

28 (ii) follow the procedures of Subsection (3).

29 (e) If the election judge is not satisfied that the voter has established proof of identity
30 or proof of residence, the election judge shall:

31 (i) indicate on the official register that the voter failed to provide adequate proof of
32 identity or proof of residence;

33 (ii) issue the voter a provisional ballot; and

34 (iii) follow the procedures and requirements of Section 20A-3-105.5.

35 [~~e~~] (f) If the person's right to vote is challenged as provided in Section 20A-3-202, the
36 judge shall follow the procedures and requirements of Section 20A-3-105.5.

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

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

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

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

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

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

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

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

48 (i) endorse his initials on the stub;

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

50 (iii) hand the voter a ballot; and

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

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

55 Section 2. Section **20A-3-305** is amended to read:

56 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**

57 **Affidavit.**

58 (1) Upon timely receipt of an absentee voter application properly filled out and signed,

59 or as soon after receipt of the application as the official absentee ballots for the voting precinct
60 in which the applicant resides have been printed, the election officer shall either:

61 (a) give the applicant an official absentee ballot and envelope to vote in the office; or

62 (b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an
63 envelope printed as required in Subsection (2).

64 (2) The election officer shall ensure that:

65 (a) the name, official title, and post office address of the election officer is printed on
66 the front of the envelope; and

67 (b) a printed affidavit in substantially the following form is printed on the back of the
68 envelope:

69 "County of _____ State of _____

70 I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct
71 in _____ County, Utah; I am entitled to vote in that voting precinct at the next election; and I am
72 entitled by law to vote an absentee ballot. I am not a convicted felon currently incarcerated for
73 commission of a felony.

74

75

Signature of Absentee Voter"

76 (3) If the election officer determines that the absentee voter is required to show proof
77 of identity or proof of residence as indicated in the official register, the election officer shall:

78 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

79 (b) instruct the voter to include a valid form of proof of identity and proof of residence
80 with the return ballot;

81 (c) provide the voter clear instructions on how to vote a provisional ballot; and

82 (d) comply with the requirements of Subsection (2).

83 Section 3. Section **20A-3-308** is amended to read:

84 **20A-3-308. Absentee ballots in the custody of election judges -- Disposition.**

85 (1) (a) Voting precinct election judges shall open envelopes containing absentee ballots
86 that are in their custody on election day at the polling places during the time the polls are open
87 as provided in this Subsection (1).

88 (b) The election judges shall:

89 (i) first, open the outer envelope only; and

90 (ii) compare the signature of the voter on the application with the signature on the
91 affidavit.

92 (2) (a) The judges shall carefully open and remove the absentee voter envelope so as
93 not to destroy the affidavit on the envelope if they find that:

94 (i) the affidavit is sufficient;

95 (ii) the signatures correspond; and

96 (iii) the applicant is registered to vote in that voting precinct and has not voted in that
97 election.

98 (b) If, after opening the absentee voter envelope, the judge finds that a provisional
99 ballot envelope is enclosed and the voter has included proof of identity and proof of residence,
100 the election judge shall:

101 (i) record the type of proof of identity and proof of residence provided by the voter in
102 the appropriate space in the official register;

103 (ii) record the provisional ballot envelope number on the official register; and

104 (iii) place the provisional ballot envelope with the other provisional ballot envelopes to
105 be transmitted to the county clerk.

106 (c) If, after opening the absentee voter envelope, the judge finds that a provisional
107 ballot envelope is enclosed, and that the voter has not included proof of identity and proof of
108 residence, the election judge shall:

109 (i) record in the official register that the voter did not include proof of identity and
110 proof of residence;

111 (ii) record the provisional ballot number in the official register; and

112 (iii) place the provisional ballot envelope with the other provisional ballot envelopes to
113 be transmitted to the county clerk.

114 ~~[(b) The]~~ (d) If the absentee ballot is not a provisional ballot, the election judges shall:

115 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to
116 be opened or examined;

117 (ii) initial the stub in the same manner as for other ballots;

118 (iii) remove the stub from the ballot;

119 (iv) deposit the ballot in the ballot box; and

120 (v) mark the official register and pollbook to show that the voter has voted.

121 (3) If the election judges determine that the affidavit is insufficient, or that the
122 signatures do not correspond, or that the applicant is not a registered voter in the voting
123 precinct, they shall:

124 (a) disallow the vote; and

125 (b) without opening the absentee voter envelope, mark across the face of the envelope:

126 (i) "Rejected as defective"; or

127 (ii) "Rejected as not a registered voter."

128 (4) The election judges shall deposit the absentee voter envelope, when the absentee
129 ballot is voted, and the absentee voter envelope with its contents unopened when the absent
130 vote is rejected, in the ballot box containing the ballots.

131 (5) The election officer shall retain and preserve the absentee voter envelopes in the
132 manner provided by law for the retention and preservation of official ballots voted at that
133 election.

134 Section 4. Section **20A-3-401** is amended to read:

135 **20A-3-401. Intent and purpose of part.**

136 (1) Each election officer, election official, and judge shall liberally interpret and apply
137 this part to:

138 (a) make it possible for Utah voters living or serving abroad to vote in county, state,
139 and national elections during their absence;

140 (b) enable these voters to register more conveniently; [~~and~~]

141 (c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting
142 Act[-]; and

143 (d) exempt overseas and military voters from the proof of identity and proof of
144 residence requirements of Section 20A-3-308 in accordance with Public Law 107-252, the
145 Help America Vote Act of 2002.

146 (2) The state selective service, all military organizations, and citizens and officers of
147 Utah or of the respective counties and municipalities of the state shall cooperate with the
148 election and party officers in carrying out the intent and purpose of this part.

149 (3) All state and county officers of Utah shall:

150 (a) do all things and perform all acts necessary to put into effect the provisions of any
151 Act of Congress or this state allowing uniformed and overseas citizen voters to vote; and

152 (b) permit the use of any official ballot authorized by any Act of Congress and this part
153 as a ballot supplementary to the official Utah election military ballot.

154 (4) Each provision of this part prevails over any inconsistent provision of any other
155 statute or any part of any statute.

Legislative Review Note
as of 1-29-03 6:47 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 SB0068

Voter Identification Requirements

05-Feb-03

11:09 AM

State Impact

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

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst