

ELECTION LAW - VOTER REQUIREMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Mark B. Madsen

LONG TITLE

General Description:

This bill modifies the Election Code to modify identification procedures for voting and voter registration.

Highlighted Provisions:

This bill:

- ▶ requires that persons registering to vote provide evidence that they are citizens of the United States, will be 18 years of age or older on the date of the election, and are residents of the county in which they seek to register;
- ▶ provides that persons who are already registered to vote need not provide proof of citizenship unless they change their registration to another county, or change their registration from another state to Utah;
- ▶ provides a list of acceptable documentation for providing proof of citizenship;
- ▶ requires that persons provide identification at the time of voting at a voting precinct;
- ▶ provides a list of identification that is acceptable for proving identity at the time of voting;
- ▶ provides that an election judge may waive the identification requirement at the time of voting if the election judge knows the voter personally and knows that the voter's principal place of residence is in the voting district;
- ▶ modifies voter registration forms to reflect the new requirements; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 This bill provides a coordination clause.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **20A-1-102**, as last amended by Chapters 117 and 127, Laws of Utah 2003

34 **20A-2-104**, as last amended by Chapter 219, Laws of Utah 2004

35 **20A-2-108**, as last amended by Chapter 219, Laws of Utah 2004

36 **20A-2-201**, as last amended by Chapter 45, Laws of Utah 1999

37 **20A-2-202**, as last amended by Chapter 117, Laws of Utah 2003

38 **20A-2-203**, as last amended by Chapters 117 and 249, Laws of Utah 2003

39 **20A-2-204**, as last amended by Chapters 10, 24 and 183, Laws of Utah 1997

40 **20A-2-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

41 **20A-3-104**, as last amended by Chapter 37, Laws of Utah 2003

42 **20A-3-104.5**, as last amended by Chapter 159, Laws of Utah 2003

43 **20A-3-105.5**, as last amended by Chapters 34, 117 and 131, Laws of Utah 2003

44 **20A-3-401**, as last amended by Chapter 37, Laws of Utah 2003

45 **20A-4-107**, as last amended by Chapter 34, Laws of Utah 2003

46 **20A-5-401**, as last amended by Chapter 116, Laws of Utah 2003

47 ENACTS:

48 **20A-2-110**, Utah Code Annotated 1953



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

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

52 **20A-1-102. Definitions.**

53 As used in this title:

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

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

58 (3) "Ballot" means the cardboard, paper, or other material upon which a voter records

59 his votes and includes ballot cards, paper ballots, and secrecy envelopes.

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

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

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

68 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
69 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

86 (16) "Counting poll watcher" means a person selected as provided in Section
87 20A-3-201 to witness the counting of ballots.

88 (17) "Counting room" means a suitable and convenient private place or room,
89 immediately adjoining the place where the election is being held, for use by the counting

90 judges to count ballots during election day.

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

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

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

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

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

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

102 (24) "Election judge" means each canvassing judge, counting judge, and receiving
103 judge.

104 (25) "Election officer" means:

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

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

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

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

112 (26) "Election official" means any election officer, election judge, or satellite registrar.

113 (27) "Election returns" includes the pollbook, all affidavits of registration, the military
114 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
115 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
116 spoiled ballots, the ballot disposition form, and the total votes cast form.

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

120 (29) "Inactive voter" means a registered voter who has been sent the notice required by

121 Section 20A-2-306 and who has failed to respond to that notice.

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

124 (31) "Judicial office" means the office filled by any judicial officer.

125 (32) "Judicial officer" means any justice or judge of a court of record or any county
126 court judge.

127 (33) "Local election" means a regular municipal election, a local special election, a
128 special district election, and a bond election.

129 (34) "Local political subdivision" means a county, a municipality, a special district, or
130 a local school district.

131 (35) "Local special election" means a special election called by the governing body of a
132 local political subdivision in which all registered voters of the local political subdivision may
133 vote.

134 (36) "Municipal executive" means:

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

137 (b) the mayor in the council-mayor optional form of government defined in Section
138 [~~10-3-1209~~] 10-3-101; and

139 (c) the manager in the council-manager optional form of government defined in
140 Section [~~10-3-1209~~] 10-3-101.

141 (37) "Municipal general election" means the election held in municipalities and special
142 districts on the first Tuesday after the first Monday in November of each odd-numbered year
143 for the purposes established in Section 20A-1-202.

144 (38) "Municipal legislative body" means:

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

147 (b) the municipal council in the council-mayor optional form of government defined in
148 Section [~~10-3-1209~~] 10-3-101; and

149 (c) the municipal council in the council-manager optional form of government defined
150 in Section [~~10-3-1209~~] 10-3-101.

151 (39) "Municipal officers" means those municipal officers that are required by law to be

152 elected.

153 (40) "Municipal primary election" means an election held to nominate candidates for
154 municipal office.

155 (41) "Official ballot" means the ballots distributed by the election officer to the election
156 judges to be given to voters to record their votes.

157 (42) "Official endorsement" means:

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

159 (i) the ballot as an official ballot;

160 (ii) the date of the election; and

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

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

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

164 (ii) the ballot number.

