

**VOTER REGISTRATION - PROOF OF
CITIZENSHIP**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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



28 ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-1-102**, as last amended by Chapter 105, Laws of Utah 2005

36 **20A-2-104**, as last amended by Chapter 219, Laws of Utah 2004

37 **20A-2-108**, as last amended by Chapter 219, Laws of Utah 2004

38 **20A-2-201**, as last amended by Chapter 45, Laws of Utah 1999

39 **20A-2-202**, as last amended by Chapter 117, Laws of Utah 2003

40 **20A-2-203**, as last amended by Chapters 117 and 249, Laws of Utah 2003

41 **20A-2-204**, as last amended by Chapters 10, 24 and 183, Laws of Utah 1997

42 **20A-2-205**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

43 **20A-3-104**, as last amended by Chapter 37, Laws of Utah 2003

44 **20A-3-104.5**, as last amended by Chapter 159, Laws of Utah 2003

45 **20A-3-105.5**, as last amended by Chapters 34, 117 and 131, Laws of Utah 2003

46 **20A-3-401**, as last amended by Chapter 37, Laws of Utah 2003

47 **20A-4-107**, as last amended by Chapter 34, Laws of Utah 2003

48 **20A-5-401**, as last amended by Chapter 105, Laws of Utah 2005

49 ENACTS:

50 **20A-2-110**, Utah Code Annotated 1953



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

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

53 **20A-1-102. Definitions.**

54 As used in this title:

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

57 (2) "Automatic tabulating equipment" means apparatus that automatically examines
58

59 and counts votes recorded on paper ballots or ballot cards and tabulates the results.

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

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

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

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

70 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
71 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

88 (16) "Counting poll watcher" means a person selected as provided in Section
89 20A-3-201 to witness the counting of ballots.

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

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

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

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

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

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

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

104 (24) "Election judge" means each canvassing judge, counting judge, and receiving
105 judge.

106 (25) "Election officer" means:

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

108 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
109 as provided in Section 20A-5-400.5;

110 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
111 provided in Section 20A-5-400.5;

112 (d) the special district clerk or chief executive officer for certain ballots and elections
113 as provided in Section 20A-5-400.5; and

114 (e) the business administrator or superintendent of a school district for certain ballots
115 or elections as provided in Section 20A-5-400.5.

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

117 (27) "Election results" means, for bond elections, the count of those votes cast for and
118 against the bond proposition plus any or all of the election returns that the board of canvassers
119 may request.

120 (28) "Election returns" includes the pollbook, all affidavits of registration, the military

121 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
122 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
123 spoiled ballots, the ballot disposition form, and the total votes cast form.

124 (29) "Electronic voting system" means a system in which a voting device is used in
125 conjunction with ballots so that votes recorded by the voter are counted and tabulated by
126 automatic tabulating equipment.

127 (30) "Inactive voter" means a registered voter who has been sent the notice required by
128 Section 20A-2-306 and who has failed to respond to that notice.

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

131 (32) "Judicial office" means the office filled by any judicial officer.

132 (33) "Judicial officer" means any justice or judge of a court of record or any county
133 court judge.

134 (34) "Local election" means a regular municipal election, a local special election, a
135 special district election, and a bond election.

136 (35) "Local political subdivision" means a county, a municipality, a special district, or
137 a local school district.

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

141 (37) "Municipal executive" means:

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

144 (b) the mayor in the council-mayor optional form of government defined in Section
145 10-3-101; and

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

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

151 (39) "Municipal legislative body" means:

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

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

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

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

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

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

164 (43) "Official endorsement" means:

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

166 (i) the ballot as an official ballot;

167 (ii) the date of the election; and

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

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

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

171 (ii) the ballot number.

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

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

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

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

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

182 (47) "Polling place" means the building where residents of a voting precinct vote or

183 where absentee voting is conducted.

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

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

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

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

191 (52) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

197 (54) "Primary convention" means the political party conventions at which nominees for
198 the regular primary election are selected.

199 (55) "Protective counter" means a separate counter, which cannot be reset, that is built
200 into a voting machine and records the total number of movements of the operating lever.

201 (56) "Qualify" or "qualified" means to take the oath of office and begin performing the
202 duties of the position for which the person was elected.

203 (57) "Receiving judge" means the election judge that checks the voter's name in the
204 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
205 after the voter has voted.

206 (58) "Registration days" means the days designated in Section 20A-2-203 when a voter
207 may register to vote with a satellite registrar.

208 (59) "Registration form" means a book voter registration form and a by-mail voter
209 registration form.

210 (60) "Regular ballot" means a ballot that is not a provisional ballot.

211 (61) "Regular general election" means the election held throughout the state on the first
212 Tuesday after the first Monday in November of each even-numbered year for the purposes
213 established in Section 20A-1-201.

214 (62) "Regular primary election" means the election on the fourth Tuesday of June of
215 each even-numbered year, at which candidates of political parties and nonpolitical groups are
216 voted for nomination.

217 (63) "Resident" means a person who resides within a specific voting precinct in Utah.

218 (64) "Sample ballot" means a mock ballot similar in form to the official ballot printed
219 and distributed as provided in Section 20A-5-405.

220 (65) "Satellite registrar" means a person appointed under Section 20A-5-201 to register
221 voters and perform other duties.

222 (66) "Scratch vote" means to mark or punch the straight party ticket and then mark or
223 punch the ballot for one or more candidates who are members of different political parties.

224 (67) "Secrecy envelope" means the envelope given to a voter along with the ballot into
225 which the voter places the ballot after he has voted it in order to preserve the secrecy of the
226 voter's vote.

227 (68) "Special district" means those local government entities created under the
228 authority of Title 17A.

229 (69) "Special district officers" means those special district officers that are required by
230 law to be elected.

231 (70) "Special election" means an election held as authorized by Section 20A-1-204.

232 (71) "Spoiled ballot" means each ballot that:

233 (a) is spoiled by the voter;

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

235 (c) lacks the official endorsement.

236 (72) "Statewide special election" means a special election called by the governor or the
237 Legislature in which all registered voters in Utah may vote.

238 (73) "Stub" means the detachable part of each ballot.

239 (74) "Substitute ballots" means replacement ballots provided by an election officer to
240 the election judges when the official ballots are lost or stolen.

241 (75) "Ticket" means each list of candidates for each political party or for each group of
242 petitioners.

243 (76) "Transfer case" means the sealed box used to transport voted ballots to the
244 counting center.

245 (77) "Vacancy" means the absence of a person to serve in any position created by
246 statute, whether that absence occurs because of death, disability, disqualification, resignation,
247 or other cause.

248 (78) "Valid voter identification" means:

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

251 (i) a currently valid Utah driver license;

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

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

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

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

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

259 (b) two forms of identification that bear the name of the voter and provide evidence
260 that the voter resides in the voting precinct, which may include:

261 (i) a current utility bill;

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

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

264 (iv) a paycheck;

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

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

267 (vii) certified naturalization documentation;

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

270 (ix) a Bureau of Indian Affairs card;

271 (x) a tribal treaty card; or

272 (xi) a valid Medicaid card, Medicare card, or an Electronic Benefits Transfer Card.

273 ~~[(78)]~~ (79) "Valid write-in candidate" means a candidate who has qualified as a
274 write-in candidate by following the procedures and requirements of this title.

275 ~~[(79)]~~ (80) "Voter" means a person who meets the requirements for voting in an

276 election, meets the requirements of election registration, is registered to vote, and is listed in
277 the official register book.

278 [~~(80)~~] (81) "Voting area" means the area within six feet of the voting booths, voting
279 machines, and ballot box.

280 [~~(81)~~] (82) "Voting booth" means the space or compartment within a polling place that
281 is provided for the preparation of ballots and includes the voting machine enclosure or curtain.

282 [~~(82)~~] (83) "Voting device" means:

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

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

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

288 [~~(83)~~] (84) "Voting machine" means a machine designed for the sole purpose of
289 recording and tabulating votes cast by voters at an election.

290 [~~(84)~~] (85) "Voting poll watcher" means a person appointed as provided in this title to
291 witness the distribution of ballots and the voting process.

292 [~~(85)~~] (86) "Voting precinct" means the smallest voting unit established as provided by
293 law within which qualified voters vote at one polling place.

294 [~~(86)~~] (87) "Watcher" means a voting poll watcher, a counting poll watcher, and an
295 inspecting poll watcher.

296 [~~(87)~~] (88) "Western States Presidential Primary" means the election established in
297 Title 20A, Chapter 9, Part 8.

298 [~~(88)~~] (89) "Write-in ballot" means a ballot containing any write-in votes.

299 [~~(89)~~] (90) "Write-in vote" means a vote cast for a person whose name is not printed on
300 the ballot according to the procedures established in this title.

