

VOTER IDENTIFICATION FOR ELECTIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Mark B. Madsen

Cosponsors:	Christopher N. Herrod	Kenneth W. Sumsion
Brad L. Dee	Rebecca D. Lockhart	Carl Wimmer
Craig A. Frank	Stephen E. Sandstrom	

LONG TITLE

General Description:

This bill requires that a voter present identification before being allowed to vote.

Highlighted Provisions:

This bill:

- ▶ requires identification of voters and eliminates certain forms of identification as valid voter identification;
- ▶ requires valid voter identification be presented before a voter may vote;
- ▶ provides for a fee waiver for an application for an identification card by certain indigent applicants;
- ▶ allows the Driver License Division to seek certain information from the Tax Commission to verify a person's indigency;
- ▶ changes or eliminates various provisions addressing the language in voter registration forms, the need for valid voter identification, and the definition of "legally entitled to vote"; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **20A-1-102**, as last amended by Laws of Utah 2008, Chapters 19, 170, 315, and 360

33 **20A-2-104**, as last amended by Laws of Utah 2008, Chapter 382

34 **20A-2-202**, as last amended by Laws of Utah 2006, Chapters 264 and 326

35 **20A-3-104**, as last amended by Laws of Utah 2006, Chapters 264 and 326

36 **20A-3-104.5**, as last amended by Laws of Utah 2008, Chapter 329

37 **20A-4-107**, as last amended by Laws of Utah 2007, Chapters 75 and 285

38 **20A-5-401**, as last amended by Laws of Utah 2007, Chapter 329

39 **20A-5-403**, as last amended by Laws of Utah 2008, Chapter 80

40 **53-3-102**, as last amended by Laws of Utah 2008, Chapter 322

41 **53-3-105**, as last amended by Laws of Utah 2008, Chapter 304

42 **53-3-808**, as renumbered and amended by Laws of Utah 1993, Chapter 234

43 **59-1-403**, as last amended by Laws of Utah 2008, Chapters 3, 382, and 384



44
45 *Be it enacted by the Legislature of the state of Utah:*

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

47 **20A-1-102. Definitions.**

48 As used in this title:

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

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

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

56 (4) "Ballot sheet":

57 (a) means a ballot that:

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

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

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

61 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
62 contain the names of offices and candidates and statements of ballot propositions to be voted
63 on and which are used in conjunction with ballot sheets that do not display that information.

64 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
65 on the ballot for their approval or rejection including:

66 (a) an opinion question specifically authorized by the Legislature;

67 (b) a constitutional amendment;

68 (c) an initiative;

69 (d) a referendum;

70 (e) a bond proposition;

71 (f) a judicial retention question; or

72 (g) any other ballot question specifically authorized by the Legislature.

73 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
74 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

92 (16) "Counting poll watcher" means a person selected as provided in Section
93 20A-3-201 to witness the counting of ballots.

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

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

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

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

101 (21) "Election" means a regular general election, a municipal general election, a
102 statewide special election, a local special election, a regular primary election, a municipal
103 primary election, and a local district election.

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

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

108 (24) "Election judge" means a poll worker that is assigned to:

- 109 (a) preside over other poll workers at a polling place;
- 110 (b) act as the presiding election judge; or
- 111 (c) serve as a canvassing judge, counting judge, or receiving judge.

112 (25) "Election officer" means:

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

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

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

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

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

122 (26) "Election official" means any election officer, election judge, or poll worker.

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

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

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

132 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.

133 (b) "Electronic voting device" includes a direct recording electronic voting device.

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

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

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

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

141 (35) "Local district" means a local government entity under Title 17B, Limited

142 Purpose Local Government Entities - Local Districts, and includes a special service district
143 under Title 17D, Chapter 1, Special Service District Act.

144 (36) "Local district officers" means those local district officers that are required by law
145 to be elected.

146 (37) "Local election" means a regular municipal election, a local special election, a
147 local district election, and a bond election.

148 (38) "Local political subdivision" means a county, a municipality, a local district, or a
149 local school district.

150 (39) "Local special election" means a special election called by the governing body of
151 a local political subdivision in which all registered voters of the local political subdivision may
152 vote.

153 (40) "Municipal executive" means:

154 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
155 and

156 (b) the mayor in the council-manager form of government defined in Subsection
157 10-3b-103(6).

158 (41) "Municipal general election" means the election held in municipalities and local
159 districts on the first Tuesday after the first Monday in November of each odd-numbered year
160 for the purposes established in Section 20A-1-202.

161 (42) "Municipal legislative body" means the council of the city or town in any form of
162 municipal government.

163 (43) "Municipal officers" means those municipal officers that are required by law to
164 be elected.

165 (44) "Municipal primary election" means an election held to nominate candidates for
166 municipal office.

167 (45) "Official ballot" means the ballots distributed by the election officer to the poll
168 workers to be given to voters to record their votes.

169 (46) "Official endorsement" means:

- 170 (a) the information on the ballot that identifies:
171 (i) the ballot as an official ballot;
172 (ii) the date of the election; and
173 (iii) the facsimile signature of the election officer; and
174 (b) the information on the ballot stub that identifies:
175 (i) the poll worker's initials; and
176 (ii) the ballot number.
- 177 (47) "Official register" means the official record furnished to election officials by the
178 election officer that contains the information required by Section 20A-5-401.
- 179 (48) "Paper ballot" means a paper that contains:
180 (a) the names of offices and candidates and statements of ballot propositions to be
181 voted on; and
182 (b) spaces for the voter to record his vote for each office and for or against each ballot
183 proposition.
- 184 (49) "Political party" means an organization of registered voters that has qualified to
185 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party
186 Formation and Procedures.
- 187 (50) (a) "Poll worker" means a person assigned by an election official to assist with an
188 election, voting, or counting votes.
189 (b) "Poll worker" includes election judges.
190 (c) "Poll worker" does not include a watcher.
- 191 (51) "Pollbook" means a record of the names of voters in the order that they appear to
192 cast votes.
- 193 (52) "Polling place" means the building where voting is conducted.
- 194 (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
195 in which the voter marks his choice.
- 196 (54) "Provisional ballot" means a ballot voted provisionally by a person:
197 (a) whose name is not listed on the official register at the polling place;

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

199 (c) whose identity was not sufficiently established by a poll worker.

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

203 (56) "Primary convention" means the political party conventions at which nominees
204 for the regular primary election are selected.

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

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

209 (59) "Receiving judge" means the poll worker that checks the voter's name in the
210 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
211 after the voter has voted.

212 (60) "Registration form" means a book voter registration form and a by-mail voter
213 registration form.

214 (61) "Regular ballot" means a ballot that is not a provisional ballot.

215 (62) "Regular general election" means the election held throughout the state on the
216 first Tuesday after the first Monday in November of each even-numbered year for the purposes
217 established in Section 20A-1-201.

218 (63) "Regular primary election" means the election on the fourth Tuesday of June of
219 each even-numbered year, at which candidates of political parties and nonpolitical groups are
220 voted for nomination.

221 (64) "Resident" means a person who resides within a specific voting precinct in Utah.

222 (65) "Sample ballot" means a mock ballot similar in form to the official ballot printed
223 and distributed as provided in Section 20A-5-405.

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

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

229 (68) "Special election" means an election held as authorized by Section 20A-1-204.

230 (69) "Spoiled ballot" means each ballot that:

231 (a) is spoiled by the voter;

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

233 (c) lacks the official endorsement.

234 (70) "Statewide special election" means a special election called by the governor or the
235 Legislature in which all registered voters in Utah may vote.

236 (71) "Stub" means the detachable part of each ballot.

237 (72) "Substitute ballots" means replacement ballots provided by an election officer to
238 the poll workers when the official ballots are lost or stolen.

239 (73) "Ticket" means each list of candidates for each political party or for each group of
240 petitioners.

241 (74) "Transfer case" means the sealed box used to transport voted ballots to the
242 counting center.

243 (75) "Vacancy" means the absence of a person to serve in any position created by
244 statute, whether that absence occurs because of death, disability, disqualification, resignation,
245 or other cause.

246 (76) "Valid voter identification" means:

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

249 (i) a currently valid Utah driver license;

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

251 (A) the state; or

252 ~~[(B) a local government within the state; or]~~

253 ~~[(C)]~~ (B) a branch, department, or agency of the United States;

254 ~~[(iii) an identification card that is issued by an employer for an employee;]~~
255 ~~[(iv) a currently valid identification card that is issued by a college, university,~~
256 ~~technical school, or professional school that is located within the state;]~~
257 ~~[(v)] (iii) a currently valid Utah permit to carry a concealed weapon;~~
258 ~~[(vi)] (iv) a currently valid United States passport; or~~
259 ~~[(vii)] (v) a valid tribal identification card~~;~~ or, whether or not the card includes a~~
260 ~~photograph of the voter;~~
261 (b) two forms of identification that bear the name of the voter and provide evidence
262 that the voter resides in the voting precinct, which may include:
263 ~~[(i) a voter identification card;]~~
264 ~~[(ii)] (i) a current utility bill or a legible copy thereof, dated within the 90 days before~~
265 ~~the election;~~
266 ~~[(iii)] (ii) a bank or other financial account statement, or a legible copy thereof;~~
267 ~~[(iv)] (iii) a certified birth certificate;~~
268 ~~[(v)] (iv) a valid Social Security card;~~
269 ~~[(vi)] (v) a check issued by the state or the federal government or a legible copy~~
270 ~~thereof;~~
271 ~~[(vii)] (vi) a paycheck from the voter's employer, or a legible copy thereof;~~
272 ~~[(viii)] (vii) a currently valid Utah hunting or fishing license;~~
273 ~~[(ix)] (viii) a currently valid United States military identification card;~~
274 ~~[(x)] (ix) certified naturalization documentation;~~
275 ~~[(xi)] (x) a currently valid license issued by an authorized agency of the United States;~~
276 ~~[(xii)] (xi) a certified copy of court records showing the voter's adoption or name~~
277 ~~change;~~
278 ~~[(xiii)] (xii) a Bureau of Indian Affairs card;~~
279 ~~[(xiv)] (xiii) a tribal treaty card;~~
280 ~~[(xv)] (xiv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer~~
281 ~~Card; ~~or~~~~

282 (xv) a currently valid identification card issued by:
283 (A) a local government within the state;
284 (B) an employer for an employee; or
285 (C) a college, university, technical school, or professional school located within the
286 state;

287 (xvi) a current Utah vehicle registration; or
288 ~~[(xvi)]~~ (xvii) a form of identification listed in Subsection (76)(a) that does not contain
289 a photograph, but establishes the name of the voter and provides evidence that the voter
290 resides in the voting precinct, if at least one other form of identification listed in Subsection
291 (76)(b)(i) through (xv) is also presented.

292 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
293 candidate by following the procedures and requirements of this title.

294 (78) "Voter" means a person who meets the requirements for voting in an election,
295 meets the requirements of election registration, is registered to vote, and is listed in the official
296 register book.

297 (79) "Voter registration deadline" means the registration deadline provided in Section
298 20A-2-102.5.

299 (80) "Voting area" means the area within six feet of the voting booths, voting
300 machines, and ballot box.

301 (81) "Voting booth" means:

302 (a) the space or compartment within a polling place that is provided for the
303 preparation of ballots, including the voting machine enclosure or curtain; or

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

305 (82) "Voting device" means:

306 (a) an apparatus in which ballot sheets are used in connection with a punch device for
307 piercing the ballots by the voter;

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

309 (c) an electronic voting device or other device used to make selections and cast a ballot

310 electronically, or any component thereof;

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

312 (e) any other method for recording votes on ballots so that the ballot may be tabulated
313 by means of automatic tabulating equipment.

