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**PROOF OF CITIZENSHIP REQUIRED TO
VOTE**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

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 of 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:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-1-102**, as last amended by Laws of Utah 2008, Chapters 19, 170, 315, and 360

32 **20A-2-104**, as last amended by Laws of Utah 2008, Chapter 382

33 **20A-2-108**, as last amended by Laws of Utah 2004, Chapter 219

34 **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 276

35 **20A-2-202**, as last amended by Laws of Utah 2006, Chapters 264 and 326

36 **20A-2-204**, as last amended by Laws of Utah 2006, Chapters 264 and 326

37 **20A-2-205**, as last amended by Laws of Utah 2006, Chapters 264 and 326

38 **20A-3-104**, as last amended by Laws of Utah 2006, Chapters 264 and 326

39 **20A-3-104.5**, as last amended by Laws of Utah 2008, Chapter 329

40 **20A-3-105.5**, as last amended by Laws of Utah 2007, Chapter 75

41 **20A-3-305**, as last amended by Laws of Utah 2006, Chapter 264

42 **20A-3-401**, as last amended by Laws of Utah 2006, Chapter 264

43 **20A-4-107**, as last amended by Laws of Utah 2007, Chapters 75 and 285

44 ENACTS:

45 **20A-2-110**, Utah Code Annotated 1953



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

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

49 **20A-1-102. Definitions.**

50 As used in this title:

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

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

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

58 (4) "Ballot sheet":

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

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

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

93 (16) "Counting poll watcher" means a person selected as provided in Section
94 20A-3-201 to witness the counting of ballots.

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

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

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

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

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

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

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

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

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

113 (25) "Election officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

142 (35) "Local district" means a local government entity under Title 17B, Limited Purpose
143 Local Government Entities - Local Districts, and includes a special service district under Title
144 17D, Chapter 1, Special Service District Act.

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

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

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

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

152 local political subdivision in which all registered voters of the local political subdivision may
153 vote.

154 (40) "Municipal executive" means:

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

156 and

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

158 10-3b-103(6).

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

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

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

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

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

170 (46) "Official endorsement" means:

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

172 (i) the ballot as an official ballot;

173 (ii) the date of the election; and

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

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

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

177 (ii) the ballot number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

233 (a) is spoiled by the voter;

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

235 (c) lacks the official endorsement.

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

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

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

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

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

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

248 (76) "Valid voter identification" means:

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

251 (i) a currently valid Utah driver license;

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

253 (A) the state;

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

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

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

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

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

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

261 (vii) a valid tribal identification card; or

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

264 (i) a voter identification card;

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

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

267 (iv) a certified birth certificate;

268 (v) a valid Social Security card;

269 (vi) a check issued by the state or the federal government or a legible copy thereof;

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

271 (viii) a currently valid Utah hunting or fishing license;

272 (ix) a currently valid United States military identification card;

273 (x) certified naturalization documentation;

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

275 (xii) a certified copy of court records showing the voter's adoption or name change;

276 (xiii) a Bureau of Indian Affairs card;
277 (xiv) a tribal treaty card;
278 (xv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card; or
279 (xvi) a form of identification listed in Subsection (76)(a) that does not contain a
280 photograph, but establishes the name of the voter and provides evidence that the voter resides
281 in the voting precinct.

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

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

287 (79) "Voter registration deadline" means the registration deadline provided in Section
288 20A-2-102.5.

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

291 (81) "Voting booth" means:

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

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

295 (82) "Voting device" means:

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

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

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

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

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

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

306 (84) "Voting poll watcher" means a person appointed as provided in this title to

307 witness the distribution of ballots and the voting process.

