

1 **ELECTION LAW CHANGES**

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Howard A. Stephenson**

5 House Sponsor: Mark W. Walker

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Election Code to extend provisional ballot eligibility to persons
10 registered anywhere within the state instead of within the county and to eliminate
11 satellite registration.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ removes unused definitions;
- 15 ▶ eliminates satellite registration;
- 16 ▶ provides that all voters who attempt to register after the voter registration deadline
17 are registered for later elections, but may not vote in the pending election;
- 18 ▶ permits a provisional ballot to be counted if the person voting was registered to vote
19 anywhere in the state instead of just in the county where the provisional ballot was
20 cast, provided that other, existing voting requirements are met;
- 21 ▶ modifies provisional ballot envelope language; and
- 22 ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 20A-1-102, as last amended by Chapters 16, 264 and 326, Laws of Utah 2006

30 20A-2-102.5, as enacted by Chapter 264, Laws of Utah 2006

31 20A-2-105, as last amended by Chapter 64, Laws of Utah 2002

32 20A-2-201, as last amended by Chapter 264, Laws of Utah 2006

33 20A-4-107, as last amended by Chapter 264, Laws of Utah 2006

34 20A-6-105, as last amended by Chapter 15, Laws of Utah 2006

35 20A-9-804, as last amended by Chapter 355, Laws of Utah 2006

36 REPEALS:

37 20A-2-203, as last amended by Chapter 264, Laws of Utah 2006

38 20A-2-303, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

39 20A-5-201, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

40 20A-5-202, as last amended by Chapter 326, Laws of Utah 2006



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

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

44 **20A-1-102. Definitions.**

45 As used in this title:

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

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

50 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon
51 which a voter records his votes and includes ballot sheets, paper ballots, electronic ballots, and
52 secrecy envelopes.

53 (4) "Ballot sheet":

54 (a) means a ballot that:

55 (i) consists of paper or a card where the voter's votes are marked or recorded; and

56 (ii) can be counted using automatic tabulating equipment; and

57 (b) includes punch card ballots, and other ballots that are machine-countable.

58 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that

59 contain the names of offices and candidates and statements of ballot propositions to be voted
60 on and which are used in conjunction with ballot sheets that do not display that information.

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

64 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
65 20A-4-306 to canvass election returns.

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

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

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

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

74 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
75 the canvass.

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

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

80 (15) "Counting judge" means a poll worker designated to count the ballots during
81 election day.

82 (16) "Counting poll watcher" means a person selected as provided in Section
83 20A-3-201 to witness the counting of ballots.

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

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

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

89 (20) "County officers" means those county officers that are required by law to be

90 elected.

91 (21) "Election" means a regular general election, a municipal general election, a
92 statewide special election, a local special election, a regular primary election, a municipal
93 primary election, and a special district election.

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

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

98 (24) "Election judge" means each canvassing judge, counting judge, and receiving
99 judge.

100 (25) "Election officer" means:

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

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

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

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

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

110 (26) "Election official" means any election officer, election judge, or poll worker~~[, or~~
111 ~~satellite registrar]~~.

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

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

119 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
120 device or other voting device that records and stores ballot information by electronic means.

121 (30) "Electronic voting system" means a system in which a voting device is used in
122 conjunction with ballots so that votes recorded by the voter are counted and tabulated by
123 automatic tabulating equipment.

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

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

128 (33) "Judicial office" means the office filled by any judicial officer.

129 (34) "Judicial officer" means any justice or judge of a court of record or any county
130 court judge.

131 (35) "Local election" means a regular municipal election, a local special election, a
132 special district election, and a bond election.

133 (36) "Local political subdivision" means a county, a municipality, a special district, or
134 a local school district.

135 (37) "Local special election" means a special election called by the governing body of a
136 local political subdivision in which all registered voters of the local political subdivision may
137 vote.