314 (83) "Voting machine" means a machine designed for the sole purpose of recording
315 and tabulating votes cast by voters at an election.

316 (84) "Voting poll watcher" means a person appointed as provided in this title to
317 witness the distribution of ballots and the voting process.

318 (85) "Voting precinct" means the smallest voting unit established as provided by law
319 within which qualified voters vote at one polling place.

320 (86) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting
321 poll watcher, and a testing watcher.

322 (87) "Western States Presidential Primary" means the election established in Title
323 20A, Chapter 9, Part 8.

324 (88) "Write-in ballot" means a ballot containing any write-in votes.

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

327 Section 2. Section **20A-2-104** is amended to read:

328 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

329 (1) Every person applying to be registered shall complete a registration form printed in
330 substantially the following form:

331 -----

332 UTAH ELECTION REGISTRATION FORM

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

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

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

336 Name of Voter

337 _____

Enrolled Copy

H.B. 126

338 First Middle Last
339 Driver License or Identification Card Number _____
340 State of issuance of Driver License or Identification Card
341 Date of Birth _____
342 Street Address of Principal Place of Residence
343 _____

344 _____
345 City County State Zip Code
346 Telephone Number (optional) _____
347 Last four digits of Social Security Number _____
348 Last former address at which I was registered to vote (if
349 known) _____
350 _____

351 _____
352 City County State Zip Code

353 Political Party
354 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by
355 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a
356 checkbox)
357 Unaffiliated (no political party preference) Other (Please
358 specify) _____

359 I do swear (or affirm), subject to penalty of law for false statements, that the
360 information contained in this form is true, and that I am a citizen of the United States and a
361 resident of the state of Utah, residing at the above address. I will be at least 18 years old and
362 will have resided in Utah for 30 days immediately before the next election. I am not a
363 convicted felon currently incarcerated for commission of a felony.

364 Signed and sworn
365 _____

366 Voter's Signature

367 _____(month/day/year).

368 CITIZENSHIP AFFIDAVIT

369 Name:

370 Name at birth, if different:

371 Place of birth:

372 Date of birth:

373 Date and place of naturalization (if applicable):

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

377 _____

378 Signature of Applicant

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

382 NOTICE: IN ORDER TO BE ALLOWED TO VOTE [~~IN A VOTING PRECINCT FOR THE~~
383 ~~FIRST TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE~~
384 ~~DATE OF THE ELECTION~~], YOU MUST PRESENT VALID VOTER IDENTIFICATION
385 TO THE POLL WORKER BEFORE VOTING [~~AS FOLLOWS: (1)~~], WHICH MUST BE A
386 VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME[;] AND
387 PHOTOGRAPH[; ~~AND CURRENT ADDRESS~~]; OR
388 [(2)] TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
389 CURRENT ADDRESS.

390 FOR OFFICIAL USE ONLY

391 Type of I.D. _____

392 Voting Precinct _____

393 Voting I.D. Number _____

394 -----

395 (2) The county clerk shall retain a copy in a permanent countywide alphabetical file,
396 which may be electronic or some other recognized system.

397 (3) (a) Each county clerk shall retain lists of currently registered voters.

398 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

399 (c) If there are any discrepancies between the two lists, the county clerk's list is the
400 official list.

401 (d) The lieutenant governor and the county clerks may charge the fees established
402 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of
403 the list of registered voters.

404 (4) When political parties not listed on the voter registration form qualify as registered
405 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
406 lieutenant governor shall inform the county clerks about the name of the new political party
407 and direct the county clerks to ensure that the voter registration form is modified to include
408 that political party.

409 (5) Upon receipt of a voter registration form from an applicant, the county clerk or the
410 clerk's designee shall:

411 (a) review each voter registration form for completeness and accuracy; and

412 (b) if the county clerk believes, based upon a review of the form, that a person may be
413 seeking to register to vote who is not legally entitled to register to vote, refer the form to the
414 county attorney for investigation and possible prosecution.

415 Section 3. Section **20A-2-202** is amended to read:

416 **20A-2-202. Registration by mail.**

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

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

420 (c) [~~(f)~~] In order to register to vote in a particular election, the citizen shall:

421 [~~(A)~~] (i) address the by-mail voter registration form to the county clerk; and

422 ~~[(B)]~~ (ii) ensure that it is postmarked on or before the voter registration deadline.

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

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

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

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

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

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

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

435 (3) (a) If the county clerk receives a correctly completed by-mail voter registration
436 form that is postmarked after the voter registration deadline, the county clerk shall:

437 (i) register the applicant after the next election; and

438 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
439 informing the applicant that his registration will not be effective until after the election.

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

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

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

445 (4) If the county clerk determines that a registration form received by mail or
446 otherwise is incorrect because of an error or because it is incomplete, the county clerk shall
447 mail notice to the person attempting to register, informing him that he has not been registered
448 because of an error or because the form is incomplete.

449 Section 4. Section **20A-3-104** is amended to read:

450 **20A-3-104. Manner of voting.**

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

453 (b) The voter shall present valid voter identification to one of the poll workers [~~if the~~
 454 ~~voter is:~~].

