

**VOTER REGISTRATION AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Mike Thompson**

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**LONG TITLE**

**General Description:**

This bill modifies requirements governing voter registration.

**Highlighted Provisions:**

This bill:

- ▶ modifies the voter registration form and the driver license voter registration form to include a citizen affidavit and a notice of penalties for illegal registration;
- ▶ requires the county clerk to review the submitted voter registration forms and refer them to the county attorney if the clerk believes the applicant is seeking to register to vote illegally; and
- ▶ makes technical amendments.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on January 1, 2005.

**Utah Code Sections Affected:**

AMENDS:

**20A-2-104**, as last amended by Chapter 117, Laws of Utah 2003

**20A-2-108**, as last amended by Chapter 75, Laws of Utah 2000

**20A-6-105 (Effective 05/01/04)**, as last amended by Chapter 34, Laws of Utah 2003

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

Section 1. Section **20A-2-104** is amended to read:

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

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

UTAH ELECTION REGISTRATION FORM

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

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

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

Name of Voter \_\_\_\_\_

First Middle Last

Driver License or Identification Card Number \_\_\_\_\_

State of issuance of Driver License or Identification Card

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 \_\_\_\_\_

[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

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

Other (Please specify) \_\_\_\_\_

I do swear (or affirm), subject to penalty of law for false statements, that the information

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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).

CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.

\_\_\_\_\_  
Signature of Applicant

In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up to one year in jail and a fine of up to \$2,500.

NOTICE: IN ORDER TO BE ALLOWED TO VOTE 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 \_\_\_\_\_

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(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.

(5) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:

(a) review each voter registration form for completeness and accuracy; and

(b) if the county clerk believes, based upon a review of the form, that a person may be seeking to register to vote who is not legally entitled to register to vote, refer the form to the county attorney for investigation and possible prosecution.

Section 2. Section **20A-2-108** is amended to read:

**20A-2-108. Driver license registration form -- Transmittal of information.**

(1) The lieutenant governor and the Driver License Division shall design the driver license

application and renewal forms to include the question "if you are not registered to vote where you live now, would you like to register to vote today?"

(2) (a) The lieutenant governor and the Driver License Division shall design a motor voter registration form to be used in conjunction with driver license application and renewal forms.

(b) Each driver license application and renewal form shall contain:

(i) a place for the applicant to decline to register to vote;

(ii) an eligibility statement in substantially the following form:

"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.

Signed and sworn

\_\_\_\_\_  
Voter's Signature

\_\_\_\_\_ (month\day\year)";

(iii) a citizenship affidavit in substantially the following form:

CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.

\_\_\_\_\_  
Signature of Applicant

In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up

to one year in jail and a fine of up to \$2,500;

~~[(iii)]~~ (iv) a statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

~~[(iv)]~~ (v) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(3) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:

(a) review the voter registration form for completeness and accuracy; and

(b) if the county clerk believes, based upon a review of the form, that a person may be seeking to register to vote who is not legally entitled to register to vote, refer the form to the county attorney for investigation and possible prosecution.

Section 3. Section **20A-6-105 (Effective 05/01/04)** is amended to read:

**20A-6-105 (Effective 05/01/04). Provisional ballot envelopes.**

(1) Each election officer shall ensure that provisional ballot envelopes are printed in substantially the following form:

"AFFIRMATION

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

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

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

Name of Voter \_\_\_\_\_

First

Middle

Last

Driver License or Identification Card Number \_\_\_\_\_

State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

Date of Birth \_\_\_\_\_

Street Address of Principal Place of Residence \_\_\_\_\_

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City County State Zip Code

Telephone Number (optional) \_\_\_\_\_

Last four digits of Social Security Number \_\_\_\_\_

[Place of Birth \_\_\_\_\_]

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

\_\_\_\_\_

City County State Zip Code

Voting Precinct (if known) \_\_\_\_\_

I, (please print your full name) \_\_\_\_\_ do solemnly swear or affirm:

1. that I am currently registered to vote in \_\_\_\_\_, County, Utah; that I have not moved out of the county since the date of the original registration; that I have not voted in this election in any other precinct; and that I request that I be permitted to vote in this election in this precinct;

2. that on or about \_\_\_\_\_ (Date), I completed a voter registration application at \_\_\_\_\_ (please indicate the office at which you completed the voter registration application, for example, Human Services, Driver License, etc., or, if you filled out a mail-in registration form, please indicate.);

3. that I have previously registered to vote in \_\_\_\_\_, County, Utah; that I have not resided outside of that county since completing that registration; and that I am entitled to vote today; and

4. 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 Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah for the 30 days immediately before this election.

Signed \_\_\_\_\_

Dated \_\_\_\_\_ "

"CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.

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Signature of Applicant

In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up to one year in jail and a fine of up to \$2,500."

- (2) The provisional ballot envelope shall include:
- (a) a unique number;
  - (b) a detachable part that includes the unique number; and
  - (c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

**Section 4. Effective date.**

This bill takes effect on January 1, 2005.