

Senator Scott D. McCoy 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

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

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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



26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 **AMENDS:**

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

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

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

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

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

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

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

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

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

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

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

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

44

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

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

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

48 As used in this title:

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

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

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

56 (4) "Ballot sheet":

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

88 charge of the election for the automatic counting of ballots.

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

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

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

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

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

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

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

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

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

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

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

111 (25) "Election officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

140 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
141 Local Government Entities - Local Districts, and includes a special service district under Title
142 17D, Chapter 1, Special Service District Act.

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

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

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

149 (39) "Local special election" means a special election called by the governing body of a

150 local political subdivision in which all registered voters of the local political subdivision may
151 vote.

152 (40) "Municipal executive" means:

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

154 and

155 (b) the mayor in the council-manager form of government defined in Subsection

156 10-3b-103(6).

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

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

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

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

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

168 (46) "Official endorsement" means:

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

170 (i) the ballot as an official ballot;

171 (ii) the date of the election; and

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

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

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

175 (ii) the ballot number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

212 registration form.

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

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

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

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

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

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

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

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

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

230 (a) is spoiled by the voter;

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

232 (c) lacks the official endorsement.

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

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

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

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

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

242 (75) "Vacancy" means the absence of a person to serve in any position created by

243 statute, whether that absence occurs because of death, disability, disqualification, resignation,
244 or other cause.

245 (76) "Valid voter identification" means:

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

248 (i) a currently valid Utah driver license;

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

250 (A) the state; or

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

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

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

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

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

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

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

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

259 photograph of the voter;

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

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

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

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

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

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

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

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

269 thereof;

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

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

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

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

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

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

276 change;

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

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

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

280 Card; [~~or~~]

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

282 (A) a local government within the state;

283 (B) an employer for an employee; or

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

285 state;

286 (xvi) a current Utah vehicle registration; or

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

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

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

290 through (xv) is also presented.

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

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

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

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

295 register book.

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

297 20A-2-102.5.

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

299 machines, and ballot box.

300 (81) "Voting booth" means:

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

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

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

304 (82) "Voting device" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

327 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

330 -----

331 UTAH ELECTION REGISTRATION FORM

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

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

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

335 Name of Voter

336 _____
337 First Middle Last

338 Driver License or Identification Card Number _____

339 State of issuance of Driver License or Identification Card

340 Date of Birth _____

341 Street Address of Principal Place of Residence

342 _____

343 City County State Zip Code

344 Telephone Number (optional) _____

345 Last four digits of Social Security Number _____

346 Last former address at which I was registered to vote (if
347 known) _____

348 _____

349 City County State Zip Code

350 Political Party

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

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

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

359 Signed and sworn

360 _____

361 Voter's Signature

362 _____(month/day/year).

363 CITIZENSHIP AFFIDAVIT

364 Name:

365 Name at birth, if different:

366 Place of birth:

367 Date of birth:

368 Date and place of naturalization (if applicable):

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

372 _____

373 Signature of Applicant

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

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

383 (2) TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
384 CURRENT ADDRESS.

385 FOR OFFICIAL USE ONLY

386 Type of I.D. _____

387 Voting Precinct _____

388 Voting I.D. Number _____

389 -----

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

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

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

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

396 (d) The lieutenant governor and the county clerks may charge the fees established
397 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of

398 the list of registered voters.

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

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

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

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

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

411 **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

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

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

428 (b) mail confirmation of registration to the newly registered voter after entering the

429 applicant's voting precinct number on that copy.

