

Representative Bradley M. Daw 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

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ 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 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; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

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

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **20A-2-104**, as last amended by Laws of Utah 2008, Chapter 382
- 32 **20A-2-108**, as last amended by Laws of Utah 2004, Chapter 219
- 33 **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 276
- 34 **20A-2-202**, as last amended by Laws of Utah 2006, Chapters 264 and 326
- 35 **20A-2-204**, as last amended by Laws of Utah 2006, Chapters 264 and 326
- 36 **20A-2-205**, as last amended by Laws of Utah 2006, Chapters 264 and 326

37 ENACTS:

38 **20A-2-110**, Utah Code Annotated 1953

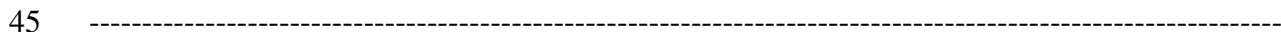


40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **20A-2-104** is amended to read:

42 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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



46 UTAH ELECTION REGISTRATION FORM

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

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

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

50 Name of Voter

51 _____

52 First Middle Last

53 Driver License or Identification Card Number _____

54 State of issuance of Driver License or Identification Card

55 Date of Birth _____

56 Street Address of Principal Place of Residence

57 _____

58 City County State Zip Code

59 Telephone Number (optional) _____

60 Last four digits of Social Security Number _____

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

62 _____

63 City County State Zip Code

64 Political Party

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

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

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

68 I do swear (or affirm), subject to penalty of law for false statements and penalties for

69 voting fraud set forth below, that the information contained in this form is true, and that I am a

70 citizen of the United States and a resident of the state of Utah, residing at the above address. I

71 will be at least 18 years old and will have resided in Utah for 30 days immediately before the

72 next election. I am not a convicted felon currently incarcerated for commission of a felony.

73 Signed and sworn

74 _____

75 Voter's Signature

76 _____(month/day/year).

77 [~~CITIZENSHIP AFFIDAVIT~~]

- 78 [~~Name:~~]
- 79 [~~Name at birth, if different:~~]
- 80 [~~Place of birth:~~]
- 81 [~~Date of birth:~~]
- 82 [~~Date and place of naturalization (if applicable):~~]

83 [~~I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a~~

84 ~~citizen and that to the best of my knowledge and belief the information above is true and~~

85 ~~correct.~~]

86 [_____]

87 [Signature of Applicant]

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

91 NOTICE: IF YOU ARE REGISTERING TO VOTE IN THIS STATE FOR THE FIRST
92 TIME OR IF YOU ARE CHANGING YOUR VOTER REGISTRATION FROM ANOTHER
93 STATE, YOU MUST INCLUDE A LEGIBLE COPY OF ONE OF THE FOLLOWING WITH
94 YOUR APPLICATION AS EVIDENCE OF UNITED STATES CITIZENSHIP:

95 (A) YOUR CURRENTLY VALID UTAH DRIVER LICENSE;

96 (B) YOUR BIRTH CERTIFICATE;

97 (C) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND
98 PASSPORT NUMBER;

99 (D) YOUR UNITED STATES NATURALIZATION DOCUMENTS, AS
100 PERMITTED BY FEDERAL LAW, SHOWING YOUR NAME AND THE NUMBER OF
101 THE CERTIFICATE OF NATURALIZATION;

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

104 (F) YOUR BUREAU OF INDIAN AFFAIRS CARD OR CERTIFICATION OF
105 INDIAN BLOOD;

106 (G) YOUR TRIBAL ENROLLMENT CARD, TRIBAL ENROLLMENT
107 DOCUMENTATION, TRIBAL ENROLLMENT NUMBER, OR OTHER
108 DOCUMENTATION CERTIFYING THAT YOU ARE LISTED ON A TRIBAL
109 ENROLLMENT LIST;

110 (H) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER
111 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE
112 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY
113 ACKNOWLEDGED BY A STATE; OR

114 (I) AN OFFICIAL STATEMENT FROM THE FEDERAL SOCIAL SECURITY
115 ADMINISTRATION INDICATING THAT YOU ARE A CITIZEN.

