

**Representative Stephen E. Sandstrom** proposes the following substitute bill:

**ELECTION LAW CHANGES**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: \_\_\_\_\_

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**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 optional.

**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.

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218

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Signature of Applicant

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220

221

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

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(2) The provisional ballot envelope shall include:

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(a) a unique number;

224

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

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(c) a telephone number, internet address, or other indicator of a means, in accordance

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with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.