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

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

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

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

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

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

318 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

321 -----

322 UTAH ELECTION REGISTRATION FORM

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

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

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

326 Name of Voter

327 _____

328 First Middle Last

329 Driver License or Identification Card Number _____

330 State of issuance of Driver License or Identification Card

331 Date of Birth _____

332 Street Address of Principal Place of Residence

333 _____

334 City County State Zip Code

335 Telephone Number (optional) _____

336 Last four digits of Social Security Number _____

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

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City County State Zip Code

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

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

Signed and sworn

Voter's Signature

_____(month/day/year).

CITIZENSHIP AFFIDAVIT

- Name:
- Name at birth, if different:
- Place of birth:
- Date of birth:
- Date and place of naturalization (if applicable):

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

Signature of Applicant

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

NOTICE: IF YOU ARE REGISTERING TO VOTE IN THIS STATE FOR THE FIRST TIME OR IF YOU ARE CHANGING YOUR VOTER REGISTRATION FROM ANOTHER

369 STATE, YOU MUST EITHER INCLUDE A LEGIBLE COPY OF ONE OF THE
370 FOLLOWING WITH YOUR APPLICATION OR SHOW ONE OF THE FOLLOWING AT
371 THE TIME YOU VOTE AS EVIDENCE OF UNITED STATES CITIZENSHIP:

372 (A) YOUR CURRENTLY VALID UTAH DRIVER LICENSE;

373 (B) YOUR BIRTH CERTIFICATE;

374 (C) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND
375 PASSPORT NUMBER;

376 (D) YOUR UNITED STATES NATURALIZATION DOCUMENTS, AS
377 PERMITTED BY FEDERAL LAW, SHOWING YOUR NAME AND THE NUMBER OF
378 THE CERTIFICATE OF NATURALIZATION;

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

381 (F) YOUR BUREAU OF INDIAN AFFAIRS CARD OR CERTIFICATION OF
382 INDIAN BLOOD;

383 (G) YOUR TRIBAL ENROLLMENT CARD, TRIBAL ENROLLMENT
384 DOCUMENTATION, TRIBAL ENROLLMENT NUMBER, OR OTHER
385 DOCUMENTATION CERTIFYING THAT YOU ARE LISTED ON A TRIBAL
386 ENROLLMENT LIST; OR

387 (H) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER
388 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE
389 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY
390 ACKNOWLEDGED BY A STATE.

391 IN ORDER TO BE ALLOWED TO VOTE IN A VOTING PRECINCT FOR THE FIRST
392 TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE DATE OF
393 THE ELECTION, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE
394 POLL WORKER BEFORE VOTING AS FOLLOWS:

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

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

399 FOR OFFICIAL USE ONLY

400 Type of I.D. _____
 401 Voting Precinct _____
 402 Voting I.D. Number _____

403 -----

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

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

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

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

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

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

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

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

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

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

425 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

431 forms.

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

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

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

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

439 Signed and sworn

440 _____

441 Voter's Signature

442 _____(month\day\year)";

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

444 "CITIZENSHIP AFFIDAVIT

445 Name:

446 Name at birth, if different:

447 Place of birth:

448 Date of birth:

449 Date and place of naturalization (if applicable):

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

453 _____

454 Signature of Applicant

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

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

461 (v) a statement that if an applicant does register to vote, the office at which the

462 applicant submits a voter registration application will remain confidential and will be used only
463 for voter registration purposes[-]; and

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

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

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

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

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

474 **20A-2-110. Review of voter registration applications -- Evidence of citizenship,**
475 **age, and residence.**

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

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

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

481 (b) has signed the voter registration form;

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

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

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

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

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

492 (ii) the applicant's birth certificate showing that the applicant was born in the United

493 States;

494 (iii) the applicant's United States passport showing the applicant's name and the
495 passport number;

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

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

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

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

504 (viii) the applicant's tribal enrollment card, tribal enrollment documentation, tribal
505 enrollment number, or other documentation certifying that the applicant is listed on a tribal
506 enrollment list; or

507 (ix) other documentation establishing that the applicant is a member of a tribe.

508 (b) The county clerk may not accept a driving privilege card issued under Section
509 53-3-207 as valid identification for evidence of citizenship.

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

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

516 (5) If an applicant provides the number of the applicant's certificate of naturalization as
517 evidence of citizenship under Subsection (3)(a)(v), the county clerk may not register the
518 applicant to vote until the county clerk is able to verify the number of the certificate with the
519 United States Citizenship and Immigration Services.