455 [~~(i) required to present valid voter identification as indicated by a notation in the~~
 456 ~~official register;~~]

457 [~~(ii) voting in person by absentee ballot; or]~~

458 [~~(iii) voting during the early voting period.]~~

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

462 [~~(i) request that the voter present valid voter identification; or]~~

463 [~~(ii) have the voter identified by a known registered voter of the district.]~~

464 [~~(d) If the poll worker is satisfied that the voter has been properly identified, the poll~~
 465 ~~worker shall:]~~

466 [~~(i) record the type of identification provided by the voter in the appropriate space in~~
 467 ~~the official register; and]~~

468 [~~(ii) follow the procedures of Subsection (2).]~~

469 [~~(e)~~] (c) If the poll worker is not satisfied that the voter has [~~been properly identified]~~
 470 presented valid voter identification, the poll worker shall:

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

472 (ii) issue the voter a provisional ballot; [~~and]~~

473 (iii) notify the voter that the voter will have five days after the day of the election to
 474 present valid voter identification to the county clerk at the county clerk's office; and

475 [~~(iii)~~] (iv) follow the procedures and requirements of Section 20A-3-105.5.

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

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

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

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

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

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

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

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

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

488 and

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

490 (A) endorse his initials on the stub;

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

492 (C) hand the voter a ballot; and

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

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

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

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

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

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

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

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

504 Section 5. Section **20A-3-104.5** is amended to read:

505 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**

506 **Primary.**

507 (1) (a) Any registered voter desiring to vote at the regular primary election or Utah's
 508 Western States Presidential Primary shall give his name, the name of the registered political
 509 party whose ballot the voter wishes to vote, and, if requested, his residence, to one of the poll
 510 workers.

511 (b) The voter shall present valid voter identification to one of the poll workers [~~if the~~
 512 ~~voter is:~~].

513 [~~(i) required to present valid voter identification as indicated by a notation in the~~
 514 ~~official register;~~]

515 [~~(ii) voting in person by absentee ballot; or]~~

516 [~~(iii) voting during the early voting period.~~]

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

520 [~~(i) request that the voter present valid voter identification; or]~~

521 [~~(ii) have the voter identified by a known registered voter of the district.]~~

522 [~~(d)~~] (c) (i) The poll worker shall follow the procedures and requirements of Section
 523 20A-3-105.5 if:

524 [~~(i)~~] (A) the poll worker is not satisfied that the voter [~~has been properly identified]~~
 525 presented valid voter identification; or

526 [~~(ii)~~] (B) the voter's right to vote is challenged under Section 20A-3-202.

527 (ii) The poll worker shall notify a voter casting a provisional ballot under Section
 528 20A-3-105.5 because of failure to present valid voter identification that the voter has five days
 529 after the day of the election to present valid voter identification to the county clerk at the
 530 county clerk's office.

531 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official
 532 register shall check the official register to determine:

533 (A) whether or not the voter is registered to vote; and

534 (B) whether or not the voter's party affiliation designation in the official register
535 allows the voter to vote the ballot that the voter requested.

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

539 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
540 the official register, the poll worker shall follow the procedures and requirements of Section
541 20A-3-105.5.

542 (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall
543 attempt to contact the county clerk's office to request oral verification of the voter's
544 registration.

545 (B) If oral verification is received from the county clerk's office, the poll worker shall:

546 (I) record the verification on the official register;

547 (II) determine the voter's party affiliation and the ballot that the voter is qualified to
548 vote; and

549 (III) perform the other administrative steps required by Subsection (3).

550 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
551 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
552 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot
553 or ballots that the voter's party affiliation does allow the voter to vote.

554 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
555 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
556 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
557 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
558 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote,
559 or remain "unaffiliated."

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

562 (3).

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

566 (iii) For the primary elections held in 2004, 2006, and 2008 only:

567 (A) If the voter is listed in the official register as "unaffiliated," or if the official
568 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a
569 registered political party, the poll worker shall ask the voter if the voter wishes to affiliate with
570 a registered political party, or remain "unaffiliated."

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

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

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

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

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

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

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

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

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

588 and

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

- 590 (A) endorse his initials on the stub;
- 591 (B) check the name of the voter on the pollbook list with the number of the stub;
- 592 (C) hand the voter the ballot for the registered political party that the voter requested
- 593 and for which the voter is authorized to vote; and
- 594 (D) allow the voter to enter the voting booth; or
- 595 (b) if the ballot is an electronic ballot:
- 596 (i) the poll worker in charge of the official register shall direct the voter to sign his
- 597 name in the official register;
- 598 (ii) another poll worker shall list the voter's name in the pollbook; and
- 599 (iii) the poll worker having charge of the ballots shall:
- 600 (A) provide the voter access to the electronic ballot for the registered political party
- 601 that the voter requested and for which the voter is authorized to vote; and
- 602 (B) allow the voter to vote the electronic ballot.

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

606 Section 6. Section **20A-4-107** is amended to read:

607 **20A-4-107. Review and disposition of provisional ballot envelopes.**

- 608 (1) As used in this section, a voter is "legally entitled to vote" if:
- 609 (a) the voter:
- 610 (i) is registered to vote in the state;
- 611 (ii) resides within the voting precinct where the voter seeks to vote; and
- 612 (iii) provided valid voter identification to the poll worker as indicated by a notation in
- 613 the official register;
- 614 (b) the voter:
- 615 (i) is registered to vote in the state; [~~and~~]
- 616 (ii) provided valid voter identification to the poll worker; or
- 617 [~~(ii)~~] (iii) did not vote in the voter's precinct of residence, but the ballot that the voter

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

619 (c) the voter:

620 (i) is registered to vote in the state;

621 (ii) the poll worker recorded in the official register that the voter either failed to
622 provide valid voter identification or the documents provided as valid voter identification were
623 inadequate; and

624 (iii) (A) the county clerk verifies the voter's identity and residence through some other
625 means[-] as reliable as photo identification; or

626 (B) the voter provides valid voter identification to the county clerk within five
627 business days after the date of the election.

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

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

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

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

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

645 (4) If the election officer determines that the person is not a registered voter and the

646 information on the provisional ballot envelope is complete, the election officer shall:

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

648 (b) register the voter.

