

**ELECTION DAY VOTER REGISTRATION PILOT PROJECT**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: Deidre M. Henderson

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code by establishing a pilot project to test the advisability of implementing election day voter registration in Utah.

**Highlighted Provisions:**

This bill:

- ▶ establishes the Election Day Voter Registration Pilot Project;
- ▶ provides that a county or municipality may apply to participate in the pilot project to test whether it is advisable to implement election day voter registration in Utah;
- ▶ establishes requirements and an approval process for a county or municipality to participate in the pilot project;
- ▶ enacts provisions implementing election day voter registration for a county or municipality that participates in the pilot project;
- ▶ requires the lieutenant governor and each county and municipality that participate in the pilot project to report on the pilot project to the Government Operations Interim Committee and the Legislative Management Committee;
- ▶ requires the Government Operations Interim Committee to, during the 2016 interim, study and make a recommendation to the Legislature regarding whether to implement statewide election day voter registration on a statewide, permanent basis;
- ▶ repeals the provisions of this bill, subject to sunset review, on January 1, 2017; and
- ▶ makes technical and conforming changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **20A-1-102**, as last amended by Laws of Utah 2013, Chapter 320

35 **20A-2-102**, as last amended by Laws of Utah 2003, Chapter 34

36 **20A-2-102.5**, as last amended by Laws of Utah 2011, Chapters 17, 297, and 327

37 **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 276

38 **20A-2-202**, as last amended by Laws of Utah 2009, Chapter 45

39 **20A-2-204**, as last amended by Laws of Utah 2006, Chapters 264 and 326

40 **20A-2-205**, as last amended by Laws of Utah 2012, Chapter 251

41 **20A-2-206**, as last amended by Laws of Utah 2011, Chapter 17

42 **20A-2-307**, as last amended by Laws of Utah 2003, Chapter 34

43 **20A-4-107**, as last amended by Laws of Utah 2013, Chapter 390

44 **63I-1-220**, as renumbered and amended by Laws of Utah 2008, Chapter 382

45 ENACTS:

46 **20A-4-108**, Utah Code Annotated 1953



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

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

50 **20A-1-102. Definitions.**

51 As used in this title:

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

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

56 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
57 upon which a voter records the voter's votes.

58 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy

59 envelopes.

60 [~~(5)~~] (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

61 (a) contain the names of offices and candidates and statements of ballot propositions to  
62 be voted on; and

63 (b) are used in conjunction with ballot sheets that do not display that information.

64 [~~(6)~~] (5) "Ballot proposition" means a question, issue, or proposal that is submitted to  
65 voters on the ballot for their approval or rejection including:

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

67 (b) a constitutional amendment;

68 (c) an initiative;

69 (d) a referendum;

70 (e) a bond proposition;

71 (f) a judicial retention question;

72 (g) an incorporation of a city or town; or

73 (h) any other ballot question specifically authorized by the Legislature.

74 [~~(4)~~] (6) "Ballot sheet":

75 (a) means a ballot that:

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

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

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

79 (7) "Bind," "binding," or "bound" means securing more than one piece of paper  
80 together with a staple or stitch in at least three places across the top of the paper in the blank  
81 space reserved for securing the paper.

82 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
83 [20A-4-306](#) to canvass election returns.

84 (9) "Bond election" means an election held for the purpose of approving or rejecting  
85 the proposed issuance of bonds by a government entity.

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

88 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
89 charge by the sender.

90 (12) "By-mail voter registration form" means a voter registration form designed to be  
91 completed by the voter and mailed to the election officer.

92 (13) "Canvass" means the review of election returns and the official declaration of  
93 election results by the board of canvassers.

94 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
95 the canvass.

96 (15) "Contracting election officer" means an election officer who enters into a contract  
97 or interlocal agreement with a provider election officer.

98 (16) "Convention" means the political party convention at which party officers and  
99 delegates are selected.

