

1 **EARLY VOTING**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Douglas C. Aagard**

5 Senate Sponsor: Parley G. Hellewell

---

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Election Code to permit in-person early voting prior to the date of  
10 the election.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ permits registered voters to participate in early voting during the 14-day period
- 14 immediately prior to election day;
- 15 ▶ provides that time periods related to replacement of candidates be based on the date
- 16 of commencement of voting rather than on election day;
- 17 ▶ provides that candidate vacancies must be filled 30 days prior to election day;
- 18 ▶ provides that voter registration for an election ends 30 days before the date of the
- 19 election with the exception of satellite registration, in-person registration at the
- 20 office of the county clerk, and registration for military personnel and overseas
- 21 citizens voting by absentee ballot;
- 22 ▶ provides that voters who register using satellite registration or who register at the
- 23 office of the county clerk less than 30 days before a pending election are entitled to
- 24 vote on election day but not by using early voting;
- 25 ▶ provides that voters must provide valid voter identification at the time of voting if
- 26 they choose to vote:
  - 27 • by early voting on a date before the date of the election; or



- 28           • by in-person absentee ballot;
- 29           ▶ modifies the Utah Election Registration Form to provide notice that voters must
- 30 provide valid voter identification in order to vote during the early voting period;
- 31           ▶ provides definitions of documents that are acceptable as valid voter identification;
- 32           ▶ provides that party affiliation may not be changed during the period beginning after
- 33 the voter registration deadline for a regular primary election and continuing through
- 34 the date of the regular primary election;
- 35           ▶ modifies language relating to processing of voter registration forms to comply with
- 36 the 30 day voter registration deadline;
- 37           ▶ modifies the dates for satellite voter registration to comply with the 30 day voter
- 38 registration deadline;
- 39           ▶ modifies the dates provided in the voter registration notice to comply with the 30
- 40 day voter registration deadline;
- 41           ▶ clarifies absentee ballot filing deadlines for overseas and military voters;
- 42           ▶ modifies the application due date for overseas absentee voters to match the existing
- 43 deadline for other absentee votes;
- 44           ▶ requires election judges to record the type of identification provided by the voter at
- 45 the time of voting in all cases where a provisional ballot is issued;
- 46           ▶ requires election judges to issue a voter a provisional ballot when the election judge
- 47 determines that the voter has not presented sufficient identification;
- 48           ▶ provides for the hours and locations of early voting;
- 49           ▶ provides requirements for posting notice of early voting hours and locations;
- 50           ▶ modifies the format of the official register to accommodate identification
- 51 requirements;
- 52           ▶ requires the election officer to update voting history records during early voting;
- 53           ▶ requires write-in candidates to file a declaration of candidacy no later than 30 days
- 54 before the date of the election;
- 55           ▶ defines terms; and
- 56           ▶ makes technical corrections.

**57 Monies Appropriated in this Bill:**

58           None

59 **Other Special Clauses:**

60 None

61 **Utah Code Sections Affected:**

62 AMENDS:

63 **20A-1-102**, as last amended by Chapter 105, Laws of Utah 2005

64 **20A-1-302**, as last amended by Chapter 228, Laws of Utah 1993

65 **20A-1-501**, as last amended by Chapter 45, Laws of Utah 1999

66 **20A-2-103**, as last amended by Chapter 258, Laws of Utah 1996

67 **20A-2-104**, as last amended by Chapter 219, Laws of Utah 2004

68 **20A-2-107**, as last amended by Chapter 328, Laws of Utah 2000

69 **20A-2-201**, as last amended by Chapter 45, Laws of Utah 1999

70 **20A-2-202**, as last amended by Chapter 117, Laws of Utah 2003

71 **20A-2-203**, as last amended by Chapters 117 and 249, Laws of Utah 2003

72 **20A-2-204**, as last amended by Chapters 10, 24 and 183, Laws of Utah 1997

73 **20A-2-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

74 **20A-2-301**, as repealed and reenacted by Chapter 311, Laws of Utah 1994

75 **20A-2-304**, as enacted by Chapter 311, Laws of Utah 1994

76 **20A-2-306**, as last amended by Chapter 24, Laws of Utah 1997

77 **20A-3-104**, as last amended by Chapter 37, Laws of Utah 2003

78 **20A-3-104.5**, as last amended by Chapter 159, Laws of Utah 2003

79 **20A-3-105.5**, as last amended by Chapters 34, 117 and 131, Laws of Utah 2003

80 **20A-3-304.1**, as last amended by Chapter 105, Laws of Utah 2005

81 **20A-3-305**, as last amended by Chapter 195, Laws of Utah 2004

82 **20A-3-308**, as last amended by Chapter 37, Laws of Utah 2003

83 **20A-3-401**, as last amended by Chapter 37, Laws of Utah 2003

84 **20A-3-404**, as last amended by Chapter 20, Laws of Utah 2001

85 **20A-3-406**, as last amended by Chapter 117, Laws of Utah 2003

86 **20A-4-107**, as last amended by Chapter 34, Laws of Utah 2003

87 **20A-5-401**, as last amended by Chapter 105, Laws of Utah 2005

88 **20A-5-605**, as last amended by Chapter 282, Laws of Utah 1998

89 **20A-9-601**, as last amended by Chapter 81, Laws of Utah 2000

90           **20A-9-808**, as last amended by Chapter 117, Laws of Utah 2003

91 ENACTS:

92           **20A-2-102.5**, Utah Code Annotated 1953

93           **20A-3-601**, Utah Code Annotated 1953

94           **20A-3-602**, Utah Code Annotated 1953

95           **20A-3-603**, Utah Code Annotated 1953

96           **20A-3-604**, Utah Code Annotated 1953



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

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

100           **20A-1-102. Definitions.**

101           As used in this title:

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

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

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

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

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

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

116           (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
117 20A-4-306 to canvass election returns.

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

120           (9) "Book voter registration form" means voter registration forms contained in a bound

121 book that are used by election officers and registration agents to register persons to vote.

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

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

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

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

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

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

134 (16) "Counting poll watcher" means a person selected as provided in Section  
135 20A-3-201 to witness the counting of ballots.

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

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

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

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

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

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

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

150 (24) "Election judge" means each canvassing judge, counting judge, and receiving  
151 judge.

- 152 (25) "Election officer" means:
- 153 (a) the lieutenant governor, for all statewide ballots;
- 154 (b) the county clerk or clerks for all county ballots and for certain ballots and elections  
155 as provided in Section 20A-5-400.5;
- 156 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as  
157 provided in Section 20A-5-400.5;
- 158 (d) the special district clerk or chief executive officer for certain ballots and elections  
159 as provided in Section 20A-5-400.5; and
- 160 (e) the business administrator or superintendent of a school district for certain ballots  
161 or elections as provided in Section 20A-5-400.5.
- 162 (26) "Election official" means any election officer, election judge, or satellite registrar.
- 163 (27) "Election results" means, for bond elections, the count of those votes cast for and  
164 against the bond proposition plus any or all of the election returns that the board of canvassers  
165 may request.
- 166 (28) "Election returns" includes the pollbook, all affidavits of registration, the military  
167 and overseas absentee voter registration and voting certificates, one of the tally sheets, any  
168 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all  
169 spoiled ballots, the ballot disposition form, and the total votes cast form.
- 170 (29) "Electronic voting system" means a system in which a voting device is used in  
171 conjunction with ballots so that votes recorded by the voter are counted and tabulated by  
172 automatic tabulating equipment.
- 173 (30) "Inactive voter" means a registered voter who has been sent the notice required by  
174 Section 20A-2-306 and who has failed to respond to that notice.
- 175 (31) "Inspecting poll watcher" means a person selected as provided in this title to  
176 witness the receipt and safe deposit of voted and counted ballots.
- 177 (32) "Judicial office" means the office filled by any judicial officer.
- 178 (33) "Judicial officer" means any justice or judge of a court of record or any county  
179 court judge.
- 180 (34) "Local election" means a regular municipal election, a local special election, a  
181 special district election, and a bond election.
- 182 (35) "Local political subdivision" means a county, a municipality, a special district, or

183 a local school district.

184 (36) "Local special election" means a special election called by the governing body of a  
185 local political subdivision in which all registered voters of the local political subdivision may  
186 vote.

187 (37) "Municipal executive" means:

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

190 (b) the mayor in the council-mayor optional form of government defined in Section  
191 10-3-101; and

192 (c) the manager in the council-manager optional form of government defined in  
193 Section 10-3-101.

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

197 (39) "Municipal legislative body" means:

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

200 (b) the municipal council in the council-mayor optional form of government defined in  
201 Section 10-3-101; and

202 (c) the municipal council in the council-manager optional form of government defined  
203 in Section 10-3-101.

204 (40) "Municipal officers" means those municipal officers that are required by law to be  
205 elected.

206 (41) "Municipal primary election" means an election held to nominate candidates for  
207 municipal office.

208 (42) "Official ballot" means the ballots distributed by the election officer to the election  
209 judges to be given to voters to record their votes.

210 (43) "Official endorsement" means:

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

212 (i) the ballot as an official ballot;

213 (ii) the date of the election; and

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

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

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

217 (ii) the ballot number.

