

**VOTER IDENTIFICATION FOR ELECTIONS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley M. Daw**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

▶ requires photo identification and eliminates certain forms of identification as valid voter identification;

▶ requires valid voter identification be presented before a voter may vote;

▶ addresses the provision of valid voter identification for absentee ballots;

▶ 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



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-1-102**, as last amended by Laws of Utah 2008, Chapters 19, 170, 315, and 360

31 **20A-2-104**, as last amended by Laws of Utah 2008, Chapter 382

32 **20A-2-202**, as last amended by Laws of Utah 2006, Chapters 264 and 326

33 **20A-3-104**, as last amended by Laws of Utah 2006, Chapters 264 and 326

34 **20A-3-104.5**, as last amended by Laws of Utah 2008, Chapter 329

35 **20A-3-305**, as last amended by Laws of Utah 2006, Chapter 264

36 **20A-3-308**, as last amended by Laws of Utah 2007, Chapter 75

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

40 **53-3-105**, as last amended by Laws of Utah 2008, Chapter 304

41 **53-3-808**, as renumbered and amended by Laws of Utah 1993, Chapter 234

42 **59-1-403**, as last amended by Laws of Utah 2008, Chapters 3, 382, and 384



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

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

46 **20A-1-102. Definitions.**

47 As used in this title:

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

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

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

55 (4) "Ballot sheet":

56 (a) means a ballot that:

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

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

- 59 (b) includes punch card ballots, and other ballots that are machine-countable.
- 60 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
- 61 contain the names of offices and candidates and statements of ballot propositions to be voted
- 62 on and which are used in conjunction with ballot sheets that do not display that information.
- 63 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
- 64 on the ballot for their approval or rejection including:
  - 65 (a) an opinion question specifically authorized by the Legislature;
  - 66 (b) a constitutional amendment;
  - 67 (c) an initiative;
  - 68 (d) a referendum;
  - 69 (e) a bond proposition;
  - 70 (f) a judicial retention question; or
  - 71 (g) any other ballot question specifically authorized by the Legislature.
- 72 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
- 73 20A-4-306 to canvass election returns.
- 74 (8) "Bond election" means an election held for the purpose of approving or rejecting
- 75 the proposed issuance of bonds by a government entity.
- 76 (9) "Book voter registration form" means voter registration forms contained in a bound
- 77 book that are used by election officers and registration agents to register persons to vote.
- 78 (10) "By-mail voter registration form" means a voter registration form designed to be
- 79 completed by the voter and mailed to the election officer.
- 80 (11) "Canvass" means the review of election returns and the official declaration of
- 81 election results by the board of canvassers.
- 82 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 83 the canvass.
- 84 (13) "Convention" means the political party convention at which party officers and
- 85 delegates are selected.
- 86 (14) "Counting center" means one or more locations selected by the election officer in
- 87 charge of the election for the automatic counting of ballots.
- 88 (15) "Counting judge" means a poll worker designated to count the ballots during
- 89 election day.

90 (16) "Counting poll watcher" means a person selected as provided in Section  
91 20A-3-201 to witness the counting of ballots.

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

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

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

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

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

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

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

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

107 (a) preside over other poll workers at a polling place;

108 (b) act as the presiding election judge; or

109 (c) serve as a canvassing judge, counting judge, or receiving judge.

110 (25) "Election officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

139 (35) "Local district" means a local government entity under Title 17B, Limited Purpose  
140 Local Government Entities - Local Districts, and includes a special service district under Title  
141 17D, Chapter 1, Special Service District Act.

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

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

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

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

151 (40) "Municipal executive" means:

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

154 (b) the mayor in the council-manager form of government defined in Subsection  
155 10-3b-103(6).

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

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

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

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

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

167 (46) "Official endorsement" means:

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

169 (i) the ballot as an official ballot;

170 (ii) the date of the election; and

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

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

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

174 (ii) the ballot number.