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

302 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

305 -----

306 UTAH ELECTION REGISTRATION FORM

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

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

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

310 Name of Voter _____

311 First Middle Last

312 Driver License or Identification Card Number _____

313 State of issuance of Driver License or Identification Card

314 Date of Birth _____

315 Street Address of Principal Place of Residence

316 _____

317 City County State Zip Code

318 Telephone Number (optional) _____

319 Last four digits of Social Security Number _____

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

321 _____

322 City County State Zip Code

323 Voting Precinct (if known) _____

324 Political Party

325 American Democrat Green Independent American Libertarian Natural Law

326 Reform Populist Republican Socialist Workers Unaffiliated (no political party

327 preference)

328 Other (Please specify) _____

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

334 Signed and sworn

335 _____

336 Voter's Signature

337 _____(month/day/year).

338 CITIZENSHIP AFFIDAVIT

339 Name:

340 Name at birth, if different:

341 Place of birth:

342 Date of birth:

343 Date and place of naturalization (if applicable):

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

347 _____

348 Signature of Applicant

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

352 NOTICE: YOU MUST INCLUDE A LEGIBLE COPY OF ONE OF THE FOLLOWING
353 WITH YOUR APPLICATION AS EVIDENCE OF UNITED STATES CITIZENSHIP:

354 (A) YOUR UTAH DRIVER LICENSE, IF IT WAS ISSUED OR RENEWED ON OR
355 AFTER JULY 1, 2005;

356 (B) YOUR BIRTH CERTIFICATE;

357 (C) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND
358 PASSPORT NUMBER;

359 (D) YOUR UNITED STATES NATURALIZATION DOCUMENTS, AS
360 PERMITTED BY FEDERAL LAW, SHOWING YOUR NAME AND THE NUMBER OF
361 THE CERTIFICATE OF NATURALIZATION;

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

364 (F) YOUR BUREAU OF INDIAN AFFAIRS CARD; OR

365 (G) YOUR TRIBAL TREATY CARD.

366 IN ORDER TO BE ALLOWED TO VOTE [~~FOR THE FIRST TIME IN A VOTING~~
367 ~~PRECINCT~~], YOU MUST [~~EITHER~~] PRESENT ONE OF THE FOLLOWING TO THE
368 POLL WORKER BEFORE VOTING:

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

372 (2) ~~[PRESENT A VALID FORM OF PHOTO IDENTIFICATION OR PROOF OF~~
373 ~~RESIDENCE TO THE ELECTION JUDGE BEFORE YOU MAY VOTE]~~ TWO DIFFERENT
374 FORMS OF IDENTIFICATION THAT PROVIDE EVIDENCE OF YOUR NAME AND
375 CURRENT ADDRESS.

376 FOR OFFICIAL USE ONLY

377 Type of I.D. _____

378 Voting Precinct _____

379 Voting I.D. Number _____

380 -----

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

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

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

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

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

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

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

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

398 (b) if the county clerk believes, based upon a review of the form, that a person may be
399 seeking to register to vote who is not legally entitled to register to vote, refer the form to the

400 county attorney for investigation and possible prosecution.

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

402 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

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

416 Signed and sworn

417 _____

418 Voter's Signature

419 _____(month\day\year)";

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

421 "CITIZENSHIP AFFIDAVIT

422 Name:

423 Name at birth, if different:

424 Place of birth:

425 Date of birth:

426 Date and place of naturalization (if applicable):

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

430 _____

431 Signature of Applicant

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

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

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

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

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

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

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

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

451 **20A-2-110. Review of voter registration applications -- Evidence of citizenship,**
452 **age, and residence.**

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

455 (a) has provided the required information on the voter registration form;

456 (b) has signed the voter registration form;

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

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

460 (ii) presentation of, or a legible copy of, the applicant's birth certificate showing that
461 the applicant was born in the United States;

462 (iii) presentation of, or a legible copy of, the applicant's United States passport showing
463 the applicant's name and the passport number;

464 (iv) presentation of, or, as permitted by federal law, a legible copy of, the applicant's
465 United States naturalization documents showing that the applicant is a citizen of the United
466 States;

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

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

472 (vii) presentation of, or a legible copy of, the applicant's Bureau of Indian Affairs card,
473 tribal treaty card, or tribal enrollment documentation;

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

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

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

480 (2) Notwithstanding Subsections (1)(a) and (c), any person who is registered to vote in
481 this state as of May 1, 2006, shall not be required to provide evidence of citizenship unless that
482 person is:

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

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

485 (3) The county clerk may not accept a driving privilege card issued under Section
486 53-3-207 that is not valid for identification as evidence of citizenship.