100 (17) "Counting center" means one or more locations selected by the election officer in  
101 charge of the election for the automatic counting of ballots.

102 (18) "Counting judge" means a poll worker designated to count the ballots during  
103 election day.

104 (19) "Counting poll watcher" means a person selected as provided in Section  
105 [20A-3-201](#) to witness the counting of ballots.

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

109 (21) "County officers" means those county officers that are required by law to be  
110 elected.

111 (22) "Date of the election" or "election day" or "day of the election":

112 (a) means the day that is specified in the calendar year as the day that the election  
113 occurs; and

114 (b) does not include:

115 (i) deadlines established for absentee voting; or

116 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
117 Voting.

118 (23) "Elected official" means:

119 (a) a person elected to an office under Section [20A-1-303](#);

120 (b) a person who is considered to be elected to a municipal office in accordance with

121 Subsection [20A-1-206\(1\)\(c\)\(ii\)](#); or

122 (c) a person who is considered to be elected to a local district office in accordance with

123 Subsection [20A-1-206\(3\)\(c\)\(ii\)](#).

124 (24) "Election" means a regular general election, a municipal general election, a  
125 statewide special election, a local special election, a regular primary election, a municipal  
126 primary election, and a local district election.

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

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

131 (27) "Election judge" means a poll worker that is assigned to:

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

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

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

135 (28) "Election officer" means:

136 (a) the lieutenant governor, for all statewide ballots and elections;

137 (b) the county clerk for:

138 (i) a county ballot and election; and

139 (ii) a ballot and election as a provider election officer as provided in Section  
140 [20A-5-400.1](#) or [20A-5-400.5](#);

141 (c) the municipal clerk for:

142 (i) a municipal ballot and election; and

143 (ii) a ballot and election as a provider election officer as provided in Section  
144 [20A-5-400.1](#) or [20A-5-400.5](#);

145 (d) the local district clerk or chief executive officer for:

146 (i) a local district ballot and election; and

147 (ii) a ballot and election as a provider election officer as provided in Section  
148 [20A-5-400.1](#) or [20A-5-400.5](#); or

149 (e) the business administrator or superintendent of a school district for:

150 (i) a school district ballot and election; and

151 (ii) a ballot and election as a provider election officer as provided in Section

152 [20A-5-400.1](#) or [20A-5-400.5](#).

153 (29) "Election official" means any election officer, election judge, or poll worker.

154 (30) "Election results" means:

155 (a) for an election other than a bond election, the count of votes cast in the election and  
156 the election returns requested by the board of canvassers; or

157 (b) for bond elections, the count of those votes cast for and against the bond  
158 proposition plus any or all of the election returns that the board of canvassers may request.

159 (31) "Election returns" includes the pollbook, the military and overseas absentee voter  
160 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all  
161 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition  
162 form, and the total votes cast form.

163 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting  
164 device or other voting device that records and stores ballot information by electronic means.

165 (33) "Electronic signature" means an electronic sound, symbol, or process attached to  
166 or logically associated with a record and executed or adopted by a person with the intent to sign  
167 the record.

168 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.

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

170 (35) "Inactive voter" means a registered voter who has:

171 (a) been sent the notice required by Section [20A-2-306](#); and

172 (b) failed to respond to that notice.

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

175 (37) "Judicial office" means the office filled by any judicial officer.

176 (38) "Judicial officer" means any justice or judge of a court of record or any county  
177 court judge.

178 (39) "Local district" means a local government entity under Title 17B, Limited Purpose  
179 Local Government Entities - Local Districts, and includes a special service district under Title  
180 17D, Chapter 1, Special Service District Act.

181 (40) "Local district officers" means those local district officers that are required by law  
182 to be elected.

183 (41) "Local election" means a regular municipal election, a local special election, a  
184 local district election, and a bond election.

185 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
186 local school district.

187 (43) "Local special election" means a special election called by the governing body of a  
188 local political subdivision in which all registered voters of the local political subdivision may  
189 vote.