649 Section 7. Section **20A-5-401** is amended to read:

650 **20A-5-401. Official register -- Preparation -- Contents.**

651 (1) (a) Before the registration days for each regular general, municipal general, regular
652 primary, municipal primary, or Western States Presidential Primary election, each county clerk
653 shall prepare an official register of voters for each voting precinct that will participate in the
654 election.

655 (b) The county clerk shall ensure that the official register is prepared for the
656 alphabetical entry of names and contains entry fields to provide for the following information:

657 (i) registered voter's name;

658 (ii) party affiliation;

659 (iii) grounds for challenge;

660 (iv) name of person challenging a voter;

661 (v) primary, November, special;

662 (vi) date of birth;

663 (vii) place of birth;

664 (viii) place of current residence;

665 (ix) street address;

666 (x) zip code;

667 (xi) identification and provisional ballot information as required under Subsection

668 (1)(d); and

669 (xii) space for the voter to sign his name for each election.

670 (c) When preparing the official register for the Western States Presidential Primary,

671 the county clerk shall include:

672 (i) an entry field to record the name of the political party whose ballot the voter voted;

673 and

674 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

675 (d) When preparing the official register for any regular general election, municipal
676 general election, statewide special election, local special election, regular primary election,
677 municipal primary election, local district election, or election for federal office, the county
678 clerk shall include:

679 [~~(i)~~] an entry field that indicates if the voter is required to show identification before
680 voting;

681 [~~(ii)~~] (i) an entry field for the poll worker to record the type of identification provided
682 by the voter;

683 [~~(iii)~~] (ii) a column for the poll worker to record the provisional envelope ballot
684 number for voters who receive a provisional ballot; and

685 [~~(iv)~~] (iii) a space for the poll worker to record the type of identification that was
686 provided by voters who receive a provisional ballot.

687 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
688 elections, local district elections, and bond elections, the county clerk shall make an official
689 register only for voting precincts affected by the primary, municipal, local district, or bond
690 election.

691 (ii) If a polling place to be used in a bond election serves both voters residing in the
692 local political subdivision calling the bond election and voters residing outside of that local
693 political subdivision, the official register shall designate whether each voter resides in or
694 outside of the local political subdivision.

695 (iii) Each county clerk, with the assistance of the clerk of each affected local district,
696 shall provide a detailed map or an indication on the registration list or other means to enable a
697 poll worker to determine the voters entitled to vote at an election of local district officers.

698 (b) Municipalities shall pay the costs of making the official register for municipal
699 elections.

700 Section 8. Section **20A-5-403** is amended to read:

701 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**

702 **Arrangements.**

703 (1) Each election officer shall:

704 (a) designate polling places for each voting precinct in the jurisdiction; and

705 (b) obtain the approval of the county or municipal legislative body or local district
706 governing board for those polling places.

707 (2) (a) For each polling place, the election officer shall provide:

708 (i) an American flag;

709 (ii) a sufficient number of voting booths or compartments;

710 (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets,
711 write-in ballots, and any other records and supplies necessary to enable a voter to vote;

712 (iv) the constitutional amendment cards required by Part 1, Election Notices and
713 Instructions;

714 (v) voter information pamphlets required by Title 20A, Chapter 7, Part 7, Voter
715 Information Pamphlet; ~~and~~

716 (vi) the instruction cards required by Section 20A-5-102[-]; and

717 (vii) a sign, to be prominently displayed in the polling place, indicating that valid
718 voter identification is required for every voter before the voter may vote and listing the forms
719 of identification that constitute valid voter identification.

720 (b) Each election officer shall ensure that:

721 (i) each voting booth is at a convenient height for writing, and is arranged so that the
722 voter can prepare his ballot screened from observation;

723 (ii) there are a sufficient number of voting booths or voting devices to accommodate
724 the voters at that polling place; and

725 (iii) there is at least one voting booth or voting device that is configured to
726 accommodate persons with disabilities.

727 (c) Each county clerk shall provide a ballot box for each polling place that is large
728 enough to properly receive and hold the ballots to be cast.

729 (3) (a) All polling places shall be physically inspected by each county clerk to ensure

730 access by a person with a disability.

731 (b) Any issues concerning inaccessibility to polling places by a person with a
732 disability discovered during the inspections referred to in Subsection (3)(a) or reported to the
733 county clerk shall be:

734 (i) forwarded to the Office of the Lieutenant Governor; and

735 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
736 either:

737 (A) remedied at the particular location by the county clerk;

738 (B) the county clerk shall designate an alternative accessible location for the particular
739 precinct; or

740 (C) if no practical solution can be identified, file with the Office of the Lieutenant
741 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

742 (4) (a) The municipality in which the election is held shall pay the cost of conducting
743 each municipal election, including the cost of printing and supplies.

744 (b) (i) Costs assessed by a county clerk to a municipality under this section shall not
745 exceed the actual costs incurred by the county clerk.

746 (ii) The actual costs shall include:

747 (A) costs of or rental fees associated with the use of election equipment and supplies;

748 and

749 (B) reasonable and necessary administrative costs.

750 (5) The county clerk shall make detailed entries of all proceedings had under this
751 chapter.

752 Section 9. Section **53-3-102** is amended to read:

753 **53-3-102. Definitions.**

754 As used in this chapter:

755 (1) "Cancellation" means the termination by the division of a license issued through
756 error or fraud or for which consent under Section 53-3-211 has been withdrawn.

757 (2) "Class D license" means the class of license issued to drive motor vehicles not

758 defined as commercial motor vehicles or motorcycles under this chapter.

759 (3) "Class M license" means the class of license issued to drive a motorcycle as
760 defined under this chapter.

761 (4) "Commercial driver license" or "CDL" means a license issued substantially in
762 accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle
763 Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act,
764 which authorizes the holder to drive a class of commercial motor vehicle.

765 (5) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
766 vehicles designed or used to transport passengers or property if the motor vehicle:

767 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as
768 determined by federal regulation;

769 (ii) is designed to transport 16 or more passengers, including the driver; or

770 (iii) is transporting hazardous materials and is required to be placarded in accordance
771 with 49 C.F.R. Part 172, Subpart F.

772 (b) The following vehicles are not considered a commercial motor vehicle for purposes
773 of Part 4, Uniform Commercial Driver License Act:

774 (i) equipment owned and operated by the United States Department of Defense when
775 driven by any active duty military personnel and members of the reserves and national guard
776 on active duty including personnel on full-time national guard duty, personnel on part-time
777 training, and national guard military technicians and civilians who are required to wear
778 military uniforms and are subject to the code of military justice;

779 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
780 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in
781 operation as a motor carrier for hire;

782 (iii) firefighting and emergency vehicles; and

783 (iv) recreational vehicles that are not used in commerce and are driven solely as family
784 or personal conveyances for recreational purposes.

785 (6) "Conviction" means any of the following:

786 (a) an unvacated adjudication of guilt or a determination that a person has violated or
787 failed to comply with the law in a court of original jurisdiction or an administrative
788 proceeding;

789 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
790 appearance in court;

791 (c) a plea of guilty or nolo contendere accepted by the court;

792 (d) the payment of a fine or court costs; or

793 (e) violation of a condition of release without bail, regardless of whether the penalty is
794 rebated, suspended, or probated.

795 (7) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
796 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,
797 do not apply.

798 (8) "Director" means the division director appointed under Section 53-3-103.

799 (9) "Disqualification" means either:

800 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
801 of a person's privileges to drive a commercial motor vehicle;

802 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
803 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
804 391; or

805 (c) the loss of qualification that automatically follows conviction of an offense listed
806 in 49 C.F.R. Part 383.51.

807 (10) "Division" means the Driver License Division of the department created in
808 Section 53-3-103.

809 (11) "Drive" means:

810 (a) to operate or be in physical control of a motor vehicle upon a highway; and

811 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
812 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place
813 within the state.

814 (12) (a) "Driver" means any person who drives, or is in actual physical control of a
815 motor vehicle in any location open to the general public for purposes of vehicular traffic.

816 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
817 who is required to hold a CDL under Part 4 or federal law.

818 (13) "Driving privilege card" means the evidence of the privilege granted and issued
819 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
820 using a Social Security number.

821 (14) "Extension" means a renewal completed in a manner specified by the division.

822 (15) "Farm tractor" means every motor vehicle designed and used primarily as a farm
823 implement for drawing plows, mowing machines, and other implements of husbandry.

824 (16) "Highway" means the entire width between property lines of every way or place
825 of any nature when any part of it is open to the use of the public, as a matter of right, for
826 traffic.

827 (17) "Indigent" means that a person's income falls below the federal poverty guideline
828 issued annually by the U.S. Department of Health and Human Services in the Federal Register.

829 [~~(17)~~] (18) "License" means the privilege to drive a motor vehicle.

830 [~~(18)~~] (19) "License certificate" means the evidence of the privilege issued under this
831 chapter to drive a motor vehicle.

832 [~~(19)~~] (20) "Motorboat" has the same meaning as provided under Section 73-18-2.

833 [~~(20)~~] (21) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
834 or saddle for the use of the rider and designed to travel with not more than three wheels in
835 contact with the ground.

836 [~~(21)~~] (22) "Office of Recovery Services" means the Office of Recovery Services,
837 created in Section 62A-11-102.

838 [~~(22)~~] (23) (a) "Owner" means a person other than a lienholder having an interest in
839 the property or title to a vehicle.

840 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
841 a security interest in another person but excludes a lessee under a lease not intended as

842 security.

843 [~~(23)~~] (24) "Renewal" means to validate a license certificate so that it expires at a later
844 date.

845 [~~(24)~~] (25) "Reportable violation" means an offense required to be reported to the
846 division as determined by the division and includes those offenses against which points are
847 assessed under Section 53-3-221.

848 [~~(25)~~] (26) (a) "Resident" means an individual who:

849 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
850 regardless of domicile, remains in this state for an aggregate period of six months or more
851 during any calendar year;

852 (ii) engages in a trade, profession, or occupation in this state, or who accepts
853 employment in other than seasonal work in this state, and who does not commute into the
854 state;

855 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
856 license certificate or motor vehicle registration; or

857 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
858 to nonresidents, including going to school, or placing children in school without paying
859 nonresident tuition or fees.

860 (b) "Resident" does not include any of the following:

861 (i) a member of the military, temporarily stationed in this state;

862 (ii) an out-of-state student, as classified by an institution of higher education,
863 regardless of whether the student engages in any type of employment in this state;

864 (iii) a person domiciled in another state or country, who is temporarily assigned in this
865 state, assigned by or representing an employer, religious or private organization, or a
866 governmental entity; or

867 (iv) an immediate family member who resides with or a household member of a person
868 listed in Subsections [~~(25)~~] (26)(b)(i) through (iii).

869 [~~(26)~~] (27) "Revocation" means the termination by action of the division of a

870 licensee's privilege to drive a motor vehicle.

871 ~~[(27)]~~ (28) (a) "School bus" means a commercial motor vehicle used to transport
872 pre-primary, primary, or secondary school students to and from home and school, or to and
873 from school sponsored events.

874 (b) "School bus" does not include a bus used as a common carrier as defined in
875 Section 59-12-102.

876 ~~[(28)]~~ (29) "Suspension" means the temporary withdrawal by action of the division of
877 a licensee's privilege to drive a motor vehicle.

878 ~~[(29)]~~ (30) "Taxicab" means any class D motor vehicle transporting any number of
879 passengers for hire and that is subject to state or federal regulation as a taxi.

880 Section 10. Section **53-3-105** is amended to read:

881 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
882 **and identification cards.**

883 The following fees apply under this chapter:

884 (1) An original class D license application under Section 53-3-205 is \$25.

