

**Representative Rebecca Chavez-Houck** proposes the following substitute bill:

**VOTER REGISTRATION - ELECTION DAY VOTER**

**REGISTRATION**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill amends Title 20A, Election Code, to permit election day voter registration.

**Highlighted Provisions:**

This bill:

- ▶ permits a person to register to vote on election day if:
  - the person is otherwise eligible to vote;
  - the ballot that the person voted is identical to the ballot for the precinct in which the person resides;
  - the information on the ballot is complete; and
  - the person provides valid voter identification and proof of residence to the poll

worker; and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 **20A-2-102**, as last amended by Laws of Utah 2003, Chapter 34

28 **20A-2-102.5**, as last amended by Laws of Utah 2011, Chapters 17, 297, and 327

29 **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 276

30 **20A-2-202**, as last amended by Laws of Utah 2009, Chapter 45

31 **20A-2-204**, as last amended by Laws of Utah 2006, Chapters 264 and 326

32 **20A-2-205**, as last amended by Laws of Utah 2012, Chapter 251

33 **20A-2-206**, as last amended by Laws of Utah 2011, Chapter 17

34 **20A-2-307**, as last amended by Laws of Utah 2003, Chapter 34

35 **20A-4-107**, as last amended by Laws of Utah 2011, Chapters 291, 335 and last

36 amended by Coordination Clause, Laws of Utah 2011, Chapter 291



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

38 Section 1. Section **20A-2-102** is amended to read:

39 **20A-2-102. Registration a prerequisite to voting.**

40 (1) Except as provided in Subsection (2), a person may not vote at any election unless  
41 that person is registered to vote as required by this chapter.

42 (2) A person may vote a provisional ballot for an election as provided in Section  
43 20A-2-307 [~~for~~].

44 [~~(a) a regular general election;~~]

45 [~~(b) a regular primary election; or~~]

46 [~~(c) an election for federal office.~~]

47 Section 2. Section **20A-2-102.5** is amended to read:

48 **20A-2-102.5. Voter registration deadline.**

49 (1) Except as provided in [~~Sections~~] Section 20A-2-201 [~~and~~], 20A-2-206 [~~and~~], or  
50 20A-2-207, or Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to  
51 submit a correctly completed voter registration form on or before the voter registration deadline  
52 may not be permitted to vote in the election.

53 (2) The voter registration deadline shall be the date that is 30 calendar days before the  
54 date of the election.

55 Section 3. Section **20A-2-201** is amended to read:

57           **20A-2-201. Registering to vote at office of county clerk.**

58           (1) Except as provided in Subsection (3)(b), the county clerk shall register to vote all  
59 persons who present themselves for registration at the county clerk's office during designated  
60 office hours if those persons, on the date of the election, will be legally eligible to vote in a  
61 voting precinct in the county in accordance with Section 20A-2-101.

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

65           (a) accept registration forms from all persons who present themselves for registration at  
66 the clerk's office during designated office hours if those persons, on the date of the election,  
67 will be legally qualified and entitled to vote in a voting precinct in the county; and

68           (b) inform them that:

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

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

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

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

77           (a) if the person desires to vote in the pending election, inform the person that the  
78 person must, on election day, register to vote by casting a provisional ballot in accordance with  
79 Subsection 20A-4-107(2)(b); or

80           (b) if the person does not desire to vote in the pending election:

81           (i) accept a registration form from the person if, on the date of the election, the person  
82 will be legally qualified and entitled to vote in a voting precinct in the county; and

83           ~~[(b) (ii) inform [them] the person that [they] the person will be registered to vote but~~  
84 ~~may not vote in the pending election because [they] the person registered too late and chose not~~  
85 ~~to register and vote as described in Subsection (3)(a).~~

86           Section 4. Section **20A-2-202** is amended to read:

87           **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

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

104 (i) unless the applicant registers on election day by casting a provisional ballot in  
105 accordance with Subsection 20A-4-107(2)(b), register the applicant after the next election; and

106 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
107 informing the applicant that ~~his~~:

108 (A) the applicant's registration will not be effective until after the election[-]; and

109 (B) the applicant may register to vote on election day by casting a provisional ballot in  
110 accordance with Subsection 20A-4-107(2)(b).