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

220 (45) "Paper ballot" means a paper that contains:

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

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

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

228 (47) "Polling place" means the building where ~~[residents of a voting precinct vote or~~  
229 ~~where absentee]~~ voting is conducted.

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

232 (49) "Posting list" means a list of registered voters within a voting precinct.

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

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

237 [~~(52)~~ (50) "Provisional ballot" means a ballot voted provisionally by a person:

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

239 (b) whose legal right to vote is challenged as provided in this title~~[-:]; or~~

240 (c) whose identity was not sufficiently established by an election judge.

241 [~~(53)~~ (51) "Provisional ballot envelope" means an envelope printed in the form  
242 required by Section 20A-6-105 that is used to identify provisional ballots and to provide  
243 information to verify a person's legal right to vote.

244 [~~(54)~~ (52) "Primary convention" means the political party conventions at which



245 nominees for the regular primary election are selected.

246 [~~(55)~~] (53) "Protective counter" means a separate counter, which cannot be reset, that is  
247 built into a voting machine and records the total number of movements of the operating lever.

248 [~~(56)~~] (54) "Qualify" or "qualified" means to take the oath of office and begin  
249 performing the duties of the position for which the person was elected.

250 [~~(57)~~] (55) "Receiving judge" means the election judge that checks the voter's name in  
251 the official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
252 after the voter has voted.

253 [~~(58)~~] (56) "Registration days" means the days designated in Section 20A-2-203 when  
254 a voter may register to vote with a satellite registrar.

255 [~~(59)~~] (57) "Registration form" means a book voter registration form and a by-mail  
256 voter registration form.

257 [~~(60)~~] (58) "Regular ballot" means a ballot that is not a provisional ballot.

258 [~~(61)~~] (59) "Regular general election" means the election held throughout the state on  
259 the first Tuesday after the first Monday in November of each even-numbered year for the  
260 purposes established in Section 20A-1-201.

261 [~~(62)~~] (60) "Regular primary election" means the election on the fourth Tuesday of  
262 June of each even-numbered year, at which candidates of political parties and nonpolitical  
263 groups are voted for nomination.

264 [~~(63)~~] (61) "Resident" means a person who resides within a specific voting precinct in  
265 Utah.

266 [~~(64)~~] (62) "Sample ballot" means a mock ballot similar in form to the official ballot  
267 printed and distributed as provided in Section 20A-5-405.

268 [~~(65)~~] (63) "Satellite registrar" means a person appointed under Section 20A-5-201 to  
269 register voters and perform other duties.

270 [~~(66)~~] (64) "Scratch vote" means to mark or punch the straight party ticket and then  
271 mark or punch the ballot for one or more candidates who are members of different political  
272 parties.

273 [~~(67)~~] (65) "Secrecy envelope" means the envelope given to a voter along with the  
274 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy  
275 of the voter's vote.

276            [~~(68)~~] (66) "Special district" means those local government entities created under the  
277 authority of Title 17A.

278            [~~(69)~~] (67) "Special district officers" means those special district officers that are  
279 required by law to be elected.

280            [~~(70)~~] (68) "Special election" means an election held as authorized by Section  
281 20A-1-204.

282            [~~(71)~~] (69) "Spoiled ballot" means each ballot that:

283            (a) is spoiled by the voter;

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

285            (c) lacks the official endorsement.

286            [~~(72)~~] (70) "Statewide special election" means a special election called by the governor  
287 or the Legislature in which all registered voters in Utah may vote.

288            [~~(73)~~] (71) "Stub" means the detachable part of each ballot.

289            [~~(74)~~] (72) "Substitute ballots" means replacement ballots provided by an election  
290 officer to the election judges when the official ballots are lost or stolen.

291            [~~(75)~~] (73) "Ticket" means each list of candidates for each political party or for each  
292 group of petitioners.

293            [~~(76)~~] (74) "Transfer case" means the sealed box used to transport voted ballots to the  
294 counting center.

295            [~~(77)~~] (75) "Vacancy" means the absence of a person to serve in any position created  
296 by statute, whether that absence occurs because of death, disability, disqualification,  
297 resignation, or other cause.

298            (76) "Valid voter identification" means:

299            (a) a form of identification that bears the name and photograph of the voter which may  
300 include:

301            (i) a currently valid Utah driver license;

302            (ii) a currently valid identification card that is issued by:

303            (A) the state;

304            (B) a local government within the state; or

305            (C) a branch, department, or agency of the United States;

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

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

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

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

311 (vii) a valid tribal identification card; or

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

314 (i) a voter identification card;

315 (ii) a current utility bill or a legible copy thereof;

316 (iii) a bank or other financial account statement, or a legible copy thereof;

317 (iv) a certified birth certificate;

318 (v) a valid Social Security card;

319 (vi) a check issued by the state or the federal government or a legible copy thereof;

320 (vii) a paycheck from the voter's employer, or a legible copy thereof;

321 (viii) a currently valid Utah hunting or fishing license;

322 (ix) a currently valid United States military identification card;

323 (x) certified naturalization documentation;

324 (xi) a currently valid license issued by an authorized agency of the United States;

325 (xii) a certified copy of court records showing the voter's adoption or name change; or

326 (xiii) a form of identification listed in Subsection (76)(a) that does not contain a  
327 photograph, but establishes the name and current address of the voter.

328 [~~78~~] (77) "Valid write-in candidate" means a candidate who has qualified as a  
329 write-in candidate by following the procedures and requirements of this title.

330 [~~79~~] (78) "Voter" means a person who meets the requirements for voting in an  
331 election, meets the requirements of election registration, is registered to vote, and is listed in  
332 the official register book.

333 (79) "Voter registration deadline" means the registration deadline provided in Section  
334 20A-2-102.5.

335 (80) "Voting area" means the area within six feet of the voting booths, voting  
336 machines, and ballot box.

337 (81) "Voting booth" means the space or compartment within a polling place that is

338 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

339 (82) "Voting device" means:

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

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

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

345 (83) "Voting machine" means a machine designed for the sole purpose of recording  
346 and tabulating votes cast by voters at an election.

347 (84) "Voting poll watcher" means a person appointed as provided in this title to  
348 witness the distribution of ballots and the voting process.

349 (85) "Voting precinct" means the smallest voting unit established as provided by law  
350 within which qualified voters vote at one polling place.

351 (86) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting  
352 poll watcher.

353 (87) "Western States Presidential Primary" means the election established in Title 20A,  
354 Chapter 9, Part 8.

355 (88) "Write-in ballot" means a ballot containing any write-in votes.

356 (89) "Write-in vote" means a vote cast for a person whose name is not printed on the  
357 ballot according to the procedures established in this title.

358 Section 2. Section **20A-1-302** is amended to read:

359 **20A-1-302. Opening and closing of polls on election day.**

360 (1) Polls at all elections on the date of the election shall open at 7 a.m. and shall remain  
361 open until 8 p.m. of the same day.

362 (2) The election judges shall allow every voter who arrives at the polls by 8 p.m. to  
363 vote.

364 Section 3. Section **20A-1-501** is amended to read:

365 **20A-1-501. Candidate vacancies -- Procedure for filling.**

366 (1) The state central committee of a political party, for candidates for United States  
367 senator, United States representative, governor, lieutenant governor, attorney general, state  
368 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass

369 more than one county, and the county central committee of a political party, for all other party  
370 candidates seeking an office elected at a regular general election, may certify the name of  
371 another candidate to the appropriate election officer if:

372 (a) after the close of the period for filing declarations of candidacy [~~but before the~~] and  
373 continuing through the date 15 days before the date of the primary election:

374 (i) only one or two candidates from that party have filed a declaration of candidacy for  
375 that office; and

376 (ii) one or both:

377 (A) dies;

378 (B) resigns because of becoming physically or mentally disabled as certified by a  
379 physician; or

380 (C) is disqualified by an election officer for improper filing or nominating procedures;

381 or

382 (b) after the close of the primary election [~~but before the~~] and continuing through the  
383 date of the voter registration deadline for the general election as established in Section

384 20A-2-102.5, the party's candidate:

385 (i) dies;

386 (ii) resigns because of becoming physically or mentally disabled as certified by a  
387 physician;

388 (iii) is disqualified by an election officer for improper filing or nominating procedures;

389 or

390 (iv) resigns to become a candidate for President or Vice-President of the United States.

391 (2) If no more than two candidates from a political party have filed a declaration of  
392 candidacy for an office elected at a regular general election and one resigns to become the party  
393 candidate for another position, the state central committee of that political party, for candidates  
394 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for  
395 legislative candidates whose legislative districts encompass more than one county, and the  
396 county central committee of that political party, for all other party candidates, may certify the  
397 name of another candidate to the appropriate election officer.

398 (3) Each replacement candidate shall file a declaration of candidacy as required by  
399 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

400           (4) A replacement candidate may not be certified for an election during the period  
401 beginning on the day after the date of the voter registration deadline and continuing through the  
402 date of the election.