190 (44) "Municipal executive" means:

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

193 (b) the mayor in the council-manager form of government defined in Subsection  
194 10-3b-103(6).

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

198 (46) "Municipal legislative body" means the council of the city or town in any form of  
199 municipal government.

200 (47) "Municipal office" means an elective office in a municipality.

201 (48) "Municipal officers" means those municipal officers that are required by law to be  
202 elected.

203 (49) "Municipal primary election" means an election held to nominate candidates for  
204 municipal office.

205 (50) "Official ballot" means the ballots distributed by the election officer to the poll  
206 workers to be given to voters to record their votes.

207 (51) "Official endorsement" means:

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

209 (i) the ballot as an official ballot;

210 (ii) the date of the election; and

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

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

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

214 (ii) the ballot number.

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

217 (53) "Paper ballot" means a paper that contains:

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

220 (b) spaces for the voter to record the voter's vote for each office and for or against each  
221 ballot proposition.

222 (54) "Pilot project" means the election day voter registration pilot project created in  
223 Section 20A-4-108.

224 [~~(54)~~] (55) "Political party" means an organization of registered voters that has  
225 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party  
226 Formation and Procedures.

227 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
228 cast votes.

229 (57) "Polling place" means the building where voting is conducted.

230 [~~(55)~~] (58) (a) "Poll worker" means a person assigned by an election official to assist  
231 with an election, voting, or counting votes.

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

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

234 [~~(58)~~] (59) "Position" means a square, circle, rectangle, or other geometric shape on a  
235 ballot in which the voter marks the voter's choice.

236 [~~(62)~~] (60) "Primary convention" means the political party conventions at which  
237 nominees for the regular primary election are selected.

238 [~~(63)~~] (61) "Protective counter" means a separate counter, which cannot be reset, that:

239 (a) is built into a voting machine; and

240 (b) records the total number of movements of the operating lever.

241 [~~(59)~~] (62) "Provider election officer" means an election officer who enters into a  
242 contract or interlocal agreement with a contracting election officer to conduct an election for  
243 the contracting election officer's local political subdivision in accordance with Section  
244 20A-5-400.1.



245 ~~[(60)]~~ (63) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

249 ~~[(61)]~~ (64) "Provisional ballot envelope" means an envelope printed in the form  
250 required by Section 20A-6-105 that is used to identify provisional ballots and to provide  
251 information to verify a person's legal right to vote.

252 ~~[(64)]~~ (65) "Qualify" or "qualified" means to take the oath of office and begin  
253 performing the duties of the position for which the person was elected.

254 ~~[(65)]~~ (66) "Receiving judge" means the poll worker that checks the voter's name in the  
255 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
256 after the voter has voted.

257 ~~[(66)]~~ (67) "Registration form" means a book voter registration form and a by-mail  
258 voter registration form.

259 ~~[(67)]~~ (68) "Regular ballot" means a ballot that is not a provisional ballot.

260 ~~[(68)]~~ (69) "Regular general election" means the election held throughout the state on  
261 the first Tuesday after the first Monday in November of each even-numbered year for the  
262 purposes established in Section 20A-1-201.

263 ~~[(69)]~~ (70) "Regular primary election" means the election on the fourth Tuesday of  
264 June of each even-numbered year, to nominate candidates of political parties and nonpolitical  
265 groups to advance to the regular general election.

266 ~~[(70)]~~ (71) "Resident" means a person who resides within a specific voting precinct in  
267 Utah.

268 ~~[(71)]~~ (72) "Sample ballot" means a mock ballot similar in form to the official ballot  
269 printed and distributed as provided in Section 20A-5-405.

270 ~~[(72)]~~ (73) "Scratch vote" means to mark or punch the straight party ticket and then  
271 mark or punch the ballot for one or more candidates who are members of different political  
272 parties.