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

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

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

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

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

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

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

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

445 **20A-3-104. Manner of voting.**

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

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

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

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

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

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

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

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

459 [~~(d) If the poll worker is satisfied that the voter has been properly identified, the poll~~

460 ~~worker shall:]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

483 and

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

485 (A) endorse his initials on the stub;

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

487 (C) hand the voter a ballot; and

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

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

490 (i) the poll worker in charge of the official register shall direct the voter to sign the

491 voter's name in the official register;

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

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

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

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

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

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

500 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**
501 **Primary.**

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

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

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

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

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

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

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

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

517 [~~(d)~~] (c) (i) The poll worker shall follow the procedures and requirements of Section
518 20A-3-105.5 if:

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

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

522 (ii) The poll worker shall notify a voter casting a provisional ballot under Section
523 20A-3-105.5 because of failure to present valid voter identification that the voter has five days
524 after the day of the election to present valid voter identification to the county clerk at the
525 county clerk's office.

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

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

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

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

534 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
535 the official register, the poll worker shall follow the procedures and requirements of Section
536 20A-3-105.5.

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

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

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

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

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

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

548 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
549 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
550 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
551 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
552 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or

553 remain "unaffiliated."

554 (B) If the voter wishes to vote another registered political party ballot that the
555 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
556 (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

- 584 (A) endorse his initials on the stub;
- 585 (B) check the name of the voter on the pollbook list with the number of the stub;
- 586 (C) hand the voter the ballot for the registered political party that the voter requested
- 587 and for which the voter is authorized to vote; and
- 588 (D) allow the voter to enter the voting booth; or
- 589 (b) if the ballot is an electronic ballot:
- 590 (i) the poll worker in charge of the official register shall direct the voter to sign his
- 591 name in the official register;
- 592 (ii) another poll worker shall list the voter's name in the pollbook; and
- 593 (iii) the poll worker having charge of the ballots shall:
- 594 (A) provide the voter access to the electronic ballot for the registered political party
- 595 that the voter requested and for which the voter is authorized to vote; and
- 596 (B) allow the voter to vote the electronic ballot.
- 597 (4) Whenever the election officer is required to furnish more than one kind of official
- 598 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
- 599 voter the kind of ballot that the voter is qualified to vote.

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

601 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

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

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

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

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

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

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

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

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

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

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

642 (b) register the voter.

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

644 **20A-5-401. Official register -- Preparation -- Contents.**

645 (1) (a) Before the registration days for each regular general, municipal general, regular

646 primary, municipal primary, or Western States Presidential Primary election, each county clerk
647 shall prepare an official register of voters for each voting precinct that will participate in the
648 election.

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

- 651 (i) registered voter's name;
- 652 (ii) party affiliation;
- 653 (iii) grounds for challenge;
- 654 (iv) name of person challenging a voter;
- 655 (v) primary, November, special;
- 656 (vi) date of birth;
- 657 (vii) place of birth;
- 658 (viii) place of current residence;
- 659 (ix) street address;
- 660 (x) zip code;
- 661 (xi) identification and provisional ballot information as required under Subsection
662 (1)(d); and
- 663 (xii) space for the voter to sign his name for each election.

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

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

669 (d) When preparing the official register for any regular general election, municipal
670 general election, statewide special election, local special election, regular primary election,
671 municipal primary election, local district election, or election for federal office, the county
672 clerk shall include:

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

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

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

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

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

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

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

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

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

695 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**
696 **Arrangements.**

697 (1) Each election officer shall:

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

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

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

702 (i) an American flag;

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

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

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

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

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

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

714 (b) Each election officer shall ensure that:

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

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

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

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

723 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
724 access by a person with a disability.

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

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

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

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

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

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

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

738 (b) (i) Costs assessed by a county clerk to a municipality under this section shall not

739 exceed the actual costs incurred by the county clerk.

740 (ii) The actual costs shall include:

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

742 and

743 (B) reasonable and necessary administrative costs.

744 (5) The county clerk shall make detailed entries of all proceedings had under this

745 chapter.

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

747 **53-3-102. Definitions.**

748 As used in this chapter:

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

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

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

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

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

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

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

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

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

768 (i) equipment owned and operated by the United States Department of Defense when
769 driven by any active duty military personnel and members of the reserves and national guard on

770 active duty including personnel on full-time national guard duty, personnel on part-time
771 training, and national guard military technicians and civilians who are required to wear military
772 uniforms and are subject to the code of military justice;

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

776 (iii) firefighting and emergency vehicles; and

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

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

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

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

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

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

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

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

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

792 (9) "Disqualification" means either:

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

795 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
796 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
797 391; or

798 (c) the loss of qualification that automatically follows conviction of an offense listed in
799 49 C.F.R. Part 383.51.

