

**Senator Mark B. Madsen** proposes the following substitute bill:

**PROOF OF CITIZENSHIP REQUIRED TO  
VOTE**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark B. Madsen**

House Sponsor: Bradley M. Daw

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**LONG TITLE**

**General Description:**

This bill modifies the Election Code to require verification of citizenship.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ requires persons that are registering to vote in the state for the first time or that are changing their registration from another state to provide evidence, either at the time of registration or at the time or voting, that they are citizens of the United States;
- ▶ provides that persons who are already registered to vote in Utah need not provide proof of citizenship;
- ▶ provides a list of acceptable documentation for providing proof of citizenship;
- ▶ permits tribes to provide lists or documentation to assist county clerks as part of the citizenship verification process;
- ▶ modifies voter registration forms to reflect the new requirements;
- ▶ modifies voting procedures to reflect the new requirements; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 This bill coordinates with H.B. 126 Voter Identification for Elections, by providing  
29 superseding and technical amendments.

30 This bill coordinates with S.B. 27 Election Law Changes, by providing superseding and  
31 technical amendments.

32 This bill coordinates with S.B. 40 Lawful Presence Verification for Issuance of a Driver  
33 License or Identification Card, by providing superseding and technical amendments.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-1-102**, as last amended by Laws of Utah 2008, Chapters 19, 170, 315, and 360

37 **20A-2-104**, as last amended by Laws of Utah 2008, Chapter 382

38 **20A-2-108**, as last amended by Laws of Utah 2004, Chapter 219

39 **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 276

40 **20A-2-202**, as last amended by Laws of Utah 2006, Chapters 264 and 326

41 **20A-2-204**, as last amended by Laws of Utah 2006, Chapters 264 and 326

42 **20A-2-205**, as last amended by Laws of Utah 2006, Chapters 264 and 326

43 **20A-3-104**, as last amended by Laws of Utah 2006, Chapters 264 and 326

44 **20A-3-104.5**, as last amended by Laws of Utah 2008, Chapter 329

45 **20A-3-105.5**, as last amended by Laws of Utah 2007, Chapter 75

46 **20A-3-305**, as last amended by Laws of Utah 2006, Chapter 264

47 **20A-3-401**, as last amended by Laws of Utah 2006, Chapter 264

48 **20A-4-107**, as last amended by Laws of Utah 2007, Chapters 75 and 285

49 ENACTS:

50 **20A-2-110**, Utah Code Annotated 1953



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

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

54 **20A-1-102. Definitions.**

55 As used in this title:

56 (1) "Active voter" means a registered voter who has not been classified as an inactive

57 voter by the county clerk.

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

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

63 (4) "Ballot sheet":

64 (a) means a ballot that:

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

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

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

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

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

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

74 (b) a constitutional amendment;

75 (c) an initiative;

76 (d) a referendum;

77 (e) a bond proposition;

78 (f) a judicial retention question; or

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

80 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
81 20A-4-306 to canvass election returns.

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

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

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

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

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

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

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

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

98 (16) "Counting poll watcher" means a person selected as provided in Section  
99 20A-3-201 to witness the counting of ballots.

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

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

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

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

107 (21) "Election" means a regular general election, a municipal general election, a  
108 statewide special election, a local special election, a regular primary election, a municipal  
109 primary election, and a local district election.

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

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

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

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

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

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

118 (25) "Election officer" means:

- 119 (a) the lieutenant governor, for all statewide ballots;
- 120 (b) the county clerk or clerks for all county ballots and for certain ballots and elections  
121 as provided in Section 20A-5-400.5;
- 122 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as  
123 provided in Section 20A-5-400.5;
- 124 (d) the local district clerk or chief executive officer for certain ballots and elections as  
125 provided in Section 20A-5-400.5; and
- 126 (e) the business administrator or superintendent of a school district for certain ballots  
127 or elections as provided in Section 20A-5-400.5.
- 128 (26) "Election official" means any election officer, election judge, or poll worker.
- 129 (27) "Election results" means, for bond elections, the count of those votes cast for and  
130 against the bond proposition plus any or all of the election returns that the board of canvassers  
131 may request.
- 132 (28) "Election returns" includes the pollbook, all affidavits of registration, the military  
133 and overseas absentee voter registration and voting certificates, one of the tally sheets, any  
134 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all  
135 spoiled ballots, the ballot disposition form, and the total votes cast form.
- 136 (29) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
137 device or other voting device that records and stores ballot information by electronic means.
- 138 (30) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 139 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 140 (31) "Inactive voter" means a registered voter who has been sent the notice required by  
141 Section 20A-2-306 and who has failed to respond to that notice.
- 142 (32) "Inspecting poll watcher" means a person selected as provided in this title to  
143 witness the receipt and safe deposit of voted and counted ballots.
- 144 (33) "Judicial office" means the office filled by any judicial officer.
- 145 (34) "Judicial officer" means any justice or judge of a court of record or any county  
146 court judge.
- 147 (35) "Local district" means a local government entity under Title 17B, Limited Purpose  
148 Local Government Entities - Local Districts, and includes a special service district under Title  
149 17D, Chapter 1, Special Service District Act.

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

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

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

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

159 (40) "Municipal executive" means:

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

162 (b) the mayor in the council-manager form of government defined in Subsection  
163 10-3b-103(6).

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

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

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

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

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

175 (46) "Official endorsement" means:

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

177 (i) the ballot as an official ballot;

178 (ii) the date of the election; and

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

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

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

182 (ii) the ballot number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

205 (c) whose identity or citizenship was not sufficiently established by a poll worker in  
206 accordance with this title's requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

238 (a) is spoiled by the voter;

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

240 (c) lacks the official endorsement.

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



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

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

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

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

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

253 (76) "Valid voter identification" means:

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

256 (i) a currently valid Utah driver license;

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

258 (A) the state;

259 (B) a local government within the state; or

260 (C) a branch, department, or agency of the United States;

261 (iii) an identification card that is issued by an employer for an employee;

262 (iv) a currently valid identification card that is issued by a college, university, technical  
263 school, or professional school that is located within the state;

264 (v) a currently valid Utah permit to carry a concealed weapon;

265 (vi) a currently valid United States passport; or

266 (vii) a valid tribal identification card; or

267 (b) two forms of identification that bear the name of the voter and provide evidence  
268 that the voter resides in the voting precinct, which may include:

269 (i) a voter identification card;

270 (ii) a current utility bill or a legible copy thereof;

271 (iii) a bank or other financial account statement, or a legible copy thereof;

272 (iv) a certified birth certificate;

273 (v) a valid Social Security card;

- 274 (vi) a check issued by the state or the federal government or a legible copy thereof;
- 275 (vii) a paycheck from the voter's employer, or a legible copy thereof;
- 276 (viii) a currently valid Utah hunting or fishing license;
- 277 (ix) a currently valid United States military identification card;
- 278 (x) certified naturalization documentation;
- 279 (xi) a currently valid license issued by an authorized agency of the United States;
- 280 (xii) a certified copy of court records showing the voter's adoption or name change;
- 281 (xiii) a Bureau of Indian Affairs card;
- 282 (xiv) a tribal treaty card;
- 283 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
- 284 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
- 285 photograph, but establishes the name of the voter and provides evidence that the voter resides
- 286 in the voting precinct.

