] (52) "Provisional ballot envelope" means an envelope printed in the form
161 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
162 information to verify a person's legal right to vote.

163 [~~(50)~~] (53) "Primary convention" means the political party conventions at which
164 nominees for the regular primary election are selected.

165 [~~(51)~~] (54) "Protective counter" means a separate counter, which cannot be reset, that is
166 built into a voting machine and records the total number of movements of the operating lever.

167 [~~(52)~~] (55) "Qualify" or "qualified" means to take the oath of office and begin
168 performing the duties of the position for which the person was elected.

169 [~~(53)~~] (56) "Receiving judge" means the election judge that checks the voter's name in
170 the official register, provides the voter with a ballot, and removes the ballot stub from the ballot
171 after the voter has voted.

172 [~~(54)~~] (57) "Registration days" means the days designated in Section 20A-2-203 when
173 a voter may register to vote with a satellite registrar.

174 [~~(55)~~] (58) "Registration form" means a book voter registration form and a by-mail
175 voter registration form.

176 [~~(56)~~] (59) "Regular ballot" means a ballot that is not a provisional ballot.

177 [~~(57)~~] (60) "Regular general election" means the election held throughout the state on
178 the first Tuesday after the first Monday in November of each even-numbered year for the
179 purposes established in Section 20A-1-201.

180 [~~(58)~~] (61) "Regular primary election" means the election on the fourth Tuesday of
181 June of each even-numbered year, at which candidates of political parties and nonpolitical
182 groups are voted for nomination.

183 [~~(59)~~] (62) "Resident" means a person who resides within a specific voting precinct in
184 Utah.

185 [~~(60)~~] (63) "Sample ballot" means a mock ballot similar in form to the official ballot
186 printed and distributed as provided in Section 20A-5-405.

187 [~~(61)~~] (64) "Satellite registrar" means a person appointed under Section 20A-5-201 to
188 register voters and perform other duties.

189 [~~(62)~~] (65) "Scratch vote" means to mark or punch the straight party ticket and then
190 mark or punch the ballot for one or more candidates who are members of different political
191 parties.

192 [~~(63)~~] (66) "Secrecy envelope" means the envelope given to a voter along with the
193 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy
194 of the voter's vote.

195 [~~(64)~~] (67) "Special district" means those local government entities created under the
196 authority of Title 17A.

197 [~~(65)~~] (68) "Special district officers" means those special district officers that are
198 required by law to be elected.

199 [~~(66)~~] (69) "Special election" means an election held as authorized by Section
200 20A-1-204.

201 [~~(67)~~] (70) "Spoiled ballot" means each ballot that:

202 (a) is spoiled by the voter;

203 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

204 (c) lacks the official endorsement.

205 [~~(68)~~] (71) "Statewide special election" means a special election called by the governor
206 or the Legislature in which all registered voters in Utah may vote.

207 [~~(69)~~] (72) "Stub" means the detachable part of each ballot.

208 [~~(70)~~] (73) "Substitute ballots" means replacement ballots provided by an election
209 officer to the election judges when the official ballots are lost or stolen.

210 [~~(71)~~] (74) "Ticket" means each list of candidates for each political party or for each
211 group of petitioners.

212 [~~(72)~~] (75) "Transfer case" means the sealed box used to transport voted ballots to the
213 counting center.

214 [~~(73)~~] (76) "Vacancy" means the absence of a person to serve in any position created
215 by statute, whether that absence occurs because of death, disability, disqualification,
216 resignation, or other cause.

217 [~~(74)~~] (77) "Valid write-in candidate" means a candidate who has qualified as a
218 write-in candidate by following the procedures and requirements of this title.

219 [~~(75)~~] (78) "Voter" means a person who meets the requirements for voting in an
220 election, meets the requirements of election registration, is registered to vote, and is listed in
221 the official register book.

222 [~~(76)~~] (79) "Voting area" means the area within six feet of the voting booths, voting
223 machines, and ballot box.

224 [~~(77)~~] (80) "Voting booth" means the space or compartment within a polling place that
225 is provided for the preparation of ballots and includes the voting machine enclosure or curtain.