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

177 (48) "Paper ballot" means a paper that contains:

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

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

182 (49) "Political party" means an organization of registered voters that has qualified to

183 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party  
184 Formation and Procedures.

185 (50) (a) "Poll worker" means a person assigned by an election official to assist with an  
186 election, voting, or counting votes.

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

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

189 (51) "Pollbook" means a record of the names of voters in the order that they appear to  
190 cast votes.

191 (52) "Polling place" means the building where voting is conducted.

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

194 (54) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

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

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

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

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

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

213 (62) "Regular general election" means the election held throughout the state on the first

214 Tuesday after the first Monday in November of each even-numbered year for the purposes  
215 established in Section 20A-1-201.

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

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

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

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

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

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

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

229 (a) is spoiled by the voter;

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

231 (c) lacks the official endorsement.

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

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

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

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

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

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

244 (76) "Valid voter identification" means[:(a)] a form of identification that bears the



245 name and photograph of the voter which may include:

246        ~~[(†) (a) a currently valid Utah driver license;~~

247        ~~[(††) (b) a currently valid identification card that is issued by:~~

248        ~~[(A) (i) the state; or~~

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

250        ~~[(C) (ii) a branch, department, or agency of the United States;~~

251        ~~[(iii) an identification card that is issued by an employer for an employee;]~~

252        ~~[(iv) a currently valid identification card that is issued by a college, university,~~

253 ~~technical school, or professional school that is located within the state;]~~

254        ~~[(v) (c) a currently valid Utah permit to carry a concealed weapon;~~

255        ~~[(vi) (d) a currently valid United States passport; or~~

256        ~~[(vii) (e) a valid tribal identification card; or]~~

257        ~~[(b) two forms of identification that bear the name of the voter and provide evidence~~

258 ~~that the voter resides in the voting precinct, which may include:]~~

259        ~~[(i) a voter identification card;]~~

260        ~~[(ii) a current utility bill or a legible copy thereof;]~~

261        ~~[(iii) a bank or other financial account statement, or a legible copy thereof;]~~

262        ~~[(iv) a certified birth certificate;]~~

263        ~~[(v) a valid Social Security card;]~~

264        ~~[(vi) a check issued by the state or the federal government or a legible copy thereof;]~~

265        ~~[(vii) a paycheck from the voter's employer, or a legible copy thereof;]~~

266        ~~[(viii) a currently valid Utah hunting or fishing license;]~~

267        ~~[(ix) a currently valid United States military identification card;]~~

268        ~~[(x) certified naturalization documentation;]~~

269        ~~[(xi) a currently valid license issued by an authorized agency of the United States;]~~

270        ~~[(xii) a certified copy of court records showing the voter's adoption or name change;]~~

271        ~~[(xiii) a Bureau of Indian Affairs card;]~~

272        ~~[(xiv) a tribal treaty card;]~~

273        ~~[(xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or]~~

274        ~~[(xvi) a form of identification listed in Subsection (76)(a) that does not contain a~~

275 ~~photograph, but establishes the name of the voter and provides evidence that the voter resides~~

276 ~~in the voting precinct.]~~

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

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

282 (79) "Voter registration deadline" means the registration deadline provided in Section  
283 20A-2-102.5.

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

286 (81) "Voting booth" means:

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

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

290 (82) "Voting device" means:

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

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

294 (c) an electronic voting device or other device used to make selections and cast a ballot  
295 electronically, or any component thereof;

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

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

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

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

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

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

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

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

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

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

313 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

316 -----

317 UTAH ELECTION REGISTRATION FORM

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

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

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

321 Name of Voter

322 \_\_\_\_\_

323 First Middle Last

324 Driver License or Identification Card Number \_\_\_\_\_

325 State of issuance of Driver License or Identification Card

326 Date of Birth \_\_\_\_\_

327 Street Address of Principal Place of Residence

328 \_\_\_\_\_

329 City County State Zip Code

330 Telephone Number (optional) \_\_\_\_\_

331 Last four digits of Social Security Number \_\_\_\_\_

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

333 known) \_\_\_\_\_

334 \_\_\_\_\_

335 City County State Zip Code

336 Political Party

337 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by

338 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

339 Unaffiliated (no political party preference) Other (Please specify)\_\_\_\_\_

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

345 Signed and sworn

346 \_\_\_\_\_

347 Voter's Signature

348 \_\_\_\_\_(month/day/year).