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

167 (44) "Paper ballot" means a paper that contains:

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

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

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

175 (46) "Polling place" means the building where residents of a voting precinct vote or
176 where absentee voting is conducted.

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

179 (48) "Posting list" means a list of registered voters within a voting precinct.

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

182 [~~50) "Proof of residence" means some official document or form, such as a driver~~

183 ~~license or utility bill that establishes a person's residence.]~~

184 [~~(51)~~] (49) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

187 [~~(52)~~] (50) "Provisional ballot envelope" means an envelope printed in the form
188 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
189 information to verify a person's legal right to vote.

190 [~~(53)~~] (51) "Primary convention" means the political party conventions at which
191 nominees for the regular primary election are selected.

192 [~~(54)~~] (52) "Protective counter" means a separate counter, which cannot be reset, that is
193 built into a voting machine and records the total number of movements of the operating lever.

194 [~~(55)~~] (53) "Qualify" or "qualified" means to take the oath of office and begin
195 performing the duties of the position for which the person was elected.

196 [~~(56)~~] (54) "Receiving judge" means the election judge that checks the voter's name in
197 the official register, provides the voter with a ballot, and removes the ballot stub from the ballot
198 after the voter has voted.

199 [~~(57)~~] (55) "Registration days" means the days designated in Section 20A-2-203 when
200 a voter may register to vote with a satellite registrar.

201 [~~(58)~~] (56) "Registration form" means a book voter registration form and a by-mail
202 voter registration form.

203 [~~(59)~~] (57) "Regular ballot" means a ballot that is not a provisional ballot.

204 [~~(60)~~] (58) "Regular general election" means the election held throughout the state on
205 the first Tuesday after the first Monday in November of each even-numbered year for the
206 purposes established in Section 20A-1-201.

207 [~~(61)~~] (59) "Regular primary election" means the election on the fourth Tuesday of
208 June of each even-numbered year, at which candidates of political parties and nonpolitical
209 groups are voted for nomination.

210 [~~(62)~~] (60) "Resident" means a person who resides within a specific voting precinct in
211 Utah.

212 [~~(63)~~] (61) "Sample ballot" means a mock ballot similar in form to the official ballot
213 printed and distributed as provided in Section 20A-5-405.

214 [~~(64)~~] (62) "Satellite registrar" means a person appointed under Section 20A-5-201 to
215 register voters and perform other duties.

216 [~~(65)~~] (63) "Scratch vote" means to mark or punch the straight party ticket and then
217 mark or punch the ballot for one or more candidates who are members of different political
218 parties.

219 [~~(66)~~] (64) "Secrecy envelope" means the envelope given to a voter along with the
220 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy
221 of the voter's vote.

222 [~~(67)~~] (65) "Special district" means those local government entities created under the
223 authority of Title 17A.

224 [~~(68)~~] (66) "Special district officers" means those special district officers that are
225 required by law to be elected.

226 [~~(69)~~] (67) "Special election" means an election held as authorized by Section
227 20A-1-204.

228 [~~(70)~~] (68) "Spoiled ballot" means each ballot that:

229 (a) is spoiled by the voter;

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

231 (c) lacks the official endorsement.

232 [~~(71)~~] (69) "Statewide special election" means a special election called by the governor
233 or the Legislature in which all registered voters in Utah may vote.

234 [~~(72)~~] (70) "Stub" means the detachable part of each ballot.

235 [~~(73)~~] (71) "Substitute ballots" means replacement ballots provided by an election
236 officer to the election judges when the official ballots are lost or stolen.

237 [~~(74)~~] (72) "Ticket" means each list of candidates for each political party or for each
238 group of petitioners.

239 [~~(75)~~] (73) "Transfer case" means the sealed box used to transport voted ballots to the
240 counting center.

241 [~~(76)~~] (74) "Vacancy" means the absence of a person to serve in any position created
242 by statute, whether that absence occurs because of death, disability, disqualification,
243 resignation, or other cause.

244 (75) "Valid voter identification" means:

245 (a) a form of identification that bears the name, photograph, and current address of the
 246 voter which may include:

247 (i) a currently valid Utah driver license;

248 (ii) a currently valid identification card that is issued by the state or a local government
 249 within the state;

250 (iii) an identification card that is issued by an employer for an employee;

251 (iv) a currently valid identification card that is issued by a college, university, technical
 252 school, or professional school that is located within the state;

253 (v) a currently valid Utah permit to carry a concealed weapon; or

254 (vi) a currently valid United States passport; or

255 (b) two forms of identification that bear the name and current address of the voter
 256 which may include:

257 (i) a current utility bill;

258 (ii) a bank statement or other financial account statement;

259 (iii) a check issued by the state or the federal government;

260 (iv) a paycheck;

261 (v) a currently valid Utah hunting or fishing license;

262 (vi) a currently valid United States military identification card;

263 (vii) certified naturalization documentation;

264 (viii) a currently valid pilot's license issued by the Federal Aviation Administration or
 265 other authorized agency of the United States; or

266 (ix) a valid Medicaid card, Medicare card, or an Electronic Benefits Transfer Card.

267 ~~[(77)]~~ (76) "Valid write-in candidate" means a candidate who has qualified as a
 268 write-in candidate by following the procedures and requirements of this title.