800 (10) "Division" means the Driver License Division of the department created in

801 Section 53-3-103.

802 (11) "Drive" means:

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

804 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
805 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
806 the state.

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

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

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

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

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

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

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

821 [~~(17)~~] (18) "License" means the privilege to drive a motor vehicle.

822 [~~(18)~~] (19) "License certificate" means the evidence of the privilege issued under this
823 chapter to drive a motor vehicle.

824 [~~(19)~~] (20) "Motorboat" has the same meaning as provided under Section 73-18-2.

825 [~~(20)~~] (21) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
826 or saddle for the use of the rider and designed to travel with not more than three wheels in
827 contact with the ground.

828 [~~(21)~~] (22) "Office of Recovery Services" means the Office of Recovery Services,
829 created in Section 62A-11-102.

830 [~~(22)~~] (23) (a) "Owner" means a person other than a lienholder having an interest in the
831 property or title to a vehicle.

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

834 [~~(23)~~] (24) "Renewal" means to validate a license certificate so that it expires at a later
835 date.

836 [~~(24)~~] (25) "Reportable violation" means an offense required to be reported to the
837 division as determined by the division and includes those offenses against which points are
838 assessed under Section 53-3-221.

839 [~~(25)~~] (26) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

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

859 [~~(26)~~] (27) "Revocation" means the termination by action of the division of a licensee's
860 privilege to drive a motor vehicle.

861 [~~(27)~~] (28) (a) "School bus" means a commercial motor vehicle used to transport
862 pre-primary, primary, or secondary school students to and from home and school, or to and

863 from school sponsored events.

864 (b) "School bus" does not include a bus used as a common carrier as defined in Section
865 59-12-102.

866 [~~(28)~~] (29) "Suspension" means the temporary withdrawal by action of the division of a
867 licensee's privilege to drive a motor vehicle.

868 [~~(29)~~] (30) "Taxicab" means any class D motor vehicle transporting any number of
869 passengers for hire and that is subject to state or federal regulation as a taxi.

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

871 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
872 **and identification cards.**

873 The following fees apply under this chapter:

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

875 (2) An original provisional license application for a class D license under Section
876 53-3-205 is \$30.

877 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
878 \$9.50.

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

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

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

883 (7) A renewal of a provisional license application for a class D license under Section
884 53-3-214 is \$25.

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

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

887 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
888 \$13.

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

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

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

- 894 (14) An extension of a taxicab endorsement under Section 53-3-214 is \$7.
- 895 (15) An extension of a class D license for a person 65 and older under Section
896 53-3-214 is \$11.
- 897 (16) An original or renewal application for a commercial class A, B, or C license or an
898 original or renewal of a provisional commercial class A or B license under Part 4, Uniform
899 Commercial Driver License Act, is:
- 900 (a) \$40 for the knowledge test; and
901 (b) \$60 for the skills test.
- 902 (17) Each original CDL endorsement for passengers, hazardous material, double or
903 triple trailers, or tankers is \$7.
- 904 (18) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
905 Driver License Act, is \$7.
- 906 (19) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver
907 License Act, is \$7.
- 908 (20) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$20.
909 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.
- 910 (21) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$7.
- 911 (22) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$18.
- 912 (23) (a) A license reinstatement application under Section 53-3-205 is \$30.
913 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
914 combination of alcohol and any drug-related offense is \$35 in addition to the fee under
915 Subsection (23)(a).
- 916 (24) (a) An administrative fee for license reinstatement after an alcohol, drug, or
917 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
918 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
919 Part 4, Uniform Commercial Driver License Act, is \$170.
- 920 (b) This administrative fee is in addition to the fees under Subsection (23).
- 921 (25) (a) An administrative fee for providing the driving record of a driver under
922 Section 53-3-104 or 53-3-420 is \$6.
- 923 (b) The division may not charge for a report furnished under Section 53-3-104 to a
924 municipal, county, state, or federal agency.

