

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: Mark W. Walker

LONG TITLE

General Description:

This bill amends provisions of the Election Code to extend provisional ballot eligibility to persons registered anywhere within the state instead of within the county and to replace satellite registration with an extended registration period.

Highlighted Provisions:

This bill:

- ▶ removes unused definitions;
- ▶ eliminates satellite registration;
- ▶ provides that voters who register in person at the office of the county clerk after the voter registration deadline but at least 15 days before the date of the election may vote on the day of the election, but not during early voting;
- ▶ permits a provisional ballot to be counted if the person voting was registered to vote anywhere in the state instead of just 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



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-1-102**, as last amended by Chapters 16, 264 and 326, Laws of Utah 2006

31 **20A-2-102.5**, as enacted by Chapter 264, Laws of Utah 2006

32 **20A-2-105**, as last amended by Chapter 64, Laws of Utah 2002

33 **20A-2-201**, as last amended by Chapter 264, Laws of Utah 2006

34 **20A-4-107**, as last amended by Chapter 264, Laws of Utah 2006

35 **20A-6-105**, as last amended by Chapter 15, Laws of Utah 2006

36 **20A-9-804**, as last amended by Chapter 355, Laws of Utah 2006

37 REPEALS:

38 **20A-2-203**, as last amended by Chapter 264, Laws of Utah 2006

39 **20A-2-303**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

40 **20A-5-201**, as last amended by Chapter 3, Laws of Utah 1996, Second Special Session

41 **20A-5-202**, as last amended by Chapter 326, Laws of Utah 2006



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

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

45 **20A-1-102. Definitions.**

46 As used in this title:

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

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

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

54 (4) "Ballot sheet":

55 (a) means a ballot that:

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

- 57 (ii) can be counted using automatic tabulating equipment; and
58 (b) includes punch card ballots, and other ballots that are machine-countable.
59 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
60 contain the names of offices and candidates and statements of ballot propositions to be voted
61 on and which are used in conjunction with ballot sheets that do not display that information.
62 (6) "Ballot proposition" means opinion questions specifically authorized by the
63 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions
64 that are submitted to the voters for their approval or rejection.
65 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
66 20A-4-306 to canvass election returns.
67 (8) "Bond election" means an election held for the purpose of approving or rejecting
68 the proposed issuance of bonds by a government entity.
69 (9) "Book voter registration form" means voter registration forms contained in a bound
70 book that are used by election officers and registration agents to register persons to vote.
71 (10) "By-mail voter registration form" means a voter registration form designed to be
72 completed by the voter and mailed to the election officer.
73 (11) "Canvass" means the review of election returns and the official declaration of
74 election results by the board of canvassers.
75 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
76 the canvass.
77 (13) "Convention" means the political party convention at which party officers and
78 delegates are selected.
79 (14) "Counting center" means one or more locations selected by the election officer in
80 charge of the election for the automatic counting of ballots.
81 (15) "Counting judge" means a poll worker designated to count the ballots during
82 election day.
83 (16) "Counting poll watcher" means a person selected as provided in Section
84 20A-3-201 to witness the counting of ballots.
85 (17) "Counting room" means a suitable and convenient private place or room,
86 immediately adjoining the place where the election is being held, for use by the counting
87 judges to count ballots during election day.

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

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

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

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

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

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

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

101 (25) "Election officer" means:

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

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

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

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

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

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

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

116 (28) "Election returns" includes the pollbook, all affidavits of registration, the military
117 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
118 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all

119 spoiled ballots, the ballot disposition form, and the total votes cast form.

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

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

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

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

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

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

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

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

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

139 (38) "Municipal executive" means:

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

142 (b) the mayor in the council-mayor optional form of government defined in Section
143 10-3-101; and

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

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

149 (40) "Municipal legislative body" means:

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

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

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

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

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

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

162 (44) "Official endorsement" means:

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

164 (i) the ballot as an official ballot;

165 (ii) the date of the election; and

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

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

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

169 (ii) the ballot number.

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

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

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

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

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

180 (48) (a) "Poll worker" means a person assigned by an election official to assist with an

181 election, voting, or counting votes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

209 [~~(60)~~ (59) "Regular ballot" means a ballot that is not a provisional ballot.

210 [~~(61)~~ (60) "Regular general election" means the election held throughout the state on
211 the first Tuesday after the first Monday in November of each even-numbered year for the

212 purposes established in Section 20A-1-201.