403           Section 4. Section **20A-2-102.5** is enacted to read:

404           **20A-2-102.5. Voter registration deadline.**

405           (1) Except as provided in Sections 20A-2-201 and 20A-2-203 and in Title 20A,  
406 Chapter 3, Part 4, Voting by Members of the Military and by Other Persons Living or Serving  
407 Abroad, a person who fails to submit a correctly completed voter registration form on or before  
408 the voter registration deadline shall not be permitted to vote in the election.

409           (2) The voter registration deadline shall be the date that is 30 calendar days before the  
410 date of the election.

411           (3) If the voter registration deadline established in Subsection (2) falls on a weekend or  
412 holiday, it shall be extended to the next regular business day.

413           Section 5. Section **20A-2-103** is amended to read:

414           **20A-2-103. Special elections -- Lists of voters.**

415           (1) (a) A special registration of voters is not required for a statewide or local special  
416 election.

417           (b) The last official or revised register is the register for the statewide or local special  
418 election.

419           (2) If a statewide or local special election is held at the same time and place as a  
420 regular general election, a municipal general election, or a primary, persons qualified to vote at  
421 those elections may also vote in the statewide or local special election.

422           (3) ~~(a)~~ If a statewide or local special election is held on a date other than the date of a  
423 regular or municipal general election, the county clerk of each county in which the municipality  
424 or entity is wholly or partly located shall register persons to vote in that election during regular  
425 office hours in accordance with the requirements of this chapter.

426           ~~[(b) The county clerk may not register persons to vote in that election if 20 or fewer~~  
427 ~~days remain before the election.]~~

428           (4) The county clerk of each county in which the entity holding the statewide or local  
429 special election is located shall make registration lists or copies of those lists available at each  
430 polling place for use by registered voters entitled to use those polling places.

431 Section 6. Section 20A-2-104 is amended to read:

432 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

435 -----

436 UTAH ELECTION REGISTRATION FORM

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

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

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

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

441 First Middle Last

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

443 State of issuance of Driver License or Identification Card

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

445 Street Address of Principal Place of Residence

446 \_\_\_\_\_

447 City County State Zip Code

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

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

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

451 \_\_\_\_\_

452 City County State Zip Code

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

454 Political Party

455 American Democrat Green Independent American Libertarian Natural Law

456 Reform Populist Republican Socialist Workers Unaffiliated (no political party

457 preference)

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

459 I do swear (or affirm), subject to penalty of law for false statements, that the  
460 information contained in this form is true, and that I am a citizen of the United States and a  
461 resident of the state of Utah, residing at the above address. I will be at least 18 years old and

462 will have resided in Utah for 30 days immediately before the next election. I am not a  
463 convicted felon currently incarcerated for commission of a felony.

464 Signed and sworn

465 \_\_\_\_\_

466 Voter's Signature

467 \_\_\_\_\_(month/day/year).

468 CITIZENSHIP AFFIDAVIT

469 Name:

470 Name at birth, if different:

471 Place of birth:

472 Date of birth:

473 Date and place of naturalization (if applicable):

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

477 \_\_\_\_\_

478 Signature of Applicant

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

482 NOTICE: IN ORDER TO BE ALLOWED TO VOTE FOR THE FIRST TIME IN A VOTING  
483 PRECINCT [~~YOU MUST EITHER~~] FOR THE FIRST TIME OR TO VOTE DURING THE  
484 EARLY VOTING PERIOD BEFORE THE DATE OF THE ELECTION YOU MUST  
485 PRESENT VALID VOTER IDENTIFICATION TO THE ELECTION JUDGE BEFORE  
486 VOTING AS FOLLOWS:

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

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

492 (2) TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND



493 CURRENT ADDRESS.

494 FOR OFFICIAL USE ONLY

495 Type of I.D. \_\_\_\_\_

496 Voting Precinct \_\_\_\_\_

497 Voting I.D. Number \_\_\_\_\_

498 -----

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

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

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

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

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

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

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

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

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

519 Section 7. Section **20A-2-107** is amended to read:

520 **20A-2-107. Designating or changing party affiliation.**

521 (1) [~~For each person who registers to vote on or after May 1, 2000, the~~] The county  
522 clerk shall:

523 (a) record the party affiliation designated by the voter on the voter registration form as

524 the voter's party affiliation; or

525 (b) if no political party affiliation is designated by the voter on the voter registration  
526 form, record the voter's party affiliation as "unaffiliated."

527 (2) (a) Any registered voter may designate or change the voter's political party  
528 affiliation by complying with the procedures and requirements of this Subsection (2).

529 (b) Except for the ~~[20 days immediately before a]~~ period beginning on the day after the  
530 voter registration deadline and continuing through the date of the regular primary election, any  
531 registered voter may designate or change the voter's political party affiliation by filing a signed  
532 form with the county clerk that identifies the registered political party with which the voter  
533 chooses to affiliate.

534 Section 8. Section **20A-2-201** is amended to read:

535 **20A-2-201. Registering to vote at office of county clerk.**

536 (1) Except as provided in Subsection (2), the county clerk shall register to vote all  
537 persons who present themselves for registration at the county clerk's office during designated  
538 office hours if those persons, on voting day, will be legally qualified and entitled to vote in a  
539 voting precinct in the county.

540 (2) ~~[During the seven calendar days immediately before any scheduled election]~~ Except  
541 as provided in Subsection (3), if a registration form is submitted to the county clerk after the  
542 last day of satellite registration as provided in Section 20A-2-203, the county clerk shall:

543 (a) accept registration forms from all persons who present themselves for registration at  
544 the clerk's office during designated office hours if those persons, on voting day, will be legally  
545 qualified and entitled to vote in a voting precinct in the county; and

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

548 (3) If a registration form is submitted in person at the office of the county clerk during  
549 the period beginning on the date after the voter registration deadline and ending on the last day  
550 of satellite registration as provided in Section 20A-2-203, the county clerk shall:

551 (a) accept registration forms from all persons who present themselves for registration at  
552 the clerk's office during designated office hours if those persons, on voting day, will be legally  
553 qualified and entitled to vote in a voting precinct in the county; and

554 (b) inform them that:

- 555           (i) they will be registered to vote in the pending election; and  
556           (ii) for the pending election, they must vote on election day and will not be eligible to  
557 vote using early voting under Chapter 3, Part 6, Early Voting, because they registered too late.  
558           Section 9. Section **20A-2-202** is amended to read:  
559           **20A-2-202. Registration by mail.**  
560           (1) (a) A citizen who will be qualified to vote at the next election may register by mail.  
561           (b) To register by mail, a citizen shall complete and sign the by-mail registration form  
562 and mail or deliver it to the county clerk of the county in which the citizen resides.  
563           (c) (i) In order to register to vote in a particular election, the citizen shall:  
564           (A) address the by-mail voter registration form to the county clerk; and  
565           (B) ensure that it is postmarked [~~at least 20 days before the date of the election~~] on or  
566 before the voter registration deadline.  
567           (ii) If the voter is registering for the first time in the county, the citizen shall either:  
568           (A) submit a copy of [~~a proof of identification or proof of residence~~] the voter's valid  
569 voter identification with the by-mail voter registration form; or  
570           (B) submit [~~proof of identification or proof of residence~~] valid voter identification to  
571 the election judge at the time the citizen votes.  
572           (d) The citizen has effectively registered to vote under this section only when the  
573 county clerk's office has received a correctly completed by-mail voter registration form.  
574           (2) Upon receipt of a correctly completed by-mail voter registration form, the county  
575 clerk shall:  
576           (a) enter the applicant's name on the list of registered voters for the voting precinct in  
577 which the applicant resides; and  
578           (b) mail confirmation of registration to the newly registered voter after entering the  
579 applicant's voting precinct number on that copy.  
580           (3) (a) If the county clerk receives a correctly completed by-mail voter registration  
581 form that is postmarked [~~less than 20 days before an election~~] after the voter registration  
582 deadline, the county clerk shall:  
583           (i) register the applicant after the next election; and  
584           (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
585 informing the applicant that his registration will not be effective until after the election.

586 (b) When the county clerk receives a correctly completed by-mail voter registration  
587 [~~forms~~] form at least seven days before an election that [~~are~~] is postmarked [~~at least 20 days~~  
588 ~~before the election~~] on or before the date of the voter registration deadline, the county clerk  
589 shall:

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

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

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

596 Section 10. Section **20A-2-203** is amended to read:

597 **20A-2-203. Satellite location -- Registration by satellite registrar.**

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

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

601 (2) (a) Any person who meets the voter registration requirements may register to vote  
602 with a satellite registrar at any satellite location within the person's county of residence between  
603 8 a.m. and 8 p.m.:

604 (i) on the Friday and Monday, the [~~eighth and eleventh~~] fifteenth and eighteenth day,  
605 before the regular primary election in counties holding a primary election;

606 (ii) on the Friday and Monday, the [~~eighth and eleventh~~] fifteenth and eighteenth day,  
607 before the regular general election;

608 (iii) on the Friday and Monday, the [~~eighth and eleventh~~] fifteenth and eighteenth day,  
609 before the municipal primary election in municipalities holding a municipal primary election;  
610 and

611 (iv) on the Friday and Monday, the [~~eighth and eleventh~~] fifteenth and eighteenth day,  
612 before the municipal general election.