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

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

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

116 (4) If the county clerk determines that a registration form received by mail or otherwise  
117 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to  
118 the person attempting to register, ~~[informing him that he]~~ stating that the person has not been

119 registered because of an error or because the form is incomplete.

120 Section 5. Section **20A-2-204** is amended to read:

121 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

127 (3) The Driver License Division shall:

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

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

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

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

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

138 (4) Upon receipt of a correctly completed voter registration form, the county clerk  
139 shall:

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

142 (b) notify the applicant of registration.

143 (5) (a) If the county clerk receives a correctly completed voter registration form that is  
144 dated after the voter registration deadline, the county clerk shall:

145 (i) unless the applicant registers to vote on election day by casting a provisional ballot  
146 in accordance with Subsection 20A-4-107(2)(b), register the applicant after the next election;  
147 and

148 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
149 informing the applicant that [his]:

150 (A) the applicant's registration will not be effective until after the election[-]; and

151 (B) the applicant may register to vote on election day by casting a provisional ballot in  
152 accordance with Subsection 20A-4-107(2)(b).

153 (b) When the county clerk receives a correctly completed voter registration form at  
154 least seven days before an election that is dated on or before the voter registration deadline, the  
155 county clerk shall:

156 (i) process the voter registration form; and

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

158 (6) If the county clerk determines that a voter registration form received from the  
159 Driver License Division is incorrect because of an error or because it is incomplete, the county  
160 clerk shall mail notice to the person attempting to register, [~~informing him that he~~] stating that  
161 the person has not been registered because of an error or because the form is incomplete.

162 Section 6. Section **20A-2-205** is amended to read:

163 **20A-2-205. Registration at voter registration agencies.**

164 (1) As used in this section:

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

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

169 (i) public assistance; or

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

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

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

177 "REGISTERING TO VOTE

178 If you are not registered to vote where you live now, would you like to apply to register  
179 to vote here today? (Applying to register to vote or declining to register to vote will not affect  
180 the amount of assistance that you will be provided by this agency.) Yes\_\_\_\_ No\_\_\_\_ IF YOU

181 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED  
182 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the  
183 voter registration application form, we will help you. The decision about whether or not to  
184 seek or accept help is yours. You may fill out the application form in private. If you believe  
185 that someone has interfered with your right to register or to decline to register to vote, your  
186 right to privacy in deciding whether or not to register, or in applying to register to vote, or your  
187 right to choose your own political party or other political preference, you may file a complaint  
188 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah  
189 84114. (The phone number of the Office of the Lieutenant Governor)."

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

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

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

197 (c) accept completed forms for transmittal to the appropriate election official; and

198 (d) transmit a copy of each voter registration form to the appropriate election official  
199 within five days after it is received by the division.

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

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

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

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

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

209 (6) Upon receipt of a correctly completed voter registration form, the county clerk  
210 shall:

211 (a) enter the applicant's name on the list of registered voters for the voting precinct in

212 which the applicant resides; and

213 (b) notify the applicant of registration.

214 (7) (a) If the county clerk receives a correctly completed voter registration form that is  
215 dated after the voter registration deadline, the county clerk shall:

216 (i) unless the applicant registers on election day by casting a provisional ballot in  
217 accordance with Subsection 20A-4-107(2)(b), register the applicant after the next election; and

218 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
219 informing the applicant that ~~his~~:

220 (A) the applicant's registration will not be effective until after the election~~[-];~~ and

221 (B) the applicant may register to vote on election day by casting a provisional ballot in  
222 accordance with Subsection 20A-4-107(2)(b).

223 (b) When the county clerk receives a correctly completed voter registration form at  
224 least seven days before an election that is dated on or before the voter registration deadline, the  
225 county clerk shall:

226 (i) process the voter registration form; and

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

228 (8) If the county clerk determines that a voter registration form received from a public  
229 assistance agency or discretionary voter registration agency is incorrect because of an error or  
230 because it is incomplete, the county clerk shall mail notice to the person attempting to register,  
231 ~~informing him that he~~ stating that the person has not been registered because of an error or  
232 because the form is incomplete.