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 at least 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 known) \_\_\_\_\_

343 \_\_\_\_\_

344 City County State Zip Code

345 Political Party

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

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

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

354 Signed and sworn

355 \_\_\_\_\_

356 Voter's Signature

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

358 CITIZENSHIP AFFIDAVIT

359 Name:

360 Name at birth, if different:

361 Place of birth:

362 Date of birth:

363 Date and place of naturalization (if applicable):

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

367 \_\_\_\_\_  
 368 Signature of Applicant

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

372 NOTICE: IF YOU ARE REGISTERING TO VOTE IN THIS STATE FOR THE FIRST  
 373 TIME OR IF YOU ARE CHANGING YOUR VOTER REGISTRATION FROM ANOTHER  
 374 STATE, YOU MUST EITHER INCLUDE A LEGIBLE COPY OF ONE OF THE  
 375 FOLLOWING WITH YOUR APPLICATION OR SHOW ONE OF THE FOLLOWING AT  
 376 THE TIME YOU VOTE AS EVIDENCE OF UNITED STATES CITIZENSHIP:

377 (A) YOUR CURRENTLY VALID UTAH DRIVER LICENSE;

378 (B) YOUR BIRTH CERTIFICATE;

379 (C) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND  
 380 PASSPORT NUMBER;

381 (D) YOUR UNITED STATES NATURALIZATION DOCUMENTS, AS  
 382 PERMITTED BY FEDERAL LAW, SHOWING YOUR NAME AND THE NUMBER OF  
 383 THE CERTIFICATE OF NATURALIZATION;

384 (E) A DOCUMENT ESTABLISHED AS PROOF OF CITIZENSHIP UNDER THE  
 385 IMMIGRATION REFORM AND CONTROL ACT OF 1968;

386 (F) YOUR BUREAU OF INDIAN AFFAIRS CARD OR CERTIFICATION OF  
 387 INDIAN BLOOD;

388 (G) YOUR TRIBAL ENROLLMENT CARD, TRIBAL ENROLLMENT  
 389 DOCUMENTATION, TRIBAL ENROLLMENT NUMBER, OR OTHER  
 390 DOCUMENTATION CERTIFYING THAT YOU ARE LISTED ON A TRIBAL  
 391 ENROLLMENT LIST; ~~§~~ → [OR] ← ~~§~~

392 (H) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER  
 393 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE  
 394 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY  
 395 ACKNOWLEDGED BY A STATE ~~§~~ → [:] ; OR

395a (I) AN OFFICIAL STATEMENT FROM THE FEDERAL SOCIAL SECURITY  
 395b ADMINISTRATION INDICATING THAT YOU ARE A CITIZEN. ← ~~§~~

396 IN ORDER TO BE ALLOWED TO VOTE IN A VOTING PRECINCT FOR THE FIRST  
 397 TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE DATE OF

398 THE ELECTION, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE  
399 POLL WORKER BEFORE VOTING AS FOLLOWS:

400 (1) A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME,  
401 PHOTOGRAPH, AND CURRENT ADDRESS; OR

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

404 FOR OFFICIAL USE ONLY

405 Type of I.D. \_\_\_\_\_

406 Voting Precinct \_\_\_\_\_

407 Voting I.D. Number \_\_\_\_\_

408 -----

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

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

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

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

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

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

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

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

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

429 Section 3. Section 20A-2-108 is amended to read:

430 **20A-2-108. Driver license registration form -- Transmittal of information.**

431 (1) The lieutenant governor and the Driver License Division shall design the driver  
432 license application and renewal forms to include the question "if you are not registered to vote  
433 where you live now, would you like to register to vote today?"

434 (2) (a) The lieutenant governor and the Driver License Division shall design a motor  
435 voter registration form to be used in conjunction with driver license application and renewal  
436 forms.

437 (b) Each driver license application and renewal form shall contain:

438 (i) a place for the applicant to decline to register to vote;

439 (ii) an eligibility statement in substantially the following form:

440 "I do swear (or affirm), subject to penalty of law for false statements, that the  
441 information contained in this form is true, and that I am a citizen of the United States and a  
442 resident of the state of Utah, residing at the above address. I will be at least 18 years old and  
443 will have resided in Utah for 30 days immediately before the next election.

444 Signed and sworn

445 \_\_\_\_\_

446 Voter's Signature

447 \_\_\_\_\_(month\day\year)";

448 (iii) a citizenship affidavit in substantially the following form:

449 "CITIZENSHIP AFFIDAVIT

450 Name:

451 Name at birth, if different:

452 Place of birth:

453 Date of birth:

454 Date and place of naturalization (if applicable):

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

458 \_\_\_\_\_

459 Signature of Applicant

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

463 (iv) a statement that if an applicant declines to register to vote, the fact that the  
464 applicant has declined to register will remain confidential and will be used only for voter  
465 registration purposes; [~~and~~]

466 (v) a statement that if an applicant does register to vote, the office at which the  
467 applicant submits a voter registration application will remain confidential and will be used only  
468 for voter registration purposes[~~;~~]; and

469 (vi) the information required under Section 20A-2-110, provided that the voter  
470 application portion of the driver license application does not require the applicant to duplicate  
471 information provided in the driver license portion of the form.

472 (3) Upon receipt of a voter registration form from an applicant, the county clerk or the  
473 clerk's designee shall:

474 (a) review the voter registration form for completeness and accuracy; and

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

478 Section 4. Section **20A-2-110** is enacted to read:

479 **20A-2-110. Review of voter registration applications -- Evidence of citizenship,**  
480 **age, and residence.**

481 (1) As used in this section, "tribe" means an Indian tribe or band or Alaskan Native  
482 Village which is recognized by federal law or formally acknowledged by a state.

483 (2) Before registering an applicant to vote, the county clerk shall determine that each  
484 applicant:

485 (a) has provided the required information on the voter registration form;

486 (b) has signed the voter registration form;

487 (c) has signed a statement certifying that the applicant will have resided in Utah for 30  
488 days immediately before the next election;

489 (d) has provided birth date information showing that the applicant will be at least 18  
490 years old on the date of the election; and



491 (e) has provided address information showing that the applicant is a resident of the  
 492 county where the applicant has submitted the applicant's registration form.