269 ~~[(78)]~~ (77) "Voter" means a person who meets the requirements for voting in an
 270 election, meets the requirements of election registration, is registered to vote, and is listed in
 271 the official register book.

272 ~~[(79)]~~ (78) "Voting area" means the area within six feet of the voting booths, voting
 273 machines, and ballot box.

274 ~~[(80)]~~ (79) "Voting booth" means the space or compartment within a polling place that
 275 is provided for the preparation of ballots and includes the voting machine enclosure or curtain.

276 [~~(81)~~] (80) "Voting device" means:

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

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

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

282 [~~(82)~~] (81) "Voting machine" means a machine designed for the sole purpose of
283 recording and tabulating votes cast by voters at an election.

284 [~~(83)~~] (82) "Voting poll watcher" means a person appointed as provided in this title to
285 witness the distribution of ballots and the voting process.

286 [~~(84)~~] (83) "Voting precinct" means the smallest voting unit established as provided by
287 law within which qualified voters vote at one polling place.

288 [~~(85)~~] (84) "Watcher" means a voting poll watcher, a counting poll watcher, and an
289 inspecting poll watcher.

290 [~~(86)~~] (85) "Western States Presidential Primary" means the election established in
291 Title 20A, Chapter 9, Part 8.

292 [~~(87)~~] (86) "Write-in ballot" means a ballot containing any write-in votes.

293 [~~(88)~~] (87) "Write-in vote" means a vote cast for a person whose name is not printed on
294 the ballot according to the procedures established in this title.

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

296 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

299 -----

300 UTAH ELECTION REGISTRATION FORM

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

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

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

304 Name of Voter _____

305 First Middle Last

306 Driver License or Identification Card Number _____

307 State of issuance of Driver License or Identification Card
 308 Date of Birth _____
 309 Street Address of Principal Place of Residence
 310 _____
 311 City County State Zip Code
 312 Telephone Number (optional) _____
 313 Last four digits of Social Security Number _____
 314 Last former address at which I was registered to vote (if known) _____
 315 _____
 316 City County State Zip Code
 317 Voting Precinct (if known) _____
 318 Political Party
 319 American Democrat Green Independent American Libertarian Natural Law
 320 Reform Populist Republican Socialist Workers Unaffiliated (no political party
 321 preference)
 322 Other (Please specify) _____

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

328 Signed and sworn
 329 _____
 330 Voter's Signature
 331 _____(month/day/year).

332 CITIZENSHIP AFFIDAVIT
 333 Name:
 334 Name at birth, if different:
 335 Place of birth:
 336 Date of birth:
 337 Date and place of naturalization (if applicable):

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

341 _____

342 Signature of Applicant

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

346 NOTICE: YOU MUST INCLUDE A LEGIBLE PHOTOCOPY OF ONE OF THE
347 FOLLOWING WITH YOUR APPLICATION AS EVIDENCE OF CITIZENSHIP:

348 (A) YOUR UTAH DRIVER LICENSE, IF IT WAS ISSUED ON OR AFTER JULY 1,
349 2005;

350 (B) YOUR BIRTH CERTIFICATE;

351 (C) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND
352 PASSPORT NUMBER;

353 (D) YOUR UNITED STATES NATURALIZATION DOCUMENTS SHOWING
354 YOUR NAME AND THE NUMBER OF THE CERTIFICATE OF NATURALIZATION;

355 (E) DOCUMENTS ESTABLISHED AS PROOF OF CITIZENSHIP UNDER THE
356 IMMIGRATION REFORM AND CONTROL ACT OF 1968;

357 (F) YOUR BUREAU OF INDIAN AFFAIRS CARD NUMBER;

358 (G) YOUR TRIBAL TREATY CARD NUMBER; OR

359 (H) YOUR TRIBAL ENROLLMENT NUMBER.

360 IN ORDER TO BE ALLOWED TO VOTE [~~FOR THE FIRST TIME IN A VOTING~~
361 ~~PRECINCT~~] YOU MUST [~~EITHER~~] PRESENT ONE OF THE FOLLOWING TO THE
362 ELECTION JUDGE BEFORE VOTING:

363 (1) [~~INCLUDE A COPY OF~~] A VALID FORM OF PHOTO IDENTIFICATION [~~OR PROOF~~
364 ~~OF RESIDENCE WITH THIS VOTER REGISTRATION FORM~~] THAT SHOWS YOUR
365 NAME, PHOTOGRAPH, AND CURRENT ADDRESS; OR

366 (2) [~~PRESENT A VALID FORM OF PHOTO IDENTIFICATION OR PROOF OF~~
367 ~~RESIDENCE TO THE ELECTION JUDGE BEFORE YOU MAY VOTE~~] TWO DIFFERENT
368 FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND CURRENT ADDRESS.

369 FOR OFFICIAL USE ONLY

370 Type of I.D. _____

371 Voting Precinct _____

372 Voting I.D. Number _____

373 -----

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

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

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

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

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

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

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

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

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

394 Section 3. Section **20A-2-108** is amended to read:

395 **20A-2-108. Driver license registration form -- Transmittal of information.**

396 (1) The lieutenant governor and the Driver License Division shall design the driver
397 license application and renewal forms to include the question "if you are not registered to vote
398 where you live now, would you like to register to vote today?"