349 CITIZENSHIP AFFIDAVIT

350 Name:

351 Name at birth, if different:

352 Place of birth:

353 Date of birth:

354 Date and place of naturalization (if applicable):

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

358 \_\_\_\_\_

359 Signature of Applicant

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

363 NOTICE: IN ORDER TO BE ALLOWED TO VOTE [~~IN A VOTING PRECINCT FOR THE~~  
364 ~~FIRST TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE~~  
365 ~~DATE OF THE ELECTION~~], YOU MUST PRESENT VALID VOTER IDENTIFICATION  
366 TO THE POLL WORKER BEFORE VOTING [~~AS FOLLOWS: (1)~~], WHICH MUST BE A  
367 VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME[;] AND  
368 PHOTOGRAPH[; AND CURRENT ADDRESS; OR].

369 [~~2) TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND~~  
370 ~~CURRENT ADDRESS.]~~

371 FOR OFFICIAL USE ONLY

372 Type of I.D. \_\_\_\_\_

373 Voting Precinct \_\_\_\_\_

374 Voting I.D. Number \_\_\_\_\_

375 -----

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

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

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

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

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

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

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

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

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

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

397 **20A-2-202. Registration by mail.**

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

399 (b) To register by mail, a citizen shall complete and sign the by-mail registration form

400 and mail or deliver it to the county clerk of the county in which the citizen resides.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

431 **20A-3-104. Manner of voting.**

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

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

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

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

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

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

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

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

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

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

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

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

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

453 (ii) issue the voter a provisional ballot; and

454 (iii) follow the procedures and requirements of Section 20A-3-105.5.

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

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

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

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

- 462 (a) if the ballot is a paper ballot or a ballot sheet:
- 463 (i) the poll worker in charge of the official register shall:
- 464 (A) write the ballot number opposite the name of the voter in the official register; and
- 465 (B) direct the voter to sign his name in the election column in the official register;
- 466 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
- 467 and
- 468 (iii) the poll worker having charge of the ballots shall:
- 469 (A) endorse his initials on the stub;
- 470 (B) check the name of the voter on the pollbook list with the number of the stub;
- 471 (C) hand the voter a ballot; and
- 472 (D) allow the voter to enter the voting booth; or
- 473 (b) if the ballot is an electronic ballot:
- 474 (i) the poll worker in charge of the official register shall direct the voter to sign the
- 475 voter's name in the official register;
- 476 (ii) another poll worker shall list the voter's name in the pollbook; and
- 477 (iii) the poll worker having charge of the ballots shall:
- 478 (A) provide the voter access to the electronic ballot; and
- 479 (B) allow the voter to vote the electronic ballot.
- 480 (4) Whenever the election officer is required to furnish more than one kind of official
- 481 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
- 482 voter the kind of ballot that the voter is qualified to vote.

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

484 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**  
485 **Primary.**

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

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

492 [~~(i) required to present valid voter identification as indicated by a notation in the~~



493 official register;]

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

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

496       ~~[(c) If a voter is not required to present valid voter identification under Subsection~~

497 ~~(1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt~~

498 ~~that voter's identity, the poll worker shall:]~~

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

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

501       ~~[(d)]~~ (c) The poll worker shall follow the procedures and requirements of Section

502 20A-3-105.5 if:

503       (i) the poll worker is not satisfied that the voter ~~[has been properly identified]~~

504 presented valid voter identification; or

505       (ii) the voter's right to vote is challenged under Section 20A-3-202.

506       (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official

507 register shall check the official register to determine:

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

509       (B) whether or not the voter's party affiliation designation in the official register allows

510 the voter to vote the ballot that the voter requested.