226 [~~(78)~~] (81) "Voting device" means:

227 (a) an apparatus in which ballot cards are used in connection with a punch device for
228 piercing the ballots by the voter;

229 (b) a device for marking the ballots with ink or another substance; or

230 (c) any other method for recording votes on ballots so that the ballot may be tabulated
231 by means of automatic tabulating equipment.

232 [~~(79)~~] (82) "Voting machine" means a machine designed for the sole purpose of
233 recording and tabulating votes cast by voters at an election.

234 [~~(80)~~] (83) "Voting poll watcher" means a person appointed as provided in this title to
235 witness the distribution of ballots and the voting process.

236 [~~(81)~~] (84) "Voting precinct" means the smallest voting unit established as provided by
237 law within which qualified voters vote at one polling place.

238 [~~(82)~~] (85) "Watcher" means a voting poll watcher, a counting poll watcher, and an
239 inspecting poll watcher.

240 [~~(83)~~] (86) "Western States Presidential Primary" means the election established in
241 Title 20A, Chapter 9, Part 8.

242 [~~(84)~~] (87) "Write-in ballot" means a ballot containing any write-in votes.

243 [~~(85)~~] (88) "Write-in vote" means a vote cast for a person whose name is not printed on
244 the ballot according to the procedures established in this title.

245 Section 2. Section 20A-2-104 is amended to read:

246 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

247 (1) [(a)] Every person applying to be registered shall complete a registration form
248 printed in substantially the following form:

249 -----

250 UTAH ELECTION REGISTRATION FORM

251 Are you a citizen of the United States of America? Yes No

252 Will you be 18 years old on or before election day? Yes No

253 If you checked "no" to either of the above two questions, do not complete this form.

254 Name of Voter _____

255 First Middle Last

256 Driver License or Identification Card Number[(optional)] _____

257 State of issuance of Driver License or Identification Card _____

258 Date of Birth _____

259 Street Address of Principal Place of Residence

260 _____

261 City County State Zip Code

262 Telephone Number (optional) _____

263 Last four digits of Social Security Number [(optional)] _____

264 Place of Birth _____

265 Last former address at which I was registered to vote (if known) _____

266 _____

267 City County State Zip Code

268 Voting Precinct (if known) _____

269 Political Party

270 American Democrat Green Independent American Libertarian Natural Law

271 Reform Populist Republican Socialist Workers Unaffiliated (no political party

272 preference)

273 Other (Please specify) _____

274 I do swear (or affirm), subject to penalty of law for false statements, that the
275 information contained in this form is true, and that I am a citizen of the United States and a

276 resident of the state of Utah, residing at the above address. I will be at least 18 years old and
277 will have resided in Utah for 30 days immediately before the next election. I am not a
278 convicted felon currently incarcerated for commission of a felony.

279 Signed and sworn

280 _____

281 Voter's Signature

282 _____(month/day/year).

283 NOTICE: IN ORDER TO BE ALLOWED TO VOTE~~[, YOUR NAME MUST APPEAR IN~~
284 ~~THE OFFICIAL REGISTER.]~~ FOR THE FIRST TIME IN A VOTING PRECINCT YOU
285 MUST EITHER:

- 286 (1) INCLUDE A COPY OF A VALID FORM OF PHOTO IDENTIFICATION OR PROOF
- 287 OF RESIDENCE WITH THIS VOTER REGISTRATION FORM; OR
- 288 (2) PRESENT A VALID FORM OF PHOTO IDENTIFICATION OR PROOF OF
- 289 RESIDENCE TO THE ELECTION JUDGE BEFORE YOU MAY VOTE.

290 FOR OFFICIAL USE ONLY

291 Type of I.D. _____

292 Voting Precinct _____

293 Voting I.D. Number _____

294 -----

295 ~~[(b) The lieutenant governor, after consulting with the county clerks, may direct additional~~
296 ~~changes to the voter registration form when necessary to provide information to persons registering~~
297 ~~to vote or to facilitate election administration.]~~

298 (2) The county clerk shall retain a copy in a permanent countywide alphabetical file, which
299 may be electronic or some other recognized system.

300 (3) (a) Each county clerk shall retain lists of currently registered voters.

301 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

302 (c) If there are any discrepancies between the two lists, the county clerk's list is the official
303 list.

304 (d) The lieutenant governor and the county clerks may charge the fees established under
305 the authority of Subsection 63-2-203(10) to individuals who wish to obtain a copy of the list of
306 registered voters.

307 (4) When political parties not listed on the voter registration form qualify as registered
 308 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
 309 lieutenant governor shall inform the county clerks about the name of the new political party and
 310 direct the county clerks to ensure that the voter registration form is modified to include that
 311 political party.

312 Section 3. Section **20A-2-202** is amended to read:

313 **20A-2-202. Registration by mail.**

314 (1) (a) A citizen who will be qualified to vote at the next election may register by mail.

315 (b) To register by mail, a citizen shall complete and sign the by-mail registration form and
 316 mail or deliver it to the county clerk of the county in which the citizen resides.

317 (c) **§ (i) §** In order to register to vote in a particular election, the citizen shall:

318 **§ [(†)] (A) §** address the by-mail voter registration form to the county clerk; **§ [(†)] and [(‡)]**

319 **[(ii) include a copy of a proof of identification or proof of residence if the voter is**

320 **registering for the first time in the county; and] §**

321 **[(†)] § [(iii)] (B) §** ensure that it is postmarked at least 20 days before the date of the election.

321a **§ (ii) IF THE VOTER IS REGISTERING FOR THE FIRST TIME IN THE COUNTY, THE CITIZEN SHALL**

321b **EITHER:**

321c **(A) SUBMIT A COPY OF A PROOF OF IDENTIFICATION OR PROOF OF RESIDENCE WITH THE**
 321d **BY-MAIL VOTER REGISTRATION FORM; OR**

321e **(B) SUBMIT PROOF OF IDENTIFICATION OR PROOF OF RESIDENCE TO THE**

321f **ELECTION JUDGE AT THE TIME THE CITIZEN VOTES. §**

322 (d) The citizen has effectively registered to vote under this section only when the county
 323 clerk's office has received a correctly completed by-mail voter registration form.

324 (2) Upon receipt of a correctly completed by-mail voter registration form, the county clerk
 325 shall:

326 (a) enter the applicant's name on the list of registered voters for the voting precinct in
 327 which the applicant resides; and

328 (b) mail confirmation of registration to the newly registered voter after entering the
 329 applicant's voting precinct number on that copy.

330 (3) (a) If the county clerk receives a correctly completed by-mail voter registration form
 331 that is postmarked less than 20 days before an election, the county clerk shall:

332 (i) register the applicant after the next election; and

333 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
 334 informing the applicant that his registration will not be effective until after the election.

335 (b) When the county clerk receives by-mail voter registration forms at least seven days
 336 before an election that are postmarked at least 20 days before the election, the county clerk shall:

337 (i) process the by-mail voter registration forms; and

338 (ii) record the new voters in the official register and posting list.

339 (4) If the county clerk determines that a registration form received by mail or otherwise
340 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to
341 the person attempting to register, informing him that he has not been registered because of an error
342 or because the form is incomplete.

343 Section 4. Section **20A-2-203** is amended to read:

344 **20A-2-203. Satellite location -- Registration by satellite registrar.**

345 (1) (a) Each county clerk shall designate [~~at least one satellite location for voter~~
346 ~~registration for every 25,000 people residing within the county]~~ sufficient satellite registration
347 locations to ensure that voters in all parts of the county have the opportunity to register to vote.

348 (b) A county clerk may designate as many satellite locations as desired.

349 (2) (a) Any person who meets the voter registration requirements may register to vote with
350 a satellite registrar at any satellite location within the person's county of residence between 8 a.m.
351 and 8 p.m.:

352 (i) on the Friday and Monday, the eighth and eleventh day, before the regular primary
353 election in counties holding a primary election;

354 (ii) on the Friday and Monday, the eighth and eleventh day, before the regular general
355 election;

356 (iii) on the Friday and Monday, the eighth and eleventh day, before the municipal primary
357 election in municipalities holding a municipal primary election; and

358 (iv) on the Friday and Monday, the eighth and eleventh day, before the municipal general
359 election.

360 (b) Each satellite registrar shall register to vote all persons who:

361 (i) present themselves for registration; and

362 (ii) are legally qualified and entitled to vote in that voting precinct on election day.

363 (3) For municipal elections, the municipality in which the registration is made shall pay
364 the expenses of registration.

365 Section 5. Section **20A-2-300.6** is amended to read:

366 **20A-2-300.6. Chief elections officer.**

367 (1) The lieutenant governor is Utah's chief elections officer.

368 (2) The lieutenant governor shall:

369 (a) oversee all of Utah's:
 370 (i) voter registration activities; and
 371 (ii) other responsibilities established by:
 372 (A) Public Law 103-31, the National Voter Registration Act of 1993; and
 373 (B) Public Law 107-252, the Help America Vote Act of 2002; and
 374 (b) coordinate with local, state, and federal officials to ensure compliance with state and
 375 federal election laws.

376 (3) The lieutenant governor, in cooperation with the county clerks, shall develop a general
 377 program to obtain change of address information in order to remove the names of ineligible voters
 378 from the official register.

379 Section 6. Section **20A-3-105.5** is amended to read:

380 **20A-3-105.5. Manner of voting -- Provisional ballot.**

381 [~~(1)~~ As used in this section:]

382 [~~(a)~~ "Proof of identity" means some form of photo identification, such as a driver license
 383 or identification card, that establishes a person's identity.]

384 [~~(b)~~ "Proof of residence" means some official document or form, such as a driver license
 385 or utility bill that establishes a person's residence.]

386 [~~(2)~~] (1) The election judges shall follow the procedures and requirements of this section
 387 when:

388 (a) the person's right to vote is challenged as provided in Section 20A-3-202; or
 389 (b) the person's name is not found on the official register.

390 [~~(3)~~] (2) When faced with one of the circumstances outlined in Subsection [~~(2)~~] (1), the
 391 election judge shall:

392 (a) request that the person provide proof of identity and proof of residency; and
 393 (b) review the proof of identity and proof of residency provided by the person.

394 [~~(4)~~] (3) If the election judge is satisfied that the person has established their identity and
 395 their residence in the voting precinct:

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

397 (i) record in the official register the type of source documents that established the person's
 398 proof of identity and proof of residency;

399 (ii) write the provisional ballot envelope number opposite the name of the voter in the

400 official register; and

401 (iii) direct the voter to sign his name in the election column in the official register;

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

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

404 (i) endorse his initials on the stub;

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

406 (iii) give the voter a ballot and a provisional ballot envelope; and

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

408 [~~5~~] (4) Whenever the election officer is required to furnish more than one kind of official
409 ballot to a voting precinct, the election judges of that voting precinct shall give the registered voter
410 the kind of ballot that the voter is qualified to vote.

411 Section 7. Section **20A-3-406** is amended to read:

412 **20A-3-406. Absentee ballots for military personnel and citizens living overseas --**
413 **Federal postcard applications for ballot.**

414 (1) (a) Applications for absentee ballots for military voters shall be filed in the county
415 clerk's office no later than the Friday immediately before the day of election.

416 (b) Military personnel voting an absentee ballot at the office of the clerk shall apply and
417 cast their ballot no later than the day before the election.

418 (2) (a) Military voters stationed overseas and overseas citizen voters shall file an
419 application for a ballot with the county clerk no later than 20 days before the day of election.

420 (b) Upon receipt of a properly completed written application for an absentee ballot signed
421 by any military voter or overseas citizen voter, the county clerk shall mail an appropriate ballot to
422 the military voter or overseas citizen voter.

423 (c) The county clerk, at the time he furnishes the ballot, shall record, in a record book
424 provided for that purpose, the name and home address of the military voter or overseas citizen
425 voter to whom the ballot is mailed, the address mailed to, and the date of mailing the ballot.

426 (d) If the military voter or overseas citizen voter sends his application to the lieutenant
427 governor, the lieutenant governor shall forward the application to the county clerk of the county
428 where the military voter or overseas citizen voter is entitled to vote.

429 (e) If the county clerk rejects the application for an absentee ballot from a military or
430 overseas citizen voter, the county clerk shall inform the voter of the reasons for rejecting the

431 application.

432 (3) Any military voter or overseas citizen voter who is physically disabled so as to be
433 unable to see or write may apply for a ballot by having a commissioned, noncommissioned, or
434 petty officer not below the rank of sergeant, or other person authorized to administer oaths to apply
435 for a ballot on the voter's behalf.

436 (4) (a) A federal postcard application issued under the authority of any Act of Congress
437 or federal regulation is acceptable, when properly executed, as an application for a ballot under this
438 chapter.

439 (b) The county clerk shall accept the completed postcard application as an application for
440 ballots for [~~every election held in even-numbered years~~] each election for federal office held in the
441 next two even-numbered years and shall send the applicant a ballot for each [~~election~~] of those
442 elections, as required by Section 20A-3-407.

443 (5) The county clerk shall retain the application for use at the time the ballot is received
444 from the military voter or overseas citizen voter.

445 Section 8. Section **20A-3-413** is enacted to read:

446 **20A-3-413. Report on absentee ballots.**

447 (1) Not later than 60 days after each regular general election, each county clerk shall
448 submit a report to the lieutenant governor indicating:

449 (a) the number of ballots sent to military and overseas citizen voters; and

450 (b) the number of ballots returned by military and overseas citizen voters that were
451 counted.

452 (2) Not later than 90 days after each regular general election, the lieutenant governor shall
453 submit a statewide report to the Election Assistance Commission that includes the information
454 required by Subsection (1).

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

456 **20A-9-808. Voting.**

457 [~~(1) As used in this section:~~]

458 [~~(a) "Proof of identity" means some form of photo identification, such as a driver license~~
459 ~~or identification card, that establishes a person's identity.]~~

460 [~~(b) "Proof of residence" means some official document or form, such as a driver license~~
461 ~~or utility bill that establishes a person's residence.]~~

462 ~~[(2)]~~ (1) (a) Any registered voter desiring to vote at the Western States Presidential
463 Primary shall give his name, the name of the registered political party whose ballot the voter
464 wishes to vote, and, if requested, his residence, to one of the election judges.

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

468 (c) If the person's right to vote is challenged as provided in Section 20A-3-202, the judge
469 shall follow the procedures and requirements of Section 20A-3-105.5.

470 ~~[(3)]~~ (2) (a) (i) When the voter is properly identified, the election judge in charge of the
471 official register shall check the official register to determine:

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

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

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

478 (b) If the voter's name is not found on the official register, the election judge shall follow
479 the procedures and requirements of Section 20A-3-105.5.

480 (c) (i) Except as provided in Subsection ~~[(3)]~~ (2)(c)(ii), if the voter's political party
481 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
482 requested, the election judge shall inform the voter of that fact and inform the voter of the ballot
483 or ballots that the voter's party affiliation does allow the voter to vote.

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

490 (B) If the voter wishes to affiliate with the registered political party whose ballot the voter
491 requested, the election judge shall enter in the official register the voter's new party affiliation and
492 proceed as required by Subsection ~~[(4)]~~ (3).

493 (C) If the voter wishes to vote another registered political party ballot that the unaffiliated
494 voter is authorized to vote, the election judge shall proceed as required by Subsection [~~(4)~~] (3).

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

498 [~~(4)~~] (3) If the election judge determines that the voter is registered and eligible, under
499 Subsection [~~(3)~~] (2), to vote the ballot that the voter requested:

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

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

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

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

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

506 (i) endorse his initials on the stub;

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

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

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

511 [~~(5)~~] (4) Whenever the election officer is required to furnish more than one kind of official
512 ballot to the voting precinct, the election judges of that voting precinct shall give the registered
513 voter the kind of ballot that the voter is qualified to vote.

Legislative Review Note

as of 1-22-03 1:18 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0103

Voter Registration Amendments

30-Jan-03

9:11 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

This bill is intended to comply with federal mandates. Counties may incur some costs to conform to the mandates. However, no State funding is requested to implement provisions of this bill.

Office of the Legislative Fiscal Analyst