138 (38) "Municipal executive" means:

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

141 (b) the mayor in the council-mayor optional form of government defined in Section
142 10-3-101; and

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

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

148 (40) "Municipal legislative body" means:

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

151 (b) the municipal council in the council-mayor optional form of government defined in

152 Section 10-3-101; and

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

155 (41) "Municipal officers" means those municipal officers that are required by law to be
156 elected.

157 (42) "Municipal primary election" means an election held to nominate candidates for
158 municipal office.

159 (43) "Official ballot" means the ballots distributed by the election officer to the poll
160 workers to be given to voters to record their votes.

161 (44) "Official endorsement" means:

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

163 (i) the ballot as an official ballot;

164 (ii) the date of the election; and

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

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

167 (i) the poll worker's initials; and

168 (ii) the ballot number.

169 (45) "Official register" means the official record furnished to election officials by the
170 election officer that contains the information required by Section 20A-5-401.

171 (46) "Paper ballot" means a paper that contains:

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

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

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

179 (48) (a) "Poll worker" means a person assigned by an election official to assist with an
180 election, voting, or counting votes.

181 (b) "Poll worker" includes election judges.

182 (c) "Poll worker" does not include a watcher.

183 (49) "Pollbook" means a record of the names of voters in the order that they appear to
184 cast votes.

185 (50) "Polling place" means the building where voting is conducted.

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

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

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

190 (b) whose legal right to vote is challenged as provided in this title; or

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

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

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

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

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

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

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

206 [~~(59)~~ (58) "Registration form" means a book voter registration form and a by-mail
207 voter registration form.

208 [~~(60)~~ (59) "Regular ballot" means a ballot that is not a provisional ballot.

209 [~~(61)~~ (60) "Regular general election" means the election held throughout the state on
210 the first Tuesday after the first Monday in November of each even-numbered year for the
211 purposes established in Section 20A-1-201.

212 [~~(62)~~ (61) "Regular primary election" means the election on the fourth Tuesday of
213 June of each even-numbered year, at which candidates of political parties and nonpolitical

214 groups are voted for nomination.

215 ~~[(63)]~~ (62) "Resident" means a person who resides within a specific voting precinct in
216 Utah.

217 ~~[(64)]~~ (63) "Sample ballot" means a mock ballot similar in form to the official ballot
218 printed and distributed as provided in Section 20A-5-405.

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

221 ~~[(66)]~~ (64) "Scratch vote" means to mark or punch the straight party ticket and then
222 mark or punch the ballot for one or more candidates who are members of different political
223 parties.

224 ~~[(67)]~~ (65) "Secrecy envelope" means the envelope given to a voter along with the
225 ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy
226 of the voter's vote.

227 ~~[(68)]~~ (66) "Special district" means those local government entities created under the
228 authority of Title 17A.

229 ~~[(69)]~~ (67) "Special district officers" means those special district officers that are
230 required by law to be elected.

231 ~~[(70)]~~ (68) "Special election" means an election held as authorized by Section
232 20A-1-204.

233 ~~[(71)]~~ (69) "Spoiled ballot" means each ballot that:

- 234 (a) is spoiled by the voter;
235 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
236 (c) lacks the official endorsement.

237 ~~[(72)]~~ (70) "Statewide special election" means a special election called by the governor
238 or the Legislature in which all registered voters in Utah may vote.

239 ~~[(73)]~~ (71) "Stub" means the detachable part of each ballot.

240 ~~[(74)]~~ (72) "Substitute ballots" means replacement ballots provided by an election
241 officer to the poll workers when the official ballots are lost or stolen.

242 ~~[(75)]~~ (73) "Ticket" means each list of candidates for each political party or for each
243 group of petitioners.

244 ~~[(76)]~~ (74) "Transfer case" means the sealed box used to transport voted ballots to the

245 counting center.

246 [~~(77)~~] (75) "Vacancy" means the absence of a person to serve in any position created
247 by statute, whether that absence occurs because of death, disability, disqualification,
248 resignation, or other cause.

249 [~~(78)~~] (76) "Valid voter identification" means:

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

252 (i) a currently valid Utah driver license;

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

254 (A) the state;

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

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

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

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

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

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

262 (vii) a valid tribal identification card; or

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

265 (i) a voter identification card;

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

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

268 (iv) a certified birth certificate;

269 (v) a valid Social Security card;

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

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

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

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

274 (x) certified naturalization documentation;

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

- 276 (xii) a certified copy of court records showing the voter's adoption or name change;
- 277 (xiii) a Bureau of Indian Affairs card;
- 278 (xiv) a tribal treaty card;
- 279 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 280 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
- 281 photograph, but establishes the name of the voter and provides evidence that the voter resides
- 282 in the voting precinct.

283 [~~(79)~~] (77) "Valid write-in candidate" means a candidate who has qualified as a

284 write-in candidate by following the procedures and requirements of this title.

285 [~~(80)~~] (78) "Voter" means a person who meets the requirements for voting in an

286 election, meets the requirements of election registration, is registered to vote, and is listed in

287 the official register book.

288 [~~(81)~~] (79) "Voter registration deadline" means the registration deadline provided in

289 Section 20A-2-102.5.

290 [~~(82)~~] (80) "Voting area" means the area within six feet of the voting booths, voting

291 machines, and ballot box.

292 [~~(83)~~] (81) "Voting booth" means:

- 293 (a) the space or compartment within a polling place that is provided for the preparation
- 294 of ballots, including the voting machine enclosure or curtain; or
- 295 (b) a voting device that is free standing.

296 [~~(84)~~] (82) "Voting device" means:

- 297 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 298 piercing the ballots by the voter;
- 299 (b) a device for marking the ballots with ink or another substance;
- 300 (c) a device used to make selections and cast a ballot electronically, or any component
- 301 thereof;
- 302 (d) an automated voting system under Section 20A-5-302; or
- 303 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 304 by means of automatic tabulating equipment.

305 [~~(85)~~] (83) "Voting machine" means a machine designed for the sole purpose of

306 recording and tabulating votes cast by voters at an election.

307 [(86)] (84) "Voting poll watcher" means a person appointed as provided in this title to
308 witness the distribution of ballots and the voting process.

309 [(87)] (85) "Voting precinct" means the smallest voting unit established as provided by
310 law within which qualified voters vote at one polling place.

311 [(88)] (86) "Watcher" means a voting poll watcher, a counting poll watcher, an
312 inspecting poll watcher, and a testing watcher.

313 [(89)] (87) "Western States Presidential Primary" means the election established in
314 Title 20A, Chapter 9, Part 8.

315 [(90)] (88) "Write-in ballot" means a ballot containing any write-in votes.

316 [(91)] (89) "Write-in vote" means a vote cast for a person whose name is not printed on
317 the ballot according to the procedures established in this title.

318 Section 2. Section **20A-2-102.5** is amended to read:

319 **20A-2-102.5. Voter registration deadline.**

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

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

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

328 Section 3. Section **20A-2-105** is amended to read:

329 **20A-2-105. Determining residency.**

330 (1) Except as provided in Subsection (4), election officials and judges shall apply the
331 standards and requirements of this section when determining whether or not a person is a
332 resident for purposes of interpreting this title or the Utah constitution.

333 (2) A "resident" is a person who resides within a specific voting precinct in Utah.

334 (3) (a) A person resides in Utah if the person:

335 (i) has his principal place of residence within Utah; and

336 (ii) has a present intention to continue residency within Utah permanently or
337 indefinitely.

338 (b) A person resides within a particular voting precinct if the person has, or will have
339 as of the date of the election, his principal place of residence in the voting precinct.

340 (4) (a) The principal place of residence of any person shall be determined by applying
341 the rules contained in this Subsection (4).

342 (b) A person's "principal place of residence" is that place in which the person's
343 habitation is fixed and to which, whenever he is absent, he has the intention of returning.

344 (c) A person has not gained or lost a residence solely because he is present in Utah or
345 in a voting precinct or absent from Utah or his voting precinct because he is:

346 (i) employed in the service of the United States or of Utah;

347 (ii) a student at any institution of learning;

348 (iii) incarcerated in prison or jail; or

349 (iv) residing upon any Indian or military reservation.

350 (d) (i) A member of the armed forces of the United States is not a resident of Utah
351 merely because that member is stationed at any military facility within Utah.

352 (ii) In order to be a resident of Utah, that member must meet the other requirements of
353 this section.

354 (e) (i) Except as provided in Subsection (4)(e)(ii), a person has not lost his residence if
355 that person leaves his home to go into a foreign country or into another state or into another
356 voting precinct within Utah for temporary purposes with the intention of returning.

357 (ii) If that person has voted in that state or voting precinct, the person is a resident of
358 that state or voting precinct.

359 (f) A person is not a resident of any county or voting precinct if that person comes for
360 temporary purposes without intending to make that county his home.

361 (g) If a person removes to another state with the intention of making it his principal
362 place of residence, he loses his residence in Utah.

363 (h) If a person moves to another state with the intent of remaining there for an
364 indefinite time as a place of permanent residence, he loses his residence in Utah, even though
365 he intends to return at some future time.

366 (i) (i) Except as provided in Subsection (4)(i)(ii) the place where a person's family
367 resides is presumed to be his place of residence.

368 (ii) A person may rebut the presumption established in Subsection (4)(i)(i) by proving

369 his intent to remain at a place other than where his family resides.

370 (j) (i) A person has changed his residence if:

371 (A) the person has acted affirmatively to remove himself from one geographic location;

372 and

373 (B) the person has an intent to remain in another place.

374 (ii) There can only be one residence.

375 (iii) A residence cannot be lost until another is gained.

376 (5) In computing the period of residence, a person shall:

377 (a) include the day on which the person's residence begins; and

378 (b) exclude the day of the next election.

379 (6) (a) There is a presumption that a person is a resident of Utah and a voting precinct

380 and intends to remain in Utah permanently or indefinitely if the person makes an oath or

381 affirmation upon a registration application form that his residence address and place of

382 residence is within a specific voting precinct in Utah.

383 (b) The election officers and election officials shall allow that person to register and
384 vote unless, upon a challenge by [~~the satellite~~] a registrar or some other person, it is shown by
385 law or by clear and compelling evidence that:

386 (i) the person does not intend to remain permanently or indefinitely in Utah; or

387 (ii) the person is incarcerated in prison or jail.

388 (7) (a) The rules set forth in this section for determining place of residence for voting
389 purposes do not apply to a person incarcerated in prison or jail.

390 (b) For voting registration purposes, a person incarcerated in prison or jail is
391 considered to reside in the voting precinct in which his place of residence was located before
392 incarceration.

393 (8) If a person's principal place of residence is a residential parcel of one acre in size or
394 smaller that is divided by the boundary line between two or more counties, that person shall be
395 considered a resident of the county in which a majority of the residential parcel lies.

396 Section 4. Section **20A-2-201** is amended to read:

397 **20A-2-201. Registering to vote at office of county clerk.**

398 (1) Except as provided in Subsection (2), the county clerk shall register to vote all
399 persons who present themselves for registration at the county clerk's office during designated

400 office hours if those persons, on voting day, will be legally qualified and entitled to vote in a
 401 voting precinct in the county.

402 (2) ~~[Except as provided in Subsection (3), if]~~ If a registration form is submitted to the
 403 county clerk after the ~~[last day of satellite registration]~~ voter registration deadline as provided
 404 in Section ~~[20A-2-203]~~ 20A-2-102.5, the county clerk shall:

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

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

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

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

416 ~~[(b) inform them that:]~~

417 ~~[(i) they will be registered to vote in the pending election; and]~~

418 ~~[(ii) for the pending election, they must vote on election day and will not be eligible to~~
 419 ~~vote using early voting under Chapter 3, Part 6, Early Voting, because they registered too late.]~~

420 Section 5. Section **20A-4-107** is amended to read:

421 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

423 (a) the voter:

424 (i) is registered to vote in the ~~[county]~~ state;

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

426 (iii) provided valid voter identification to the election judge as indicated by a notation
 427 in the official register;

428 (b) the voter:

429 (i) is registered to vote in the ~~[county]~~ state; and

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

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

432 (c) the voter:

433 (i) is registered to vote in the [county] state;

434 (ii) the judge recorded in the official register that the voter either failed to provide valid
435 voter identification or the documents provided as valid voter identification were inadequate;
436 and

437 (iii) the county clerk verifies the voter's identity and residence through some other
438 means.

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

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

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

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

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

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

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

459 (b) register the voter.

460 Section 6. Section **20A-6-105** is amended to read:

461 **CHAPTER 5. ELECTION ADMINISTRATION**

Part 2. Administration in General

20A-6-105. Provisional ballot envelopes.

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

"AFFIRMATION

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

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

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

Name of Voter _____

First Middle Last

Driver License or Identification Card Number _____

State of Issuance of Driver License or Identification Card Number _____

Date of Birth _____

Street Address of Principal Place of Residence

City County State Zip Code

Telephone Number (optional) _____

Last four digits of Social Security Number _____

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

City County State Zip Code

Voting Precinct (if known)

I, (please print your full name)_____do solemnly swear or affirm:

[~~that~~] That I am currently registered to vote in [_____, County,] the state of Utah[~~; that I have not moved out of the county since the date of the original registration~~] and am eligible to vote in this election; that I have not voted in this election in any other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to vote in [~~this election in~~] this precinct; and

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

497 [3. that I have previously registered to vote in _____, County, Utah;
498 that I have not resided outside of that county since completing that registration; and that I am
499 entitled to vote today; and]

500 [4. ~~subject~~] Subject to penalty of law for false statements, that the information
501 contained in this form is true, and that I am a citizen of the United States and a resident of
502 Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah
503 for the 30 days immediately before this election.

504 Signed _____

505 Dated _____

506 In accordance with Section 20A-3-506, wilfully providing false information above is a
507 class B misdemeanor under Utah law and is punishable by imprisonment and by fine".

508 "CITIZENSHIP AFFIDAVIT

509 Name:

510 Name at birth, if different:

511 Place of birth:

512 Date of birth:

513 Date and place of naturalization (if applicable):

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

517 _____
518 Signature of Applicant

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

522 (2) The provisional ballot envelope shall include:

523 (a) a unique number;

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

527 Section 7. Section **20A-9-804** is amended to read:

528 **20A-9-804. Registration with county clerk.**

529 ~~[(1) Section 20A-2-203 and Section 20A-5-202 do not apply to the Western States~~
 530 ~~Presidential Primary.]~~

531 ~~[(2)(a)]~~ (1) For the Western States Presidential Primary election, each county clerk
 532 shall register to vote all persons who present themselves for registration at the county clerk's
 533 office during designated office hours through the Tuesday before the Tuesday of the Western
 534 States Presidential Primary if those persons, on voting day, will be legally qualified and entitled
 535 to vote in a voting precinct in the county.

536 ~~[(b)]~~ (2) The county clerk shall record the names of person registering to vote during
 537 that period in the official register and direct the election judges to allow those persons to vote
 538 in the Western States Presidential Primary election if they present themselves at the voting
 539 precinct on election day.

540 Section 8. **Repealer.**

541 This bill repeals:

542 Section **20A-2-203, Satellite location -- Registration by satellite registrar.**

543 Section **20A-2-303, Notice of time and place of registration.**

544 Section **20A-5-201, Satellite registrars -- Appointment.**

545 Section **20A-5-202, Satellite registrars -- Duties.**

Legislative Review Note
 as of 1-30-07 12:37 PM

Office of Legislative Research and General Counsel

S.B. 211 - Election Law Changes

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 or businesses. Some counties will experience cost savings from elimination of the satellite registration provision.