885 (2) An original provisional license application for a class D license under Section
886 53-3-205 is \$30.

887 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
888 \$9.50.

889 (4) An original application for a taxicab endorsement under Section 53-3-205 is \$7.

890 (5) A learner permit application under Section 53-3-210.5 is \$15.

891 (6) A renewal of a class D license under Section 53-3-214 is \$25 unless Subsection
892 (10) applies.

893 (7) A renewal of a provisional license application for a class D license under Section
894 53-3-214 is \$25.

895 (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$9.50.

896 (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$7.

897 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214

898 is \$13.

899 (11) An extension of a class D license under Section 53-3-214 is \$20 unless
900 Subsection (15) applies.

901 (12) An extension of a provisional license application for a class D license under
902 Section 53-3-214 is \$20.

903 (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.

904 (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.

905 (15) An extension of a class D license for a person 65 and older under Section
906 53-3-214 is \$11.

907 (16) An original or renewal application for a commercial class A, B, or C license or an
908 original or renewal of a provisional commercial class A or B license under Part 4, Uniform
909 Commercial Driver License Act, is:

910 (a) \$40 for the knowledge test; and

911 (b) \$60 for the skills test.

912 (17) Each original CDL endorsement for passengers, hazardous material, double or
913 triple trailers, or tankers is \$7.

914 (18) An original CDL endorsement for a school bus under Part 4, Uniform
915 Commercial Driver License Act, is \$7.

916 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver
917 License Act, is \$7.

918 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.

919 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.

920 (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.

921 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.

922 (23) (a) A license reinstatement application under Section 53-3-205 is \$30.

923 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
924 combination of alcohol and any drug-related offense is \$35 in addition to the fee under
925 Subsection (23)(a).

926 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
927 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
928 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
929 Part 4, Uniform Commercial Driver License Act, is \$170.

930 (b) This administrative fee is in addition to the fees under Subsection (23).

931 (25) (a) An administrative fee for providing the driving record of a driver under
932 Section 53-3-104 or 53-3-420 is \$6.

933 (b) The division may not charge for a report furnished under Section 53-3-104 to a
934 municipal, county, state, or federal agency.

935 (26) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

936 (27) (a) Except as provided under [~~Subsection~~] Subsections (27)(b) and (c), an
937 identification card application under Section 53-3-808 is \$18.

938 (b) An identification card application under Section 53-3-808 for a person with a
939 disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

940 (c) A fee may not be charged for an identification card application if the person
941 applying:

942 (i) has not been issued a Utah driver license;

943 (ii) is indigent; and

944 (iii) is at least 18 years of age.

945 Section 11. Section **53-3-808** is amended to read:

946 **53-3-808. Fee required for identification card.**

947 (1) The commissioner [~~shall~~] may charge and collect a fee [~~under~~] only as provided by
948 Section 53-3-105 when an application for an identification card is submitted.

949 (2) (a) Before accepting an application from an indigent person for an identification
950 card without the payment of a fee, the division shall require that the indigent person sign a
951 statement under penalty of perjury that the person is indigent.

952 (b) The division may require an indigent person applying for an identification card
953 without the payment of a fee to execute a release form allowing the division to inquire with the

954 Tax Commission whether the person has filed state income tax returns or has state income tax
955 withholding suggesting that the person is not indigent.

956 Section 12. Section **59-1-403** is amended to read:

957 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

958 (1) (a) Any of the following may not divulge or make known in any manner any
959 information gained by that person from any return filed with the commission:

960 (i) a tax commissioner;

961 (ii) an agent, clerk, or other officer or employee of the commission; or

962 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
963 town.

964 (b) An official charged with the custody of a return filed with the commission is not
965 required to produce the return or evidence of anything contained in the return in any action or
966 proceeding in any court, except:

967 (i) in accordance with judicial order;

968 (ii) on behalf of the commission in any action or proceeding under:

969 (A) this title; or

970 (B) other law under which persons are required to file returns with the commission;

971 (iii) on behalf of the commission in any action or proceeding to which the commission
972 is a party; or

973 (iv) on behalf of any party to any action or proceeding under this title if the report or
974 facts shown by the return are directly involved in the action or proceeding.

975 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may
976 admit in evidence, any portion of a return or of the facts shown by the return, as are
977 specifically pertinent to the action or proceeding.

978 (2) This section does not prohibit:

979 (a) a person or that person's duly authorized representative from receiving a copy of
980 any return or report filed in connection with that person's own tax;

981 (b) the publication of statistics as long as the statistics are classified to prevent the

982 identification of particular reports or returns; and

983 (c) the inspection by the attorney general or other legal representative of the state of
984 the report or return of any taxpayer:

985 (i) who brings action to set aside or review a tax based on the report or return;

986 (ii) against whom an action or proceeding is contemplated or has been instituted under
987 this title; or

988 (iii) against whom the state has an unsatisfied money judgment.

989 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
990 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
991 Rulemaking Act, provide for a reciprocal exchange of information with:

992 (i) the United States Internal Revenue Service; or

993 (ii) the revenue service of any other state.

994 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
995 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
996 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
997 other written statements with the federal government, any other state, any of the political
998 subdivisions of another state, or any political subdivision of this state, except as limited by
999 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
1000 government grant substantially similar privileges to this state.

1001 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
1002 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
1003 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
1004 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
1005 due.

1006 (d) Notwithstanding Subsection (1), the commission shall provide to the Solid and
1007 Hazardous Waste Control Board executive secretary, as defined in Section 19-6-102, as
1008 requested by the executive secretary, any records, returns, or other information filed with the
1009 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5

1010 regarding the environmental assurance program participation fee.

1011 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
1012 provide that person sales and purchase volume data reported to the commission on a report,
1013 return, or other information filed with the commission under:

1014 (i) Chapter 13, Part 2, Motor Fuel; or

1015 (ii) Chapter 13, Part 4, Aviation Fuel.