213 ~~[(62)]~~ (61) "Regular primary election" means the election on the fourth Tuesday of
214 June of each even-numbered year, at which candidates of political parties and nonpolitical
215 groups are voted for nomination.

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

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

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

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

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

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

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

232 ~~[(70)]~~ (68) "Special election" means an election held as authorized by Section
233 20A-1-204.

234 ~~[(71)]~~ (69) "Spoiled ballot" means each ballot that:

235 (a) is spoiled by the voter;

236 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

237 (c) lacks the official endorsement.

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

240 ~~[(73)]~~ (71) "Stub" means the detachable part of each ballot.

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

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

245 [~~(76)~~] (74) "Transfer case" means the sealed box used to transport voted ballots to the
246 counting center.

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

250 [~~(78)~~] (76) "Valid voter identification" means:

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

253 (i) a currently valid Utah driver license;

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

255 (A) the state;

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

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

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

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

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

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

263 (vii) a valid tribal identification card; or

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

266 (i) a voter identification card;

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

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

269 (iv) a certified birth certificate;

270 (v) a valid Social Security card;

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

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

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

- 274 (ix) a currently valid United States military identification card;
- 275 (x) certified naturalization documentation;
- 276 (xi) a currently valid license issued by an authorized agency of the United States;
- 277 (xii) a certified copy of court records showing the voter's adoption or name change;
- 278 (xiii) a Bureau of Indian Affairs card;
- 279 (xiv) a tribal treaty card;
- 280 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 281 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
- 282 photograph, but establishes the name of the voter and provides evidence that the voter resides
- 283 in the voting precinct.

284 ~~[(79)]~~ (77) "Valid write-in candidate" means a candidate who has qualified as a

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

286 ~~[(80)]~~ (78) "Voter" means a person who meets the requirements for voting in an

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

288 the official register book.

289 ~~[(81)]~~ (79) "Voter registration deadline" means the registration deadline provided in

290 Section 20A-2-102.5.

291 ~~[(82)]~~ (80) "Voting area" means the area within six feet of the voting booths, voting

292 machines, and ballot box.

293 ~~[(83)]~~ (81) "Voting booth" means:

294 (a) the space or compartment within a polling place that is provided for the preparation

295 of ballots, including the voting machine enclosure or curtain; or

296 (b) a voting device that is free standing.

297 ~~[(84)]~~ (82) "Voting device" means:

298 (a) an apparatus in which ballot sheets are used in connection with a punch device for

299 piercing the ballots by the voter;

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

301 (c) a device used to make selections and cast a ballot electronically, or any component

302 thereof;

303 (d) an automated voting system under Section 20A-5-302; or

304 (e) any other method for recording votes on ballots so that the ballot may be tabulated

305 by means of automatic tabulating equipment.

306 [(85)] (83) "Voting machine" means a machine designed for the sole purpose of
307 recording and tabulating votes cast by voters at an election.

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

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

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

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

316 [(90)] (88) "Write-in ballot" means a ballot containing any write-in votes.

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

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

320 **20A-2-102.5. Voter registration deadline.**

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

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

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

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

330 **20A-2-105. Determining residency.**

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

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

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

- 336 (i) has his principal place of residence within Utah; and
337 (ii) has a present intention to continue residency within Utah permanently or
338 indefinitely.
- 339 (b) A person resides within a particular voting precinct if the person has, or will have
340 as of the date of the election, his principal place of residence in the voting precinct.
- 341 (4) (a) The principal place of residence of any person shall be determined by applying
342 the rules contained in this Subsection (4).
- 343 (b) A person's "principal place of residence" is that place in which the person's
344 habitation is fixed and to which, whenever he is absent, he has the intention of returning.
- 345 (c) A person has not gained or lost a residence solely because he is present in Utah or
346 in a voting precinct or absent from Utah or his voting precinct because he is:
- 347 (i) employed in the service of the United States or of Utah;
348 (ii) a student at any institution of learning;
349 (iii) incarcerated in prison or jail; or
350 (iv) residing upon any Indian or military reservation.
- 351 (d) (i) A member of the armed forces of the United States is not a resident of Utah
352 merely because that member is stationed at any military facility within Utah.
- 353 (ii) In order to be a resident of Utah, that member must meet the other requirements of
354 this section.
- 355 (e) (i) Except as provided in Subsection (4)(e)(ii), a person has not lost his residence if
356 that person leaves his home to go into a foreign country or into another state or into another
357 voting precinct within Utah for temporary purposes with the intention of returning.
- 358 (ii) If that person has voted in that state or voting precinct, the person is a resident of
359 that state or voting precinct.
- 360 (f) A person is not a resident of any county or voting precinct if that person comes for
361 temporary purposes without intending to make that county his home.
- 362 (g) If a person removes to another state with the intention of making it his principal
363 place of residence, he loses his residence in Utah.
- 364 (h) If a person moves to another state with the intent of remaining there for an
365 indefinite time as a place of permanent residence, he loses his residence in Utah, even though
366 he intends to return at some future time.