511       (ii) If the official register does not affirmatively identify the voter as being affiliated

512 with a registered political party or if the official register identifies the voter as being

513 "unaffiliated," the voter shall be considered to be "unaffiliated."

514       (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on

515 the official register, the poll worker shall follow the procedures and requirements of Section

516 20A-3-105.5.

517       (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall

518 attempt to contact the county clerk's office to request oral verification of the voter's registration.

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

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

521       (II) determine the voter's party affiliation and the ballot that the voter is qualified to

522 vote; and

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

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

528 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official  
529 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a  
530 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the  
531 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote  
532 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or  
533 remain "unaffiliated."

534 (B) If the voter wishes to vote another registered political party ballot that the  
535 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection  
536 (3).

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

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

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

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

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

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

554 (3) If the poll worker determines that the voter is registered and eligible, under

555 Subsection (2), to vote the ballot that the voter requested and:  
556 (a) if the ballot is a paper ballot or a ballot sheet:  
557 (i) the poll worker in charge of the official register shall:  
558 (A) write the ballot number and the name of the registered political party whose ballot  
559 the voter voted opposite the name of the voter in the official register; and  
560 (B) direct the voter to sign his name in the election column in the official register;  
561 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;  
562 and  
563 (iii) the poll worker having charge of the ballots shall:  
564 (A) endorse his initials on the stub;  
565 (B) check the name of the voter on the pollbook list with the number of the stub;  
566 (C) hand the voter the ballot for the registered political party that the voter requested  
567 and for which the voter is authorized to vote; and  
568 (D) allow the voter to enter the voting booth; or  
569 (b) if the ballot is an electronic ballot:  
570 (i) the poll worker in charge of the official register shall direct the voter to sign his  
571 name in the official register;  
572 (ii) another poll worker shall list the voter's name in the pollbook; and  
573 (iii) the poll worker having charge of the ballots shall:  
574 (A) provide the voter access to the electronic ballot for the registered political party  
575 that the voter requested and for which the voter is authorized to vote; and  
576 (B) allow the voter to vote the electronic ballot.  
577 (4) Whenever the election officer is required to furnish more than one kind of official  
578 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered  
579 voter the kind of ballot that the voter is qualified to vote.  
580 Section 6. Section **20A-3-305** is amended to read:  
581 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**  
582 **Affidavit.**  
583 (1) Upon timely receipt of an absentee voter application properly filled out and signed,  
584 or as soon after receipt of the application as the official absentee ballots for the voting precinct  
585 in which the applicant resides have been printed, the election officer shall either:

586 (a) (i) verify the voter's valid voter identification; and  
587 [~~(a)~~] (ii) give the applicant an official absentee ballot and envelope to vote in the  
588 office; or

589 (b) (i) mail an official absentee ballot, postage paid, to the absentee voter, with  
590 instructions to the voter to include a copy of valid voter identification with the return ballot;  
591 and

592 (ii) enclose an envelope printed as required in Subsection (2).

593 (2) The election officer shall ensure that:

594 (a) the name, official title, and post office address of the election officer is printed on  
595 the front of the envelope; and

596 (b) a printed affidavit in substantially the following form is printed on the back of the  
597 envelope:

598 "County of \_\_\_\_\_ State of \_\_\_\_\_

599 I, \_\_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_\_ voting precinct  
600 in \_\_\_\_\_ County, Utah and that I am entitled to vote in that voting precinct at the next election.  
601 I am not a convicted felon currently incarcerated for commission of a felony.

602 \_\_\_\_\_  
603 Signature of Absentee Voter"

604 [~~(3) If the election officer determines that the absentee voter is required to show valid~~  
605 ~~voter identification as indicated in the official register, the election officer shall:]~~

606 [~~(a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;]~~

607 [~~(b) instruct the voter to include a copy of the voter's valid voter identification with the~~  
608 ~~return ballot;]~~

609 [~~(c) provide the voter clear instructions on how to vote a provisional ballot; and]~~

610 [~~(d) comply with the requirements of Subsection (2).]~~

611 Section 7. Section **20A-3-308** is amended to read:

612 **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition.**

613 (1) (a) Voting precinct poll workers shall open envelopes containing absentee ballots  
614 that are in their custody on election day at the polling places during the time the polls are open  
615 as provided in this Subsection (1).

616 (b) The poll workers shall:

- 617 (i) first, open the outer envelope only; and
- 618 (ii) compare the signature of the voter on the application with the signature on the  
619 affidavit.
- 620 (2) (a) The poll workers shall carefully open and remove the absentee voter envelope  
621 so as not to destroy the affidavit on the envelope if they find that:
- 622 (i) the affidavit is sufficient;
- 623 (ii) the signatures correspond; and
- 624 (iii) the applicant is registered to vote in that voting precinct and has not voted in that  
625 election.
- 626 ~~[(b) If, after opening the absentee voter envelope, the poll worker finds that a  
627 provisional ballot envelope is enclosed, the poll worker shall:]~~
- 628 ~~[(i) record, in the official register, whether or not the voter included valid voter  
629 identification;]~~
- 630 ~~[(ii) if any type of identification was included, record the type of identification  
631 provided by the voter in the appropriate space in the official register;]~~
- 632 ~~[(iii) record the provisional ballot number on the official register; and]~~
- 633 ~~[(iv) place the provisional ballot envelope with the other provisional ballot envelopes  
634 to be transmitted to the county clerk.]~~
- 635 ~~[(c) If the absentee ballot is not a provisional ballot, the]~~
- 636 (b) The poll workers shall:
- 637 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to  
638 be opened or examined;
- 639 (ii) verify that the voter has included a copy of valid voter identification;
- 640 (iii) record the type of identification included by the voter in the space provided in the  
641 official register;
- 642 ~~[(iv)]~~ (iv) initial the stub in the same manner as for other ballots;
- 643 ~~[(iii)]~~ (v) remove the stub from the ballot;
- 644 ~~[(iv)]~~ (vi) deposit the ballot in the ballot box; and
- 645 ~~[(v)]~~ (vii) mark the official register and pollbook to show that the voter has voted.
- 646 (3) If the poll workers determine that the affidavit is insufficient, ~~[or]~~ that the  
647 signatures do not correspond, ~~[or]~~ that the applicant is not a registered voter in the voting

648 precinct, or that the voter has not provided a copy of valid voter identification, they shall:

649 (a) disallow the vote; and

650 (b) without opening the absentee voter envelope, mark across the face of the envelope:

651 (i) "Rejected as defective"; or

652 (ii) "Rejected as not a registered voter."

653 (4) The poll workers shall deposit the absentee voter envelope, when the absentee  
654 ballot is voted, and the absentee voter envelope with its contents unopened when the absent  
655 vote is rejected, in the ballot box containing the ballots.

656 (5) The election officer shall retain and preserve the absentee voter envelopes in the  
657 manner provided by law for the retention and preservation of official ballots voted at that  
658 election.

659 Section 8. Section **20A-4-107** is amended to read:

660 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

662 (a) the voter:

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

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

665 (iii) provided valid voter identification to the poll worker as indicated by a notation in  
666 the official register;

667 (b) the voter:

668 (i) is registered to vote in the state; ~~and~~

669 (ii) (A) provided valid voter identification to the poll worker as indicated by a notation  
670 in the official register; or

671 (B) failed to provide valid voter identification or the documents provided as valid voter  
672 identification were inadequate but the county clerk verifies the voter's identity and residence  
673 through some other means as reliable as photo identification; and

674 ~~[(ii)]~~ (iii) did not vote in the voter's precinct of residence, but the ballot that the voter  
675 voted is identical to the ballot voted in the voter's precinct of residence; or

676 (c) the voter:

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

678 (ii) the poll worker recorded in the official register that the voter either failed to

679 provide valid voter identification or the documents provided as valid voter identification were  
680 inadequate; and

681 (iii) the county clerk verifies the voter's identity and residence through some other  
682 means as reliable as photo identification.

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

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

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

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

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

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

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

703 (b) register the voter.

704 Section 9. Section **20A-5-401** is amended to read:

705 **20A-5-401. Official register -- Preparation -- Contents.**

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

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

- 712 (i) registered voter's name;
- 713 (ii) party affiliation;
- 714 (iii) grounds for challenge;
- 715 (iv) name of person challenging a voter;
- 716 (v) primary, November, special;
- 717 (vi) date of birth;
- 718 (vii) place of birth;
- 719 (viii) place of current residence;
- 720 (ix) street address;
- 721 (x) zip code;
- 722 (xi) identification and provisional ballot information as required under Subsection  
723 (1)(d); and
- 724 (xii) space for the voter to sign his name for each election.

725 (c) When preparing the official register for the Western States Presidential Primary, the  
726 county clerk shall include:

- 727 (i) an entry field to record the name of the political party whose ballot the voter voted;
- 728 and
- 729 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

730 (d) When preparing the official register for any regular general election, municipal  
731 general election, statewide special election, local special election, regular primary election,  
732 municipal primary election, local district election, or election for federal office, the county  
733 clerk shall include:

- 734 [~~(i) an entry field that indicates if the voter is required to show identification before~~  
735 ~~voting;~~]
- 736 [~~(ii)~~] (i) an entry field for the poll worker to record the type of identification provided  
737 by the voter;
- 738 [~~(iii)~~] (ii) a column for the poll worker to record the provisional envelope ballot  
739 number for voters who receive a provisional ballot; and
- 740 [~~(iv)~~] (iii) a space for the poll worker to record the type of identification that was



741 provided by voters who receive a provisional ballot.

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

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

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

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

755 Section 10. Section **53-3-102** is amended to read:

756 **53-3-102. Definitions.**

757 As used in this chapter:

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

760 (2) "Class D license" means the class of license issued to drive motor vehicles not  
761 defined as commercial motor vehicles or motorcycles under this chapter.

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

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

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

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

772 (ii) is designed to transport 16 or more passengers, including the driver; or  
773 (iii) is transporting hazardous materials and is required to be placarded in accordance  
774 with 49 C.F.R. Part 172, Subpart F.

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

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

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

785 (iii) firefighting and emergency vehicles; and

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

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

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

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

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

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

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

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

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

801 (9) "Disqualification" means either:

802 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state

803 of a person's privileges to drive a commercial motor vehicle;

804 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
805 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
806 391; or

807 (c) the loss of qualification that automatically follows conviction of an offense listed in  
808 49 C.F.R. Part 383.51.

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

811 (11) "Drive" means:

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

813 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
814 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within  
815 the state.

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

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

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

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

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

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

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

830 [~~(17)~~] (18) "License" means the privilege to drive a motor vehicle.

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

833 [~~(19)~~] (20) "Motorboat" has the same meaning as provided under Section 73-18-2.

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

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

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

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

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

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

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

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

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

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

865 governmental entity; or

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

868 ~~[(26)]~~ (27) "Revocation" means the termination by action of the division of a licensee's  
869 privilege to drive a motor vehicle.

870 ~~[(27)]~~ (28) (a) "School bus" means a commercial motor vehicle used to transport  
871 pre-primary, primary, or secondary school students to and from home and school, or to and  
872 from school sponsored events.

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

875 ~~[(28)]~~ (29) "Suspension" means the temporary withdrawal by action of the division of a  
876 licensee's privilege to drive a motor vehicle.

877 ~~[(29)]~~ (30) "Taxicab" means any class D motor vehicle transporting any number of  
878 passengers for hire and that is subject to state or federal regulation as a taxi.

879 Section 11. Section **53-3-105** is amended to read:

880 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**  
881 **and identification cards.**

882 The following fees apply under this chapter:

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

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

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

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

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

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

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

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

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

896 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is  
897 \$13.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

925 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or  
926 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or

927 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under  
928 Part 4, Uniform Commercial Driver License Act, is \$170.