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

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

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

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

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

933 (ii) is indigent; and

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

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

936 **53-3-808. Fee required for identification card.**

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

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

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

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

947 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

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

950 (i) a tax commissioner;

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

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

954 (b) An official charged with the custody of a return filed with the commission is not
955 required to produce the return or evidence of anything contained in the return in any action or

956 proceeding in any court, except:

957 (i) in accordance with judicial order;

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

959 (A) this title; or

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

961 (iii) on behalf of the commission in any action or proceeding to which the commission

962 is a party; or

963 (iv) on behalf of any party to any action or proceeding under this title if the report or

964 facts shown by the return are directly involved in the action or proceeding.

965 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may

966 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically

967 pertinent to the action or proceeding.

968 (2) This section does not prohibit:

969 (a) a person or that person's duly authorized representative from receiving a copy of

970 any return or report filed in connection with that person's own tax;

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

972 identification of particular reports or returns; and

973 (c) the inspection by the attorney general or other legal representative of the state of the

974 report or return of any taxpayer:

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

976 (ii) against whom an action or proceeding is contemplated or has been instituted under

977 this title; or

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

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

980 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative

981 Rulemaking Act, provide for a reciprocal exchange of information with:

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

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

984 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and

985 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,

986 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and

987 other written statements with the federal government, any other state, any of the political
988 subdivisions of another state, or any political subdivision of this state, except as limited by
989 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
990 government grant substantially similar privileges to this state.

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

996 (d) Notwithstanding Subsection (1), the commission shall provide to the Solid and
997 Hazardous Waste Control Board executive secretary, as defined in Section 19-6-102, as
998 requested by the executive secretary, any records, returns, or other information filed with the
999 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5
1000 regarding the environmental assurance program participation fee.

1001 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
1002 provide that person sales and purchase volume data reported to the commission on a report,
1003 return, or other information filed with the commission under:

1004 (i) Chapter 13, Part 2, Motor Fuel; or

1005 (ii) Chapter 13, Part 4, Aviation Fuel.

1006 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,
1007 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1008 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1009 manufacturer and reported to the commission for the previous calendar year under Section
1010 59-14-407; and

1011 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1012 manufacturer for which a tax refund was granted during the previous calendar year under
1013 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1014 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,
1015 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
1016 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1017 (h) Notwithstanding Subsection (1), the commission may:

1018 (i) provide to the Division of Consumer Protection within the Department of
1019 Commerce and the attorney general data:

1020 (A) reported to the commission under Section 59-14-212; or

1021 (B) related to a violation under Section 59-14-211; and

1022 (ii) upon request provide to any person data reported to the commission under
1023 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1024 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
1025 of the Legislature, Office of the Legislative Fiscal Analyst, or Governor's Office of Planning
1026 and Budget, provide to the committee or office the total amount of revenues collected by the
1027 commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period
1028 specified by the committee or office.

1029 (j) Notwithstanding Subsection (1), the commission shall at the request of the
1030 Legislature provide to the Legislature the total amount of sales or uses exempt under
1031 Subsection 59-12-104(46) reported to the commission in accordance with Section 59-12-105.

1032 (k) Notwithstanding Subsection (1), the commission shall make the directory required
1033 by Section 59-14-603 available for public inspection.

1034 (l) Notwithstanding Subsection (1), the commission may share information with
1035 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1036 (m) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
1037 Recovery Services within the Department of Human Services any relevant information
1038 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
1039 who has become obligated to the Office of Recovery Services.

1040 (ii) The information described in Subsection (3)(m)(i) may be provided by the Office
1041 of Recovery Services to any other state's child support collection agency involved in enforcing
1042 that support obligation.

1043 (n) (i) Notwithstanding Subsection (1), upon request from the state court administrator,
1044 the commission shall provide to the state court administrator, the name, address, telephone
1045 number, county of residence, and Social Security number on resident returns filed under
1046 Chapter 10, Individual Income Tax Act.

1047 (ii) The state court administrator may use the information described in Subsection
1048 (3)(n)(i) only as a source list for the master jury list described in Section 78B-1-106.

1049 (o) Notwithstanding Subsection (1), the commission shall at the request of a
1050 committee, commission, or task force of the Legislature provide to the committee, commission,
1051 or task force of the Legislature any information relating to a tax imposed under Chapter 9,
1052 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

1053 (p) (i) As used in this Subsection (3)(p), "office" means the:

1054 (A) Office of the Legislative Fiscal Analyst; or

1055 (B) Office of Legislative Research and General Counsel.

1056 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(p)(iii),

1057 the commission shall at the request of an office provide to the office all information:

1058 (A) gained by the commission; and

1059 (B) required to be attached to or included in returns filed with the commission.

1060 (iii) (A) An office may not request and the commission may not provide to an office a

1061 person's:

1062 (I) address;

1063 (II) name;

1064 (III) Social Security number; or

1065 (IV) taxpayer identification number.

1066 (B) The commission shall in all instances protect the privacy of a person as required by

1067 Subsection (3)(p)(iii)(A).

1068 (iv) An office may provide information received from the commission in accordance

1069 with this Subsection (3)(p) only:

1070 (A) as:

1071 (I) a fiscal estimate;

1072 (II) fiscal note information; or

1073 (III) statistical information; and

1074 (B) if the information is classified to prevent the identification of a particular return.

1075 (v) (A) A person may not request information from an office under Title 63G, Chapter

1076 2, Government Records Access and Management Act, or this section, if that office received the

1077 information from the commission in accordance with this Subsection (3)(p).

1078 (B) An office may not provide to a person that requests information in accordance with

1079 Subsection (3)(p)(v)(A) any information other than the information the office provides in

1080 accordance with Subsection (3)(p)(iv).

1081 (q) Notwithstanding Subsection (1), the commission may provide to the governing
1082 board of the agreement or a taxing official of another state, the District of Columbia, the United
1083 States, or a territory of the United States:

1084 (i) the following relating to an agreement sales and use tax:

1085 (A) information contained in a return filed with the commission;

1086 (B) information contained in a report filed with the commission;

1087 (C) a schedule related to Subsection (3)(q)(i)(A) or (B); or

1088 (D) a document filed with the commission; or

1089 (ii) a report of an audit or investigation made with respect to an agreement sales and
1090 use tax.

1091 (r) Notwithstanding Subsection (1), the commission may provide information
1092 concerning a taxpayer's state income tax return or state income tax withholding information to
1093 the Driver License Division if the Driver License Division:

1094 (i) requests the information; and

1095 (ii) provides the commission with a signed release form from the taxpayer allowing the
1096 Driver License Division access to the information.

1097 (4) (a) Reports and returns shall be preserved for at least three years.

1098 (b) After the three-year period provided in Subsection (4)(a) the commission may
1099 destroy a report or return.

1100 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

1101 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,
1102 the person shall be dismissed from office and be disqualified from holding public office in this
1103 state for a period of five years thereafter.

1104 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in
1105 accordance with Subsection (3)(p)(iii) or a person that requests information in accordance with
1106 Subsection (3)(p)(v):

1107 (i) is not guilty of a class A misdemeanor; and

1108 (ii) is not subject to:

1109 (A) dismissal from office in accordance with Subsection (5)(b); or

1110 (B) disqualification from holding public office in accordance with Subsection (5)(b).

1111

(6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

H.B. 126 2nd Sub. (Gray) - 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>
General Fund, One-Time	\$0	\$3,000	\$0	\$0	\$0	\$0
Total	\$0	\$3,000	\$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.