399 (2) (a) The lieutenant governor and the Driver License Division shall design a motor

400 voter registration form to be used in conjunction with driver license application and renewal
401 forms.

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

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

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

405 "I do swear (or affirm), subject to penalty of law for false statements, that the
406 information contained in this form is true, and that I am a citizen of the United States and a
407 resident of the state of Utah, residing at the above address. I will be at least 18 years old and
408 will have resided in Utah for 30 days immediately before the next election.

409 Signed and sworn

410 _____

411 Voter's Signature

412 _____(month\day\year)";

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

414 "CITIZENSHIP AFFIDAVIT

415 Name:

416 Name at birth, if different:

417 Place of birth:

418 Date of birth:

419 Date and place of naturalization (if applicable):

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

423 _____

424 Signature of Applicant

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

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

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

434 (vi) all information required under Section 20A-2-104, provided that the voter
435 application portion of driver license application does not require the applicant to duplicate
436 information provided in the driver license portion of the form.

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

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

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

443 Section 4. Section **20A-2-110** is enacted to read:

444 **20A-2-110. Review of voter registration applications -- Evidence of citizenship,**
445 **age, and residence.**

446 (1) Before registering an applicant to vote, the county clerk shall determine that each
447 applicant:

448 (a) has provided all of the required information on the voter registration form;

449 (b) has signed the voter registration form;

450 (c) has provided evidence of citizenship, which shall consist of one of the following:

451 (i) subject to the requirements of Subsection (3), presentation of, or a legible
452 photocopy of, the applicant's Utah driver license, if the license was issued on or after July 1,
453 2005;

454 (ii) presentation of, or a legible photocopy of, the applicant's birth certificate showing
455 that the applicant was born in the United States;

456 (iii) presentation of, or a legible photocopy of, the applicant's United States passport
457 showing the applicant's name and the passport number;

458 (iv) presentation of, or a legible photocopy of, the applicant's United States
459 naturalization documents, showing that the applicant is a citizen of the United States;

460 (v) subject to the requirements of Subsection (4), the number of the applicant's
461 certificate of naturalization;

462 (vi) presentation of, or a legible photocopy of, other documents or methods of proof of
 463 citizenship that are established by the Immigration Reform and Control Act of 1986, Pub. L.
 464 No. 99-603; or

465 (vii) presentation of, or a legible photocopy of, the applicant's Bureau of Indian Affairs
 466 card number, tribal treaty card number, or tribal enrollment number;

467 (d) has signed a statement certifying that the applicant will have resided in Utah for 30
 468 days immediately before the next election;

469 (e) has provided birth date information showing that the applicant will be at least 18
 470 years old on the day of the election; and

471 (f) has provided address information showing that the applicant is a resident of the
 472 county where the applicant has submitted his registration form.

473 (2) Notwithstanding Subsection (1)(c), any person who is registered to vote in this state
 474 as of ~~§~~ → [July 1] May 2 ← ~~§~~, 2005 shall not be required to provide evidence of citizenship unless
 474a that person is:

475 (a) changing his voter registration from one county to another; or

476 (b) changing his voter registration from another state to this state.

477 (3) The county clerk may not accept a driving privilege card issued under Section
 478 53-3-207 that is not valid for identification as evidence of citizenship.

479 (4) If an applicant provides the number of the applicant's certificate of naturalization as
 480 evidence of citizenship under Subsection (1)(c)(v), the county clerk shall not register the
 481 applicant to vote until the county clerk is able to verify the number of the certificate with the
 482 United States Citizenship and Immigration Services.

483 Section 5. Section **20A-2-201** is amended to read:

484 **20A-2-201. Registering to vote at office of county clerk.**

485 (1) Except as provided in Subsection (2), the county clerk shall register to vote all
 486 persons who present themselves for registration at the county clerk's office during designated
 487 office hours if those persons[;]:

488 (a) on voting day, will be legally qualified and entitled to vote in a voting precinct in
 489 the county[;]; and

490 (b) meet the requirements of Section 20A-2-110.

491 (2) During the seven calendar days immediately before any scheduled election, the
 492 county clerk shall:

493 (a) accept registration forms from all persons who present themselves for registration at
494 the clerk's office during designated office hours if those persons[;]:

495 (i) on voting day, will be legally qualified and entitled to vote in a voting precinct in the
496 county; and

497 (ii) meet the requirements of Section 20A-2-110; and

498 (b) inform them that they will be registered to vote but may not vote in the pending
499 election because they registered too late.

500 Section 6. Section **20A-2-202** is amended to read:

501 **20A-2-202. Registration by mail.**

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

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

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

506 (A) address the by-mail voter registration form to the county clerk; and

507 (B) ensure that it is postmarked at least 20 days before the date of the election.

508 (ii) ~~[H]~~ The citizen shall provide evidence of citizenship as required under Section
509 20A-2-110 if:

510 (A) ~~the [voter] citizen is registering for the first time in the county[, the citizen shall~~
511 ~~either:];~~

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

514 ~~[(B) submit proof of identification or proof of residence to the election judge at the~~
515 ~~time the citizen votes.]~~

516 (B) the citizen is changing his voter registration to the county from another county; or

517 (C) the citizen is changing his voter registration to the county from another state.