493 (3) (a) Subject to the requirements of Subsection (4), the county clerk shall determine  
 494 whether each applicant has provided evidence of citizenship, which shall consist of  
 495 presentation of one of the following, or a legible copy of one of the following:

496 (i) the applicant's currently valid Utah driver license;

497 (ii) the applicant's birth certificate showing that the applicant was born in the United  
 498 States;

499 (iii) the applicant's United States passport showing the applicant's name and the  
 500 passport number;

501 (iv) the applicant's United States naturalization documents showing that the applicant  
 502 is a citizen of the United States;

503 (v) subject to the requirements of Subsection (5), the number of the applicant's  
 504 certificate of naturalization;

505 (vi) other documents or methods of proof of citizenship that are established by the  
 506 Immigration Reform and Control Act of 1986, Pub. L. No. 99-603;

507 (vii) the applicant's Bureau of Indian Affairs card or Bureau of Indian Affairs  
 508 certification of Indian blood;

509 (viii) the applicant's tribal enrollment card, tribal enrollment documentation, tribal  
 510 enrollment number, or other documentation certifying that the applicant is listed on a tribal  
 511 enrollment list; ~~§~~ → [or] ← ~~§~~

512 (ix) other documentation establishing that the applicant is a member of a tribe ~~§~~ → [:] or

512a **(x) an official statement from the federal Social Security Administration indicating that**  
 512b **the applicant is a citizen.** ← ~~§~~

513 (b) The county clerk may not accept a driving privilege card issued under Section  
 514 53-3-207 as valid identification for evidence of citizenship.

515 (c) If the applicant has not provided evidence of citizenship, the county clerk shall  
 516 register the applicant to vote, but shall make a notation in the official register that the applicant  
 517 is required to present evidence of citizenship at the time of voting.

518 (4) Any person who is registered to vote in this state as of May 12, 2009, shall not be  
 519 required to provide evidence of citizenship under Subsection (3), unless that person is changing  
 520 the person's voter registration from another state to this state.

521 (5) If an applicant provides the number of the applicant's certificate of naturalization as

522 evidence of citizenship under Subsection (3)(a)(v), the county clerk may not register the  
523 applicant to vote until the county clerk is able to verify the number of the certificate with the  
524 United States Citizenship and Immigration Services.

525 (6) A tribe may provide lists or other documentation to assist the county clerk in  
526 meeting the county clerk's obligations under this section.

527 Section 5. Section **20A-2-201** is amended to read:

528 **20A-2-201. Registering to vote at office of county clerk.**

529 (1) Except as provided in Subsection (3), the county clerk shall register to vote all  
530 persons who present themselves for registration at the county clerk's office during designated  
531 office hours if those persons[;]:

532 (a) on the date of the election, will be legally eligible to vote in a voting precinct in the  
533 county in accordance with Section 20A-2-101[;]; and

534 (b) meet the requirements of Section 20A-2-110.

535 (2) If a registration form is submitted in person at the office of the county clerk during  
536 the period beginning on the date after the voter registration deadline and ending on the date that  
537 is 15 calendar days before the date of the election, the county clerk shall:

538 (a) accept registration forms from all persons who present themselves for registration at  
539 the clerk's office during designated office hours if those persons[;]:

540 (i) on the date of the election, will be legally qualified and entitled to vote in a voting  
541 precinct in the county; and

542 (ii) meet the requirements of Section 20A-2-110; and

543 (b) inform them that:

544 (i) they will be registered to vote in the pending election; and

545 (ii) for the pending election, they must vote on the day of the election and will not be  
546 eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they  
547 registered too late.

548 (3) If a registration form is submitted to the county clerk on the date of the election or  
549 during the 14 calendar days before an election, the county clerk shall:

550 (a) accept registration forms from all persons who present themselves for registration at  
551 the clerk's office during designated office hours if those persons[;]:

552 (i) on the date of the election, will be legally qualified and entitled to vote in a voting

553 precinct in the county; and

554 (ii) meet the requirements of Section 20A-2-110; and

555 (b) inform them that they will be registered to vote but may not vote in the pending  
556 election because they registered too late.

557 Section 6. Section **20A-2-202** is amended to read:

558 **20A-2-202. Registration by mail.**

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

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

562 (c) (i) In order to register to vote in a particular election, the citizen shall:

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

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

565 (ii) The citizen shall provide evidence of citizenship by submitting a copy of  
566 documentation required under Section 20A-2-110 with the by-mail voter registration form if  
567 the citizen is:

568 (A) registering to vote for the first time; or

569 (B) changing the citizen's voter registration from another state.

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

572 (A) submit a copy of the voter's valid voter identification with the by-mail voter  
573 registration form; or

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

575 (d) The citizen has effectively registered to vote under this section only when:

576 (i) the county clerk's office has received a correctly completed by-mail voter  
577 registration form[-]; and

578 (ii) the county clerk has determined that the citizen has met the requirements of Section  
579 20A-2-110.

580 (2) Upon receipt of a correctly completed by-mail voter registration form and  
581 documentation that meets the requirements of Section 20A-2-110, the county clerk shall:

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

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

586 (3) (a) If the county clerk receives a correctly completed by-mail voter registration  
587 form that is postmarked after the voter registration deadline and documentation that meets the  
588 requirements of Section 20A-2-110, the county clerk shall:

- 589 (i) register the applicant after the next election; and
- 590 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
591 informing the applicant that his registration will not be effective until after the election.

592 (b) When the county clerk receives, at least seven days before an election, a correctly  
593 completed by-mail voter registration form [~~at least seven days before an election that is~~  
594 ~~postmarked on or before the date of the voter registration deadline~~] that is postmarked on or  
595 before the date of the voter registration deadline and documentation that meets the  
596 requirements of Section 20A-2-110, the county clerk shall:

- 597 (i) process the by-mail voter registration form; and
- 598 (ii) record the new voter in the official register.

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

603 Section 7. Section **20A-2-204** is amended to read:

604 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

605 (1) As used in this section, "voter registration form" means the driver license  
606 application/voter registration form and the driver license renewal/voter registration form  
607 required by Section 20A-2-108.

608 (2) Any citizen who is qualified to vote may register to vote by completing the voter  
609 registration form.

610 (3) The Driver License Division shall:

- 611 (a) assist applicants in completing the voter registration form unless the applicant  
612 refuses assistance;
- 613 (b) accept completed forms for transmittal to the appropriate election official;
- 614 (c) transmit a copy of each voter registration form to the appropriate election official

615 within five days after it is received by the division;

616 (d) transmit each address change within five days after it is received by the division;

617 and

618 (e) transmit electronically to the lieutenant governor's office the name, address, birth  
619 date, and driver license number of each person who answers "yes" to the question on the driver  
620 license form about registering to vote.