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

614 (i) present themselves for registration; and

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

616 (3) (a) Unless the voter is registering for the first time, a voter may not designate or

617 change the voter's political party affiliation at the satellite location for voter registration on the  
618 dates established in Subsection (2)(a)(i) for primary election voter registration.

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

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

623 (5) A voter who registers to vote via satellite registration:

624 (a) shall be eligible to vote in the pending election on election day; and

625 (b) shall not be eligible to vote in the pending election using early voting under  
626 Chapter 3, Part 6, Early Voting.

627 Section 11. Section **20A-2-204** is amended to read:

628 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

634 (3) The Driver License Division shall:

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

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

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

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

641 and

642 (e) transmit electronically to the lieutenant governor's office the name, address, birth  
643 date, and driver license number of each person who answers "yes" to the question on the driver  
644 license form about registering to vote.

645 (4) Upon receipt of a correctly completed voter registration form, the county clerk  
646 shall:

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

648 which the applicant resides; and

649 (b) notify the applicant of registration.

650 (5) (a) If the county clerk receives a correctly completed voter registration form that is  
651 dated [~~less than 20 days before an election~~] after the voter registration deadline, the county  
652 clerk shall:

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

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

656 (b) When the county clerk receives [~~any~~] a correctly completed voter registration  
657 [~~forms~~] form at least seven days before an election that [~~are~~] is dated [~~at least 20 days before~~  
658 ~~the election~~] on or before the voter registration deadline, the county clerk shall:

659 (i) process the voter registration [~~forms~~] form; and

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

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

665 Section 12. Section **20A-2-205** is amended to read:

666 **20A-2-205. Registration at voter registration agencies.**

667 (1) As used in this section:

668 (a) "Discretionary voter registration agency" means each office designated by the  
669 county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide  
670 by-mail voter registration forms to the public.

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

672 (i) public assistance; or

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

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

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

679 substantially the following form:

680 "REGISTERING TO VOTE

681 If you are not registered to vote where you live now, would you like to apply to register  
682 to vote here today? (Applying to register to vote or declining to register to vote will not affect  
683 the amount of assistance that you will be provided by this agency.) Yes\_\_\_\_ No\_\_\_\_ IF YOU  
684 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED  
685 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the  
686 voter registration application form, we will help you. The decision about whether or not to  
687 seek or accept help is yours. You may fill out the application form in private. If you believe  
688 that someone has interfered with your right to register or to decline to register to vote, your  
689 right to privacy in deciding whether or not to register, or in applying to register to vote, or your  
690 right to choose your own political party or other political preference, you may file a complaint  
691 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah  
692 84114. (801) 538-1040."

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

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

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

700 (c) accept completed forms for transmittal to the appropriate election official; and

701 (d) transmit a copy of each voter registration form to the appropriate election official  
702 within five days after it is received by the division.

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

705 (a) seek to influence an applicant's political preference or party registration;

706 (b) display any political preference or party allegiance;

707 (c) make any statement to an applicant or take any action that has the purpose or effect  
708 of discouraging the applicant from registering to vote; or

709 (d) make any statement to an applicant or take any action that has the purpose or effect

710 of leading the applicant to believe that a decision to register or not to register has any bearing  
711 upon the availability of services or benefits.

712 (6) Upon receipt of a correctly completed voter registration form, the county clerk  
713 shall:

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

716 (b) notify the applicant of registration.

717 (7) (a) If the county clerk receives a correctly completed voter registration form that is  
718 dated [~~less than 20 days before an election~~] after the voter registration deadline, the county  
719 clerk shall:

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

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

723 (b) When the county clerk receives [~~any~~] a correctly completed voter registration  
724 [~~forms~~] form at least seven days before an election that [~~are~~] is dated [~~at least 20 days before~~  
725 ~~the election~~] on or before the voter registration deadline, the county clerk shall:

726 (i) process the voter registration [~~forms~~] form; and

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

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

733 Section 13. Section **20A-2-301** is amended to read:

734 **20A-2-301. County clerk responsibilities -- Voter registration forms.**

735 (1) Each county clerk shall provide book voter registration forms and by-mail voter  
736 registration forms for use in the voter registration process.

737 (2) Each county clerk shall:

738 (a) (i) designate certain offices within the county to provide by-mail voter registration  
739 forms to the public; and

740 (ii) provide by-mail voter registration forms to each public assistance agency and



741 discretionary voter registration agency; and

742 (b) provide copies of by-mail voter registration forms to public school districts and  
743 nonpublic schools as provided in Section 20A-2-302.

744 (3) (a) Each regular general election year, the county clerk shall make by-mail voter  
745 registration forms available to the political parties as provided in this Subsection (3).

746 (b) The county clerk shall set aside by-mail registration forms equal to 10% of the  
747 number of registered voters in the county as of January 1 of that regular general election year  
748 for allocation to political parties.

749 (c) The forms shall be allocated to the respective political parties in each county as  
750 follows:

751 (i) ~~[90%]~~ Ninety percent of the forms shall be made available on an equal basis to all  
752 parties who had any candidate who polled 10% or more of the vote for any partisan office in  
753 the last regular general election.

754 (ii) ~~[10%]~~ Ten percent of the forms shall be made available on an equal basis to all  
755 other parties who qualify for a position on the ballot for the next regular general election.

756 (4) Candidates, parties, organizations, and interested persons may purchase by-mail  
757 voter registration forms from the county clerk or from the printer.

758 (5) (a) The clerk shall make book voter registration forms available to interested  
759 organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

760 (b) Interested organizations that receive book voter registration forms from the county  
761 clerk shall return them to the county clerk ~~[at least 20 days before the date of the election]~~ on or  
762 before the voter registration deadline.

763 (6) The county clerk may not refuse to register any person to vote for failing to provide  
764 a telephone number on the voter registration form.

765 (7) (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter  
766 registration forms, obtained as provided in this section, to the county clerk.

767 (b) A person who violates this subsection is guilty of a class B misdemeanor.

768 Section 14. Section **20A-2-304** is amended to read:

769 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

770 Each county clerk shall:

771 (1) register to vote each applicant for registration who meets the requirements for

772 registration and who:

773 (a) submits a completed voter registration form to the county clerk [~~at least 20 days~~  
774 ~~before the date of the election~~] on or before the voter registration deadline;

775 (b) submits a completed voter registration form to the Driver License Division, a  
776 public assistance agency, or a discretionary voter registration agency [~~at least 20 days before~~  
777 ~~the date of the election~~] on or before the voter registration deadline; or

778 (c) mails a completed by-mail voter registration form to the county clerk [~~that is~~  
779 ~~postmarked at least 20 days before the election~~] on or before the voter registration deadline;

780 and

781 (2) send a notice to the voter informing the voter that:

782 (a) the voter's application for voter registration has been accepted and that the voter is  
783 registered to vote;

784 (b) the voter's application for voter registration has been rejected and the reason for the  
785 rejection; or

786 (c) the application for voter registration is being returned to the voter for further action  
787 because the application is incomplete and giving instructions to the voter about how to properly  
788 complete the application.

789 Section 15. Section **20A-2-306** is amended to read:

790 **20A-2-306. Removing names from the official register -- Determining and**  
791 **confirming change of residence.**

792 (1) A county clerk may not remove a voter's name from the official register on the  
793 grounds that the voter has changed residence unless the voter:

794 (a) confirms in writing that the voter has changed residence to a place outside the  
795 county; or

796 (b) (i) has not voted in an election during the period beginning on the date of the notice  
797 required by Subsection (3), and ending on the day after the date of the second regular general  
798 election occurring after the date of the notice; and

799 (ii) has failed to respond to the notice required by Subsection (3).

800 (2) (a) When a county clerk obtains information that a voter's address has changed and  
801 it appears that the voter still resides within the same county, the county clerk shall:

802 (i) change the official register to show the voter's new address; and

803 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)  
804 printed on a postage prepaid, preaddressed return form.

805 (b) When a county clerk obtains information that a voter's address has changed and it  
806 appears that the voter now resides in a different county, the county clerk shall verify the  
807 changed residence by sending to the voter, by forwardable mail, the notice required by  
808 Subsection (3) printed on a postage prepaid, preaddressed return form.

809 (3) Each county clerk shall use substantially the following form to notify voters whose  
810 addresses have changed:

811 "VOTER REGISTRATION NOTICE

812 We have been notified that your residence has changed. Please read, complete, and  
813 return this form so that we can update our voter registration records. What is your current  
814 street address?

815 \_\_\_\_\_  
816 Street City County State Zip

817 If you have not changed your residence or have moved but stayed within the same  
818 county, you must complete and return this form to the county clerk so that it is received by the  
819 county clerk no later than [20] 30 days before the date of the election. If you fail to return this  
820 form within that time:

821 - you may be required to show evidence of your address to the election judge before  
822 being allowed to vote in either of the next two regular general elections; or

823 - if you fail to vote at least once from the date this notice was mailed until the passing  
824 of two regular general elections, you will no longer be registered to vote. If you have changed  
825 your residence and have moved to a different county in Utah, you may register to vote by  
826 contacting the county clerk in your county.

827 \_\_\_\_\_  
828 Signature of Voter"

829 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the  
830 names of any voters from the official register during the 90 days before a regular primary  
831 election and the 90 days before a regular general election.