1016 (f) Notwithstanding Subsection (1), upon request from a tobacco product
1017 manufacturer, as defined in Section 59-22-202, the commission shall report to the
1018 manufacturer:

1019 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1020 manufacturer and reported to the commission for the previous calendar year under Section
1021 59-14-407; and

1022 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1023 manufacturer for which a tax refund was granted during the previous calendar year under
1024 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1025 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,
1026 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is
1027 prohibited from selling cigarettes to consumers within the state under Subsection
1028 59-14-210(2).

1029 (h) Notwithstanding Subsection (1), the commission may:

1030 (i) provide to the Division of Consumer Protection within the Department of
1031 Commerce and the attorney general data:

1032 (A) reported to the commission under Section 59-14-212; or

1033 (B) related to a violation under Section 59-14-211; and

1034 (ii) upon request provide to any person data reported to the commission under
1035 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1036 (i) Notwithstanding Subsection (1), the commission shall, at the request of a
1037 committee of the Legislature, Office of the Legislative Fiscal Analyst, or Governor's Office of

1038 Planning and Budget, provide to the committee or office the total amount of revenues
1039 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the
1040 time period specified by the committee or office.

1041 (j) Notwithstanding Subsection (1), the commission shall at the request of the
1042 Legislature provide to the Legislature the total amount of sales or uses exempt under
1043 Subsection 59-12-104(46) reported to the commission in accordance with Section 59-12-105.

1044 (k) Notwithstanding Subsection (1), the commission shall make the directory required
1045 by Section 59-14-603 available for public inspection.

1046 (l) Notwithstanding Subsection (1), the commission may share information with
1047 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1048 (m) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
1049 Recovery Services within the Department of Human Services any relevant information
1050 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a
1051 taxpayer who has become obligated to the Office of Recovery Services.

1052 (ii) The information described in Subsection (3)(m)(i) may be provided by the Office
1053 of Recovery Services to any other state's child support collection agency involved in enforcing
1054 that support obligation.

1055 (n) (i) Notwithstanding Subsection (1), upon request from the state court
1056 administrator, the commission shall provide to the state court administrator, the name,
1057 address, telephone number, county of residence, and Social Security number on resident
1058 returns filed under Chapter 10, Individual Income Tax Act.

1059 (ii) The state court administrator may use the information described in Subsection
1060 (3)(n)(i) only as a source list for the master jury list described in Section 78B-1-106.

1061 (o) Notwithstanding Subsection (1), the commission shall at the request of a
1062 committee, commission, or task force of the Legislature provide to the committee,
1063 commission, or task force of the Legislature any information relating to a tax imposed under
1064 Chapter 9, Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

1065 (p) (i) As used in this Subsection (3)(p), "office" means the:

1066 (A) Office of the Legislative Fiscal Analyst; or
1067 (B) Office of Legislative Research and General Counsel.
1068 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(p)(iii),
1069 the commission shall at the request of an office provide to the office all information:
1070 (A) gained by the commission; and
1071 (B) required to be attached to or included in returns filed with the commission.
1072 (iii) (A) An office may not request and the commission may not provide to an office a
1073 person's:
1074 (I) address;
1075 (II) name;
1076 (III) Social Security number; or
1077 (IV) taxpayer identification number.
1078 (B) The commission shall in all instances protect the privacy of a person as required
1079 by Subsection (3)(p)(iii)(A).
1080 (iv) An office may provide information received from the commission in accordance
1081 with this Subsection (3)(p) only:
1082 (A) as:
1083 (I) a fiscal estimate;
1084 (II) fiscal note information; or
1085 (III) statistical information; and
1086 (B) if the information is classified to prevent the identification of a particular return.
1087 (v) (A) A person may not request information from an office under Title 63G, Chapter
1088 2, Government Records Access and Management Act, or this section, if that office received
1089 the information from the commission in accordance with this Subsection (3)(p).
1090 (B) An office may not provide to a person that requests information in accordance
1091 with Subsection (3)(p)(v)(A) any information other than the information the office provides in
1092 accordance with Subsection (3)(p)(iv).
1093 (q) Notwithstanding Subsection (1), the commission may provide to the governing

1094 board of the agreement or a taxing official of another state, the District of Columbia, the
1095 United States, or a territory of the United States:

1096 (i) the following relating to an agreement sales and use tax:

1097 (A) information contained in a return filed with the commission;

1098 (B) information contained in a report filed with the commission;

1099 (C) a schedule related to Subsection (3)(q)(i)(A) or (B); or

1100 (D) a document filed with the commission; or

1101 (ii) a report of an audit or investigation made with respect to an agreement sales and
1102 use tax.

1103 (r) Notwithstanding Subsection (1), the commission may provide information
1104 concerning a taxpayer's state income tax return or state income tax withholding information to
1105 the Driver License Division if the Driver License Division:

1106 (i) requests the information; and

1107 (ii) provides the commission with a signed release form from the taxpayer allowing the
1108 Driver License Division access to the information.

1109 (4) (a) Reports and returns shall be preserved for at least three years.

1110 (b) After the three-year period provided in Subsection (4)(a) the commission may
1111 destroy a report or return.

1112 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

1113 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,
1114 the person shall be dismissed from office and be disqualified from holding public office in this
1115 state for a period of five years thereafter.

1116 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in
1117 accordance with Subsection (3)(p)(iii) or a person that requests information in accordance
1118 with Subsection (3)(p)(v):

1119 (i) is not guilty of a class A misdemeanor; and

1120 (ii) is not subject to:

1121 (A) dismissal from office in accordance with Subsection (5)(b); or

1122 (B) disqualification from holding public office in accordance with Subsection (5)(b).
1123 (6) Except as provided in Section 59-1-404, this part does not apply to the property
1124 tax.