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

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

492 **20A-2-201. Registering to vote at office of county clerk.**

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

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

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

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

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

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

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

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

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

509 **20A-2-202. Registration by mail.**

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

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

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

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

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

516 (ii) ~~[H]~~ The citizen shall provide evidence of citizenship as required under Section
 517 20A-2-110 if:

518 (A) the ~~[voter]~~ citizen is registering for the first time in the county~~[-the citizen shall~~
 519 ~~either:]~~;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

551 **20A-2-203. Satellite location -- Registration by satellite registrar.**

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

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

555 (2) (a) Any person who meets the voter registration requirements may register to vote
556 with a satellite registrar at any satellite location within the person's county of residence between
557 8 a.m. and 8 p.m.:

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

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

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

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

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

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

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

569 and

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

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

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

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

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

579 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

585 (3) The Driver License Division shall:

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

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

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

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

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

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

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

600 (b) notify the applicant of registration.

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

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

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

607 (b) When the county clerk receives, at least seven days before an election, any voter
608 registration forms [~~at least seven days before an election~~] that meet the requirements of Section
609 20A-2-110 and that are dated at least 20 days before the election, the county clerk shall:

610 (i) process the voter registration forms; and

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

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

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

617 **20A-2-205. Registration at voter registration agencies.**

618 (1) As used in this section:

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

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

623 (i) public assistance; or

624 (ii) state funded programs primarily engaged in providing services to people with
625 disabilities.626 (2) Any person may obtain and complete a by-mail registration form at a public
627 assistance agency or discretionary voter registration agency.628 (3) Each public assistance agency and discretionary voter registration agency shall
629 provide, either as part of existing forms or on a separate form, the following information in
630 substantially the following form:

631 "REGISTERING TO VOTE

632 If you are not registered to vote where you live now, would you like to apply to register
633 to vote here today? (Applying to register to vote or declining to register to vote will not affect
634 the amount of assistance that you will be provided by this agency.) Yes___ No___ IF YOU
635 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
636 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
637 voter registration application form, we will help you. The decision about whether or not to
638 seek or accept help is yours. You may fill out the application form in private. If you believe
639 that someone has interfered with your right to register or to decline to register to vote, your
640 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
641 right to choose your own political party or other political preference, you may file a complaint
642 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
643 84114. (801) 538-1040."644 (4) Unless a person applying for service or assistance from a public assistance agency
645 or discretionary voter registration agency declines, in writing, to register to vote, each public
646 assistance agency and discretionary voter registration agency shall:

647 (a) distribute a by-mail voter registration form with each application for service or

648 assistance provided by the agency or office;

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

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

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

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

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

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

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

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

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

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

668 (b) notify the applicant of registration.

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

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

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

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

678 (i) process the voter registration forms; and

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

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

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

686 **20A-3-104. Manner of voting.**

687 (1) (a) Any registered voter desiring to vote shall give his name, and~~[-if requested, his~~
688 ~~residence;]~~ present a valid voter identification to one of the election judges.

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

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

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

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

698 (ii) the official register does not contain a notation that identification is required
699 because the voter is voting for the first time in the jurisdiction and did not provide
700 identification when registering by mail.

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

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

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

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

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

710 (ii) issue the voter a provisional ballot; and
711 (iii) follow the procedures and requirements of Section 20A-3-105.5.
712 ~~[(f)]~~ (e) If the person's right to vote is challenged as provided in Section 20A-3-202, the
713 judge shall follow the procedures and requirements of Section 20A-3-105.5.

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

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

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

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

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

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

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

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

725 (i) endorse his initials on the stub;

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

727 (iii) hand the voter a ballot; and

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

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

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

733 **20A-3-104.5. Voting -- Regular primary election.**

734 (1) (a) Any registered voter desiring to vote at the regular primary election shall give
735 his name, the name of the registered political party whose ballot the voter wishes to vote[;]
736 and~~[- if requested, his residence,]~~ present valid voter identification to one of the election
737 judges.

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

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

742 (i) the election judge personally knows the voter and knows that the voter's principal
743 place of residence is in the voting district; and

744 (ii) the official register does not contain a violation that identification is required
745 because the voter is voting for the first time in the jurisdiction and did not provide
746 identification when registering by mail.

747 (c) If the voter is challenged as provided in Section 20A-3-202, the judge shall provide
748 a ballot to the voter if the voter takes an oath that the grounds of the challenge are false.

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

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

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

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

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

760 (ii) If oral verification is received from the county clerk's office, the judge shall record
761 the verification on the official register, determine the voter's party affiliation and the ballot that
762 the voter is qualified to vote, and perform the other administrative steps required by Subsection
763 (3).

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

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

772 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
773 remain "unaffiliated."

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

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

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

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

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

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

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

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

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

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

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

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

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

802 (i) endorse his initials on the stub;

- 803 (ii) check the name of the voter on the pollbook list with the number of the stub;
804 (iii) hand the voter the ballot for the registered political party that the voter requested
805 and for which the voter is authorized to vote; and
806 (iv) allow the voter to enter the voting booth.

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

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

811 **20A-3-105.5. Manner of voting -- Provisional ballot.**

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

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

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

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

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

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

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

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

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

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

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

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

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

832 (i) endorse his initials on the stub;

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

- 834 (iii) give the voter a ballot and a provisional ballot envelope; and
835 (iv) allow the voter to enter the voting booth.
- 836 (4) If the election judge is not satisfied that the voter has provided [~~sufficient proof of~~
837 ~~identity and proof of residence~~] valid voter identification:
- 838 (a) the election judge in charge of the official register shall:
- 839 (i) record in the official register that the voter did not provide [~~adequate proof of~~
840 ~~identity and proof of residence~~] valid voter identification;
- 841 (ii) write the provisional ballot envelope number opposite the name of the voter in the
842 official register; and
- 843 (iii) direct the voter to sign his name in the election column in the official register;
- 844 (b) another judge shall list the ballot number and voter's name in the pollbook; and
- 845 (c) the election judge having charge of the ballots shall:
- 846 (i) endorse his initials on the stub;
- 847 (ii) check the name of the voter on the pollbook list with the number of the stub;
- 848 (iii) give the voter a ballot and a provisional ballot envelope; and
- 849 (iv) allow the voter to enter the voting booth.
- 850 (5) Whenever the election officer is required to furnish more than one kind of official
851 ballot to a voting precinct, the election judges of that voting precinct shall give the registered
852 voter the kind of ballot that the voter is qualified to vote.

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

854 **20A-3-401. Intent and purpose of part.**

- 855 (1) Each election officer, election official, and judge shall liberally interpret and apply
856 this part to:
- 857 (a) make it possible for Utah voters living or serving abroad to vote in county, state,
858 and national elections during their absence;
- 859 (b) enable these voters to register more conveniently;
- 860 (c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting
861 Act; and
- 862 (d) in accordance with Public Law 107-252, the Help America Vote Act of 2002,
863 exempt overseas and military voters from:
- 864 (i) the [~~proof of identity and proof of residence~~] valid voter identification requirements

865 of Section 20A-3-308 [~~in accordance with Public Law 107-252, the Help America Vote Act of~~
866 ~~2002.~~]; and

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

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

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

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

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

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

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

879 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

881 (a) the voter:

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

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

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

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

886 (b) the voter:

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

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

890 (c) the voter:

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

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

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

896 through some other means.

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

901 (b) If the election officer determines that the person is not a registered voter or is not
902 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot
903 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to
904 produce or count it.

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

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

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

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

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

918 (b) register the voter.

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

920 **20A-5-401. Official register and posting book -- Preparation -- Contents.**

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

925 (b) The county clerk shall ensure that the official register and posting list are bound or
926 loose leaf books prepared for the alphabetical entry of names and ruled in columns of suitable

927 dimensions to provide for the following entries:

- 928 (i) registered voter's name;
- 929 (ii) party affiliation;
- 930 (iii) grounds for challenge;
- 931 (iv) name of person challenging a voter;
- 932 (v) ballot numbers, primary, November, special;
- 933 (vi) date of birth;
- 934 (vii) place of birth;
- 935 (viii) place of current residence;
- 936 (ix) street address;
- 937 (x) zip code; and
- 938 (xi) space for the voter to sign his name for each election.

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

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

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

- 945 (i) a column that indicates if the voter is required to show identification before voting;
- 946 (ii) a column for the election judge to record the provisional envelope ballot number
947 for voters who receive a provisional ballot; and
- 948 (iii) a space for the election judge to record the type of [~~proof of identity and the type~~
949 ~~of proof of residence~~] identification that was provided by voters who receive a provisional
950 ballot.

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

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

958 outside of the local political subdivision.

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

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

Legislative Review Note
as of 1-5-06 10:16 AM

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

Fiscal Note
Bill Number SB0200

Voter Registration - Proof of Citizenship

09-Feb-06

4:12 PM

State Impact

It is estimated that the Governor's Office will require a one-time General Fund appropriation of 15,300 for FY 2007 to implement provisions of this bill.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund, One-Time	\$15,300	\$0	\$0	\$0
TOTAL	\$15,300	\$0	\$0	\$0

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst