

Representative Bradley M. Daw proposes the following substitute bill:

VOTER IDENTIFICATION FOR ELECTIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Mark B. Madsen

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:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **20A-1-102**, as last amended by Laws of Utah 2008, Chapters 19, 170, 315, and 360

30 **20A-2-104**, as last amended by Laws of Utah 2008, Chapter 382

31 **20A-2-202**, as last amended by Laws of Utah 2006, Chapters 264 and 326

32 **20A-3-104**, as last amended by Laws of Utah 2006, Chapters 264 and 326

33 **20A-3-104.5**, as last amended by Laws of Utah 2008, Chapter 329

34 **20A-4-107**, as last amended by Laws of Utah 2007, Chapters 75 and 285

35 **20A-5-401**, as last amended by Laws of Utah 2007, Chapter 329

36 **53-3-102**, as last amended by Laws of Utah 2008, Chapter 322

37 **53-3-105**, as last amended by Laws of Utah 2008, Chapter 304

38 **53-3-808**, as renumbered and amended by Laws of Utah 1993, Chapter 234

39 **59-1-403**, as last amended by Laws of Utah 2008, Chapters 3, 382, and 384



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

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

43 **20A-1-102. Definitions.**

44 As used in this title:

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

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

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

52 (4) "Ballot sheet":

53 (a) means a ballot that:

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

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

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

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

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

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

63 (b) a constitutional amendment;

64 (c) an initiative;

65 (d) a referendum;

66 (e) a bond proposition;

67 (f) a judicial retention question; or

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

69 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
70 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

87 (16) "Counting poll watcher" means a person selected as provided in Section

88 20A-3-201 to witness the counting of ballots.

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

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

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

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

96 (21) "Election" means a regular general election, a municipal general election, a
97 statewide special election, a local special election, a regular primary election, a municipal
98 primary election, and a local district election.

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

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

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

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

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

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

107 (25) "Election officer" means:

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

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

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

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

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

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

118 (27) "Election results" means, for bond elections, the count of those votes cast for and

119 against the bond proposition plus any or all of the election returns that the board of canvassers
120 may request.

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

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

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

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

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

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

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

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

136 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
137 Local Government Entities - Local Districts, and includes a special service district under Title
138 17D, Chapter 1, Special Service District Act.

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

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

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

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

148 (40) "Municipal executive" means:

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

150 and

151 (b) the mayor in the council-manager form of government defined in Subsection
152 10-3b-103(6).

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

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

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

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

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

164 (46) "Official endorsement" means:

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

166 (i) the ballot as an official ballot;

167 (ii) the date of the election; and

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

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

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

171 (ii) the ballot number.

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

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

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

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

179 (49) "Political party" means an organization of registered voters that has qualified to
180 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party

181 Formation and Procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

212 established in Section 20A-1-201.

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

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

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

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

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

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

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

226 (a) is spoiled by the voter;

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

228 (c) lacks the official endorsement.

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

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

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

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

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

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

241 (76) "Valid voter identification" means:

242 (a) a form of identification that bears the name and photograph of the voter which may

243 include:

244 (i) a currently valid Utah driver license;

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

246 (A) the state; or

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

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

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

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

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

252 [~~(v)~~] (iii) a currently valid Utah permit to carry a concealed weapon;

253 [~~(vi)~~] (iv) a currently valid United States passport; or

254 [~~(vii)~~] (v) a valid tribal identification card~~;~~ or, whether or not the card includes a

255 photograph of the voter;

256 (b) two forms of identification that bear the name of the voter and provide evidence

257 that the voter resides in the voting precinct, which may include:

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

259 [~~(ii)~~] (i) a current utility bill or a legible copy thereof, dated within the 90 days before
260 the election;

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

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

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

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

265 thereof;

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

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

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

269 [~~(x)~~] (ix) certified naturalization documentation;

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

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

272 change;

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

274 [~~(xiv)~~] (xiii) a tribal treaty card;

275 [~~(xv)~~] (xiv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer

276 Card; [~~or~~]

277 (xv) a currently valid identification card issued by:

278 (A) a local government within the state;

279 (B) an employer for an employee; or

280 (C) a college, university, technical school, or professional school located within the

281 state;

282 (xvi) a current Utah vehicle registration; or

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

284 a photograph, but establishes the name of the voter and provides evidence that the voter resides

285 in the voting precinct, if at least one other form of identification listed in Subsection (76)(b)(i)

286 through (xv) is also presented.

287 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in

288 candidate by following the procedures and requirements of this title.

289 (78) "Voter" means a person who meets the requirements for voting in an election,

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

291 register book.

292 (79) "Voter registration deadline" means the registration deadline provided in Section

293 20A-2-102.5.

294 (80) "Voting area" means the area within six feet of the voting booths, voting

295 machines, and ballot box.

296 (81) "Voting booth" means:

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

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

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

300 (82) "Voting device" means:

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

302 piercing the ballots by the voter;

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

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

305 electronically, or any component thereof;

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

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

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

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

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

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

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

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

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

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

323 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

326 -----

327 UTAH ELECTION REGISTRATION FORM

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

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

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

331 Name of Voter

332 _____

333 First Middle Last

334 Driver License or Identification Card Number _____

335 State of issuance of Driver License or Identification Card

336 Date of Birth _____

337 Street Address of Principal Place of Residence

338 _____

339 City County State Zip Code

340 Telephone Number (optional) _____

341 Last four digits of Social Security Number _____

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

343 known)_____

344 _____

345 City County State Zip Code

346 Political Party

347 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by
348 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

349 Unaffiliated (no political party preference) Other (Please specify)_____

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

355 Signed and sworn

356 _____

357 Voter's Signature

358 _____(month/day/year).

359 CITIZENSHIP AFFIDAVIT

360 Name:

361 Name at birth, if different:

362 Place of birth:

363 Date of birth:

364 Date and place of naturalization (if applicable):

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

367 correct.

368 _____

369 Signature of Applicant

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

373 NOTICE: IN ORDER TO BE ALLOWED TO VOTE [~~IN A VOTING PRECINCT FOR THE~~
374 ~~FIRST TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE~~
375 ~~DATE OF THE ELECTION~~], YOU MUST PRESENT VALID VOTER IDENTIFICATION
376 TO THE POLL WORKER BEFORE VOTING [~~AS FOLLOWS: (1)~~], WHICH MUST BE A
377 VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME[;] AND
378 PHOTOGRAPH[; AND CURRENT ADDRESS]; OR
379 (2) TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
380 CURRENT ADDRESS.

381 FOR OFFICIAL USE ONLY

382 Type of I.D. _____

383 Voting Precinct _____

384 Voting I.D. Number _____

385 -----

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

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

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

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

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

395 (4) When political parties not listed on the voter registration form qualify as registered
396 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
397 lieutenant governor shall inform the county clerks about the name of the new political party

398 and direct the county clerks to ensure that the voter registration form is modified to include that
399 political party.

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

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

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

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

407 **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

441 **20A-3-104. Manner of voting.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

474 (A) write the ballot number and type of valid voter identification presented opposite
475 the name of the voter in the official register; and

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

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

478 and

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

480 (A) endorse his initials on the stub;

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

482 (C) hand the voter a ballot; and

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

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

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

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

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

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

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

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

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

495 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**
 496 **Primary.**

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

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

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

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

506 [~~(iii) voting during the early voting period;]~~

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

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

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

512 [~~(d)~~] (c) The poll worker shall follow the procedures and requirements of Section
 513 20A-3-105.5 if:

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

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

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

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

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

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

525 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
526 the official register, the poll worker shall follow the procedures and requirements of Section
527 20A-3-105.5.

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

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

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

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

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

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

539 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
540 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
541 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
542 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
543 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
544 remain "unaffiliated."

545 (B) If the voter wishes to vote another registered political party ballot that the
546 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
547 (3).