233 Section 7. Section **20A-2-206** is amended to read:

234 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

235 (1) The lieutenant governor may create and maintain an electronic system for voter  
236 registration and requesting an absentee ballot that is publicly available on the Internet.

237 (2) An electronic system for voter registration shall require:

238 (a) that an applicant have a valid driver license or identification card, issued under Title  
239 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of  
240 residence;

241 (b) that the applicant provide the information required by Section 20A-2-104, except  
242 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)



243 and (4);

244 (c) that the applicant attest to the truth of the information provided; and

245 (d) that the applicant authorize the lieutenant governor's and county clerk's use of the  
246 applicant's driver license or identification card signature, obtained under Title 53, Chapter 3,  
247 Uniform Driver License Act, for voter registration purposes.

248 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for  
249 voter registration created under this section is not required to complete a printed registration  
250 form.

251 (4) A system created and maintained under this section shall provide the notices  
252 concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

253 (5) The lieutenant governor shall obtain a digital copy of the applicant's driver license  
254 or identification card signature from the Driver License Division.

255 (6) Upon receiving all information from an applicant and the Driver License Division,  
256 the lieutenant governor shall send the information to the county clerk for the county in which  
257 the applicant's principal place of residence is found for further action as required by Section  
258 20A-2-304.

259 (7) The lieutenant governor may use additional security measures to ensure the  
260 accuracy and integrity of an electronically submitted voter registration.

261 (8) (a) If an individual applies to register under this section during the period beginning  
262 on the date after the voter registration deadline and ending on the date that is 15 calendar days  
263 before the date of an election, the county clerk shall:

264 (i) accept the application for registration if the individual, on the date of the election,  
265 will be legally qualified and entitled to vote in a voting precinct in the state; and

266 (ii) inform the individual that:

267 (A) the individual is registered to vote in the pending election; and

268 (B) for the pending election, the individual must vote on the day of the election and is  
269 not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the  
270 individual registered too late.

271 (b) If an individual applies to register under this section during the 14 calendar days  
272 before an election, the county clerk shall:

273 (i) if the individual desires to vote in the pending election, inform the individual that

274 the individual must, on election day, register to vote by casting a provisional ballot in  
275 accordance with Subsection 20A-4-107(2)(b); or

276 (ii) if the individual does not desire to vote in the pending election:

277 [~~(i)~~] (A) accept the application for registration if the individual, on the date of the  
278 election, will be legally qualified and entitled to vote in a voting precinct in the state; and

279 [~~(i)~~] (B) inform the individual that the individual is registered to vote but may not vote  
280 in the pending election because the individual registered too late and chose not to register and  
281 vote as described in Subsection (8)(b)(i).

282 (9) (a) A registered voter may file an application for an absentee ballot in accordance  
283 with Section 20A-3-304 on the electronic system for voter registration established under this  
284 section.

285 (b) The lieutenant governor shall provide a means by which a registered voter shall  
286 sign the application form as provided in Section 20A-3-304.

287 Section 8. Section **20A-2-307** is amended to read:

288 **20A-2-307. County clerks' instructions to election judges.**

289 (1) Each county clerk shall instruct election judges to allow a voter to vote a regular  
290 ballot if:

291 (a) the voter has moved from one address within a voting precinct to another address  
292 within the same voting precinct; and

293 (b) the voter affirms the change of address orally or in writing before the election  
294 judges.

295 (2) Each county clerk shall instruct election judges to allow a person to vote a  
296 provisional ballot if:

297 (a) the person registers to vote on election day by casting a provisional ballot in  
298 accordance with Subsection 20A-4-107(2)(b);

299 [~~(a)~~] (b) the voter's name does not appear on the official register; or

300 [~~(b)~~] (c) the voter is challenged as provided in Section 20A-3-202.