832 (b) The county clerk may remove the names of voters from the official register during  
833 the 90 days before a regular primary election and the 90 days before a regular general election

834 if:

835 (i) the voter requests, in writing, that his name be removed; or

836 (ii) the voter has died.

837 (c) (i) After a county clerk mails a notice as required in this section, the clerk may list  
838 that voter as inactive.

839 (ii) An inactive voter must be allowed to vote, sign petitions, and have all other  
840 privileges of a registered voter.

841 (iii) A county is not required to send routine mailings to inactive voters and is not  
842 required to count inactive voters when dividing precincts and preparing supplies.

843 Section 16. Section **20A-3-104** is amended to read:

844 **20A-3-104. Manner of voting.**

845 (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his  
846 residence, to one of the election judges.

847 (b) ~~[If an]~~ The voter shall present valid voter identification to one of the election judges  
848 if the voter is:

849 (i) required to present valid voter identification as indicated by a notation in the official  
850 register;

851 (ii) voting in person by absentee ballot; or

852 (iii) voting during the early voting period.

853 (c) If a voter is not required to present valid voter identification under Subsection

854 (1)(b), and the election judge does not know the [person] voter requesting a ballot and has  
855 reason to doubt that [person's] voter's identity, the judge shall:

856 (i) request that the voter present valid voter identification; or

857 (ii) have the voter identified by a known registered voter of the district.

858 ~~[(c) If the voter is voting for the first time in the jurisdiction or is otherwise required to~~  
859 ~~present proof of identity or proof of residence as indicated by a notation in the official register,~~  
860 ~~the election judge shall request proof of identity or proof of residence from the voter.]~~

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

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

865 (ii) follow the procedures of Subsection [~~(3)~~] (2).

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

868 (i) indicate on the official register that the voter [~~failed to provide adequate proof of~~  
869 ~~identity or proof of residence~~] was not properly identified;

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

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

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

874 (2) (a) [~~When the voter is properly identified, the~~] The election judge in charge of the  
875 official register shall check the official register to determine whether or not the [~~person~~] voter  
876 is registered to vote.

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

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

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

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

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

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

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

885 (i) endorse his initials on the stub;

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

887 (iii) hand the voter a ballot; and

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

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

892 Section 17. Section **20A-3-104.5** is amended to read:

893 **20A-3-104.5. Voting -- Regular primary election.**

894 (1) (a) Any registered voter desiring to vote at the regular primary election shall give  
895 his name, the name of the registered political party whose ballot the voter wishes to vote, and,

896 if requested, his residence, to one of the election judges.

897 (b) ~~[If an]~~ The voter shall present valid voter identification to one of the election judges  
898 if the voter is:

899 (i) required to present valid voter identification as indicated by a notation in the official  
900 register;

901 (ii) is voting in person by absentee ballot; or

902 (iii) is voting during the early voting period.

903 (c) If a voter is not required to present valid voter identification under Subsection  
904 (1)(b), and the election judge does not know the [person] voter requesting a ballot and has  
905 reason to doubt that [person's] voter's identity, the judge shall:

906 (i) request that the voter present valid voter identification; or

907 (ii) have the voter identified by a known registered voter of the district.

908 (d) If the election judge is not satisfied that the voter has been properly identified, the  
909 election judge shall follow the procedures and requirements of Section 20A-3-105.5.

910 ~~[(c)]~~ (e) If the voter is challenged as provided in Section 20A-3-202, the judge shall  
911 provide a ballot to the voter if the voter takes an oath that the grounds of the challenge are  
912 false.

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

915 (A) whether or not the [person] voter is registered to vote; and

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

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

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

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

927 (3).

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

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

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

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

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

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

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

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

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

- 958 (3) If the election judge determines that the voter is registered and eligible, under  
959 Subsection (2), to vote the ballot that the voter requested:
- 960 (a) the election judge in charge of the official register shall:
- 961 (i) write the ballot number and the name of the registered political party whose ballot  
962 the voter voted opposite the name of the voter in the official register; and
- 963 (ii) direct the voter to sign his name in the election column in the official register;
- 964 (b) another judge shall list the ballot number and voter's name in the pollbook; and
- 965 (c) the election judge having charge of the ballots shall:
- 966 (i) endorse his initials on the stub;
- 967 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 968 (iii) hand the voter the ballot for the registered political party that the voter requested  
969 and for which the voter is authorized to vote; and
- 970 (iv) allow the voter to enter the voting booth.
- 971 (4) Whenever the election officer is required to furnish more than one kind of official  
972 ballot to the voting precinct, the election judges of that voting precinct shall give the registered  
973 voter the kind of ballot that the voter is qualified to vote.

974 Section 18. Section **20A-3-105.5** is amended to read:

975 **20A-3-105.5. Manner of voting -- Provisional ballot.**

- 976 (1) The election judges shall follow the procedures and requirements of this section  
977 when:
- 978 (a) the person's right to vote is challenged as provided in Section 20A-3-202; ~~[or]~~
- 979 (b) the person's name is not found on the official register~~[-];~~ or
- 980 (c) the election judge is not satisfied that the voter has provided valid voter  
981 identification.
- 982 (2) When faced with one of the circumstances outlined in Subsection (1)(a) or (1)(b),  
983 the election judge shall:
- 984 (a) request that the person provide ~~[proof of identity and proof of residence]~~ valid voter  
985 identification; and
- 986 (b) review the ~~[proof of identity and proof of residence]~~ identification provided by the  
987 person.
- 988 (3) If the election judge is satisfied that the person has ~~[established]~~ provided valid



- 989 voter identification that establishes the person's identity and residence in the voting precinct:
- 990 (a) the election judge in charge of the official register shall:
- 991 (i) record in the official register the type of [~~source documents~~] identification that
- 992 established the person's [~~proof of~~] identity and [~~proof~~] place of residence;
- 993 (ii) write the provisional ballot envelope number opposite the name of the voter in the
- 994 official register; and
- 995 (iii) direct the voter to sign his name in the election column in the official register;
- 996 (b) another judge shall list the ballot number and voter's name in the pollbook; and
- 997 (c) the election judge having charge of the ballots shall:
- 998 (i) endorse his initials on the stub;
- 999 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 1000 (iii) give the voter a ballot and a provisional ballot envelope; and
- 1001 (iv) allow the voter to enter the voting booth.
- 1002 (4) If the election judge is not satisfied that the voter has provided [~~sufficient proof of~~]
- 1003 valid voter identification that establishes the person's identity and [~~proof of~~] residence in the
- 1004 voting precinct:
- 1005 (a) the election judge in charge of the official register shall:
- 1006 (i) record in the official register that the voter did not provide [~~adequate proof of~~
- 1007 ~~identity and proof of residence~~] valid voter identification;
- 1008 (ii) record in the official register the type of identification that was provided by the
- 1009 voter, if any;
- 1010 [~~(ii)~~] (iii) write the provisional ballot envelope number opposite the name of the voter
- 1011 in the official register; and
- 1012 [~~(iii)~~] (iv) direct the voter to sign his name in the election column in the official
- 1013 register;
- 1014 (b) another judge shall list the ballot number and voter's name in the pollbook; and
- 1015 (c) the election judge having charge of the ballots shall:
- 1016 (i) endorse his initials on the stub;
- 1017 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 1018 (iii) give the voter a ballot and a provisional ballot envelope; and
- 1019 (iv) allow the voter to enter the voting booth.

1020 (5) Whenever the election officer is required to furnish more than one kind of official  
1021 ballot to a voting precinct, the election judges of that voting precinct shall give the registered  
1022 voter the kind of ballot that the voter is qualified to vote.

1023 Section 19. Section **20A-3-304.1** is amended to read:

1024 **20A-3-304.1. Election officer to provide voting history information and status.**

1025 (1) As used in this section:

1026 ~~[(b)]~~ (a) "Qualified absentee ballot application" means an absentee ballot application  
1027 filed under Section 20A-3-304 from a voter who the election officer determines is eligible to  
1028 receive an absentee ballot.

1029 ~~[(a)]~~ (b) ~~["Absentee ballot"]~~ "Voting history record" means the information about the  
1030 existence and status of absentee ballot requests required by this section.

1031 (2) (a) Each election officer shall maintain ~~[an absentee ballot record in the election~~  
1032 ~~officer's office.]~~, in the election officer's office, a voting history record of those voters that have  
1033 cast a vote by:

1034 (i) absentee ballot; and

1035 (ii) early voting.

1036 (b) The ~~[absentee ballot]~~ voting history record is a public record under Title 63,  
1037 Chapter 2, Government Records Access and Management Act.

1038 (3) The election officer shall ensure that the ~~[absentee ballot]~~ voting history record  
1039 ~~[contains;]~~ for each voting precinct contains:

1040 (a) for absentee voting:

1041 ~~[(a)]~~ (i) the name and address of each person who has filed a qualified absentee ballot  
1042 application;

1043 ~~[(b)]~~ (ii) the date that the application was received; and

1044 ~~[(c)]~~ (iii) the current status of each qualified absentee ballot application including  
1045 specifically:

1046 ~~[(i)]~~ (A) the date that the absentee ballot was mailed to the voter; and

1047 ~~[(ii)]~~ (B) the date that the voted absentee ballot was received by the election officer[-];

1048 and

1049 (b) for early voting:

1050 (i) the name and address of each person who has voted during the early voting period;

1051 and

1052 (ii) the date the person's vote was cast.