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

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

523 **20A-2-201. Registering to vote at office of county clerk.**

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

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

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

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

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

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

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

538 (b) inform them that:

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

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

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

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

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

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

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

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

553 **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

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

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

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

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

573 (ii) the county clerk has determined that the citizen has met the requirements of Section
574 20A-2-110.

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

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

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

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

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

585 (ii) if possible, promptly phone or mail a notice to the applicant before the election,

586 informing the applicant that his registration will not be effective until after the election.

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

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

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

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

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

599 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

605 (3) The Driver License Division shall:

606 (a) assist applicants in completing the voter registration form unless the applicant
607 refuses assistance;

608 (b) accept completed forms for transmittal to the appropriate election official;

609 (c) transmit a copy of each voter registration form to the appropriate election official
610 within five days after it is received by the division;

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

612 and

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

616 (4) Upon receipt of a correctly completed voter registration form and documentation

617 that meets the requirements of Section 20A-2-110, the county clerk shall:

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

620 (b) notify the applicant of registration.

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

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

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

627 (b) When the county clerk receives, at least seven days before an election, a correctly
628 completed voter registration form [~~at least seven days before an election~~] that is dated on or
629 before the voter registration deadline and documentation that meets the requirements of Section
630 20A-2-110, the county clerk shall:

631 (i) process the voter registration form; and

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

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

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

638 **20A-2-205. Registration at voter registration agencies.**

639 (1) As used in this section:

640 (a) "Discretionary voter registration agency" means each office designated by the
641 county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide
642 by-mail voter registration forms to the public.

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

644 (i) public assistance; or

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

647 (2) Any person may obtain and complete a by-mail registration form at a public

648 assistance agency or discretionary voter registration agency.

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

652 "REGISTERING TO VOTE

653 If you are not registered to vote where you live now, would you like to apply to register
654 to vote here today? (Applying to register to vote or declining to register to vote will not affect
655 the amount of assistance that you will be provided by this agency.) Yes____ No____ IF YOU
656 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
657 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
658 voter registration application form, we will help you. The decision about whether or not to
659 seek or accept help is yours. You may fill out the application form in private. If you believe
660 that someone has interfered with your right to register or to decline to register to vote, your
661 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
662 right to choose your own political party or other political preference, you may file a complaint
663 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
664 84114. (801) 538-1040."

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

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

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

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

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

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

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

679 (b) display any political preference or party allegiance;
680 (c) make any statement to an applicant or take any action that has the purpose or effect
681 of discouraging the applicant from registering to vote; or

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

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

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

689 (b) notify the applicant of registration.

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

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

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

696 (b) When the county clerk receives, at least seven days before an election, a correctly
697 completed voter registration form [~~at least seven days before an election~~] that is dated on or
698 before the voter registration deadline and documentation that meets the requirements of Section
699 20A-2-110, the county clerk shall:

700 (i) process the voter registration form; and

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

702 (8) If the county clerk determines that a voter registration form received from a public
703 assistance agency or discretionary voter registration agency is incorrect because of an error or
704 because it is incomplete, the county clerk shall mail notice to the person attempting to register,
705 informing him that he has not been registered because of an error or because the form is
706 incomplete.

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

708 **20A-3-104. Manner of voting.**

709 (1) (a) Any registered voter desiring to vote shall give his name, and, if requested, his

710 residence, to one of the poll workers.

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

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

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

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

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

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

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

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

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

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

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

730 (e) If the poll worker is not 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) indicate on the official register that the voter [~~was not properly identified~~] failed to
733 provide valid voter identification or proof of citizenship;

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

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

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

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

740 (b) If the voter's name is not found on the official register, the poll worker shall follow

741 the procedures and requirements of Section 20A-3-105.5.