273 ~~[(73)]~~ (74) "Secrecy envelope" means the envelope given to a voter along with the  
274 ballot into which the voter places the ballot after the voter has voted it in order to preserve the  
275 secrecy of the voter's vote.

276 [~~(74)~~] (75) "Special election" means an election held as authorized by Section  
277 20A-1-203.

278 [~~(75)~~] (76) "Spoiled ballot" means each ballot that:

279 (a) is spoiled by the voter;

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

281 (c) lacks the official endorsement.

282 [~~(76)~~] (77) "Statewide special election" means a special election called by the governor  
283 or the Legislature in which all registered voters in Utah may vote.

284 [~~(77)~~] (78) "Stub" means the detachable part of each ballot.

285 [~~(78)~~] (79) "Substitute ballots" means replacement ballots provided by an election  
286 officer to the poll workers when the official ballots are lost or stolen.

287 [~~(79)~~] (80) "Ticket" means each list of candidates for each political party or for each  
288 group of petitioners.

289 [~~(80)~~] (81) "Transfer case" means the sealed box used to transport voted ballots to the  
290 counting center.

291 [~~(81)~~] (82) "Vacancy" means the absence of a person to serve in any position created  
292 by statute, whether that absence occurs because of death, disability, disqualification,  
293 resignation, or other cause.

294 [~~(82)~~] (83) "Valid voter identification" means:

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

297 (i) a currently valid Utah driver license;

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

299 (A) the state; or

300 (B) a branch, department, or agency of the United States;

301 (iii) a currently valid Utah permit to carry a concealed weapon;

302 (iv) a currently valid United States passport; or

303 (v) a currently valid United States military identification card;

304 (b) one of the following identification cards, whether or not the card includes a  
305 photograph of the voter:

306 (i) a valid tribal identification card;

- 307 (ii) a Bureau of Indian Affairs card; or  
308 (iii) a tribal treaty card; or  
309 (c) two forms of identification not listed under Subsection [~~(82)~~] (83)(a) or (b) but that  
310 bear the name of the voter and provide evidence that the voter resides in the voting precinct,  
311 which may include:
- 312 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
313 election;
  - 314 (ii) a bank or other financial account statement, or a legible copy thereof;
  - 315 (iii) a certified birth certificate;
  - 316 (iv) a valid Social Security card;
  - 317 (v) a check issued by the state or the federal government or a legible copy thereof;
  - 318 (vi) a paycheck from the voter's employer, or a legible copy thereof;
  - 319 (vii) a currently valid Utah hunting or fishing license;
  - 320 (viii) certified naturalization documentation;
  - 321 (ix) a currently valid license issued by an authorized agency of the United States;
  - 322 (x) a certified copy of court records showing the voter's adoption or name change;
  - 323 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
  - 324 (xii) a currently valid identification card issued by:
    - 325 (A) a local government within the state;
    - 326 (B) an employer for an employee; or
    - 327 (C) a college, university, technical school, or professional school located within the  
328 state; or
  - 329 (xiii) a current Utah vehicle registration.
- 330 [~~(83)~~] (84) "Valid write-in candidate" means a candidate who has qualified as a  
331 write-in candidate by following the procedures and requirements of this title.
- 332 [~~(84)~~] (85) "Voter" means a person who:
- 333 (a) meets the requirements for voting in an election;
  - 334 (b) meets the requirements of election registration;
  - 335 (c) is registered to vote; and
  - 336 (d) is listed in the official register book.
- 337 [~~(85)~~] (86) "Voter registration deadline" means the registration deadline provided in

338 Section [20A-2-102.5](#).

339 ~~[(86)]~~ (87) "Voting area" means the area within six feet of the voting booths, voting  
340 machines, and ballot box.

341 ~~[(87)]~~ (88) "Voting booth" means:

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

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

345 ~~[(88)]~~ (89) "Voting device" means:

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

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

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

351 (d) an automated voting system under Section [20A-5-302](#); or

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

354 ~~[(89)]~~ (90) "Voting machine" means a machine designed for the sole purpose of  
355 recording and tabulating votes cast by voters at an election.