1053 (4) (a) Notwithstanding the time limits for response to a request for records under  
1054 Section 63-2-204 or the time limits for a request for records established in any ordinance, the  
1055 election officer shall ensure that the information required by this section is recorded and made  
1056 available to the public no later than one business day after its receipt in the election officer's  
1057 office.

1058 (b) Notwithstanding the fee requirements of Section 63-2-203 or the fee requirements  
1059 established in any ordinance, the election officer shall make copies of the [~~absentee ballot~~  
1060 voting history] record available to the public for the actual cost of production or copying.

1061 Section 20. Section **20A-3-305** is amended to read:

1062 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**

1063 **Affidavit.**

1064 (1) Upon timely receipt of an absentee voter application properly filled out and signed,  
1065 or as soon after receipt of the application as the official absentee ballots for the voting precinct  
1066 in which the applicant resides have been printed, the election officer shall either:

1067 (a) give the applicant an official absentee ballot and envelope to vote in the office; or

1068 (b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an  
1069 envelope printed as required in Subsection (2).

1070 (2) The election officer shall ensure that:

1071 (a) the name, official title, and post office address of the election officer is printed on  
1072 the front of the envelope; and

1073 (b) a printed affidavit in substantially the following form is printed on the back of the  
1074 envelope:

1075 "County of \_\_\_\_\_ State of \_\_\_\_\_

1076 I, \_\_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_\_ voting precinct  
1077 in \_\_\_\_\_ County, Utah and that I am entitled to vote in that voting precinct at the next election.  
1078 I am not a convicted felon currently incarcerated for commission of a felony.

1079 \_\_\_\_\_  
1080 Signature of Absentee Voter"

1081 (3) If the election officer determines that the absentee voter is required to show [~~proof~~

1082 ~~of identity or proof of residence]~~ valid voter identification as indicated in the official register,  
1083 the election officer shall:

1084 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

1085 (b) instruct the voter to include a [~~valid form of proof of identity and proof of~~  
1086 ~~residence]~~ copy of the voter's valid voter identification with the return ballot;

1087 (c) provide the voter clear instructions on how to vote a provisional ballot; and

1088 (d) comply with the requirements of Subsection (2).

1089 Section 21. Section **20A-3-308** is amended to read:

1090 **20A-3-308. Absentee ballots in the custody of election judges -- Disposition.**

1091 (1) (a) Voting precinct election judges shall open envelopes containing absentee ballots  
1092 that are in their custody on election day at the polling places during the time the polls are open  
1093 as provided in this Subsection (1).

1094 (b) The election judges shall:

1095 (i) first, open the outer envelope only; and

1096 (ii) compare the signature of the voter on the application with the signature on the  
1097 affidavit.

1098 (2) (a) The judges shall carefully open and remove the absentee voter envelope so as  
1099 not to destroy the affidavit on the envelope if they find that:

1100 (i) the affidavit is sufficient;

1101 (ii) the signatures correspond; and

1102 (iii) the applicant is registered to vote in that voting precinct and has not voted in that  
1103 election.

1104 (b) If, after opening the absentee voter envelope, the judge finds that a provisional  
1105 ballot envelope is enclosed and the voter has included [~~proof of identity and proof of residence]~~  
1106 identification, the election judge shall:

1107 (i) record in the official register that the voter included valid voter identification;

1108 [~~(i)~~] (ii) record the type of [~~proof of identity and proof of residence]~~ identification  
1109 provided by the voter in the appropriate space in the official register;

1110 [~~(ii)~~] (iii) record the provisional ballot envelope number on the official register; and

1111 [~~(iii)~~] (iv) place the provisional ballot envelope with the other provisional ballot  
1112 envelopes to be transmitted to the county clerk.

1113 (c) If, after opening the absentee voter envelope, the judge finds that a provisional  
1114 ballot envelope is enclosed, and that the voter has not included [~~proof of identity and proof of~~  
1115 ~~residence~~] valid voter identification, the election judge shall:

1116 (i) record in the official register that the voter did not include [~~proof of identity and~~  
1117 ~~proof of residence~~] valid voter identification;

1118 (ii) record the provisional ballot number in the official register; and

1119 (iii) place the provisional ballot envelope with the other provisional ballot envelopes to  
1120 be transmitted to the county clerk.

1121 (d) If the absentee ballot is not a provisional ballot, the election judges shall:

1122 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to  
1123 be opened or examined;

1124 (ii) initial the stub in the same manner as for other ballots;

1125 (iii) remove the stub from the ballot;

1126 (iv) deposit the ballot in the ballot box; and

1127 (v) mark the official register and pollbook to show that the voter has voted.

1128 (3) If the election judges determine that the affidavit is insufficient, or that the  
1129 signatures do not correspond, or that the applicant is not a registered voter in the voting  
1130 precinct, they shall:

1131 (a) disallow the vote; and

1132 (b) without opening the absentee voter envelope, mark across the face of the envelope:

1133 (i) "Rejected as defective"; or

1134 (ii) "Rejected as not a registered voter."

1135 (4) The election judges shall deposit the absentee voter envelope, when the absentee  
1136 ballot is voted, and the absentee voter envelope with its contents unopened when the absent  
1137 vote is rejected, in the ballot box containing the ballots.

1138 (5) The election officer shall retain and preserve the absentee voter envelopes in the  
1139 manner provided by law for the retention and preservation of official ballots voted at that  
1140 election.

1141 Section 22. Section **20A-3-401** is amended to read:

1142 **20A-3-401. Intent and purpose of part.**

1143 (1) Each election officer, election official, and judge shall liberally interpret and apply

1144 this part to:

1145 (a) make it possible for Utah voters living or serving abroad to vote in county, state,  
1146 and national elections during their absence;

1147 (b) enable these voters to register more conveniently;

1148 (c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting  
1149 Act; and

1150 (d) in accordance with Public Law 107-252, the Help America Vote Act of 2002,  
1151 exempt overseas and military voters from the [~~proof of identity and proof of residence~~]  
1152 identification requirements of Section 20A-3-308 [~~in accordance with Public Law 107-252, the~~  
1153 ~~Help America Vote Act of 2002~~].

1154 (2) The state selective service, all military organizations, and citizens and officers of  
1155 Utah or of the respective counties and municipalities of the state shall cooperate with the  
1156 election and party officers in carrying out the intent and purpose of this part.

1157 (3) All state and county officers of Utah shall:

1158 (a) do all things and perform all acts necessary to put into effect the provisions of any  
1159 Act of Congress or this state allowing uniformed and overseas citizen voters to vote; and

1160 (b) permit the use of any official ballot authorized by any Act of Congress and this part  
1161 as a ballot supplementary to the official Utah election military ballot.

1162 (4) Each provision of this part prevails over any inconsistent provision of any other  
1163 statute or any part of any statute.

1164 Section 23. Section **20A-3-404** is amended to read:

1165 **20A-3-404. Special military write-in absentee ballots.**

1166 (1) (a) Notwithstanding any other provisions of this chapter, a military voter may apply  
1167 for a special write-in absentee ballot not later than [30] the date 20 days before the date of an  
1168 election.

1169 (b) If the application deadline falls on a weekend or holiday, it shall be extended to the  
1170 next regular business day.

1171 (2) To qualify for a special write-in absentee ballot, a military voter shall:

1172 (a) apply for a special write-in absentee ballot by submitting a federal postcard  
1173 application form; and

1174 (b) state on the form or on a separate paper submitted with the form that he is unable to

1175 vote by regular absentee ballot or in person because of his military service.

1176 (3) Upon receipt of the application, the county clerk shall issue and mail a special  
1177 military write-in ballot.

1178 Section 24. Section **20A-3-406** is amended to read:

1179 **20A-3-406. Absentee ballots for military personnel and citizens living overseas --**  
1180 **Federal postcard applications for ballot.**

1181 (1) (a) Applications for absentee ballots for military voters that are located in the  
1182 United States shall be filed in the county clerk's office no later than the Friday immediately  
1183 before the day of election.

1184 (b) Military personnel voting an absentee ballot at the office of the clerk shall apply  
1185 and cast their ballot no later than the day before the election.

1186 (2) (a) Military voters stationed overseas and overseas citizen voters shall file an  
1187 application for a ballot with the county clerk no later than 20 days before the [day] date of the  
1188 election.

1189 (b) Upon receipt of a properly completed written application for an absentee ballot  
1190 signed by any military voter or overseas citizen voter, the county clerk shall mail an appropriate  
1191 ballot to the military voter or overseas citizen voter.

1192 (c) The county clerk, at the time he furnishes the ballot, shall record, in a record book  
1193 provided for that purpose, the name and home address of the military voter or overseas citizen  
1194 voter to whom the ballot is mailed, the address mailed to, and the date of mailing the ballot.

1195 (d) If the military voter or overseas citizen voter sends his application to the lieutenant  
1196 governor, the lieutenant governor shall forward the application to the county clerk of the county  
1197 where the military voter or overseas citizen voter is entitled to vote.