301 Section 9. Section **20A-4-107** is amended to read:

302 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

304 (a) the person:

- 305 (i) is registered to vote in the state;
- 306 (ii) votes the ballot for the voting precinct in which the person resides; and
- 307 (iii) ~~[provided]~~ provides valid voter identification to the poll worker;
- 308 (b) the person:
- 309 (i) is registered to vote in the state;
- 310 (ii) (A) provided valid voter identification to the poll worker; or
- 311 (B) either failed to provide valid voter identification or the documents provided as
- 312 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 313 register but the county clerk verifies the person's identity and residence through some other
- 314 means; and
- 315 (iii) did not vote in the person's precinct of residence, but the ballot that the person
- 316 voted is identical to the ballot voted in the person's precinct of residence; or
- 317 (c) the person:
- 318 (i) is registered to vote in the state;
- 319 (ii) either failed to provide valid voter identification or the documents provided as
- 320 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 321 register; and
- 322 (iii) (A) the county clerk verifies the person's identity and residence through some other
- 323 means as reliable as photo identification; or
- 324 (B) the person provides valid voter identification to the county clerk or an election
- 325 officer who is administering the election by the close of normal office hours on Monday after
- 326 the date of the election.
- 327 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
- 328 the affirmation on the face of each provisional ballot envelope and determine if the person
- 329 signing the affirmation is registered to vote in this state and legally entitled to vote the ballot
- 330 that the person voted.
- 331 ~~[(b) If the election officer determines that the person is not registered to vote in this~~
- 332 ~~state or is not legally entitled to vote the ballot that the person voted, the election officer shall~~
- 333 ~~retain the ballot envelope, unopened, for the period specified in Section 20A-4-202 unless~~
- 334 ~~ordered by a court to produce or count it.]~~
- 335 (b) The election officer shall take the action described in Subsection (2)(c) in relation

336 to a provisional ballot if the election officer determines that:

337 (i) the person who voted the ballot is not registered to vote, but is otherwise legally  
338 entitled to vote the ballot;

339 (ii) the ballot that the person voted is identical to the ballot for the precinct in which  
340 the person resides;

341 (iii) the information on the ballot is complete; and

342 (iv) the person provided valid voter identification and proof of residence to the poll  
343 worker.

344 (c) If a provisional ballot and the person who voted the ballot comply with the  
345 requirements described in Subsection (2)(b), the election officer shall:

346 (i) consider the provisional ballot a voter registration form;

347 (ii) place the ballot with the absentee ballots, to be counted with those ballots at the  
348 canvass; and

349 (iii) as soon as reasonably possible, register the person to vote.

350 (d) Except as provided in Subsection (2)(e), the election officer shall retain a  
351 provisional ballot envelope, unopened, for the period specified in Section 20A-4-202, if the  
352 election officer determines that the person who voted the ballot:

353 (i) (A) is not registered to vote in this state; and

354 (B) is not eligible for registration under Subsection (2)(c); or

355 (ii) is not legally entitled to vote the ballot that the person voted.

356 (e) Subsection (2)(d) does not apply if a court orders the election officer to produce or  
357 count the provisional ballot.

358 [~~(e)~~] (f) If the election officer determines that the person is registered to vote in this  
359 state and is legally entitled to vote the ballot that the person voted, the election officer shall  
360 remove the ballot from the provisional ballot envelope and place the ballot with the absentee  
361 ballots to be counted with those ballots at the canvass.

362 [~~(d)~~] (g) The election officer may not count, or allow to be counted a provisional ballot  
363 unless the person's identity and residence is established by a preponderance of the evidence.

364 (3) If the election officer determines that the person is registered to vote in this state, or  
365 if the voter is registered to vote under Subsection (2)(c), the election officer shall ensure that  
366 the voter registration records are updated to reflect the information provided on the provisional

367 ballot envelope.

368           ~~[(4) If the election officer determines that the person is not registered to vote in this~~  
369 ~~state and the information on the provisional ballot envelope is complete, the election officer~~  
370 ~~shall:]~~

371           ~~[(a) consider the provisional ballot envelope a voter registration form; and]~~

372           ~~[(b) register the person.]~~