621 (4) Upon receipt of a correctly completed voter registration form and documentation  
622 that meets the requirements of Section 20A-2-110, the county clerk shall:

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

625 (b) notify the applicant of registration.

626 (5) (a) If the county clerk receives a correctly completed voter registration form that is  
627 dated after the voter registration deadline and documentation that meets the requirements of  
628 Section 20A-2-110, the county clerk shall:

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

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

632 (b) When the county clerk receives, at least seven days before an election, a correctly  
633 completed voter registration form [~~at least seven days before an election~~] that is dated on or  
634 before the voter registration deadline and documentation that meets the requirements of Section  
635 20A-2-110, the county clerk shall:

636 (i) process the voter registration form; and

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

638 (6) If the county clerk determines that a voter registration form received from the  
639 Driver License Division is incorrect because of an error or because it is incomplete, the county  
640 clerk shall mail notice to the person attempting to register, informing him that he has not been  
641 registered because of an error or because the form is incomplete.

642 Section 8. Section **20A-2-205** is amended to read:

643 **20A-2-205. Registration at voter registration agencies.**

644 (1) As used in this section:

645 (a) "Discretionary voter registration agency" means each office designated by the

646 county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide  
647 by-mail voter registration forms to the public.

648 (b) "Public assistance agency" means each office in Utah that provides:

649 (i) public assistance; or

650 (ii) state funded programs primarily engaged in providing services to people with  
651 disabilities.

652 (2) Any person may obtain and complete a by-mail registration form at a public  
653 assistance agency or discretionary voter registration agency.

654 (3) Each public assistance agency and discretionary voter registration agency shall  
655 provide, either as part of existing forms or on a separate form, the following information in  
656 substantially the following form:

657 "REGISTERING TO VOTE

658 If you are not registered to vote where you live now, would you like to apply to register  
659 to vote here today? (Applying to register to vote or declining to register to vote will not affect  
660 the amount of assistance that you will be provided by this agency.) Yes\_\_\_ No\_\_\_ IF YOU  
661 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED  
662 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the  
663 voter registration application form, we will help you. The decision about whether or not to  
664 seek or accept help is yours. You may fill out the application form in private. If you believe  
665 that someone has interfered with your right to register or to decline to register to vote, your  
666 right to privacy in deciding whether or not to register, or in applying to register to vote, or your  
667 right to choose your own political party or other political preference, you may file a complaint  
668 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah  
669 84114. (801) 538-1040."

670 (4) Unless a person applying for service or assistance from a public assistance agency  
671 or discretionary voter registration agency declines, in writing, to register to vote, each public  
672 assistance agency and discretionary voter registration agency shall:

673 (a) distribute a by-mail voter registration form with each application for service or  
674 assistance provided by the agency or office;

675 (b) assist applicants in completing the voter registration form unless the applicant  
676 refuses assistance;

677 (c) accept completed forms and copies of documentation provided as evidence of  
678 citizenship for transmittal to the appropriate election official; and

679 (d) transmit a copy of each voter registration form and evidence of citizenship to the  
680 appropriate election official within five days after it is received by the division.

681 (5) A person in a public assistance agency or a discretionary voter registration agency  
682 that helps a person complete the voter registration form may not:

683 (a) seek to influence an applicant's political preference or party registration;

684 (b) display any political preference or party allegiance;

685 (c) make any statement to an applicant or take any action that has the purpose or effect  
686 of discouraging the applicant from registering to vote; or

687 (d) make any statement to an applicant or take any action that has the purpose or effect  
688 of leading the applicant to believe that a decision to register or not to register has any bearing  
689 upon the availability of services or benefits.

690 (6) Upon receipt of a correctly completed voter registration form and documentation  
691 that meets the requirements of Section 20A-2-110, the county clerk shall:

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

694 (b) notify the applicant of registration.

695 (7) (a) If the county clerk receives a correctly completed voter registration form that is  
696 dated after the voter registration deadline and documentation that meets the requirements of  
697 Section 20A-2-110, the county clerk shall:

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

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

701 (b) When the county clerk receives, at least seven days before an election, a correctly  
702 completed voter registration form [~~at least seven days before an election~~] that is dated on or  
703 before the voter registration deadline and documentation that meets the requirements of Section  
704 20A-2-110, the county clerk shall:

705 (i) process the voter registration form; and

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

707 (8) If the county clerk determines that a voter registration form received from a public

708 assistance agency or discretionary voter registration agency is incorrect because of an error or  
709 because it is incomplete, the county clerk shall mail notice to the person attempting to register,  
710 informing him that he has not been registered because of an error or because the form is  
711 incomplete.

712 Section 9. Section **20A-3-104** is amended to read:

713 **20A-3-104. Manner of voting.**

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

716 (b) (i) The voter shall present valid voter identification to one of the poll workers if the  
717 voter is:

718 [(i)] (A) required to present valid voter identification as indicated by a notation in the  
719 official register;

720 [(ii)] (B) voting in person by absentee ballot; or

721 [(iii)] (C) voting during the early voting period.

722 [(e)] (ii) If a voter is not required to present valid voter identification under Subsection  
723 (1)(b)(i), and the poll worker does not know the voter requesting a ballot and has reason to  
724 doubt that voter's identity, the poll worker shall:

725 [(i)] (A) request that the voter present valid voter identification; or

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

727 (c) The voter shall present evidence of citizenship to one of the poll workers if the  
728 voter is required to present evidence of citizenship as indicated by a notation in the official  
729 register.

730 (d) If the poll worker is satisfied that the voter [~~has been properly identified~~] has  
731 satisfied the requirements of Subsections (1)(b) and (1)(c), the poll worker shall:

732 (i) record the type of identification and proof of citizenship provided by the voter in the  
733 appropriate space in the official register, as applicable; and

734 (ii) follow the procedures of Subsection (2).