1198 (e) If the county clerk rejects the application for an absentee ballot from a military or  
1199 overseas citizen voter, the county clerk shall inform the voter of the reasons for rejecting the  
1200 application.

1201 (3) Any military voter or overseas citizen voter who is physically disabled so as to be  
1202 unable to see or write may apply for a ballot by having a commissioned, noncommissioned, or  
1203 petty officer not below the rank of sergeant, or other person authorized to administer oaths to  
1204 apply for a ballot on the voter's behalf.

1205 (4) (a) A federal postcard application issued under the authority of any Act of Congress

1206 or federal regulation is acceptable, when properly executed, as an application for a ballot under  
1207 this chapter.

1208 (b) The county clerk shall accept the completed postcard application as an application  
1209 for ballots for each election for federal office held in the next two even-numbered years and  
1210 shall send the applicant a ballot for each of those elections, as required by Section 20A-3-407.

1211 (5) The county clerk shall retain the application for use at the time the ballot is received  
1212 from the military voter or overseas citizen voter.

1213 Section 25. Section **20A-3-601** is enacted to read:

1214 **Part 6. Early Voting**

1215 **20A-3-601. Early voting.**

1216 (1) A person who is registered to vote may vote before the election date in accordance  
1217 with this section.

1218 (2) (a) The early voting period shall begin on the date that is 14 days before the date of  
1219 the election.

1220 (b) Early voting shall continue through:

1221 (i) the Friday before the election if the election date is a Tuesday; or

1222 (ii) the date that is two regular business days before the date of the election if the  
1223 election date is a day other than Tuesday.

1224 (c) During the early voting period, the election officer:

1225 (i) shall conduct early voting on regular business days; and

1226 (ii) may elect to conduct early voting on Saturdays, Sundays, or holidays.

1227 (3) Except as specifically provided in this Part 6, Early Voting, early voting shall be  
1228 administered according to the requirements of this title.

1229 Section 26. Section **20A-3-602** is enacted to read:

1230 **20A-3-602. Hours for early voting.**

1231 (1) The election officer shall determine the times for opening and closing the polls for  
1232 each day of early voting provided that:

1233 (a) voting is open for a minimum of four hours during each early voting day; and

1234 (b) polls close at 5 p.m. on the last early voting day.

1235 (2) Every registered voter who arrives at the polls before the time scheduled for closing  
1236 of the polls shall be allowed to vote.



1237 Section 27. Section **20A-3-603** is enacted to read:

1238 **20A-3-603. Early voting polling places.**

1239 (1) The election officer shall designate one or more polling places for early voting,  
1240 provided that:

1241 (a) at least one polling place is open on each day of early voting; and

1242 (b) each polling place meets the requirements for polling places under Chapter 5,  
1243 Election Administration.

1244 (2) (a) In the event the election officer determines that the number of early voting  
1245 polling places is insufficient due to the number of registered voters who are voting, the election  
1246 officer may designate additional polling places during the early voting period.

1247 (b) If an additional early voting polling place is designated, the election officer shall, as  
1248 soon as is reasonably possible, give notice of the dates, times, and location of the additional  
1249 polling place by:

1250 (i) publishing the notice in one issue of a newspaper of general circulation in the  
1251 county; and

1252 (ii) posting the notice at the additional polling place.

1253 Section 28. Section **20A-3-604** is enacted to read:

1254 **20A-3-604. Notice of time and place of early voting.**

1255 The election officer shall give notice of the dates, times, and locations of early voting  
1256 by:

1257 (1) publishing the notice in one issue of a newspaper of general circulation in the  
1258 county at least five calendar days before the date early voting begins; and

1259 (2) posting the notice at each early voting polling place at least five calendar days  
1260 before the date early voting begins.

1261 Section 29. Section **20A-4-107** is amended to read:

1262 **20A-4-107. Review and disposition of provisional ballot envelopes.**

1263 (1) As used in this section, a voter is "legally entitled to vote" if:

1264 (a) the voter:

1265 (i) is registered to vote in the county;

1266 (ii) resides within the voting precinct where the voter seeks to vote; and

1267 (iii) provided [~~sufficient proof of identity and proof of residence~~] valid voter

1268 identification to the election judge as indicated by a notation in the official register;

1269 (b) the voter:

1270 (i) is registered to vote in the county; and

1271 (ii) did not vote in the voter's precinct of residence, but the ballot that the voter voted is

1272 identical to the ballot voted in the voter's precinct of residence; or

1273 (c) the voter:

1274 (i) is registered to vote in the county;

1275 (ii) the judge recorded in the official register that the voter either failed to provide

1276 [~~proof of identity and proof of residence or the proof of identity and proof of residence was~~]

1277 valid voter identification or the documents provided as valid voter identification were

1278 inadequate; and

1279 (iii) the county clerk verifies the voter's [~~proof of~~] identity and [~~proof of~~] residence

1280 through some other means.

1281 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review

1282 the affirmation on the face of each provisional ballot envelope and determine if the person

1283 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter

1284 voted.

1285 (b) If the election officer determines that the person is not a registered voter or is not

1286 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot

1287 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to

1288 produce or count it.

1289 (c) If the election officer determines that the person is a registered voter and is legally

1290 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from

1291 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with

1292 those ballots at the canvass.

1293 (d) The election officer may not count, or allow to be counted a provisional ballot

1294 unless the voter's [~~proof of~~] identity and [~~proof of~~] residence is established by a preponderance

1295 of the evidence.

1296 (3) If the election officer determines that the person is a registered voter, the election

1297 officer shall ensure that the voter registration records are updated to reflect the information

1298 provided on the provisional ballot envelope.

1299 (4) If the election officer determines that the person is not a registered voter and the  
1300 information on the provisional ballot envelope is complete, the election officer shall:

- 1301 (a) consider the provisional ballot envelope a voter registration form; and  
1302 (b) register the voter.

1303 Section 30. Section **20A-5-401** is amended to read:

1304 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

1305 (1) (a) Before the registration days for each regular general, municipal general, regular  
1306 primary, municipal primary, or Western States Presidential Primary election, each county clerk  
1307 shall prepare an official register and posting list of voters for each voting precinct that will  
1308 participate in the election.

1309 (b) The county clerk shall ensure that the official register and posting list are bound or  
1310 loose leaf books prepared for the alphabetical entry of names and ruled in columns of suitable  
1311 dimensions to provide for the following entries:

- 1312 (i) registered voter's name;  
1313 (ii) party affiliation;  
1314 (iii) grounds for challenge;  
1315 (iv) name of person challenging a voter;  
1316 (v) ballot numbers, primary, November, special;  
1317 (vi) date of birth;  
1318 (vii) place of birth;  
1319 (viii) place of current residence;  
1320 (ix) street address;  
1321 (x) zip code; [~~and~~]  
1322 (xi) identification and provisional ballot information as required under Subsection  
1323 (1)(d); and  
1324 [~~(xi)~~] (xii) space for the voter to sign his name for each election.

1325 (c) When preparing the official register and posting list for the Western States  
1326 Presidential Primary, the county clerk shall include:

- 1327 (i) a column to record the name of the political party whose ballot the voter voted; and  
1328 (ii) a column for the election judge to record changes in the voter's party affiliation.

1329 (d) When preparing the official register and posting list for any regular general

1330 election, municipal general election, statewide special election, local special election, regular  
1331 primary election, municipal primary election, special district election, or election for federal  
1332 office, the county clerk shall include:

1333 (i) a column that indicates if the voter is required to show identification before voting;

1334 (ii) a column for the election judge to record the type of identification provided by the  
1335 voter;

1336 ~~[(ii)]~~ (iii) a column for the election judge to record the provisional envelope ballot  
1337 number for voters who receive a provisional ballot; and

1338 ~~[(iii)]~~ (iv) a space for the election judge to record the type of ~~[proof of identity and the~~  
1339 ~~type of proof of residence]~~ identification that was provided by voters who receive a provisional  
1340 ballot.

1341 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal  
1342 elections, special district elections, and bond elections, the county clerk shall make an official  
1343 register and posting list only for voting precincts affected by the primary, municipal, special  
1344 district, or bond election.

1345 (ii) If a polling place to be used in a bond election serves both voters residing in the  
1346 local political subdivision calling the bond election and voters residing outside of that local  
1347 political subdivision, the official register shall designate whether each voter resides in or  
1348 outside of the local political subdivision.

1349 (iii) Each county clerk, with the assistance of the clerk of each affected special district,  
1350 shall provide a detailed map or an indication on the registration list or other means to enable an  
1351 election judge to determine the voters entitled to vote at an election of special district officers.

1352 (b) Municipalities shall pay the costs of making the official register and posting list for  
1353 municipal elections.

1354 Section 31. Section **20A-5-605** is amended to read:

1355 **20A-5-605. Duties of election judges on days when polls are open for voting.**

1356 (1) (a) Receiving judges shall arrive at the polling place 30 minutes before the polls  
1357 open and remain until the official election returns are prepared for delivery.

1358 (b) Counting judges shall be at the polls as directed by the election officer and remain  
1359 until the official election returns are prepared for delivery.