518 (d) The citizen has effectively registered to vote under this section only when the
519 county clerk's office has received a correctly completed by-mail voter registration form and the
520 county clerk has determined that the citizen has met the requirements of Section 20A-2-110.

521 (2) Upon receipt of a correctly completed by-mail voter registration form that meets the
522 requirements of Section 20A-2-110, the county clerk shall:

523 (a) enter the applicant's name on the list of registered voters for the voting precinct in

524 which the applicant resides; and

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

527 (3) (a) If the county clerk receives a correctly completed by-mail voter registration
528 form that meets the requirements of Section 20A-2-110 and is postmarked less than 20 days
529 before an election, the county clerk shall:

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

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

533 (b) When the county clerk receives a correctly completed by-mail voter registration
534 [~~forms~~] form at least seven days before an election that [~~are~~] is postmarked at least 20 days
535 before the election and meets the requirements of Section 20A-2-110, the county clerk shall:

536 (i) process the by-mail voter registration [~~forms~~] form; and

537 (ii) record the new [~~voters~~] voter in the official register and posting list.

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

542 Section 7. Section **20A-2-203** is amended to read:

543 **20A-2-203. Satellite location -- Registration by satellite registrar.**

544 (1) (a) Each county clerk shall designate sufficient satellite registration locations to
545 ensure that voters in all parts of the county have the opportunity to register to vote.

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

547 (2) (a) Any person who meets the voter registration requirements may register to vote
548 with a satellite registrar at any satellite location within the person's county of residence between
549 8 a.m. and 8 p.m.:

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

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

554 (iii) on the Friday and Monday, the eighth and eleventh day, before the municipal

555 primary election in municipalities holding a municipal primary election; and
556 (iv) on the Friday and Monday, the eighth and eleventh day, before the municipal
557 general election.

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

559 (i) present themselves for registration; [~~and~~]

560 (ii) are legally qualified and entitled to vote in that voting precinct on election day[-];

561 and

562 (iii) meet the requirements of Section 20A-2-110.

563 (3) (a) Unless the voter is registering for the first time, a voter may not designate or
564 change the voter's political party affiliation at the satellite location for voter registration on the
565 dates established in Subsection (2)(a)(i) for primary election voter registration.

566 (b) A voter wanting to change political party affiliation shall comply with the
567 requirements of Section 20A-2-107.

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

570 Section 8. Section **20A-2-204** is amended to read:

571 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

572 (1) As used in this section, "voter registration form" means the driver license
573 application/voter registration form and the driver license renewal/voter registration form
574 required by Section 20A-2-108.

575 (2) Any citizen who is qualified to vote may register to vote by completing the voter
576 registration form.

577 (3) The Driver License Division shall:

578 (a) assist applicants in completing the voter registration form unless the applicant
579 refuses assistance;

580 (b) accept completed forms for transmittal to the appropriate election official;

581 (c) transmit a copy of each voter registration form to the appropriate election official
582 within five days after it is received by the division;

583 (d) transmit each address change within five days after it is received by the division;

584 and

585 (e) transmit electronically to the lieutenant governor's office the name, address, birth

586 date, and driver license number of each person who answers "yes" to the question on the driver
587 license form about registering to vote.

588 (4) Upon receipt of a correctly completed voter registration form that meets the
589 requirements of Section 20A-2-110, the county clerk shall:

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

592 (b) notify the applicant of registration.

593 (5) (a) If the county clerk receives a correctly completed voter registration form that
594 meets the requirements of Section 20A-2-110 and that is dated less than 20 days before an
595 election, the county clerk shall:

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

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

599 (b) When the county clerk receives, at least seven days before an election, any voter
600 registration forms [~~at least seven days before an election~~] that meet the requirements of Section
601 20A-2-110 and that are dated at least 20 days before the election, the county clerk shall:

602 (i) process the voter registration forms; and

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

604 (6) If the county clerk determines that a voter registration form received from the
605 Driver License Division is incorrect because of an error or because it is incomplete, the county
606 clerk shall mail notice to the person attempting to register, informing him that he has not been
607 registered because of an error or because the form is incomplete.

608 Section 9. Section **20A-2-205** is amended to read:

609 **20A-2-205. Registration at voter registration agencies.**

610 (1) As used in this section:

611 (a) "Discretionary voter registration agency" means each office designated by the
612 county clerk under Part 3 to provide by-mail voter registration forms to the public.

613 (b) "Public assistance agency" means each office in Utah that provides:

614 (i) public assistance; or

615 (ii) state funded programs primarily engaged in providing services to people with
616 disabilities.

617 (2) Any person may obtain and complete a by-mail registration form at a public
618 assistance agency or discretionary voter registration agency.

619 (3) Each public assistance agency and discretionary voter registration agency shall
620 provide, either as part of existing forms or on a separate form, the following information in
621 substantially the following form:

622 "REGISTERING TO VOTE

623 If you are not registered to vote where you live now, would you like to apply to register
624 to vote here today? (Applying to register to vote or declining to register to vote will not affect
625 the amount of assistance that you will be provided by this agency.) Yes ___ No ___ IF YOU
626 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
627 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
628 voter registration application form, we will help you. The decision about whether or not to
629 seek or accept help is yours. You may fill out the application form in private. If you believe
630 that someone has interfered with your right to register or to decline to register to vote, your
631 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
632 right to choose your own political party or other political preference, you may file a complaint
633 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
634 84114. (801) 538-1040."