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

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

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

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

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

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

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

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

942 (ii) is indigent; and

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

944 Section 12. Section **53-3-808** is amended to read:

945 **53-3-808. Fee required for identification card.**

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

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

951 (b) The division may require an indigent person applying for an identification card  
952 without the payment of a fee to execute a release form allowing the division to inquire with the  
953 Tax Commission whether the person has state income filed tax returns or has state income tax  
954 withholding suggesting that the person is not indigent.

955 Section 13. Section **59-1-403** is amended to read:

956 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

957 (1) (a) Any of the following may not divulge or make known in any manner any

958 information gained by that person from any return filed with the commission:

959 (i) a tax commissioner;

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

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

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

966 (i) in accordance with judicial order;

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

968 (A) this title; or

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

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

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

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

977 (2) This section does not prohibit:

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

980 (b) the publication of statistics as long as the statistics are classified to prevent the  
981 identification of particular reports or returns; and

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

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

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

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

988 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the



989 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
990 Rulemaking Act, provide for a reciprocal exchange of information with:

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

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

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

1000 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1001 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
1002 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
1003 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
1004 due.

1005 (d) Notwithstanding Subsection (1), the commission shall provide to the Solid and  
1006 Hazardous Waste Control Board executive secretary, as defined in Section 19-6-102, as  
1007 requested by the executive secretary, any records, returns, or other information filed with the  
1008 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5  
1009 regarding the environmental assurance program participation fee.

1010 (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
1011 provide that person sales and purchase volume data reported to the commission on a report,  
1012 return, or other information filed with the commission under:

1013 (i) Chapter 13, Part 2, Motor Fuel; or

1014 (ii) Chapter 13, Part 4, Aviation Fuel.

1015 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,  
1016 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1017 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1018 manufacturer and reported to the commission for the previous calendar year under Section  
1019 59-14-407; and

1020 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1021 manufacturer for which a tax refund was granted during the previous calendar year under  
1022 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1023 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,  
1024 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
1025 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1026 (h) Notwithstanding Subsection (1), the commission may:

1027 (i) provide to the Division of Consumer Protection within the Department of  
1028 Commerce and the attorney general data:

1029 (A) reported to the commission under Section 59-14-212; or

1030 (B) related to a violation under Section 59-14-211; and

1031 (ii) upon request provide to any person data reported to the commission under  
1032 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1033 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee  
1034 of the Legislature, Office of the Legislative Fiscal Analyst, or Governor's Office of Planning  
1035 and Budget, provide to the committee or office the total amount of revenues collected by the  
1036 commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period  
1037 specified by the committee or office.

1038 (j) Notwithstanding Subsection (1), the commission shall at the request of the  
1039 Legislature provide to the Legislature the total amount of sales or uses exempt under  
1040 Subsection 59-12-104(46) reported to the commission in accordance with Section 59-12-105.

1041 (k) Notwithstanding Subsection (1), the commission shall make the directory required  
1042 by Section 59-14-603 available for public inspection.

1043 (l) Notwithstanding Subsection (1), the commission may share information with  
1044 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1045 (m) (i) Notwithstanding Subsection (1), the commission shall provide the Office of  
1046 Recovery Services within the Department of Human Services any relevant information  
1047 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
1048 who has become obligated to the Office of Recovery Services.

1049 (ii) The information described in Subsection (3)(m)(i) may be provided by the Office  
1050 of Recovery Services to any other state's child support collection agency involved in enforcing

1051 that support obligation.

1052 (n) (i) Notwithstanding Subsection (1), upon request from the state court administrator,  
1053 the commission shall provide to the state court administrator, the name, address, telephone  
1054 number, county of residence, and Social Security number on resident returns filed under  
1055 Chapter 10, Individual Income Tax Act.

1056 (ii) The state court administrator may use the information described in Subsection  
1057 (3)(n)(i) only as a source list for the master jury list described in Section 78B-1-106.