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

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

552 (A) If the voter is listed in the official register as "unaffiliated," or if the official

553 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a
554 registered political party, the poll worker shall ask the voter if the voter wishes to affiliate with
555 a registered political party, or remain "unaffiliated."

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

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

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

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

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

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

569 (A) write the ballot number, the type of valid voter identification presented, and the
570 name of the registered political party whose ballot the voter voted opposite the name of the
571 voter in the official register; and

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

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

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

576 (A) endorse his initials on the stub;

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

578 (C) hand the voter the ballot for the registered political party that the voter requested
579 and for which the voter is authorized to vote; and

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

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

582 (i) the poll worker in charge of the official register shall direct the voter to sign his
583 name in the official register;

- 584 (ii) another poll worker shall list the voter's name in the pollbook; and
- 585 (iii) the poll worker having charge of the ballots shall:
- 586 (A) provide the voter access to the electronic ballot for the registered political party
- 587 that the voter requested and for which the voter is authorized to vote; and
- 588 (B) allow the voter to vote the electronic ballot.
- 589 (4) Whenever the election officer is required to furnish more than one kind of official
- 590 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
- 591 voter the kind of ballot that the voter is qualified to vote.

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

593 **20A-4-107. Review and disposition of provisional ballot envelopes.**

- 594 (1) As used in this section, a voter is "legally entitled to vote" if:
- 595 (a) the voter:
- 596 (i) is registered to vote in the state;
- 597 (ii) resides within the voting precinct where the voter seeks to vote; and
- 598 (iii) provided valid voter identification to the poll worker as indicated by a notation in
- 599 the official register;
- 600 (b) the voter:
- 601 (i) is registered to vote in the state; [~~and~~]
- 602 (ii) provided valid voter identification to the poll worker as indicated by a notation in
- 603 the official register; or
- 604 [~~(ii)~~] (iii) did not vote in the voter's precinct of residence, but the ballot that the voter
- 605 voted is identical to the ballot voted in the voter's precinct of residence; or
- 606 (c) the voter:
- 607 (i) is registered to vote in the state;
- 608 (ii) the poll worker recorded in the official register that the voter either failed to
- 609 provide valid voter identification or the documents provided as valid voter identification were
- 610 inadequate; and
- 611 (iii) the county clerk verifies the voter's identity and residence through some other
- 612 means as reliable as photo identification.
- 613 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
- 614 the affirmation on the face of each provisional ballot envelope and determine if the person

615 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter
616 voted.

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

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

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

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

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

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

633 (b) register the voter.

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

635 **20A-5-401. Official register -- Preparation -- Contents.**

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

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

642 (i) registered voter's name;

643 (ii) party affiliation;

644 (iii) grounds for challenge;

645 (iv) name of person challenging a voter;

646 (v) primary, November, special;

647 (vi) date of birth;

648 (vii) place of birth;

649 (viii) place of current residence;

650 (ix) street address;

651 (x) zip code;

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

653 (1)(d); and

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

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

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

658 and

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

660 (d) When preparing the official register for any regular general election, municipal
661 general election, statewide special election, local special election, regular primary election,
662 municipal primary election, local district election, or election for federal office, the county
663 clerk shall include:

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

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

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

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

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

676 (ii) If a polling place to be used in a bond election serves both voters residing in the

677 local political subdivision calling the bond election and voters residing outside of that local
678 political subdivision, the official register shall designate whether each voter resides in or
679 outside of the local political subdivision.

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

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

685 Section 8. Section **53-3-102** is amended to read:

686 **53-3-102. Definitions.**

687 As used in this chapter:

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

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

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

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

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

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

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

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

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

707 (i) equipment owned and operated by the United States Department of Defense when

708 driven by any active duty military personnel and members of the reserves and national guard on
709 active duty including personnel on full-time national guard duty, personnel on part-time
710 training, and national guard military technicians and civilians who are required to wear military
711 uniforms and are subject to the code of military justice;

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

715 (iii) firefighting and emergency vehicles; and

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

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

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

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

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

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

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

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

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

731 (9) "Disqualification" means either:

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

734 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
735 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
736 391; or

737 (c) the loss of qualification that automatically follows conviction of an offense listed in
738 49 C.F.R. Part 383.51.