116 IN ORDER TO BE ALLOWED TO VOTE IN A VOTING PRECINCT FOR THE FIRST
117 TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE DATE OF
118 THE ELECTION, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE

119 POLL WORKER BEFORE VOTING AS FOLLOWS:

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

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

124 FOR OFFICIAL USE ONLY

125 Type of I.D. _____

126 Voting Precinct _____

127 Voting I.D. Number _____

128 -----

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

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

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

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

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

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

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

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

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

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

150 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

160 "I do swear (or affirm), subject to penalty of law for false statements and penalties for
161 voting fraud set forth below, that the information contained in this form is true, and that I am a
162 citizen of the United States and a resident of the state of Utah, residing at the above address. I
163 will be at least 18 years old and will have resided in Utah for 30 days immediately before the
164 next election.

165 Signed and sworn

166 _____

167 Voter's Signature

168 _____(month\day\year)"[:]

169 [~~(iii) a citizenship affidavit in substantially the following form:~~]

170 [~~"CITIZENSHIP AFFIDAVIT"~~]

171 [~~Name:~~]

172 [~~Name at birth, if different:~~]

173 [~~Place of birth:~~]

174 [~~Date of birth:~~]

175 [~~Date and place of naturalization (if applicable):~~]

176 [~~Hereby swear and affirm, under penalties for voting fraud set forth below, that I am a~~
177 ~~citizen and that to the best of my knowledge and belief the information above is true and~~
178 ~~correct.~~]

179 [_____]

180 [Signature of Applicant]

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

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

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

190 (v) the information required under Section 20A-2-110, provided that the voter
 191 application portion of the driver license application does not require the applicant to duplicate
 192 information provided in the driver license portion of the form.

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

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

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

199 Section 3. Section **20A-2-110** is enacted to read:

200 **20A-2-110. Review of voter registration applications -- Evidence of citizenship,**
 201 **age, and residence.**

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

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

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

207 (b) has signed the voter registration form;

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

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

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

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

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

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

220 (iii) the applicant's United States passport showing the applicant's name and the
221 passport number;

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

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

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

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

230 (viii) the applicant's tribal enrollment card, tribal enrollment documentation, tribal
231 enrollment number, or other documentation certifying that the applicant is listed on a tribal
232 enrollment list;

233 (ix) other documentation establishing that the applicant is a member of a tribe; or

234 (x) an official statement from the federal Social Security Administration indicating that
235 the applicant is a citizen.

236 (b) The county clerk may not accept a driving privilege card issued under Section
237 53-3-207 as valid identification for evidence of citizenship.

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

241 (5) If an applicant provides the number of the applicant's certificate of naturalization as
242 evidence of citizenship under Subsection (3)(a)(v), the county clerk may not register the

243 applicant to vote until the county clerk is able to verify the number of the certificate with the
244 United States Citizenship and Immigration Services.

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

247 Section 4. Section **20A-2-201** is amended to read:

248 **20A-2-201. Registering to vote at office of county clerk.**

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

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

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

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

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

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

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

263 (b) inform them that:

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

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

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

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

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

274 (ii) meet the requirements of Section 20A-2-110; and
275 (b) inform them that they will be registered to vote but may not vote in the pending
276 election because they registered too late.

277 Section 5. Section **20A-2-202** is amended to read:

278 **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

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

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

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

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

298 (ii) the county clerk has determined that the citizen has met the requirements of Section
299 20A-2-110.

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

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

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

305 applicant's voting precinct number on that copy.

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

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

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

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

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

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

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

323 Section 6. Section **20A-2-204** is amended to read:

324 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

330 (3) The Driver License Division shall:

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

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

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

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

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

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

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

345 (b) notify the applicant of registration.