1058 (o) Notwithstanding Subsection (1), the commission shall at the request of a  
1059 committee, commission, or task force of the Legislature provide to the committee, commission,  
1060 or task force of the Legislature any information relating to a tax imposed under Chapter 9,  
1061 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

1062 (p) (i) As used in this Subsection (3)(p), "office" means the:

1063 (A) Office of the Legislative Fiscal Analyst; or

1064 (B) Office of Legislative Research and General Counsel.

1065 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(p)(iii),  
1066 the commission shall at the request of an office provide to the office all information:

1067 (A) gained by the commission; and

1068 (B) required to be attached to or included in returns filed with the commission.

1069 (iii) (A) An office may not request and the commission may not provide to an office a  
1070 person's:

1071 (I) address;

1072 (II) name;

1073 (III) Social Security number; or

1074 (IV) taxpayer identification number.

1075 (B) The commission shall in all instances protect the privacy of a person as required by  
1076 Subsection (3)(p)(iii)(A).

1077 (iv) An office may provide information received from the commission in accordance  
1078 with this Subsection (3)(p) only:

1079 (A) as:

1080 (I) a fiscal estimate;

1081 (II) fiscal note information; or

1082 (III) statistical information; and  
1083 (B) if the information is classified to prevent the identification of a particular return.  
1084 (v) (A) A person may not request information from an office under Title 63G, Chapter  
1085 2, Government Records Access and Management Act, or this section, if that office received the  
1086 information from the commission in accordance with this Subsection (3)(p).  
1087 (B) An office may not provide to a person that requests information in accordance with  
1088 Subsection (3)(p)(v)(A) any information other than the information the office provides in  
1089 accordance with Subsection (3)(p)(iv).  
1090 (q) Notwithstanding Subsection (1), the commission may provide to the governing  
1091 board of the agreement or a taxing official of another state, the District of Columbia, the United  
1092 States, or a territory of the United States:  
1093 (i) the following relating to an agreement sales and use tax:  
1094 (A) information contained in a return filed with the commission;  
1095 (B) information contained in a report filed with the commission;  
1096 (C) a schedule related to Subsection (3)(q)(i)(A) or (B); or  
1097 (D) a document filed with the commission; or  
1098 (ii) a report of an audit or investigation made with respect to an agreement sales and  
1099 use tax.  
1100 (r) Notwithstanding Subsection (1), the commission may provide information  
1101 concerning a taxpayer's state income tax return or state income tax withholding information to  
1102 the Driver License Division if the Driver License Division:  
1103 (i) requests the information; and  
1104 (ii) provides the commission with a signed release form from the taxpayer allowing the  
1105 Driver License Division access to the information.  
1106 (4) (a) Reports and returns shall be preserved for at least three years.  
1107 (b) After the three-year period provided in Subsection (4)(a) the commission may  
1108 destroy a report or return.  
1109 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.  
1110 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,  
1111 the person shall be dismissed from office and be disqualified from holding public office in this  
1112 state for a period of five years thereafter.

- 1113 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in  
1114 accordance with Subsection (3)(p)(iii) or a person that requests information in accordance with  
1115 Subsection (3)(p)(v):
- 1116 (i) is not guilty of a class A misdemeanor; and
  - 1117 (ii) is not subject to:
    - 1118 (A) dismissal from office in accordance with Subsection (5)(b); or
    - 1119 (B) disqualification from holding public office in accordance with Subsection (5)(b).
  - 1120 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

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**Legislative Review Note**  
as of **1-26-09 9:47 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 126 - Voter Identification for Elections**

**Revised  
Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require a one-time appropriation of \$3,000 for programming costs.

	<u>2009 Approp.</u>	<u>2010 Approp.</u>	<u>2011 Approp.</u>	<u>2009 Revenue</u>	<u>2010 Revenue</u>	<u>2011 Revenue</u>
Transportation Fund Restricted	\$3,000	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$3,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**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. Local governments may incur costs associated with validating identification at polling places.

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