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

741 (11) "Drive" means:

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

743 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
744 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
745 the state.

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

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

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

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

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

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

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

760 [~~(17)~~] (18) "License" means the privilege to drive a motor vehicle.

761 [~~(18)~~] (19) "License certificate" means the evidence of the privilege issued under this
762 chapter to drive a motor vehicle.

763 [~~(19)~~] (20) "Motorboat" has the same meaning as provided under Section 73-18-2.

764 [~~(20)~~] (21) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
765 or saddle for the use of the rider and designed to travel with not more than three wheels in
766 contact with the ground.

767 [~~(21)~~] (22) "Office of Recovery Services" means the Office of Recovery Services,
768 created in Section 62A-11-102.

769 [~~(22)~~] (23) (a) "Owner" means a person other than a lienholder having an interest in the

770 property or title to a vehicle.

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

773 [~~(23)~~] (24) "Renewal" means to validate a license certificate so that it expires at a later
774 date.

775 [~~(24)~~] (25) "Reportable violation" means an offense required to be reported to the
776 division as determined by the division and includes those offenses against which points are
777 assessed under Section 53-3-221.

778 [~~(25)~~] (26) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

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

798 [~~(26)~~] (27) "Revocation" means the termination by action of the division of a licensee's
799 privilege to drive a motor vehicle.

800 [~~(27)~~] (28) (a) "School bus" means a commercial motor vehicle used to transport

801 pre-primary, primary, or secondary school students to and from home and school, or to and
802 from school sponsored events.

803 (b) "School bus" does not include a bus used as a common carrier as defined in Section
804 59-12-102.

805 [~~(28)~~] (29) "Suspension" means the temporary withdrawal by action of the division of a
806 licensee's privilege to drive a motor vehicle.

807 [~~(29)~~] (30) "Taxicab" means any class D motor vehicle transporting any number of
808 passengers for hire and that is subject to state or federal regulation as a taxi.

809 Section 9. Section **53-3-105** is amended to read:

810 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
811 **and identification cards.**

812 The following fees apply under this chapter:

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

814 (2) An original provisional license application for a class D license under Section
815 53-3-205 is \$30.

816 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
817 \$9.50.

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

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

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

822 (7) A renewal of a provisional license application for a class D license under Section
823 53-3-214 is \$25.

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

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

826 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
827 \$13.

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

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

- 832 (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$9.50.
- 833 (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.
- 834 (15) An extension of a class D license for a person 65 and older under Section
835 53-3-214 is \$11.
- 836 (16) An original or renewal application for a commercial class A, B, or C license or an
837 original or renewal of a provisional commercial class A or B license under Part 4, Uniform
838 Commercial Driver License Act, is:
- 839 (a) \$40 for the knowledge test; and
- 840 (b) \$60 for the skills test.
- 841 (17) Each original CDL endorsement for passengers, hazardous material, double or
842 triple trailers, or tankers is \$7.
- 843 (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
844 Driver License Act, is \$7.
- 845 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver
846 License Act, is \$7.
- 847 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.
- 848 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.
- 849 (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.
- 850 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.
- 851 (23) (a) A license reinstatement application under Section 53-3-205 is \$30.
- 852 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
853 combination of alcohol and any drug-related offense is \$35 in addition to the fee under
854 Subsection (23)(a).
- 855 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
856 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
857 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
858 Part 4, Uniform Commercial Driver License Act, is \$170.
- 859 (b) This administrative fee is in addition to the fees under Subsection (23).
- 860 (25) (a) An administrative fee for providing the driving record of a driver under
861 Section 53-3-104 or 53-3-420 is \$6.
- 862 (b) The division may not charge for a report furnished under Section 53-3-104 to a

863 municipal, county, state, or federal agency.