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

369 (ii) A person may rebut the presumption established in Subsection (4)(i)(i) by proving
370 his intent to remain at a place other than where his family resides.

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

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

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

375 (ii) There can only be one residence.

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

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

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

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

380 (6) (a) There is a presumption that a person is a resident of Utah and a voting precinct
381 and intends to remain in Utah permanently or indefinitely if the person makes an oath or
382 affirmation upon a registration application form that his residence address and place of
383 residence is within a specific voting precinct in Utah.

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

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

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

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

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

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

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

398 **20A-2-201. Registering to vote at office of county clerk.**

399 (1) Except as provided in Subsection ~~[(2)]~~ (3), the county clerk shall register to vote all
400 persons who present themselves for registration at the county clerk's office during designated
401 office hours if those persons, on voting day, will be legally qualified and entitled to vote in a
402 voting precinct in the county.

403 (2) If a registration form is submitted in person at the office of the county clerk during
404 the period beginning on the date after the voter registration deadline and ending on the date that
405 is 15 calendar days before the date of the election of the county clerk shall:

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

409 (b) inform them that:

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

411 (ii) for the pending election, they must vote on the day of the election and will not be
412 eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they
413 registered too late.

414 ~~[(2)]~~ (3) Except as provided in Subsection (3), if a registration form is submitted to the
415 county clerk ~~[after the last day of satellite registration as provided in Section 20A-2-203]~~ on
416 the date of the election or during the 14 calendar days before an election, the county clerk shall:

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

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

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

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

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

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

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

433 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

435 (a) the voter:

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

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

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

440 (b) the voter:

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

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

444 (c) the voter:

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

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

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

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

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

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

460 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from
461 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with
462 those ballots at the canvass.

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

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

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

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

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

473 **CHAPTER 5. ELECTION ADMINISTRATION**

474 **Part 2. Administration in General**

475 **20A-6-105. Provisional ballot envelopes.**

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

478 "AFFIRMATION

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

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

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

483 Name of Voter _____

484 First Middle Last

485 Driver License or Identification Card Number _____

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

487 Date of Birth _____

488 Street Address of Principal Place of Residence

489 _____

490 City County State Zip Code

491 Telephone Number (optional) _____

492 Last four digits of Social Security Number _____

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

494 _____

495 City County State Zip Code

496 Voting Precinct (if known)

497 _____

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

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

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

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

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

516 Signed _____

517 Dated _____

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

520 "CITIZENSHIP AFFIDAVIT

521 Name:

522 Name at birth, if different:

523 Place of birth:

524 Date of birth:

525 Date and place of naturalization (if applicable):

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

529 _____
530 Signature of Applicant

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

534 (2) The provisional ballot envelope shall include:

535 (a) a unique number;

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

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

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

540 **20A-9-804. Registration with county clerk.**

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

543 [(~~2~~)(a)] (1) For the Western States Presidential Primary election, each county clerk
544 shall register to vote all persons who present themselves for registration at the county clerk's
545 office during designated office hours through the Tuesday before the Tuesday of the Western
546 States Presidential Primary if those persons, on voting day, will be legally qualified and entitled
547 to vote in a voting precinct in the county.

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

552 Section 8. **Repealer.**

- 553 This bill repeals:
- 554 Section **20A-2-203, Satellite location -- Registration by satellite registrar.**
- 555 Section **20A-2-303, Notice of time and place of registration.**
- 556 Section **20A-5-201, Satellite registrars -- Appointment.**
- 557 Section **20A-5-202, Satellite registrars -- Duties.**

S.B. 211 3rd Sub. (Ivory) - 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 the elimination of satellite registration.