356 ~~[(90)]~~ (91) "Voting poll watcher" means a person appointed as provided in this title to  
357 witness the distribution of ballots and the voting process.

358 ~~[(91)]~~ (92) "Voting precinct" means the smallest voting unit established as provided by  
359 law within which qualified voters vote at one polling place.

360 ~~[(92)]~~ (93) "Watcher" means a voting poll watcher, a counting poll watcher, an  
361 inspecting poll watcher, and a testing watcher.

362 ~~[(93)]~~ (94) "Western States Presidential Primary" means the election established in  
363 Chapter 9, Part 8, Western States Presidential Primary.

364 ~~[(94)]~~ (95) "Write-in ballot" means a ballot containing any write-in votes.

365 ~~[(95)]~~ (96) "Write-in vote" means a vote cast for a person whose name is not printed on  
366 the ballot according to the procedures established in this title.

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

368 **20A-2-102. Registration a prerequisite to voting.**

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

371 (2) A person may vote a provisional ballot for an election as provided in Section  
 372 [20A-2-307](#) [~~for~~].

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

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

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

376 Section 3. Section **20A-2-102.5** is amended to read:

377 **20A-2-102.5. Voter registration deadline.**

378 (1) Except as provided in [~~Sections~~] Section [20A-2-201](#) [~~and~~], [20A-2-206](#) [~~and~~], or  
 379 [20A-4-108](#), or Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to  
 380 submit a correctly completed voter registration form on or before the voter registration deadline  
 381 may not be permitted to vote in the election.

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

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

385 **20A-2-201. Registering to vote at office of county clerk.**

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

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

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

396 (b) inform them that:

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

398 (ii) for the pending election, they must vote on the day of the election and will not be  
 399 eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they

400 registered too late.

401 (3) [Hf] Except as provided in Subsection 20A-4-108(5), if a registration form is  
402 submitted to the county clerk on the date of the election or during the 14 calendar days before  
403 an election, the county clerk shall:

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

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

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

410 **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

425 (3) (a) [Hf] Except as provided in Subsection 20A-4-108(6), if the county clerk receives  
426 a correctly completed by-mail voter registration form that is postmarked after the voter  
427 registration deadline, the county clerk shall:

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

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

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

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

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

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

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

441 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

442 (1) As used in this section, "voter registration form" means the driver license  
443 application/voter registration form and the driver license renewal/voter registration form  
444 required by Section [20A-2-108](#).

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

447 (3) The Driver License Division shall:

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

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

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

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

454 and

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

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

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

462 (b) notify the applicant of registration.

463 (5) (a) [Hf] Except as provided in Subsection 20A-4-108(7), if the county clerk receives  
464 a correctly completed voter registration form that is dated after the voter registration deadline,  
465 the county clerk shall:

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

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

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

472 (i) process the voter registration form; and

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

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

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

479 **20A-2-205. Registration at voter registration agencies.**

480 (1) As used in this section:

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

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

485 (i) public assistance; or

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

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

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



493 "REGISTERING TO VOTE

494 If you are not registered to vote where you live now, would you like to apply to register  
495 to vote here today? (Applying to register to vote or declining to register to vote will not affect  
496 the amount of assistance that you will be provided by this agency.) Yes\_\_\_ No\_\_\_ IF YOU  
497 DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED  
498 NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the  
499 voter registration application form, we will help you. The decision about whether or not to  
500 seek or accept help is yours. You may fill out the application form in private. If you believe  
501 that someone has interfered with your right to register or to decline to register to vote, your  
502 right to privacy in deciding whether or not to register, or in applying to register to vote, or your  
503 right to choose your own political party or other political preference, you may file a complaint  
504 with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah  
505 84114. (The phone number of the Office of the Lieutenant Governor)."