735 (e) If the poll worker is not satisfied that the voter [~~has been properly identified~~] has  
736 satisfied the requirements of Subsections (1)(b) and (1)(c), the poll worker shall:

737 (i) indicate on the official register that the voter [~~was not properly identified~~] failed to  
738 provide valid voter identification or proof of citizenship;



- 739 (ii) issue the voter a provisional ballot; and
- 740 (iii) follow the procedures and requirements of Section 20A-3-105.5.
- 741 (f) If the person's right to vote is challenged as provided in Section 20A-3-202, the poll
- 742 worker shall follow the procedures and requirements of Section 20A-3-105.5.
- 743 (2) (a) The poll worker in charge of the official register shall check the official register
- 744 to determine whether or not the voter is registered to vote.
- 745 (b) If the voter's name is not found on the official register, the poll worker shall follow
- 746 the procedures and requirements of Section 20A-3-105.5.
- 747 (3) If the poll worker determines that the voter is registered and:
- 748 (a) if the ballot is a paper ballot or a ballot sheet:
  - 749 (i) the poll worker in charge of the official register shall:
    - 750 (A) write the ballot number opposite the name of the voter in the official register; and
    - 751 (B) direct the voter to sign his name in the election column in the official register;
  - 752 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
  - 753 and
  - 754 (iii) the poll worker having charge of the ballots shall:
    - 755 (A) endorse his initials on the stub;
    - 756 (B) check the name of the voter on the pollbook list with the number of the stub;
    - 757 (C) hand the voter a ballot; and
    - 758 (D) allow the voter to enter the voting booth; or
  - 759 (b) if the ballot is an electronic ballot:
    - 760 (i) the poll worker in charge of the official register shall direct the voter to sign the
    - 761 voter's name in the official register;
    - 762 (ii) another poll worker shall list the voter's name in the pollbook; and
    - 763 (iii) the poll worker having charge of the ballots shall:
      - 764 (A) provide the voter access to the electronic ballot; and
      - 765 (B) allow the voter to vote the electronic ballot.
    - 766 (4) Whenever the election officer is required to furnish more than one kind of official
    - 767 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
    - 768 voter the kind of ballot that the voter is qualified to vote.
    - 769 Section 10. Section **20A-3-104.5** is amended to read:

770           **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**  
771 **Primary.**

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

776           (b) ~~(i)~~ (i) The voter shall present valid voter identification to one of the poll workers if the  
777 voter is:

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

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

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

782           ~~[(e)]~~ (ii) If a voter is not required to present valid voter identification under Subsection  
783 (1)(b)~~(i)~~, and the poll worker does not know the voter requesting a ballot and has reason to  
784 doubt that voter's identity, the poll worker shall:

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

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

787           (c) The voter shall present evidence of citizenship to one of the poll workers if the  
788 voter is required to present evidence of citizenship as indicated by a notation in the official  
789 register.

790           (d) The poll worker shall follow the procedures and requirements of Section  
791 20A-3-105.5 if:

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

793           (ii) the voter has not provided evidence of citizenship as required by Subsection (1)(c);

794 or

795           ~~[(i)]~~ (iii) the voter's right to vote is challenged under Section 20A-3-202.

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

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

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

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

804 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on  
805 the official register, the poll worker shall follow the procedures and requirements of Section  
806 20A-3-105.5.

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

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

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

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

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

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

818 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official  
819 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a  
820 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the  
821 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote  
822 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or  
823 remain "unaffiliated."

824 (B) If the voter wishes to vote another registered political party ballot that the  
825 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection  
826 (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

852 and

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

854 (A) endorse his initials on the stub;

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

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

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

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

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

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

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

864 (A) provide the voter access to the electronic ballot for the registered political party  
865 that the voter requested and for which the voter is authorized to vote; and

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

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

870 Section 11. Section **20A-3-105.5** is amended to read:

871 **20A-3-105.5. Manner of voting -- Provisional ballot.**

872 (1) The poll workers shall follow the procedures and requirements of this section  
873 when:

874 (a) the person's right to vote is challenged as provided in Section 20A-3-202;

875 (b) the person's name is not found on the official register; [or]

876 (c) the poll worker is not satisfied that the voter has provided valid voter  
877 identification[-]; or

878 (d) the person has not provided evidence of citizenship as required by a notation in the  
879 official register.

880 (2) When faced with one of the circumstances outlined in Subsection (1)(a) [or], (1)(b),  
881 or (1)(d), the poll worker shall:

882 (a) request that the person provide valid voter identification; and

883 (b) review the identification provided by the person.

884 (3) If the poll worker is satisfied that the person has provided valid voter identification  
885 that establishes the person's identity and residence in the voting precinct:

886 (a) the poll worker in charge of the official register shall:

887 (i) record in the official register the type of identification that established the person's  
888 identity and place of residence, and, as applicable, the type of identification that the person  
889 provided as evidence of citizenship;

890 (ii) write the provisional ballot envelope number opposite the name of the voter in the  
891 official register; and

892 (iii) direct the voter to sign his name in the election column in the official register;

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

894 and

895 (c) the poll worker having charge of the ballots shall:

896 (i) endorse his initials on the stub;

897 (ii) check the name of the voter on the pollbook list with the number of the stub;

898 (iii) give the voter a ballot and a provisional ballot envelope; and

899 (iv) allow the voter to enter the voting booth.

900 (4) If the poll worker is not satisfied that the voter has provided valid voter

901 identification that establishes the person's identity and residence in the voting precinct:

902 (a) the poll worker in charge of the official register shall:

903 (i) record in the official register that the voter did not provide valid voter identification;

904 (ii) record in the official register the type of identification that was provided by the

905 voter, if any, and, as applicable, the type of identification that was provided by the voter as

906 evidence of citizenship;

907 (iii) write the provisional ballot envelope number opposite the name of the voter in the

908 official register; and

909 (iv) direct the voter to sign his name in the election column in the official register;

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

911 and

912 (c) the poll worker having charge of the ballots shall:

913 (i) endorse his initials on the stub;

914 (ii) check the name of the voter on the pollbook list with the number of the stub;

915 (iii) give the voter a ballot and a provisional ballot envelope; and

916 (iv) allow the voter to enter the voting booth.

917 (5) Whenever the election officer is required to furnish more than one kind of official

918 ballot to a voting precinct, the poll workers of that voting precinct shall give the registered

919 voter the kind of ballot that the voter is qualified to vote.

920 Section 12. Section **20A-3-305** is amended to read:

921 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**

922 **Affidavit.**

923 (1) Upon timely receipt of an absentee voter application properly filled out and signed,

924 or as soon after receipt of the application as the official absentee ballots for the voting precinct

925 in which the applicant resides have been printed, the election officer shall either:

926 (a) give the applicant an official absentee ballot and envelope to vote in the office; or

927 (b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an  
928 envelope printed as required in Subsection (2).

929 (2) The election officer shall ensure that:

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

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

934 "County of \_\_\_\_\_ State of \_\_\_\_\_

935 I, \_\_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_\_ voting precinct  
936 in \_\_\_\_\_ County, Utah and that I am entitled to vote in that voting precinct at the next election.

937 I am not a convicted felon currently incarcerated for commission of a felony.

938 \_\_\_\_\_  
939 Signature of Absentee Voter"

940 (3) If the election officer determines that the absentee voter is required to show valid  
941 voter identification or evidence of citizenship as indicated in the official register, the election  
942 officer shall:

943 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

944 (b) instruct the voter to include a copy of the voter's valid voter identification or  
945 evidence of citizenship with the return ballot;

946 (c) provide the voter clear instructions on how to vote a provisional ballot; and

947 (d) comply with the requirements of Subsection (2).