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

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

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

352 (b) When the county clerk receives, at least seven days before an election, a correctly
353 completed voter registration form [~~at least seven days before an election~~] that is dated on or
354 before the voter registration deadline and documentation that meets the requirements of Section
355 20A-2-110, the county clerk shall:

356 (i) process the voter registration form; and

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

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

362 Section 7. Section **20A-2-205** is amended to read:

363 **20A-2-205. Registration at voter registration agencies.**

364 (1) As used in this section:

365 (a) "Discretionary voter registration agency" means each office designated by the
366 county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide

367 by-mail voter registration forms to the public.

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

369 (i) public assistance; or

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

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

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

377 "REGISTERING TO VOTE

378 If you are not registered to vote where you live now, would you like to apply to register
379 to vote here today? (Applying to register to vote or declining to register to vote will not affect
380 the amount of assistance that you will be provided by this agency.) Yes____ No____ IF YOU
381 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED
382 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the
383 voter registration application form, we will help you. The decision about whether or not to
384 seek or accept help is yours. You may fill out the application form in private. If you believe
385 that someone has interfered with your right to register or to decline to register to vote, your
386 right to privacy in deciding whether or not to register, or in applying to register to vote, or your
387 right to choose your own political party or other political preference, you may file a complaint
388 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah
389 84114. (801) 538-1040."

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

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

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

397 (c) accept completed forms and copies of documentation provided as evidence of

398 citizenship for transmittal to the appropriate election official; and

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

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

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

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

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

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

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

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

414 (b) notify the applicant of registration.

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

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

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

421 (b) When the county clerk receives, at least seven days before an election, a correctly
422 completed voter registration form [~~at least seven days before an election~~] that is dated on or
423 before the voter registration deadline and documentation that meets the requirements of Section
424 20A-2-110, the county clerk shall:

425 (i) process the voter registration form; and

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

427 (8) If the county clerk determines that a voter registration form received from a public
428 assistance agency or discretionary voter registration agency is incorrect because of an error or

429 because it is incomplete, the county clerk shall mail notice to the person attempting to register,
430 informing him that he has not been registered because of an error or because the form is
431 incomplete.

432 Section 8. **Coordinating S.B. 69 with S.B. 40 -- Merging substantive and technical**
433 **amendments.**

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

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

438 **"20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

441 -----

442 UTAH ELECTION REGISTRATION FORM

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

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

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

446 Name of Voter

447 _____

448 First Middle Last

449 Driver License or Identification Card Number _____

450 State of issuance of Driver License or Identification Card

451 Date of Birth _____

452 Street Address of Principal Place of Residence

453 _____

454 City County State Zip Code

455 Telephone Number (optional) _____

456 Last four digits of Social Security Number _____

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

458 _____

459 City County State Zip Code

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

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

469 Signed and sworn
 470 _____

471 Voter's Signature

472 _____ (month/day/year).

473 [~~CITIZENSHIP AFFIDAVIT~~]

474 [~~Name:~~]

475 [~~Name at birth, if different:~~]

476 [~~Place of birth:~~]

477 [~~Date of birth:~~]

478 [~~Date and place of naturalization (if applicable):~~]

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

482 [_____]

483 [~~Signature of Applicant~~]

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

487 NOTICE: IF YOU ARE REGISTERING TO VOTE IN THIS STATE FOR THE FIRST
 488 TIME OR IF YOU ARE CHANGING YOUR VOTER REGISTRATION FROM ANOTHER
 489 STATE, YOU MUST INCLUDE A LEGIBLE COPY OF ONE OF THE FOLLOWING WITH
 490 YOUR APPLICATION AS EVIDENCE OF UNITED STATES CITIZENSHIP:

