

ELECTION DAY VOTER REGISTRATION

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Neil A. Hansen

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies the Election Code to permit election day voter registration.

Highlighted Provisions:

This bill:

- ▶ allows individuals to register to vote at their voting precinct's polling place on the date of the election;
- ▶ allows voters to change their party affiliation at their voting precinct's polling place on the date of the election, with certain exceptions for primary elections;
- ▶ requires county clerks to provide election day registration information to any individual that seeks to register in person at the county clerk's office after the voter registration deadline has passed and satellite registration has ended;
- ▶ requires county clerks to provide registration information to any individual that submits an untimely or incomplete voter registration form by mail, with a driver license form, or through a voter registration agency, and requires the clerk to notify the individual that the individual is not registered; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



Utah Code Sections Affected:

AMENDS:

20A-2-107, as last amended by Chapter 264, Laws of Utah 2006

20A-2-201, as last amended by Chapter 264, Laws of Utah 2006

20A-2-202, as last amended by Chapters 264 and 326, Laws of Utah 2006

20A-2-204, as last amended by Chapters 264 and 326, Laws of Utah 2006

20A-2-205, as last amended by Chapters 264 and 326, Laws of Utah 2006

20A-2-304, as last amended by Chapter 264, Laws of Utah 2006

20A-3-104, as last amended by Chapters 264 and 326, Laws of Utah 2006

20A-3-104.5, as last amended by Chapters 15, 264 and 326, Laws of Utah 2006

20A-9-808, as last amended by Chapters 264 and 326, Laws of Utah 2006

ENACTS:

20A-2-201.5, Utah Code Annotated 1953

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

Section 1. Section **20A-2-107** is amended to read:

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

(1) The county clerk shall:

(a) record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or

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

(2) ~~[(a) Any]~~ Subject to the provisions of Subsection (3), any registered voter may designate or change the voter's political party affiliation by ~~[complying with the procedures and requirements of this Subsection (2). (b) Except for the period beginning on the day after the voter registration deadline and continuing through the date of the regular primary election, any registered voter may designate or change the voter's political party affiliation by]~~ filing a signed form ~~[with the county clerk]~~ that identifies the registered political party with which the voter chooses to affiliate~~[-]~~ with the:

(a) county clerk; or

(b) poll worker at the polling place for the voter's voting precinct on the date of a

59 regular general election, regular primary election, municipal general election, municipal
60 primary election, bond election, or special election.

61 (3) A registered voter may designate, but may not change, the voter's political party
62 affiliation during the period that commences 20 days before a regular primary election and
63 continues through the date of the regular primary election.

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

65 **20A-2-201. Registering to vote at office of county clerk.**

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

70 (2) Except as provided in Subsection (3), if a registration form is submitted to the
71 county clerk after the last day of satellite registration as provided in Section 20A-2-203, the
72 county clerk shall:

73 (a) ~~[accept registration forms from]~~ notify all persons who present themselves for
74 registration at the clerk's office during designated office hours ~~[if those persons, on voting day,~~
75 ~~will be legally qualified and entitled to vote in a voting precinct in the county]~~ that if they wish
76 to register for the pending election, they will be required to register to vote at their assigned
77 voting precinct on election day; and

78 (b) inform them that if they would like to register on the current date, they will be
79 registered to vote in later elections, but may not vote in the pending election ~~[because they~~
80 ~~registered too late]~~.

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

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

87 (b) inform them that:

88 (i) they will be registered to vote in the pending election; and

89 (ii) for the pending election, they must vote on election day and will not be eligible to

vote using early voting under Chapter 3, Part 6, Early Voting, because they registered too late.

Section 3. Section **20A-2-201.5** is enacted to read:

20A-2-201.5. Registration on election day.

(1) The poll workers for each voting precinct shall register to vote all persons who present themselves for registration during the hours that the polls are open if:

(a) the person is legally qualified to vote as of the election date;

(b) the person appears, in person and during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;
and

(c) the person completes a voter registration form according to the procedures and requirements of Section 20A-2-104.

(2) A person may register to vote on election day as provided in this section on the date of any regular general election, municipal general election, regular primary election, municipal primary election, special election, bond election, or the Western States Presidential Primary.

Section 4. Section **20A-2-202** is amended to read:

20A-2-202. Registration by mail.

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

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

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

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

(B) ensure that it is postmarked on or before the voter registration deadline.