948 Section 13. Section **20A-3-401** is amended to read:

949 **20A-3-401. Intent and purpose of part.**

950 (1) Each election officer, election official, and judge shall liberally interpret and apply  
951 this part to:

952 (a) make it possible for Utah voters living or serving abroad to vote in county, state,  
953 and national elections during their absence;

954 (b) enable these voters to register more conveniently;

955 (c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting

956 Act; and

957 (d) in accordance with Public Law 107-252, the Help America Vote Act of 2002,  
958 exempt overseas and military voters from:

959 (i) the identification requirements of Section 20A-3-308~~[-]~~; and

960 (ii) the evidence of citizenship requirements of Section 20A-2-110.

961 (2) The state selective service, all military organizations, and citizens and officers of  
962 Utah or of the respective counties and municipalities of the state shall cooperate with the  
963 election and party officers in carrying out the intent and purpose of this part.

964 (3) All state and county officers of Utah shall:

965 (a) do all things and perform all acts necessary to put into effect the provisions of any  
966 Act of Congress or this state allowing uniformed and overseas citizen voters to vote; and

967 (b) permit the use of any official ballot authorized by any Act of Congress and this part  
968 as a ballot supplementary to the official Utah election military ballot.

969 (4) Each provision of this part prevails over any inconsistent provision of any other  
970 statute or any part of any statute.

971 Section 14. Section **20A-4-107** is amended to read:

972 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

974 (a) the voter:

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

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

977 (iii) provided valid voter identification and evidence of citizenship to the poll worker  
978 as ~~[indicated]~~ required by a notation in the official register;

979 (b) the voter:

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

981 (ii) did not vote in the voter's precinct of residence, but the ballot that the voter voted is  
982 identical to the ballot voted in the voter's precinct of residence; or

983 (c) the voter:

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

985 (ii) the poll worker recorded in the official register that:

986 (A) the voter ~~[either]~~ failed to provide valid voter identification or evidence of



987 citizenship; or

988 (B) the documents provided as valid voter identification or evidence of citizenship  
989 were inadequate; and

990 (iii) the county clerk verifies the voter's identity and residence through some other  
991 means.

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

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

1000 (c) If the election officer determines that the person is a registered voter and is legally  
1001 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from  
1002 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with  
1003 those ballots at the canvass.

1004 (d) The election officer may not count, or allow to be counted a provisional ballot  
1005 unless;

1006 (i) the voter's identity and residence [~~is~~] are established by a preponderance of the  
1007 evidence[~~;~~]; and

1008 (ii) if the voter was required to provide evidence of citizenship under the requirements  
1009 of this title, the voter's citizenship is established by a preponderance of the evidence.

1010 (3) If the election officer determines that the person is a registered voter, the election  
1011 officer shall ensure that the voter registration records are updated to reflect the information  
1012 provided on the provisional ballot envelope.

1013 (4) If the election officer determines that the person is not a registered voter and the  
1014 information on the provisional ballot envelope is complete, the election officer shall:

1015 (a) consider the provisional ballot envelope a voter registration form; and

1016 (b) register the voter.

1017 Section 15. **Coordinating S.B. 69 with H.B. 126 -- Merging substantive and**

1018 **technical amendments.**

1019 If this S.B. 69 and H.B. 126, Voter Identification for Elections, both pass, it is the intent  
1020 of the Legislature that the Office of Legislative Research and General Counsel in preparing the  
1021 Utah Code database for publication modify Section 20A-3-104 to read:

1022 **"20A-3-104. Manner of voting.**

1023 (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his  
1024 residence, to one of the poll workers.

1025 (b) The voter shall present valid voter identification to one of the poll workers [~~if the~~  
1026 ~~voter is:~~].

1027 [~~(i) required to present valid voter identification as indicated by a notation in the~~  
1028 ~~official register;~~]

1029 [~~(ii) voting in person by absentee ballot; or]~~

1030 [~~(iii) voting during the early voting period.]~~

1031 [~~(c) If a voter is not required to present valid voter identification under Subsection~~  
1032 ~~(1)(b), and the poll worker does not know the voter requesting a ballot and has reason to doubt~~  
1033 ~~that voter's identity, the poll worker shall:]~~

1034 [~~(i) request that the voter present valid voter identification; or]~~

1035 [~~(ii) have the voter identified by a known registered voter of the district.]~~

1036 (c) The voter shall present evidence of citizenship to one of the poll workers, if the  
1037 voter is required to present evidence of citizenship as indicated by a notation in the official  
1038 register.

1039 (d) If the poll worker is satisfied that the voter has [~~been properly identified]~~ complied  
1040 with the requirements of Subsections (1)(b) and (1)(c) , the poll worker shall:

1041 (i) record the [~~type of identification]~~ evidence of citizenship provided by the voter in  
1042 the appropriate space in the official register, as applicable; and

1043 (ii) follow the procedures of Subsection (2).

1044 (e) If the poll worker is not satisfied that the voter has [~~been properly identified]~~  
1045 satisfied the requirements of Subsections (1)(b) and (1)(c), the poll worker shall:

1046 (i) indicate on the official register that the voter [~~was not properly identified]~~ failed to  
1047 provide valid voter identification or evidence of citizenship;

1048 (ii) issue the voter a provisional ballot; and

- 1049 (iii) follow the procedures and requirements of Section 20A-3-105.5.
- 1050 (f) If the person's right to vote is challenged as provided in Section 20A-3-202, the poll
- 1051 worker shall follow the procedures and requirements of Section 20A-3-105.5.
- 1052 (2) (a) The poll worker in charge of the official register shall check the official register
- 1053 to determine whether or not the voter is registered to vote.
- 1054 (b) If the voter's name is not found on the official register, the poll worker shall follow
- 1055 the procedures and requirements of Section 20A-3-105.5.
- 1056 (3) If the poll worker determines that the voter is registered and:
- 1057 (a) if the ballot is a paper ballot or a ballot sheet:
- 1058 (i) the poll worker in charge of the official register shall:
- 1059 (A) write the ballot number opposite the name of the voter in the official register; and
- 1060 (B) direct the voter to sign his name in the election column in the official register;
- 1061 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
- 1062 and
- 1063 (iii) the poll worker having charge of the ballots shall:
- 1064 (A) endorse his initials on the stub;
- 1065 (B) check the name of the voter on the pollbook list with the number of the stub;
- 1066 (C) hand the voter a ballot; and
- 1067 (D) allow the voter to enter the voting booth; or
- 1068 (b) if the ballot is an electronic ballot:
- 1069 (i) the poll worker in charge of the official register shall direct the voter to sign the
- 1070 voter's name in the official register;
- 1071 (ii) another poll worker shall list the voter's name in the pollbook; and
- 1072 (iii) the poll worker having charge of the ballots shall:
- 1073 (A) provide the voter access to the electronic ballot; and
- 1074 (B) allow the voter to vote the electronic ballot.
- 1075 (4) Whenever the election officer is required to furnish more than one kind of official
- 1076 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
- 1077 voter the kind of ballot that the voter is qualified to vote."

