

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201

to witness the counting of ballots.

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

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

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

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

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

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

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

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

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

- (a) the lieutenant governor, for all statewide ballots;
- (b) the county clerk or clerks for all county ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5;
- (c) the municipal clerk for all municipal ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5; and
- (d) the special district clerk or chief executive officer for all special district ballots that are not part of a statewide, county, or municipal ballot.

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

~~[(26)]~~ (27) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets,

any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

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

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

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

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

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

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

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

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

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

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

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

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

~~[(36)]~~ (37) "Municipal general election" means the election held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered

year for the purposes established in Section 20A-1-202.

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

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

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

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

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

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

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

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

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

(i) the election judge's initials; and

(ii) the ballot number.

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

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

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

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

proposition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(54)]~~ (57) "Registration days" means the days designated in Section 20A-2-203 when a

voter may register to vote with a satellite registrar.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or the election judge; or
- (c) lacks the official endorsement.

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

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

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

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

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

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

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

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

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

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

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

- (a) an apparatus in which ballot cards are used in connection with a punch device for piercing the ballots by the voter;
- (b) a device for marking the ballots with ink or another substance; or

Date of Birth _____

Street Address of Principal Place of Residence

City County State Zip Code

Telephone Number (optional) _____

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

Place of Birth _____

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

City County State Zip Code

Voting Precinct (if known) _____

Political Party

- American Democrat Green Independent American Libertarian Natural Law
- Reform Populist Republican Socialist Workers Unaffiliated (no political party preference)

Other (Please specify) _____

I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah for 30 days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signed and sworn

Voter's Signature

_____(month/day/year).

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

(1) INCLUDE A COPY OF A VALID FORM OF PHOTO IDENTIFICATION OR PROOF OF RESIDENCE WITH THIS VOTER REGISTRATION FORM; OR

(2) PRESENT A VALID FORM OF PHOTO IDENTIFICATION OR PROOF OF RESIDENCE TO THE ELECTION JUDGE BEFORE YOU MAY VOTE.

FOR OFFICIAL USE ONLY

Type of I.D. _____

Voting Precinct _____

Voting I.D. Number _____

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

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

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

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

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

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

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

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

20A-2-202. Registration by mail.

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

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

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

~~[(i)]~~ (A) address the by-mail voter registration form to the county clerk; and

~~[(i)]~~ (B) ensure that it is postmarked at least 20 days before the date of the election.

(ii) If the voter is registering for the first time in the county, the citizen shall either:

(A) submit a copy of a proof of identification or proof of residence with the by-mail voter registration form; or

(B) submit proof of identification or proof of residence to the election judge at the time the citizen votes.

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

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

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

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

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

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

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

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

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

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

(4) If the county clerk determines that a registration form received by mail or otherwise is

incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete.

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

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

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

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

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

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

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

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

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

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

(i) present themselves for registration; and

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

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

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

20A-2-300.6. Chief elections officer.

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

(2) The lieutenant governor shall:

(a) oversee all of Utah's:

(i) voter registration activities; and

(ii) other responsibilities established by:

(A) Public Law 103-31, the National Voter Registration Act of 1993; and

(B) Public Law 107-252, the Help America Vote Act of 2002; and

(b) coordinate with local, state, and federal officials to ensure compliance with state and federal election laws.

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

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

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

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

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

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

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

(a) the person's right to vote is challenged as provided in Section 20A-3-202; or

(b) the person's name is not found on the official register.

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

(a) request that the person provide proof of identity and proof of residency; and

(b) review the proof of identity and proof of residency provided by the person.

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

- (a) the election judge in charge of the official register shall:
 - (i) record in the official register the type of source documents that established the person's proof of identity and proof of residency;
 - (ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
 - (iii) direct the voter to sign his name in the election column in the official register;
- (b) another judge shall list the ballot number and voter's name in the pollbook; and
- (c) the election judge having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;
 - (iii) give the voter a ballot and a provisional ballot envelope; and
 - (iv) allow the voter to enter the voting booth.

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

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

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

- (1) (a) Applications for absentee ballots for military voters shall be filed in the county clerk's office no later than the Friday immediately before the day of election.
- (b) Military personnel voting an absentee ballot at the office of the clerk shall apply and cast their ballot no later than the day before the election.
- (2) (a) Military voters stationed overseas and overseas citizen voters shall file an application for a ballot with the county clerk no later than 20 days before the day of election.
- (b) Upon receipt of a properly completed written application for an absentee ballot signed by any military voter or overseas citizen voter, the county clerk shall mail an appropriate ballot to the military voter or overseas citizen voter.
- (c) The county clerk, at the time he furnishes the ballot, shall record, in a record book

provided for that purpose, the name and home address of the military voter or overseas citizen voter to whom the ballot is mailed, the address mailed to, and the date of mailing the ballot.

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

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

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

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

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

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

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

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

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

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

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

(2) Not later than 90 days after each regular general election, the lieutenant governor shall

submit a statewide report to the Election Assistance Commission that includes the information required by Subsection (1).

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

20A-9-808. Voting.

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

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

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

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

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

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

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

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

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

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

(c) (i) Except as provided in Subsection ~~[(3)]~~ (2)(c)(ii), if the voter's political party affiliation

listed in the official register does not allow the voter to vote the ballot that the voter requested, the election judge shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

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

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

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

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

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

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

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

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

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

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

(i) endorse his initials on the stub;

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

(iii) hand the voter the ballot for the registered political party that the voter requested and

for which the voter is authorized to vote; and

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

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