(ii) If the voter is registering for the first time in the county, the citizen shall either:

(A) submit a copy of the voter's valid voter identification with the by-mail voter registration form; or

(B) submit valid voter identification to the poll worker at the time the citizen votes.

(d) The citizen has effectively registered to vote under this section only when the county clerk's office has received a correctly completed by-mail voter registration form.

(2) Upon receipt of a correctly completed by-mail voter registration form, the county clerk shall:

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

which the applicant resides; and

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

(3) (a) If the county clerk receives a correctly completed by-mail voter registration form that is postmarked after the voter registration deadline~~[-, the county clerk shall: (i) register the applicant after the next election; and (ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.]~~ or that is received during the six calendar days before an election, the county clerk shall promptly mail a notice to the applicant and, if possible, promptly phone the applicant, to provide the applicant with:

(i) notice that the registration form was either not timely mailed or not timely received;

(ii) notice that the person may register to vote on the day of the election by appearing, in person and during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;

(iii) the number of the person's local voting precinct and the voting location for that precinct; and

(iv) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

(b) When the county clerk receives a correctly completed by-mail voter registration form at least seven days before an election that is postmarked on or before the date of the voter registration deadline, the county clerk shall:

(i) process the by-mail voter registration form; and

(ii) record the new voter in the official register.

(4) If the county clerk determines that a registration form received by mail or otherwise is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register~~[-, informing him that he]~~ to provide the person with:

(a) notice that the person has not been registered because of an error or because the form is incomplete[-];

(b) notice that the person may register to vote:

(i) on the day of the election by appearing, in person and during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place

152 of residence; or

153 (ii) if the associated deadlines have not passed, by mail, at a voter registration agency,
154 or at the office of the county clerk;

155 (c) the number of the person's local voting precinct and the voting location for that
156 precinct, if the voting precinct may be determined from the information provided on the
157 registration form; and

158 (d) notice that the person will be required to meet the requirements of Section
159 20A-2-201.5 in order to register to vote.

160 Section 5. Section **20A-2-204** is amended to read:

161 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

167 (3) The Driver License Division shall:

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

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

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

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

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

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

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

182 (b) notify the applicant of registration.

183 (5) (a) If the county clerk receives a correctly completed voter registration form from
184 the Driver License Division that is dated after the voter registration deadline~~[-the county clerk~~
185 ~~shall: (i) register the applicant after the next election; and (ii) if possible, promptly phone or~~
186 ~~mail a notice to the applicant before the election, informing the applicant that his registration~~
187 ~~will not be effective until after the election.]~~ or that is received in the six calendar days before
188 an election, the county clerk shall promptly mail a notice to the applicant and, if possible,
189 promptly phone the applicant to provide the applicant with:

190 (i) notice that the registration form was either not timely mailed or not timely received;

191 (ii) notice that the person may register to vote on the day of the election by appearing,
192 in person and during the hours that the polls are open, at the polling place for the voting
193 precinct in which the person has his principal place of residence;

194 (iii) the number of the person's local voting precinct and the voting location for that
195 precinct; and

196 (iv) notice that the person will be required to meet the requirements of Section
197 20A-2-201.5 in order to register to vote on election day.

198 (b) When the county clerk receives a correctly completed voter registration form at
199 least seven days before an election that is dated on or before the voter registration deadline, the
200 county clerk shall:

201 (i) process the voter registration form; and

202 (ii) record the new voter in the official register.

203 (6) If the county clerk determines that a voter registration form received from the
204 Driver License Division is incorrect because of an error or because it is incomplete, the county
205 clerk shall mail notice to the person attempting to register~~[-informing him]~~ to provide the
206 person with:

207 (a) notice that he has not been registered because of an error or because the form is
208 incomplete[-];

209 (b) notice that the person may register to vote:

210 (i) on the day of the election by appearing, in person and during the hours that the polls
211 are open, at the polling place for the voting precinct in which the person has his principal place
212 of residence; or

213 (ii) if the associated deadlines have not passed, by mail, at a voter registration agency,

214 or at the office of the county clerk;

215 (c) the number of the person's local voting precinct and the voting location for that
216 precinct, if the voting precinct may be determined from the information provided on the
217 registration form; and

218 (d) notice that the person will be required to meet the requirements of Section
219 20A-2-201.5 in order to register to vote.

220 Section 6. Section **20A-2-205** is amended to read:

221 **20A-2-205. Registration at voter registration agencies.**

222 (1) As used in this section:

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

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

227 (i) public assistance; or

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

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

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

235 "REGISTERING TO VOTE

236 If you are not registered to vote where you live now, would you like to apply to register
237 to vote here today? (Applying to register to vote or declining to register to vote will not affect
238 the amount of assistance that you will be provided by this agency.) Yes____ No____ IF YOU
239 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
240 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
241 voter registration application form, we will help you. The decision about whether or not to
242 seek or accept help is yours. You may fill out the application form in private. If you believe
243 that someone has interfered with your right to register or to decline to register to vote, your
244 right to privacy in deciding whether or not to register, or in applying to register to vote, or your

right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (801) 538-1040."

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

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

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

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

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

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

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

(b) display any political preference or party allegiance;

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

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

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

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

(b) notify the applicant of registration.

(7) (a) If the county clerk receives a correctly completed voter registration form from a public assistance agency or discretionary voter registration agency that is dated after the voter registration deadline[, the county clerk shall: (i) register the applicant after the next election; and (ii) if possible, promptly phone or mail a notice to the applicant before the election;

informing the applicant that his registration will not be effective until after the election.] or that is received in the six calendar days before an election, the county clerk shall promptly mail a notice to the applicant and, if possible, promptly phone the applicant to provide the applicant with:

(i) notice that the registration form was either not timely mailed or not timely received;

(ii) notice that the person may register to vote on the day of the election by appearing, in person and during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence;

(iii) the number of the person's local voting precinct and the voting location for that precinct; and

(iv) notice that the person will be required to meet the requirements of Section 20A-2-201.5 in order to register to vote on election day.

(b) When the county clerk receives a correctly completed voter registration form at least seven days before an election that is dated on or before the voter registration deadline, the county clerk shall:

(i) process the voter registration form; and

(ii) record the new voter in the official register.

(8) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register[; informing him] to provide the person with:

(a) notice that [he] the person has not been registered because of an error or because the form is incomplete[-];

(b) notice that the person may register to vote:

(i) on the day of the election by appearing, in person and during the hours that the polls are open, at the polling place for the voting precinct in which the person has his principal place of residence; or

(ii) if the associated deadlines have not passed, by mail, at a voter registration agency, or at the office of the county clerk;

(c) the number of the person's local voting precinct and the voting location for that precinct, if the voting precinct may be determined from the information provided on the

307 registration form; and

308 (d) notice that the person will be required to meet the requirements of Section
309 20A-2-201.5 in order to register to vote.

310 Section 7. Section **20A-2-304** is amended to read:

311 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

312 Each county clerk shall:

313 (1) register to vote each applicant for registration who meets the requirements for
314 registration and who:

315 (a) submits a completed voter registration form to the county clerk on or before the
316 voter registration deadline;

317 (b) submits a completed voter registration form to the Driver License Division, a
318 public assistance agency, or a discretionary voter registration agency on or before the voter
319 registration deadline; ~~[or]~~

320 (c) mails a completed by-mail voter registration form to the county clerk on or before
321 the voter registration deadline; ~~[and]~~ or

322 (d) submits a completed voter registration form to a poll worker on election day
323 according to the requirements of Section 20A-2-201.5; and

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

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

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

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

332 Section 8. Section **20A-3-104** is amended to read:

333 **20A-3-104. Manner of voting.**

334 (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his
335 residence, to one of the poll workers.

336 (b) The voter shall present valid voter identification to one of the poll workers if the
337 voter is:

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

(ii) voting in person by absentee ballot; or

(iii) voting during the early voting period.

(c) If a voter is not required to present valid voter identification under Subsection (1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt that voter's identity, the poll worker shall:

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

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

(d) If the poll worker is satisfied that the voter has been properly identified, the poll worker shall:

(i) record the type of identification provided by the voter in the appropriate space in the official register; and

(ii) follow the procedures of Subsection (2).

(e) If the poll worker is not satisfied that the voter has been properly identified, the poll worker shall:

(i) indicate on the official register that the voter was not properly identified;

(ii) issue the voter a provisional ballot; and

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

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

(2) (a) The poll worker in charge of the official register shall check the official register to determine whether or not the voter is registered to vote.

(b) If the voter's name is not found on the official register and the voter has not registered on election day, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

(3) If the poll worker determines that the voter is registered and:

(a) if the ballot is a paper ballot or a ballot sheet:

(i) the poll worker in charge of the official register shall:

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

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

(ii) another poll worker shall list the ballot number and voter's name in the pollbook;
and

(iii) the poll worker having charge of the ballots shall:

(A) endorse his initials on the stub;

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

(C) hand the voter a ballot; and

(D) allow the voter to enter the voting booth; or

(b) if the ballot is an electronic ballot:

(i) the poll worker in charge of the official register shall direct the voter to sign the voter's name in the official register;

(ii) another poll worker shall list the voter's name in the pollbook; and

(iii) the poll worker having charge of the ballots shall:

(A) provide the voter access to the electronic ballot; and

(B) allow the voter to vote the electronic ballot.

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

Section 9. Section **20A-3-104.5** is amended to read:

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

(1) (a) Any registered voter desiring to vote at the regular primary election shall give his name, the name of the registered political party whose ballot the voter wishes to vote, and, if requested, his residence, to one of the poll workers.

(b) The voter shall present valid voter identification to one of the poll workers if the voter is:

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

(ii) voting in person by absentee ballot; or

(iii) voting during the early voting period.

(c) If a voter is not required to present valid voter identification under Subsection (1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt that voter's identity, the poll worker shall:

400 (i) request that the voter present valid voter identification; or
401 (ii) have the voter identified by a known registered voter of the district.
402 (d) The poll worker shall follow the procedures and requirements of Section
403 20A-3-105.5 if:
404 (i) the poll worker is not satisfied that the voter has been properly identified; or
405 (ii) the voter's right to vote is challenged under Section 20A-3-202.
406 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official
407 register shall ~~[check the official register to]~~ determine:
408 (A) whether or not the voter is registered to vote by checking the official register or
409 confirming that the person has registered on election day; and
410 (B) whether or not the voter's party affiliation designation ~~[in the official register]~~
411 allows the voter to vote the ballot that the voter requested by checking the official register or, if
412 the voter has registered on election day, the voter's registration form.
413 (ii) If the official register or registration form does not affirmatively identify the voter
414 as being affiliated with a registered political party, or if the official register or registration form
415 identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."
416 (b) ~~[(i) Except as provided in Subsection (2)(b)(ii), if]~~ If the voter's name is not found
417 on the official register and the voter has not registered on election day, the poll worker shall
418 follow the procedures and requirements of Section 20A-3-105.5.
419 ~~[(ii) (A) If it is not unduly disruptive of the election process, the poll worker shall~~
420 ~~attempt to contact the county clerk's office to request oral verification of the voter's~~
421 ~~registration;]~~
422 ~~[(B) If oral verification is received from the county clerk's office, the poll worker~~
423 ~~shall;]~~
424 ~~[(F) record the verification on the official register;]~~
425 ~~[(H) determine the voter's party affiliation and the ballot that the voter is qualified to~~
426 ~~vote; and]~~
427 ~~[(H) perform the other administrative steps required by Subsection (3);]~~
428 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
429 affiliation listed in the official register or on the election day voter registration form does not
430 allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter

of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

(ii) (A) If the voter is listed in the official register or on the election day voter registration form as "unaffiliated," or if the official register or voter registration form does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to:

(I) vote another registered political party ballot that the voter, as "unaffiliated," is authorized to vote[;]; or

(II) remain "unaffiliated."

(B) If the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3).

(C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.

(iii) For the primary elections held in [~~2004,~~] 2006[;] and 2008 only:

(A) If the voter is listed in the official register or on the election day voter registration form as "unaffiliated," or if the official register or voter registration form does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a registered political party, the poll worker shall ask the voter if the voter wishes to:

(I) affiliate with a registered political party[;]; or

(II) remain "unaffiliated."

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

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

(D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the

462 voter may not vote.

463 (3) If the poll worker determines that the voter is registered and eligible, under
464 Subsection (2), to vote the ballot that the voter requested and:

465 (a) if the ballot is a paper ballot or a ballot sheet:

466 (i) the poll worker in charge of the official register shall:

467 (A) write the ballot number and the name of the registered political party whose ballot
468 the voter voted opposite the name of the voter in the official register; and

469 (B) direct the voter to sign his name in the election column in the official register;

470 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
471 and

472 (iii) the poll worker having charge of the ballots shall:

473 (A) endorse his initials on the stub;

474 (B) check the name of the voter on the pollbook list with the number of the stub;

475 (C) hand the voter the ballot for the registered political party that the voter requested
476 and for which the voter is authorized to vote; and

477 (D) allow the voter to enter the voting booth; or

478 (b) if the ballot is an electronic ballot:

479 (i) the poll worker in charge of the official register shall direct the voter to sign his
480 name in the official register;

481 (ii) another poll worker shall list the voter's name in the pollbook; and

482 (iii) the poll worker having charge of the ballots shall:

483 (A) provide the voter access to the electronic ballot for the registered political party
484 that the voter requested and for which the voter is authorized to vote; and

485 (B) allow the voter to vote the electronic ballot.

486 (4) Whenever the election officer is required to furnish more than one kind of official
487 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
488 voter the kind of ballot that the voter is qualified to vote.

489 Section 10. Section **20A-9-808** is amended to read:

490 **20A-9-808. Voting.**

491 (1) (a) Any registered voter desiring to vote at the Western States Presidential Primary
492 shall give his name, the name of the registered political party whose ballot the voter wishes to

vote, and, if requested, his residence, to one of the poll workers.

(b) The voter shall present valid voter identification to one of the poll workers if the voter is:

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

(ii) voting in person by absentee ballot; or

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

(c) If a voter is not required to present valid voter identification under Subsection (1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt that voter's identity, the poll worker shall:

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

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

(d) The poll worker shall follow the procedures and requirements of Section 20A-3-105.5 if:

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

(ii) the poll worker is not satisfied that the voter has been properly identified.

(2) (a) (i) When the voter is properly identified, the poll worker in charge of the official register shall ~~[check the official register to]~~ determine:

(A) whether or not the voter is registered to vote by checking the official register or, if the voter has registered on election day, the voter's registration form; and

(B) whether or not the voter's party affiliation designation ~~[in the official register]~~ allows the voter to vote the ballot that the voter requested by checking the official register or, if the voter has registered on election day, the voter's registration form.

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

(b) If the voter's name is not found on the official register and the voter has not registered on election day, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

(c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation listed in the official register or on the election day voter registration form does not

allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

(ii) (A) If the voter is listed in the official register or on the election day voter registration form as "unaffiliated," or if the official register or registration form does not affirmatively identify the voter as either "unaffiliated" or affiliated with a registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to:

(I) affiliate with the registered political party whose ballot the voter requested[;];

(II) vote another registered political party ballot that the voter, as "unaffiliated," is authorized to vote[;]; or

(III) remain "unaffiliated."

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

(C) If the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3).

(D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.

(3) If the poll worker determines that the voter is registered and eligible, under Subsection (2), to vote the ballot that the voter requested and:

(a) if the ballot is a paper ballot or a ballot sheet:

(i) the poll worker in charge of the official register shall:

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

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

(ii) another poll worker shall list the ballot number and voter's name in the pollbook; and

(iii) the poll worker having charge of the ballots shall:

555 (A) endorse his initials on the stub;
556 (B) check the name of the voter on the pollbook list with the number of the stub;
557 (C) hand the voter the ballot for the registered political party that the voter requested
558 and for which the voter is authorized to vote; and
559 (D) allow the voter to enter the voting booth; or
560 (b) if the ballot is an electronic ballot:
561 (i) the poll worker in charge of the official register shall direct the voter to sign the
562 voter's name in the official register;
563 (ii) another poll worker shall list the voter's name in the pollbook; and
564 (iii) the poll worker having charge of the ballots shall:
565 (A) provide the voter access to the electronic ballot for the registered political party
566 that the voter requested and for which the voter is authorized to vote; and
567 (B) allow the voter to vote the electronic ballot.
568 (4) Whenever the election officer is required to furnish more than one kind of official
569 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
570 voter the kind of ballot that the voter is qualified to vote.

Legislative Review Note
as of 1-10-07 10:39 AM

Office of Legislative Research and General Counsel

H.B. 287 - Election Day Voter Registration

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses; however cumulative costs to county governments for additional registration agents could range from \$187,500 to \$375,000.

1/23/2007, 3:10:42 PM, Lead Analyst: Wardrop, T.

Office of the Legislative Fiscal Analyst