1078 Section 16. **Coordinating S.B. 69 with S.B. 27 -- Merging substantive and**

1079 **technical amendments.**

1080 If this S.B. 69 and S.B. 27, Election Law Changes, both pass, it is the intent of the  
1081 Legislature that the Office of Legislative Research and General Counsel in preparing the Utah  
1082 Code database for publication modify Section 20A-4-107 to read:

1083 **"20A-4-107. Review and disposition of provisional ballot envelopes.**

1084 (1) As used in this section, a voter is "legally entitled to vote" if:

1085 (a) the voter:

1086 (i) is registered to vote in the state;

1087 (ii) resides within the voting precinct where the voter seeks to vote; and

1088 (iii) provided valid voter identification and evidence of citizenship to the poll worker  
1089 as indicated by a notation in the official register;

1090 (b) the voter:

1091 (i) is registered to vote in the state; ~~and~~

1092 (ii) (A) provided valid voter identification or evidence of citizenship to the poll  
1093 worker; or

1094 (B) either failed to provide valid voter identification or evidence of citizenship or the  
1095 documents provided as valid voter identification or evidence of citizenship were inadequate  
1096 and the poll worker recorded that fact in the official register but the county clerk verifies the  
1097 voter's identity, citizenship, and residence through some other means; and

1098 ~~[(ii)]~~ (iii) did not vote in the voter's precinct of residence, but the ballot that the voter  
1099 voted is identical to the ballot voted in the voter's precinct of residence; or

1100 (c) the voter:

1101 (i) is registered to vote in the state;

1102 (ii) ~~[the poll worker recorded in the official register that the voter]~~ either failed to  
1103 provide valid voter identification or evidence of citizenship or the documents provided as valid  
1104 voter identification or evidence of citizenship were inadequate and the poll worker recorded  
1105 that fact in the official register; and

1106 (iii) the county clerk verifies the voter's identity and residence through some other  
1107 means.

1108 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review  
1109 the affirmation on the face of each provisional ballot envelope and determine if the person  
1110 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter

1111 voted.

1112 (b) If the election officer determines that the person is not a registered voter or is not  
1113 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot  
1114 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to  
1115 produce or count it.

1116 (c) If the election officer determines that the person is a registered voter and is legally  
1117 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from  
1118 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with  
1119 those ballots at the canvass.

1120 (d) The election officer may not count, or allow to be counted a provisional ballot  
1121 unless:

1122 (i) the voter's identity and residence [~~is~~] are established by a preponderance of the  
1123 evidence[-]; and

1124 (ii) if the voter was required to provide evidence of citizenship under the requirements  
1125 of this title, the voter's citizenship is established by a preponderance of the evidence.

1126 (3) If the election officer determines that the person is a registered voter, the election  
1127 officer shall ensure that the voter registration records are updated to reflect the information  
1128 provided on the provisional ballot envelope.

1129 (4) If the election officer determines that the person is not a registered voter and the  
1130 information on the provisional ballot envelope is complete, the election officer shall:

- 1131 (a) consider the provisional ballot envelope a voter registration form; and
- 1132 (b) register the voter."

1133 **Section 17. Coordinating S.B. 69 with S.B. 40 -- Merging substantive and**  
1134 **technical amendments.**

1135 If this S.B. 69 and S.B. 40, Lawful Presence Verification for Issuance of a Driver  
1136 License or Identification Card , both pass, it is the intent of the Legislature that the Office of  
1137 Legislative Research and General Counsel in preparing the Utah Code database for publication:

1138 (1) modify Section 20A-2-104 to read:

1139 **"20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

1140 (1) Every person applying to be registered shall complete a registration form printed in  
1141 substantially the following form:

1142 -----

1143 UTAH ELECTION REGISTRATION FORM

1144 Are you a citizen of the United States of America? Yes No

1145 Will you be at least 18 years old on or before election day? Yes No

1146 If you checked "no" to either of the above two questions, do not complete this form.

1147 Name of Voter

1148 \_\_\_\_\_

1149 First Middle Last

1150 Driver License or Identification Card Number \_\_\_\_\_

1151 State of issuance of Driver License or Identification Card

1152 Date of Birth \_\_\_\_\_

1153 Street Address of Principal Place of Residence

1154 \_\_\_\_\_

1155 City County State Zip Code

1156 Telephone Number (optional) \_\_\_\_\_

1157 Last four digits of Social Security Number \_\_\_\_\_

1158 Last former address at which I was registered to vote (if known) \_\_\_\_\_

1159 \_\_\_\_\_

1160 City County State Zip Code

1161 Political Party

1162 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by  
1163 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

1164  Unaffiliated (no political party preference)  Other (Please specify) \_\_\_\_\_

1165 I do swear (or affirm), subject to penalty of law for false statements, that the  
1166 information contained in this form is true, and that I am a citizen of the United States and a  
1167 resident of the state of Utah, residing at the above address. I will be at least 18 years old and  
1168 will have resided in Utah for 30 days immediately before the next election. I am not a  
1169 convicted felon currently incarcerated for commission of a felony.

1170 Signed and sworn

1171 \_\_\_\_\_

1172 Voter's Signature

1173 \_\_\_\_\_(month/day/year).

1174 CITIZENSHIP AFFIDAVIT

1175 Name:

1176 Name at birth, if different:

1177 Place of birth:

1178 Date of birth:

1179 Date and place of naturalization (if applicable):

1180 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
1181 citizen and that to the best of my knowledge and belief the information above is true and  
1182 correct.

1183 \_\_\_\_\_

1184 Signature of Applicant

1185 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
1186 allowing yourself to be registered to vote if you know you are not entitled to register to vote is  
1187 up to one year in jail and a fine of up to \$2,500.