635 (4) Unless a person applying for service or assistance from a public assistance agency
636 or discretionary voter registration agency declines, in writing, to register to vote, each public
637 assistance agency and discretionary voter registration agency shall:

638 (a) distribute a by-mail voter registration form with each application for service or
639 assistance provided by the agency or office;

640 (b) assist applicants in completing the voter registration form unless the applicant
641 refuses assistance;

642 (c) accept completed forms and copies of documents provided as evidence of
643 citizenship for transmittal to the appropriate election official; and

644 (d) transmit a copy of each voter registration form and evidence of citizenship to the
645 appropriate election official within five days after it is received by the division.

646 (5) A person in a public assistance agency or a discretionary voter registration agency
647 that helps a person complete the voter registration form may not:

648 (a) seek to influence an applicant's political preference or party registration;
649 (b) display any political preference or party allegiance;
650 (c) make any statement to an applicant or take any action that has the purpose or effect
651 of discouraging the applicant from registering to vote; or

652 (d) make any statement to an applicant or take any action that has the purpose or effect
653 of leading the applicant to believe that a decision to register or not to register has any bearing
654 upon the availability of services or benefits.

655 (6) Upon receipt of a correctly completed voter registration form that meets the
656 requirements of Section 20A-2-110, the county clerk shall:

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

659 (b) notify the applicant of registration.

660 (7) (a) If the county clerk receives a [~~correctly completed~~] voter registration form that
661 is dated less than 20 days before an election and meets the requirements of Section 20A-2-110,
662 the county clerk shall:

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

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

666 (b) When the county clerk receives any voter registration forms at least seven days
667 before an election that are dated at least 20 days before the election and meet the requirements
668 of Section 20A-2-110, the county clerk shall:

669 (i) process the voter registration forms; and

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

671 (8) If the county clerk determines that a voter registration form received from a public
672 assistance agency or discretionary voter registration agency is incorrect because of an error or
673 because it is incomplete, the county clerk shall mail notice to the person attempting to register,
674 informing him that he has not been registered because of an error or because the form is
675 incomplete.

676 Section 10. Section **20A-3-104** is amended to read:

677 **20A-3-104. Manner of voting.**

678 (1) (a) Any registered voter desiring to vote shall [~~give his name, and, if requested, his~~

679 ~~residence;~~ present a valid voter identification to one of the election judges.

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

683 ~~[(c)]~~ (b) If the voter is voting for the first time in the jurisdiction or is otherwise
684 required to present ~~[proof of identity or proof of residence]~~ valid voter identification as
685 indicated by a notation in the official register, the election judge shall request ~~[proof of identity~~
686 ~~or proof of residence]~~ valid voter identification from the voter.

687 (c) An election judge may waive the requirement to show valid voter identification if:

688 (i) the election judge personally knows the voter and knows that the voter's principal
689 place of residence is in the voting precinct; and

690 (ii) the voter is not required to show valid voter identification under Subsection (1)(b).

691 (d) If the election judge is satisfied that the voter has ~~[established proof of identity and~~
692 ~~proof of residence]~~ been properly identified, the election judge shall:

693 (i) record the type of ~~[proof of identity or proof of residence]~~ identification provided by
694 the voter in the appropriate space in the official register; and

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

696 (e) If the election judge is not satisfied that the voter has ~~[established proof of identity~~
697 ~~or proof of residence]~~ been properly identified, the election judge shall:

698 (i) indicate on the official register that the voter failed to provide adequate ~~[proof of~~
699 ~~identity or proof of residence]~~ valid voter identification;

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

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

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

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

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

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

- 710 (a) the election judge in charge of the official register shall:
- 711 (i) write the ballot number opposite the name of the voter in the official register; and
- 712 (ii) direct the voter to sign his name in the election column in the official register;
- 713 (b) another judge shall list the ballot number and voter's name in the pollbook; and
- 714 (c) the election judge having charge of the ballots shall:
- 715 (i) endorse his initials on the stub;
- 716 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 717 (iii) hand the voter a ballot; and
- 718 (iv) allow the voter to enter the voting booth.
- 719 (4) Whenever the election officer is required to furnish more than one kind of official
- 720 ballot to the voting precinct, the election judges of that voting precinct shall give the registered
- 721 voter the kind of ballot that the voter is qualified to vote.

722 Section 11. Section **20A-3-104.5** is amended to read:

723 **20A-3-104.5. Voting -- Regular primary election.**

724 (1) (a) Any registered voter desiring to vote at the regular primary election shall give

725 ~~[his name,]~~ the name of the registered political party whose ballot the voter wishes to vote[;]

726 and~~[, if requested, his residence,]~~ present valid voter identification to one of the election

727 judges.

728 ~~[(b) If an election judge does not know the person requesting a ballot and has reason to~~

729 ~~doubt that person's identity, the judge shall request identification or have the voter identified by~~

730 ~~a known registered voter of the district.]~~

731 (b) If the voter is voting for the first time in the jurisdiction or is otherwise required to

732 present valid voter identification as indicated by a notation in the official register, the election

733 judge shall request valid voter identification from the voter.