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

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

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

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

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

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

748 and

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

750 (A) endorse his initials on the stub;

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

752 (C) hand the voter a ballot; and

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

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

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

756 voter's name in the official register;

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

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

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

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

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

764 Section 10. Section **20A-3-104.5** is amended to read:

765 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**
766 **Primary.**

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

771 (b) (i) The voter shall present valid voter identification to one of the poll workers if the

772 voter is:

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

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

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

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

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

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

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

785 (d) The poll worker shall follow the procedures and requirements of Section
786 20A-3-105.5 if:

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

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

789 or

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

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

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

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

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

799 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
800 the official register, the poll worker shall follow the procedures and requirements of Section
801 20A-3-105.5.

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

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

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

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

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

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

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

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

819 (B) If the voter wishes to vote another registered political party ballot that the
820 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
821 (3).

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

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

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

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

833 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered

834 political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall
835 proceed as required by Subsection (3).

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

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

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

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

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

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

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

847 and

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

849 (A) endorse his initials on the stub;

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

851 (C) hand the voter the ballot for the registered political party that the voter requested

852 and for which the voter is authorized to vote; and

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

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

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

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

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

859 (A) provide the voter access to the electronic ballot for the registered political party

860 that the voter requested and for which the voter is authorized to vote; and

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

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

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

866 **20A-3-105.5. Manner of voting -- Provisional ballot.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

889 and

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

891 (i) endorse his initials on the stub;

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

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

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

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

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

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

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

899 (ii) record in the official register the type of identification that was provided by the
900 voter, if any, and, as applicable, the type of identification that was provided by the voter as
901 evidence of citizenship;

902 (iii) write the provisional ballot envelope number opposite the name of the voter in the
903 official register; and

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

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

906 and

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

908 (i) endorse his initials on the stub;

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

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

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

912 (5) Whenever the election officer is required to furnish more than one kind of official
913 ballot to a voting precinct, the poll workers of that voting precinct shall give the registered
914 voter the kind of ballot that the voter is qualified to vote.

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

916 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**
917 **Affidavit.**

918 (1) Upon timely receipt of an absentee voter application properly filled out and signed,
919 or as soon after receipt of the application as the official absentee ballots for the voting precinct
920 in which the applicant resides have been printed, the election officer shall either:

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

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

924 (2) The election officer shall ensure that:

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

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

929 "County of _____ State of _____

930 I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct
931 in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election.
932 I am not a convicted felon currently incarcerated for commission of a felony.

933 _____
934 Signature of Absentee Voter"

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

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

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

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

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

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

944 **20A-3-401. Intent and purpose of part.**

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

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

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

950 (c) conform to 42 U.S.C. 1973ff, Uniformed and Overseas Citizens Absentee Voting
951 Act; and

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

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

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

956 (2) The state selective service, all military organizations, and citizens and officers of
957 Utah or of the respective counties and municipalities of the state shall cooperate with the

958 election and party officers in carrying out the intent and purpose of this part.

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

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

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

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

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

967 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

969 (a) the voter:

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

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

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

974 (b) the voter:

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

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

978 (c) the voter:

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

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

981 (A) the voter ~~[either]~~ failed to provide valid voter identification or evidence of
982 citizenship; or

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

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

987 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
988 the affirmation on the face of each provisional ballot envelope and determine if the person

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

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

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

999 (d) The election officer may not count, or allow to be counted a provisional ballot
1000 unless;

1001 (i) the voter's identity and residence [~~is~~] are established by a preponderance of the
1002 evidence[~~]; and~~

1003 (ii) if the voter was required to provide evidence of citizenship under the requirements
1004 of this title, the voter's citizenship is established by a preponderance of the evidence.

1005 (3) If the election officer determines that the person is a registered voter, the election
1006 officer shall ensure that the voter registration records are updated to reflect the information
1007 provided on the provisional ballot envelope.

1008 (4) If the election officer determines that the person is not a registered voter and the
1009 information on the provisional ballot envelope is complete, the election officer shall:

1010 (a) consider the provisional ballot envelope a voter registration form; and

1011 (b) register the voter.

Legislative Review Note
as of 2-9-09 10:21 AM

Office of Legislative Research and General Counsel

S.B. 69 - Proof of Citizenship Required to Vote

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