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

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

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

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

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

872 (ii) is indigent; and

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

874 Section 10. Section **53-3-808** is amended to read:

875 **53-3-808. Fee required for identification card.**

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

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

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

885 Section 11. Section **59-1-403** is amended to read:

886 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

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

889 (i) a tax commissioner;

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

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

893 (b) An official charged with the custody of a return filed with the commission is not

894 required to produce the return or evidence of anything contained in the return in any action or
895 proceeding in any court, except:

896 (i) in accordance with judicial order;

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

898 (A) this title; or

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

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

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

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

907 (2) This section does not prohibit:

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

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

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

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

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

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

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

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

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

923 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
924 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,

925 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
926 other written statements with the federal government, any other state, any of the political
927 subdivisions of another state, or any political subdivision of this state, except as limited by
928 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
929 government grant substantially similar privileges to this state.

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

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

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

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

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

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

947 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
948 manufacturer and reported to the commission for the previous calendar year under Section
949 59-14-407; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

986 (ii) The state court administrator may use the information described in Subsection

987 (3)(n)(i) only as a source list for the master jury list described in Section 78B-1-106.

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

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

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

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

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

997 (A) gained by the commission; and

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

999 (iii) (A) An office may not request and the commission may not provide to an office a
1000 person's:

1001 (I) address;

1002 (II) name;

1003 (III) Social Security number; or

1004 (IV) taxpayer identification number.

1005 (B) The commission shall in all instances protect the privacy of a person as required by
1006 Subsection (3)(p)(iii)(A).

1007 (iv) An office may provide information received from the commission in accordance
1008 with this Subsection (3)(p) only:

1009 (A) as:

1010 (I) a fiscal estimate;

1011 (II) fiscal note information; or

1012 (III) statistical information; and

1013 (B) if the information is classified to prevent the identification of a particular return.

1014 (v) (A) A person may not request information from an office under Title 63G, Chapter
1015 2, Government Records Access and Management Act, or this section, if that office received the
1016 information from the commission in accordance with this Subsection (3)(p).

1017 (B) An office may not provide to a person that requests information in accordance with

1018 Subsection (3)(p)(v)(A) any information other than the information the office provides in
1019 accordance with Subsection (3)(p)(iv).

1020 (q) Notwithstanding Subsection (1), the commission may provide to the governing
1021 board of the agreement or a taxing official of another state, the District of Columbia, the United
1022 States, or a territory of the United States:

1023 (i) the following relating to an agreement sales and use tax:

1024 (A) information contained in a return filed with the commission;

1025 (B) information contained in a report filed with the commission;

1026 (C) a schedule related to Subsection (3)(q)(i)(A) or (B); or

1027 (D) a document filed with the commission; or

1028 (ii) a report of an audit or investigation made with respect to an agreement sales and
1029 use tax.

1030 (r) Notwithstanding Subsection (1), the commission may provide information
1031 concerning a taxpayer's state income tax return or state income tax withholding information to
1032 the Driver License Division if the Driver License Division:

1033 (i) requests the information; and

1034 (ii) provides the commission with a signed release form from the taxpayer allowing the
1035 Driver License Division access to the information.

1036 (4) (a) Reports and returns shall be preserved for at least three years.

1037 (b) After the three-year period provided in Subsection (4)(a) the commission may
1038 destroy a report or return.

1039 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

1040 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,
1041 the person shall be dismissed from office and be disqualified from holding public office in this
1042 state for a period of five years thereafter.

1043 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in
1044 accordance with Subsection (3)(p)(iii) or a person that requests information in accordance with
1045 Subsection (3)(p)(v):

1046 (i) is not guilty of a class A misdemeanor; and

1047 (ii) is not subject to:

1048 (A) dismissal from office in accordance with Subsection (5)(b); or

- 1049 (B) disqualification from holding public office in accordance with Subsection (5)(b).
- 1050 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

H.B. 126 1st Sub. (Buff) - Voter Identification for Elections

Fiscal Note

2009 General Session

State of Utah

State Impact

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

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

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.