1188 NOTICE: IF YOU ARE REGISTERING TO VOTE IN THIS STATE FOR THE FIRST  
1189 TIME OR IF YOU ARE CHANGING YOUR VOTER REGISTRATION FROM ANOTHER  
1190 STATE, YOU MUST EITHER INCLUDE A LEGIBLE COPY OF ONE OF THE  
1191 FOLLOWING WITH YOUR APPLICATION OR SHOW ONE OF THE FOLLOWING AT  
1192 THE TIME YOU VOTE AS EVIDENCE OF UNITED STATES CITIZENSHIP:

1193 (A) YOUR CURRENTLY VALID UTAH DRIVER LICENSE;

1194 (B) YOUR CURRENTLY VALID UTAH IDENTIFICATION CARD;

1195 (C) YOUR BIRTH CERTIFICATE;

1196 (D) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND  
1197 PASSPORT NUMBER;

1198 (E) YOUR UNITED STATES NATURALIZATION DOCUMENTS, AS  
1199 PERMITTED BY FEDERAL LAW, SHOWING YOUR NAME AND THE NUMBER OF  
1200 THE CERTIFICATE OF NATURALIZATION;

1201 (F) A DOCUMENT ESTABLISHED AS PROOF OF CITIZENSHIP UNDER THE  
1202 IMMIGRATION REFORM AND CONTROL ACT OF 1968;

1203 (G) YOUR BUREAU OF INDIAN AFFAIRS CARD OR CERTIFICATION OF

1204 INDIAN BLOOD;

1205 (H) YOUR TRIBAL ENROLLMENT CARD, TRIBAL ENROLLMENT

1206 DOCUMENTATION, TRIBAL ENROLLMENT NUMBER, OR OTHER

1207 DOCUMENTATION CERTIFYING THAT YOU ARE LISTED ON A TRIBAL

1208 ENROLLMENT LIST; ~~§~~ [OR] ~~←~~§

1209 (I) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER

1210 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE

1211 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY

1212 ACKNOWLEDGED BY A STATE ~~§~~ [;] ; OR

1212a (J) AN OFFICIAL STATEMENT FROM THE FEDERAL SOCIAL SECURITY

1212b ADMINISTRATION INDICATING THAT YOU ARE A CITIZEN. ~~←~~§

1213 IN ORDER TO BE ALLOWED TO VOTE IN A VOTING PRECINCT FOR THE FIRST

1214 TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE DATE OF

1215 THE ELECTION, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE

1216 POLL WORKER BEFORE VOTING AS FOLLOWS:

1217 (1) A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME,

1218 PHOTOGRAPH, AND CURRENT ADDRESS; OR

1219 (2) TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND

1220 CURRENT ADDRESS.

1221 FOR OFFICIAL USE ONLY

1222 Type of I.D. \_\_\_\_\_

1223 Voting Precinct \_\_\_\_\_

1224 Voting I.D. Number \_\_\_\_\_

1225 -----

1226 (2) The county clerk shall retain a copy in a permanent countywide alphabetical file,  
1227 which may be electronic or some other recognized system.

1228 (3) (a) Each county clerk shall retain lists of currently registered voters.

1229 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

1230 (c) If there are any discrepancies between the two lists, the county clerk's list is the  
1231 official list.

1232 (d) The lieutenant governor and the county clerks may charge the fees established  
1233 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of  
1234 the list of registered voters.



1235 (4) When political parties not listed on the voter registration form qualify as registered  
1236 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the  
1237 lieutenant governor shall inform the county clerks about the name of the new political party  
1238 and direct the county clerks to ensure that the voter registration form is modified to include that  
1239 political party.

1240 (5) Upon receipt of a voter registration form from an applicant, the county clerk or the  
1241 clerk's designee shall:

1242 (a) review each voter registration form for completeness and accuracy; and

1243 (b) if the county clerk believes, based upon a review of the form, that a person may be  
1244 seeking to register to vote who is not legally entitled to register to vote, refer the form to the  
1245 county attorney for investigation and possible prosecution." ; and

1246 (2) modify Section 20A-2-110 to read:

1247 **"20A-2-110. Review of voter registration applications -- Evidence of citizenship,**  
1248 **age, and residence.**

1249 (1) As used in this section, "tribe" means an Indian tribe or band or Alaskan Native  
1250 Village which is recognized by federal law or formally acknowledged by a state.

1251 (2) Before registering an applicant to vote, the county clerk shall determine that each  
1252 applicant:

1253 (a) has provided the required information on the voter registration form;

1254 (b) has signed the voter registration form;

1255 (c) has signed a statement certifying that the applicant will have resided in Utah for 30  
1256 days immediately before the next election;

1257 (d) has provided birth date information showing that the applicant will be at least 18  
1258 years old on the date of the election; and

1259 (e) has provided address information showing that the applicant is a resident of the  
1260 county where the applicant has submitted the applicant's registration form.

1261 (3) (a) Subject to the requirements of Subsection (4), the county clerk shall determine  
1262 whether each applicant has provided evidence of citizenship, which shall consist of  
1263 presentation of one of the following, or a legible copy of one of the following:

1264 (i) the applicant's currently valid Utah driver license;

1265 (ii) the applicant's currently valid Utah identification card issued under Section

1266 53-3-804 if the Utah identification card is:

1267 (A) issued on or after January 1, 2010; and

1268 (B) not a limited-term identification card;

1269 (iii) the applicant's birth certificate showing that the applicant was born in the United

1270 States;

1271 (iv) the applicant's United States passport showing the applicant's name and the

1272 passport number;

1273 (v) the applicant's United States naturalization documents showing that the applicant is

1274 a citizen of the United States;

1275 (vi) subject to the requirements of Subsection (5), the number of the applicant's

1276 certificate of naturalization;

1277 (vii) other documents or methods of proof of citizenship that are established by the

1278 Immigration Reform and Control Act of 1986, Pub. L. No. 99-603;

1279 (viii) the applicant's Bureau of Indian Affairs card or Bureau of Indian Affairs

1280 certification of Indian blood;

1281 (ix) the applicant's tribal enrollment card, tribal enrollment documentation, tribal

1282 enrollment number, or other documentation certifying that the applicant is listed on a tribal

1283 enrollment list; ~~§~~ → [or] ← ~~§~~

1284 (x) other documentation establishing that the applicant is a member of a tribe ~~§~~ → [;] ; or

1284a (xi) **an official statement from the federal Social Security Administration indicating that**

1284b **the applicant is a citizen.** ← ~~§~~

1285 (b) The county clerk may not accept a driving privilege card issued under Section

1286 53-3-207 as valid identification for evidence of citizenship.

1287 (c) If the applicant has not provided evidence of citizenship, the county clerk shall

1288 register the applicant to vote, but shall make a notation in the official register that the applicant

1289 is required to present evidence of citizenship at the time of voting.

1290 (4) Any person who is registered to vote in this state as of May 12, 2009, shall not be

1291 required to provide evidence of citizenship under Subsection (3), unless that person is changing

1292 the person's voter registration from another state to this state.

1293 (5) If an applicant provides the number of the applicant's certificate of naturalization as

1294 evidence of citizenship under Subsection (3)(a)(vi), the county clerk may not register the

1295 applicant to vote until the county clerk is able to verify the number of the certificate with the

1296 United States Citizenship and Immigration Services.

1297           (6) A tribe may provide lists or other documentation to assist the county clerk in  
1298 meeting the county clerk's obligations under this section."

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**S.B. 69 1st Sub. (Green) - Proof of Citizenship Required to Vote**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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