1360 (2) Upon their arrival to open the polls, each set of election judges shall:

- 1361 (a) designate which judge shall preside and which judges shall act as clerks;
- 1362 (b) in voting precincts using paper ballots, select one of their number to deliver the  
1363 election returns to the election officer or to the place that the election officer designates;
- 1364 (c) in voting precincts using ballot cards, select two of their number, each from a  
1365 different party, to deliver the election returns to the election officer or to the place that the  
1366 election officer designates;
- 1367 (d) display the United States flag;
- 1368 (e) open the voting devices and examine them to see that they are in proper working  
1369 order;
- 1370 (f) place the voting devices, voting booths, and the ballot box in plain view of election  
1371 judges and watchers;
- 1372 (g) open the ballot packages in the presence of all the judges;
- 1373 (h) check the ballots, supplies, records, and forms;
- 1374 (i) if directed to do so by the election officer, make any necessary corrections to the  
1375 official ballots before they are distributed at the polls;
- 1376 (j) post the sample ballots, instructions to voters, and constitutional amendments, if  
1377 any;
- 1378 (k) hang the posting list near the polling place entrance; and
- 1379 (l) open the ballot box in the presence of those assembled, turn it upside down to empty  
1380 it of anything, and then, immediately before polls open, lock it, or if locks and keys are not  
1381 available, tape it securely.
- 1382 (3) (a) If any election judge fails to appear on the morning of the election, or fails or  
1383 refuses to act, at least six qualified electors from the voting precinct who are present at the  
1384 polling place at the hour designated by law for the opening of the polls shall fill the vacancy by  
1385 appointing another qualified person from the voting precinct who is a member of the same  
1386 political party as the judge who is being replaced to act as election judge.
- 1387 (b) If a majority of the receiving election judges are present, they shall open the polls,  
1388 even though the alternate judge has not arrived.
- 1389 (4) (a) If it is impossible or inconvenient to hold an election at the polling place  
1390 designated, the election judges, after having assembled at or as near as practicable to the  
1391 designated place, and before receiving any vote, may move to the nearest convenient place for

1392 holding the election.

1393 (b) If the judges move to a new polling place, they shall display a proclamation of the  
1394 change and station a peace officer or some other proper person at the original polling place to  
1395 notify voters of the location of the new polling place.

1396 (5) If the election judge who received delivery of the ballots produces packages of  
1397 substitute ballots accompanied by a written and sworn statement of the election officer that the  
1398 ballots are substitute ballots because the original ballots were not received, were destroyed, or  
1399 were stolen, the election judges shall use those substitute ballots as the official election ballots.

1400 (6) If, for any reason, none of the official or substitute ballots are ready for distribution  
1401 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the  
1402 election judges may use unofficial ballots, made as nearly as possible in the form of the official  
1403 ballot, until substitutes prepared by the election officer are printed and delivered.

1404 (7) When it is time to open the polls, one of the election judges shall announce that the  
1405 polls are open as required by Section 20A-1-302, or in the case of early voting, Section  
1406 20A-3-602.

1407 (8) (a) The election judges shall comply with the voting procedures and requirements  
1408 of Title 20A, Chapter 3, Voting, in allowing people to vote.

1409 (b) The election judges may not allow any person, other than election officials and  
1410 those admitted to vote, within six feet of voting machines, voting booths, and the ballot box.

1411 (c) Besides the election judges and watchers, the election judges may not allow more  
1412 than four voters in excess of the number of voting booths provided within six feet of voting  
1413 machines, voting booths, and the ballot box.

1414 (d) If necessary, the election judges shall instruct each voter about how to operate the  
1415 voting device before the voter enters the voting booth.

1416 (e) (i) If the voter requests additional instructions after entering the voting booth, two  
1417 election judges may, if necessary, enter the booth and give the voter additional instructions.

1418 (ii) In regular general elections and regular primary elections, the two election judges  
1419 who enter the voting booth to assist the voter shall be of different political parties.

1420 Section 32. Section **20A-9-601** is amended to read:

1421 **20A-9-601. Qualifying as a write-in candidate.**

1422 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration

1423 of candidacy with the appropriate filing officer not later than [~~14~~] 30 days before the regular  
 1424 general election or municipal general election in which the person intends to be a write-in  
 1425 candidate.

1426 (b) If the filing deadline falls on a weekend or holiday, it shall be extended to the next  
 1427 regular business day.

1428 [~~(b)~~] (c) (i) The filing officer shall:

1429 (A) read to the candidate the constitutional and statutory requirements for the office;  
 1430 and

1431 (B) ask the candidate whether or not the candidate meets the requirements.

1432 (ii) If the candidate cannot meet the requirements of office, the filing officer may not  
 1433 accept the write-in candidate's declaration of candidacy.

1434 (2) A write-in candidate in towns need not prequalify with the filing officer.

1435 (3) By November 1 of each regular general election year, the lieutenant governor shall  
 1436 certify to each county clerk the names of all write-in candidates who filed their declaration of  
 1437 candidacy with the lieutenant governor.

1438 Section 33. Section **20A-9-808** is amended to read:

1439 **20A-9-808. Voting.**

1440 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary  
 1441 shall give his name, the name of the registered political party whose ballot the voter wishes to  
 1442 vote, and, if requested, his residence, to one of the election judges.

1443 (b) [~~If an~~] The voter shall present valid voter identification to one of the election judges  
 1444 if the voter is:

1445 (i) required to present valid voter identification as indicated by a notation in the official  
 1446 register;

1447 (ii) voting in person by absentee ballot; or

1448 (iii) voting during the early voting period prior to the date of the election.

1449 (c) If a voter is not required to present valid voter identification under Subsection

1450 (1)(b), and the election judge does not know the [person] voter requesting a ballot and has  
 1451 reason to doubt that [person's] voter's identity, the judge shall:

1452 (i) request that the voter present valid voter identification; or

1453 (ii) have the voter identified by a known registered voter of the district.

1454 ~~[(c) If the person's right to vote is challenged as provided in Section 20A-3-202, the]~~

1455 (d) The election judge shall follow the procedures and requirements of Section

1456 20A-3-105.5[;] if:

1457 (i) the voter's right to vote is challenged under Section 20A-3-202; or

1458 (ii) the election judge is not satisfied that the voter has been properly identified.

1459 (2) (a) (i) When the voter is properly identified, the election judge in charge of the  
1460 official register shall check the official register to determine:

1461 (A) whether or not the [person] voter is registered to vote; and

1462 (B) whether or not the [person's] voter's party affiliation designation in the official  
1463 register allows the voter to vote the ballot that the voter requested.

1464 (ii) If the official register does not affirmatively identify the voter as being affiliated  
1465 with a registered political party or if the official register identifies the voter as being  
1466 "unaffiliated," the voter shall be considered to be "unaffiliated."

1467 (b) If the voter's name is not found on the official register, the election judge shall  
1468 follow the procedures and requirements of Section 20A-3-105.5.

1469 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party  
1470 affiliation listed in the official register does not allow the voter to vote the ballot that the voter  
1471 requested, the election judge shall inform the voter of that fact and inform the voter of the  
1472 ballot or ballots that the voter's party affiliation does allow the voter to vote.

1473 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official  
1474 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a  
1475 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the  
1476 ballot that the voter requests, the election judge shall ask the voter if the voter wishes to  
1477 affiliate with the registered political party whose ballot the voter requested, vote another  
1478 registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain  
1479 "unaffiliated."

1480 (B) If the voter wishes to affiliate with the registered political party whose ballot the  
1481 voter requested, the election judge shall enter in the official register the voter's new party  
1482 affiliation and proceed as required by Subsection (3).

1483 (C) If the voter wishes to vote another registered political party ballot that the  
1484 unaffiliated voter is authorized to vote, the election judge shall proceed as required by



1485 Subsection (3).

1486 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
1487 that unaffiliated voters are authorized to vote, the election judge shall instruct the voter that the  
1488 voter may not vote.

1489 (3) If the election judge determines that the voter is registered and eligible, under  
1490 Subsection (2), to vote the ballot that the voter requested:

1491 (a) the election judge in charge of the official register shall:

1492 (i) write the ballot number and the name of the registered political party whose ballot  
1493 the voter voted opposite the name of the voter in the official register; and

1494 (ii) direct the voter to sign his name in the election column in the official register;

1495 (b) another judge shall list the ballot number and voter's name in the pollbook; and

1496 (c) the election judge having charge of the ballots shall:

1497 (i) endorse his initials on the stub;

1498 (ii) check the name of the voter on the pollbook list with the number of the stub;

1499 (iii) hand the voter the ballot for the registered political party that the voter requested  
1500 and for which the voter is authorized to vote; and

1501 (iv) allow the voter to enter the voting booth.

1502 (4) Whenever the election officer is required to furnish more than one kind of official  
1503 ballot to the voting precinct, the election judges of that voting precinct shall give the registered  
1504 voter the kind of ballot that the voter is qualified to vote.

---

---

**Legislative Review Note**

**as of 10-19-05 12:41 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**

**Interim Committee Note**

**as of 12-19-05 9:53 AM**

The Government Operations Interim Committee recommended this bill.