491 (A) YOUR CURRENTLY VALID UTAH DRIVER LICENSE;
492 (B) YOUR CURRENTLY VALID UTAH IDENTIFICATION CARD;
493 (C) YOUR BIRTH CERTIFICATE;
494 (D) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND
495 PASSPORT NUMBER;
496 (E) YOUR UNITED STATES NATURALIZATION DOCUMENTS, AS
497 PERMITTED BY FEDERAL LAW, SHOWING YOUR NAME AND THE NUMBER OF
498 THE CERTIFICATE OF NATURALIZATION;
499 (F) A DOCUMENT ESTABLISHED AS PROOF OF CITIZENSHIP UNDER THE
500 IMMIGRATION REFORM AND CONTROL ACT OF 1968;
501 (G) YOUR BUREAU OF INDIAN AFFAIRS CARD OR CERTIFICATION OF
502 INDIAN BLOOD;
503 (H) YOUR TRIBAL ENROLLMENT CARD, TRIBAL ENROLLMENT
504 DOCUMENTATION, TRIBAL ENROLLMENT NUMBER, OR OTHER
505 DOCUMENTATION CERTIFYING THAT YOU ARE LISTED ON A TRIBAL
506 ENROLLMENT LIST;
507 (I) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER
508 OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND, ALASKAN NATIVE
509 VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL LAW OR FORMALLY
510 ACKNOWLEDGED BY A STATE; OR
511 (J) AN OFFICIAL STATEMENT FROM THE FEDERAL SOCIAL SECURITY
512 ADMINISTRATION INDICATING THAT YOUR ARE A CITIZEN.
513 IN ORDER TO BE ALLOWED TO VOTE IN A VOTING PRECINCT FOR THE FIRST
514 TIME OR TO VOTE DURING THE EARLY VOTING PERIOD BEFORE THE DATE OF
515 THE ELECTION, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE
516 POLL WORKER BEFORE VOTING AS FOLLOWS:
517 (1) A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME,
518 PHOTOGRAPH, AND CURRENT ADDRESS; OR
519 (2) TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
520 CURRENT ADDRESS.
521 FOR OFFICIAL USE ONLY

522 Type of I.D. _____

523 Voting Precinct _____

524 Voting I.D. Number _____

525 -----

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

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

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

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

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

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

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

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

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

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

547 **"20A-2-110. Review of voter registration applications -- Evidence of citizenship,**
548 **age, and residence.**

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

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

- 553 (a) has provided the required information on the voter registration form;
554 (b) has signed the voter registration form;
555 (c) has signed a statement certifying that the applicant will have resided in Utah for 30
556 days immediately before the next election;
557 (d) has provided birth date information showing that the applicant will be at least 18
558 years old on the date of the election; and
559 (e) has provided address information showing that the applicant is a resident of the
560 county where the applicant has submitted the applicant's registration form.
561 (3) (a) Subject to the requirements of Subsection (4), the county clerk shall determine
562 whether each applicant has provided evidence of citizenship, which shall consist of
563 presentation of one of the following, or a legible copy of one of the following:
564 (i) the applicant's currently valid Utah driver license;
565 (ii) the applicant's currently valid Utah identification card issued under Section
566 53-3-804 if the Utah identification card is:
567 (A) issued on or after January 1, 2010; and
568 (B) not a limited-term identification card;
569 (iii) the applicant's birth certificate showing that the applicant was born in the United
570 States;
571 (iv) the applicant's United States passport showing the applicant's name and the
572 passport number;
573 (v) the applicant's United States naturalization documents showing that the applicant is
574 a citizen of the United States;
575 (vi) subject to the requirements of Subsection (5), the number of the applicant's
576 certificate of naturalization;
577 (vii) other documents or methods of proof of citizenship that are established by the
578 Immigration Reform and Control Act of 1986, Pub. L. No. 99-603;
579 (viii) the applicant's Bureau of Indian Affairs card or Bureau of Indian Affairs
580 certification of Indian blood;
581 (ix) the applicant's tribal enrollment card, tribal enrollment documentation, tribal
582 enrollment number, or other documentation certifying that the applicant is listed on a tribal
583 enrollment list;

584 (x) other documentation establishing that the applicant is a member of a tribe; or
585 (xi) an official statement from the federal Social Security Administration indicating
586 that the applicant is a citizen.

587 (b) The county clerk may not accept a driving privilege card issued under Section
588 53-3-207 as valid identification for evidence of citizenship.

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

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

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