734 (c) An election judge may waive the requirement to show valid voter identification if:

735 (i) the election judge personally knows the voter and knows that the voter's principal

736 place of residence is in the voting district; and

737 (ii) the voter is not required to show valid voter identification under Subsection (1)(b).

738 ~~[(c)]~~ (d) If the voter is challenged as provided in Section 20A-3-202, the judge shall

739 provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are

740 false.

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

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

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

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

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

752 (ii) If oral verification is received from the county clerk's office, the judge shall record
753 the verification on the official register, determine the voter's party affiliation and the ballot that
754 the voter is qualified to vote, and perform the other administrative steps required by Subsection
755 (3).

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

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

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

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

772 (iii) For the primary elections held in 2004, 2006, and 2008 only:

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

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

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

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

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

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

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

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

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

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

794 (i) endorse his initials on the stub;

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

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

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

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

802 Section 12. Section **20A-3-105.5** is amended to read:

803 **20A-3-105.5. Manner of voting -- Provisional ballot.**

804 (1) The election judges shall follow the procedures and requirements of this section
805 when:

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

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

808 (2) When faced with one of the circumstances outlined in Subsection (1), the election
809 judge shall:

810 (a) request that the person provide [~~proof of identity and proof of residence~~] valid voter
811 identification; and

812 (b) review the [~~proof of identity and proof of residence~~] identification provided by the
813 person.

814 (3) If the election judge is satisfied that the person has provided valid voter
815 identification and has established the person's identity and residence in the voting precinct:

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

817 (i) record in the official register the type of source documents that established the
818 person's [~~proof of identity and proof of residence~~] valid voter identification;

819 (ii) write the provisional ballot envelope number opposite the name of the voter in the
820 official register; and

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

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

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

824 (i) endorse his initials on the stub;

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

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

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

828 (4) If the election judge is not satisfied that the voter has provided [~~sufficient proof of~~
829 ~~identity and proof of residence~~] valid voter identification:

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

831 (i) record in the official register that the voter did not provide [~~adequate proof of~~
832 ~~identity and proof of residence~~] valid voter identification;

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

834 official register; and

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

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

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

838 (i) endorse his initials on the stub;

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

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

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

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

845 Section 13. Section **20A-3-401** is amended to read:

846 **20A-3-401. Intent and purpose of part.**

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

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

851 (b) enable these voters to register more conveniently;

852 (c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting
853 Act; and

854 (d) in accordance with Public Law 107-252, the Help America Vote Act of 2002,
855 exempt overseas and military voters from:

856 (i) the [proof of identity and proof of residence] valid voter identification requirements
857 of Section 20A-3-308 [~~in accordance with Public Law 107-252, the Help America Vote Act of~~
858 ~~2002.~~]; and

859 (ii) the evidence of citizenship requirements of Section 20A-2-110.

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

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

864 (a) do all things and perform all acts necessary to put into effect the provisions of any

865 Act of Congress or this state allowing uniformed and overseas citizen voters to vote; and

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

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

870 Section 14. Section **20A-4-107** is amended to read:

871 **20A-4-107. Review and disposition of provisional ballot envelopes.**

872 (1) As used in this section, a voter is "legally entitled to vote" if:

873 (a) the voter:

874 (i) is registered to vote in the county;

875 (ii) resides within the voting precinct where the voter seeks to vote; and

876 (iii) provided [~~sufficient proof of identity and proof of residence~~] valid voter

877 identification to the election judge as indicated by a notation in the official register;

878 (b) the voter:

879 (i) is registered to vote in the county; and

880 (ii) did not vote in the voter's precinct of residence, but the ballot that the voter voted is
881 identical to the ballot voted in the voter's precinct of residence; or

882 (c) the voter:

883 (i) is registered to vote in the county;

884 (ii) the judge recorded in the official register that the voter either failed to provide
885 [~~proof of identity and proof of residence~~] valid voter identification or the [~~proof of identity and~~
886 ~~proof of residence was~~] documents provided as valid voter identification were inadequate; and

887 (iii) the county clerk verifies the voter's [~~proof of~~] identity and [~~proof of~~] residence
888 through some other means.

889 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
890 the affirmation on the face of each provisional ballot envelope and determine if the person
891 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter
892 voted.

893 (b) If the election officer determines that the person is not a registered voter or is not
894 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
895 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to

896 produce or count it.

897 (c) If the election officer determines that the person is a registered voter and is legally
898 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from
899 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
900 those ballots at the canvass.

901 (d) The election officer may not count, or allow to be counted a provisional ballot
902 unless the voter's [proof of] identity and [proof of] residence is established by a preponderance
903 of the evidence.

904 (3) If the election officer determines that the person is a registered voter, the election
905 officer shall ensure that the voter registration records are updated to reflect the information
906 provided on the provisional ballot envelope.

907 (4) If the election officer determines that the person is not a registered voter and the
908 information on the provisional ballot envelope is complete, the election officer shall:

909 (a) consider the provisional ballot envelope a voter registration form; and

910 (b) register the voter.

911 Section 15. Section **20A-5-401** is amended to read:

912 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

913 (1) (a) Before the registration days for each regular general, municipal general, regular
914 primary, municipal primary, or Western States Presidential Primary election, each county clerk
915 shall prepare an official register and posting list of voters for each voting precinct that will
916 participate in the election.

917 (b) The county clerk shall ensure that the official register and posting list are bound or
918 loose leaf books prepared for the alphabetical entry of names and ruled in columns of suitable
919 dimensions to provide for the following entries:

920 (i) registered voter's name;

921 (ii) party affiliation;

922 (iii) grounds for challenge;

923 (iv) name of person challenging a voter;

924 (v) ballot numbers, primary, November, special;

925 (vi) date of birth;

926 (vii) place of birth;

- 927 (viii) place of current residence;
 928 (ix) street address;
 929 (x) zip code; and
 930 (xi) space for the voter to sign his name for each election.

931 (c) When preparing the official register and posting list for the Western States
 932 Presidential Primary, the county clerk shall include:

- 933 (i) a column to record the name of the political party whose ballot the voter voted; and
 934 (ii) a column for the election judge to record changes in the voter's party affiliation.

935 (d) When preparing the official register and posting list for any regular general
 936 election, regular primary election, or election for federal office, the county clerk shall include:

- 937 (i) a column that indicates if the voter is required to show identification before voting;
 938 (ii) a column for the election judge to record the provisional envelope ballot number

939 for voters who receive a provisional ballot; and

- 940 (iii) a space for the election judge to record the type of [~~proof of identity and the type~~
 941 ~~of proof of residence~~] identification that was provided by voters who receive a provisional
 942 ballot.

943 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
 944 elections, special district elections, and bond elections, the county clerk shall make an official
 945 register and posting list only for voting precincts affected by the primary, municipal, special
 946 district, or bond election.

947 (ii) Each county clerk, with the assistance of the clerk of each affected special district,
 948 shall provide a detailed map or an indication on the registration list or other means to enable an
 949 election judge to determine the voters entitled to vote at an election of special district officers.

950 (b) Municipalities shall pay the costs of making the official register and posting list for
 951 municipal elections.

952 Section 16. **Coordinating S.B. 67 with S.B. 227.**

953 ~~§~~→ (1) ←~~§~~ If this S.B. 67 passes and S.B. 227, Public Safety Driving Privilege and
 953a Identification
 954 Card Amendments, does not pass, it is the intent of the Legislature that the Office of
 955 Legislative Research and General Counsel shall prepare the Utah Code database for publication
 956 as follows:

957 ~~§~~→ [(1)] (a) ←~~§~~ the first paragraph of the notice on the form in Subsection 20A-2-104(1) be

958 modified as follows:

959 "NOTICE: YOU MUST INCLUDE A LEGIBLE PHOTOCOPY OF ONE OF THE
960 FOLLOWING WITH YOUR APPLICATION AS EVIDENCE OF CITIZENSHIP:

961 ~~[(A) YOUR UTAH DRIVER'S LICENSE, IF IT WAS ISSUED ON OR AFTER
962 JULY 1, 2005;]~~

963 ~~[(B)]~~ (A) YOUR BIRTH CERTIFICATE;

964 ~~[(C)]~~ (B) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND
965 PASSPORT NUMBER;

966 ~~[(D)]~~ (C) YOUR UNITED STATES NATURALIZATION DOCUMENTS
967 SHOWING YOUR NAME AND THE NUMBER OF THE CERTIFICATE OF
968 NATURALIZATION;

969 ~~[(E)]~~ (D) DOCUMENTS ESTABLISHED AS PROOF OF CITIZENSHIP UNDER
970 THE IMMIGRATION REFORM AND CONTROL ACT OF 1968;

971 ~~[(F)]~~ (E) YOUR BUREAU OF INDIAN AFFAIRS CARD NUMBER;

972 ~~[(G)]~~ (F) YOUR TRIBAL TREATY CARD NUMBER; OR

973 ~~[(H)]~~ (G) YOUR TRIBAL ENROLLMENT NUMBER."; and

974 ~~§~~ → [(2)] (b) ← ~~§~~ Subsections 20A-2-110(1)(c)(i) and (3) be deleted and renumber the remaining
975 subsections accordingly.

975a ~~§~~ → (2) If this S.B. 67 and S.B. 227, Public Safety Driving Privilege and Identification Card
975b Amendments both pass, it is the intent of the Legislature that the Office of Legislative
975c Research and General Counsel shall prepare the Utah Code database for publication as
975d follows:

975e (a) in paragraph (A) of the notice on the form in Subsection 20A-2-104(1), delete
975f "JULY 1, 2005" and insert the date that S.B. 227 becomes law; and

975g (b) in Subsection 20A-2-110(1)(c)(i), delete "July 1, 2005" and insert the date that S.B.
975h 227 becomes law. ← ~~§~~

Legislative Review Note
as of 2-14-05 5:12 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

It is estimated that within the Office of the Governor, the Elections Office will require a one-time General Fund appropriation of \$13,200 for FY 2006 to implement provisions of this bill.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$13,200	\$0	\$0	\$0
TOTAL	\$13,200	\$0	\$0	\$0

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst