

Senator Scott D. McCoy proposes the following substitute bill:

ELECTION LAW CHANGES

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Election Code to extend provisional ballot eligibility to persons registered anywhere within the state instead of within the county and makes satellite voting registration optimal.

Highlighted Provisions:

This bill:

- ▶ allows, rather than requires, a county clerk to offer satellite voter registration;
- ▶ permits a provisional ballot to be counted if the person voting was registered to vote anywhere in the state instead of only in the county where the provisional ballot was cast, provided that other, existing voting requirements are met;
- ▶ modifies provisional ballot envelope language; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 20A-2-203, as last amended by Chapter 264, Laws of Utah 2006
- 27 20A-2-303, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session
- 28 20A-4-107, as last amended by Chapter 264, Laws of Utah 2006
- 29 20A-5-201, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session
- 30 20A-6-105, as last amended by Chapter 15, Laws of Utah 2006



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

32 Section 1. Section 20A-2-203 is amended to read:

33 **20A-2-203. Optimal satellite location registration -- Registration by satellite**
34 **registrar.**

35 (1) (a) Each county clerk, at the county clerk's discretion, may offer satellite voter
36 registration, provided that the satellite registration is provided in accordance with the
37 requirements of this title.

38 ~~(a)~~ (b) ~~[Each]~~ If the county clerk elects to offer satellite registration, the county clerk
39 shall designate sufficient satellite registration locations to ensure that voters in all parts of the
40 county have the opportunity to register to vote.

41 ~~(b)~~ (c) A county clerk may designate as many satellite locations as desired.

42 (2) (a) Any person who meets the voter registration requirements may register to vote
43 with a satellite registrar at any satellite location within the person's county of residence between
44 8 a.m. and 8 p.m.:

45 (i) on the Friday and Monday, the fifteenth and eighteenth day, before the regular
46 primary election in counties holding a primary election;

47 (ii) on the Friday and Monday, the fifteenth and eighteenth day, before the regular
48 general election;

49 (iii) on the Friday and Monday, the fifteenth and eighteenth day, before the municipal
50 primary election in municipalities holding a municipal primary election; and

51 (iv) on the Friday and Monday, the fifteenth and eighteenth day, before the municipal
52 general election.

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

54 (i) present themselves for registration; and

55 (ii) are legally qualified and entitled to vote in that voting precinct on election day.
56

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

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

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

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

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

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

68 Section 2. Section **20A-2-303** is amended to read:

69 **20A-2-303. Notice of time and place of registration.**

70 (1) [~~The~~] If satellite registration is offered under Section 20A-2-203, the election
71 officer shall give notice of satellite voter registration by publishing the notice in one issue of a
72 newspaper of general circulation in the county at least five days before the day of satellite voter
73 registration.

74 (2) The notice of satellite voter registration shall:

75 (a) be signed by the county clerk;

76 (b) identify the time and place for satellite voter registration.

77 Section 3. Section **20A-4-107** is amended to read:

78 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

80 (a) the voter:

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

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

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

85 (b) the voter:

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

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

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

89 (c) the voter:

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

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

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

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

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

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

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

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

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

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

116 (b) register the voter.

117 Section 4. Section **20A-5-201** is amended to read:

118 **20A-5-201. Satellite registrars -- Appointment.**

119 (1) [~~Each~~] If satellite registration is being offered in a county, the county legislative
120 body shall appoint one or more persons to act as satellite registrars for each satellite location.

121 (2) (a) [~~The~~] If satellite registration is being offered in a county, the county legislative
122 body shall appoint satellite registrars every two years at the regular meeting of the county
123 legislative body held nearest to the first day of the May before the regular general election.

124 (b) The county legislative body shall appoint satellite registrars to serve two-year
125 terms, but may remove them at any time for cause.

126 (c) The county legislative body may not appoint a person who is a candidate for, or
127 who holds, an elective state, county, municipal, school district, special district, or other public
128 office to be a satellite registrar.

129 (d) A person who is a candidate for, or who holds, an elective state, county, municipal,
130 school district, special district, or other public office may not act as a satellite registrar.

131 (e) A satellite registrar may also serve as an election judge.

132 (f) The county clerk shall provide each satellite registrar with written notice of his
133 appointment.

134 (3) (a) Each county legislative body shall provide each satellite registrar with all books,
135 stationery, and other supplies necessary to carry out the provisions of this chapter.

136 (b) The satellite registrar shall return all remaining materials to the county clerk, or to a
137 person designated by the county clerk, when his appointment ends.

138 (4) A satellite registrar who resigns shall:

139 (a) notify the county clerk of that fact; and

140 (b) deliver to the county clerk, or to another person designated by the county clerk, the
141 books, forms, maps, and materials in the agent's possession that pertain to the office.

142 (5) (a) (i) The county clerk, upon receipt of notice of the death, disqualification, or
143 resignation of any satellite registrar after the opening and before the closing of the registration
144 books, shall immediately, without giving notice, appoint some competent person to fill the
145 vacancy.

146 (ii) The person appointed shall qualify within two days after receiving notice of the
147 appointment.

148 (b) (i) If a satellite registrar is sick or otherwise unable to serve on a designated
149 registration day, the satellite registrar shall select a responsible adult to perform the agent's

150 duties on that day.

151 (ii) The county clerk shall approve the substituted adult.

152 (iii) The substitute shall use the original designated satellite location.

153 (6) (a) Before entering upon the duties prescribed in this chapter, each satellite registrar
154 shall:

155 (i) take and subscribe the oath of office required by Article IV, Sec. 10, Utah
156 Constitution, before any person authorized to administer an oath; and

157 (ii) file the oath with the county clerk.

158 (b) Each county legislative body shall establish a per diem as compensation for all
159 services provided by satellite registrars.

160 (7) The county clerk shall make detailed entries of all proceedings had under this
161 chapter and notify in writing the satellite registrars of their appointment.

162 Section 5. Section **20A-6-105** is amended to read:

163 **20A-6-105. Provisional ballot envelopes.**

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

166 "AFFIRMATION

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

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

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

171 Name of Voter _____

172 First Middle Last

173 Driver License or Identification Card Number _____

174 State of Issuance of Driver License or Identification Card Number _____

175 Date of Birth _____

176 Street Address of Principal Place of Residence

177 _____

178 City County State Zip Code

179 Telephone Number (optional) _____

180 Last four digits of Social Security Number _____

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

182 _____

183 City County State Zip Code

184 Voting Precinct (if known)

185 _____

186 I, (please print your full name) _____ do solemnly swear or
187 affirm:

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

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

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

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

204 Signed _____

205 Dated _____

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

208 "CITIZENSHIP AFFIDAVIT

209 Name:

210 Name at birth, if different:

211 Place of birth:

212 Date of birth:

213 Date and place of naturalization (if applicable):

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

217 _____
218 Signature of Applicant

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

222 (2) The provisional ballot envelope shall include:

223 (a) a unique number;

224 (b) a detachable part that includes the unique number; and

225 (c) a telephone number, internet address, or other indicator of a means, in accordance
226 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.