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

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

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

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

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

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

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

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

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

522 (d) make any statement to an applicant or take any action that has the purpose or effect  
523 of leading the applicant to believe that a decision to register or not to register has any bearing

524 upon the availability of services or benefits.

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

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

529 (b) notify the applicant of registration.

530 (7) (a) [H] Except as provided in Subsection 20A-4-108(8), if the county clerk receives  
531 a correctly completed voter registration form that is dated after the voter registration deadline,  
532 the county clerk shall:

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

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

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

539 (i) process the voter registration form; and

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

541 (8) If the county clerk determines that a voter registration form received from a public  
542 assistance agency or discretionary voter registration agency is incorrect because of an error or  
543 because it is incomplete, the county clerk shall mail notice to the person attempting to register,  
544 ~~[informing him that he]~~ stating that the person has not been registered because of an error or  
545 because the form is incomplete.

546 Section 8. Section **20A-2-206** is amended to read:

547 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

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

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

551 (a) that an applicant have a valid driver license or identification card, issued under Title  
552 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of  
553 residence;

554 (b) that the applicant provide the information required by Section **20A-2-104**, except

555 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)  
556 and (4);

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

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

561 (3) Notwithstanding Section [20A-2-104](#), an applicant using the electronic system for  
562 voter registration created under this section is not required to complete a printed registration  
563 form.

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

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

568 (6) Upon receiving all information from an applicant and the Driver License Division,  
569 the lieutenant governor shall send the information to the county clerk for the county in which  
570 the applicant's principal place of residence is found for further action as required by Section  
571 [20A-2-304](#).

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

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

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

579 (ii) inform the individual that:

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

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

584 (b) [Hf] Except as provided in Subsection [20A-4-108](#)(9), if an individual applies to  
585 register under this section during the 14 calendar days before an election, the county clerk

586 shall:

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

589 (ii) inform the individual that the individual is registered to vote but may not vote in  
590 the pending election because the individual registered too late.

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

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

596 Section 9. Section 20A-2-307 is amended to read:

597 **20A-2-307. County clerks' instructions to election judges.**

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

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

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

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

606 (a) the person registers to vote on election day, in accordance with the pilot project  
607 described in Section 20A-4-108, by casting a provisional ballot in a municipality or county that  
608 is participating in the pilot project;

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

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

611 Section 10. Section 20A-4-107 is amended to read:

612 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

614 (a) the person:

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

616 (ii) votes the ballot for the voting precinct in which the person resides; and

- 617 (iii) [~~provided~~] provides valid voter identification to the poll worker;
- 618 (b) the person:
- 619 (i) is registered to vote in the state;
- 620 (ii) (A) provided valid voter identification to the poll worker; or
- 621 (B) either failed to provide valid voter identification or the documents provided as
- 622 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 623 register but the county clerk verifies the person's identity and residence through some other
- 624 means; and
- 625 (iii) did not vote in the person's precinct of residence, but the ballot that the person
- 626 voted was from the person's county of residence and includes one or more candidates or ballot
- 627 propositions on the ballot voted in the person's precinct of residence; or
- 628 (c) the person:
- 629 (i) is registered to vote in the state;
- 630 (ii) either failed to provide valid voter identification or the documents provided as
- 631 valid voter identification were inadequate and the poll worker recorded that fact in the official
- 632 register; and
- 633 (iii) (A) the county clerk verifies the person's identity and residence through some other
- 634 means as reliable as photo identification; or
- 635 (B) the person provides valid voter identification to the county clerk or an election
- 636 officer who is administering the election by the close of normal office hours on Monday after
- 637 the date of the election.
- 638 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review
- 639 the affirmation on the face of each provisional ballot envelope and determine if the person
- 640 signing the affirmation is:
- 641 (i) registered to vote in this state; and
- 642 (ii) legally entitled to vote:
- 643 (A) the ballot that the person voted; or
- 644 (B) if the ballot is from the person's county of residence, for at least one ballot
- 645 proposition or candidate on the ballot that the person voted.
- 646 (b) [~~H~~] Except as provided in Subsection 20A-4-108(10), if the election officer
- 647 determines that the person is not registered to vote in this state or is not legally entitled to vote

648 in the county or for any of the ballot propositions or candidates on the ballot that the person  
649 voted, the election officer shall retain the ballot envelope, unopened, for the period specified in  
650 Section [20A-4-202](#) unless ordered by a court to produce or count it.

651 (c) If the election officer determines that the person is registered to vote in this state  
652 and is legally entitled to vote in the county and for at least one of the ballot propositions or  
653 candidates on the ballot that the person voted, the election officer shall remove the ballot from  
654 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with  
655 those ballots at the canvass.

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

658 (3) If the election officer determines that the person is registered to vote in this state, or  
659 if the voter is, in accordance with the pilot project, registered to vote under Subsection  
660 [20A-4-108\(10\)](#), the election officer shall ensure that the voter registration records are updated  
661 to reflect the information provided on the provisional ballot envelope.

662 (4) [Hf] Except as provided in Subsection [20A-4-108\(12\)](#), if the election officer  
663 determines that the person is not registered to vote in this state and the information on the  
664 provisional ballot envelope is complete, the election officer shall:

665 (a) consider the provisional ballot envelope a voter registration form for the person's  
666 county of residence; and

667 (b) (i) register the person if the voter's county of residence is within the county; or

668 (ii) forward the voter registration form to the election officer of the person's county of  
669 residence, which election officer shall register the person.

670 Section 11. Section **20A-4-108** is enacted to read:

671 **20A-4-108. Election day voter registration pilot project.**

672 (1) There is created, beginning on June 1, 2014, and ending on January 1, 2017, an  
673 election day voter registration pilot project, as described in this section.

674 (2) A county may participate in the pilot project if the county clerk submits to the  
675 lieutenant governor a written application to participate in the pilot project that contains:

676 (a) the name of the county;

677 (b) a request that the county be permitted to participate in the pilot project;

678 (c) an estimate of the extent to which election day voter registration may increase voter

679 participation; and

680 (d) any other reasons that the county desires to participate in the project.

681 (3) A municipality may participate in the pilot project for a municipal election, if:

682 Ĥ→ [a] (a county clerk conducts the election under contract with the municipality; and

683 —[b]) ←Ĥ the municipal clerk Ĥ→ [and the county clerk described in Subsection (3)(a) submit]

683a submits ←Ĥ to

684 the lieutenant governor a written application to participate in the pilot project that contains:

685 Ĥ→ [(i)] (a) ←Ĥ the name of the municipality;

686 Ĥ→ [(ii)] (b) ←Ĥ a request that the municipality be permitted to participate in the pilot

686a project;

687 Ĥ→ [(iii)] (c) ←Ĥ an estimate of the extent to which election day voter registration may

687a increase

688 voter participation; and

689 Ĥ→ [(iv)] (d) ←Ĥ any other reasons that the municipality desires to participate in the project.

690 (4) Within 10 business days after the day on which the lieutenant governor receives an

691 application described in Subsection (2) or (3), the lieutenant governor shall approve the

692 application if:

693 (a) the application complies with the requirements described in Subsection (2) or (3),

694 as applicable; and

695 (b) the lieutenant governor determines, based on the information contained in the

696 application, that implementing the pilot project in the county or municipality:

697 (i) will yield valuable information to determine whether election day voter registration

698 should be implemented on a permanent, statewide basis; and

699 (ii) will not adversely affect the rights of voters or candidates.

700 (5) For a county or municipality that is approved by the lieutenant governor to

701 participate in the pilot project, if, under Subsection 20A-2-201(3), a registration form is

702 submitted to the county clerk on the date of the election or during the 14 calendar days before

703 an election, the county clerk shall:

704 (a) if the person desires to vote in the pending election, inform the person that the

705 person must, on election day, register to vote by casting a provisional ballot in accordance with

706 Subsection (10); or

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

708 (i) accept a registration form from the person if, on the date of the election, the person

709 will be legally qualified and entitled to vote in a voting precinct in the county or municipality;





710 and

711 (ii) inform the person that the person will be registered to vote but may not vote in the  
712 pending election because the person registered too late and chose not to register and vote as  
713 described in Subsection (5)(a).

714 (6) For a county or municipality that is approved by the lieutenant governor to  
715 participate in the pilot project, if, under Subsection 20A-2-202(3)(a), the county clerk receives  
716 a correctly completed by-mail voter registration form that is postmarked after the voter  
717 registration deadline, the county clerk shall:

718 (a) unless the applicant registers on election day by casting a provisional ballot in  
719 accordance with Subsection (10), register the applicant for the next election; and

720 (b) if possible, promptly phone, mail, or email a notice to the applicant before the  
721 election, informing the applicant that:

722 (i) the applicant's registration will not be effective until after the election; and

723 (ii) the applicant may register to vote on election day by casting a provisional ballot in  
724 accordance with Subsection (10).

725 (7) For a county or municipality that is approved by the lieutenant governor to  
726 participate in the pilot project, if, under Subsection 20A-2-204(5)(a), the county clerk receives  
727 a correctly completed voter registration form that is dated after the voter registration deadline,  
728 the county clerk shall:

729 (a) unless the applicant registers to vote on election day by casting a provisional ballot  
730 in accordance with Subsection (10), register the applicant after the next election; and

731 (b) if possible, promptly phone, mail, or email a notice to the applicant before the  
732 election, informing the applicant that:

733 (i) the applicant's registration will not be effective until after the election; and

734 (ii) the applicant may register to vote on election day by casting a provisional ballot in  
735 accordance with Subsection (10).

736 (8) For a county or municipality that is approved by the lieutenant governor to  
737 participate in the pilot project, if, under Subsection 20A-2-205(7)(a), the county clerk receives  
738 a correctly completed voter registration form that is dated after the voter registration deadline,  
739 the county clerk shall:

740 (a) unless the applicant registers to vote on election day by casting a provisional ballot

741 in accordance with Subsection (10), register the applicant after the next election; and  
742 (b) if possible, promptly phone, mail, or email a notice to the applicant before the  
743 election, informing the applicant that:  
744 (i) the applicant's registration will not be effective until after the election; and  
745 (ii) the applicant may register to vote on election day by casting a provisional ballot in  
746 accordance with Subsection (10).  
747 (9) For a county or municipality that is approved by the lieutenant governor to  
748 participate in the pilot project, if, under Subsection 20A-2-206(8)(b), an individual applies to  
749 register under this section during the 14 calendar days before an election, the county clerk  
750 shall:  
751 (a) if the individual desires to vote in the pending election, inform the individual that  
752 the individual must, on election day, register to vote by casting a provisional ballot in  
753 accordance with Subsection (10); or  
754 (b) if the individual does not desire to vote in the pending election:  
755 (i) accept the application for registration if the individual, on the date of the election,  
756 will be legally qualified and entitled to vote in a voting precinct in the state; and  
757 (ii) inform the individual that the individual is registered to vote but may not vote in  
758 the pending election because the individual registered too late and chose not to register and  
759 vote as described in Subsection (9)(a).  
760 (10) For a county or municipality that is approved by the lieutenant governor to  
761 participate in the pilot project:  
762 (a) the election officer shall take the action described in Subsection (10)(b) in relation  
763 to a provisional ballot if the election officer determines that:  
764 (i) the person who voted the ballot is not registered to vote, but is otherwise legally  
765 entitled to vote the ballot;  
766 (ii) the ballot that the person voted is identical to the ballot for the precinct in which  
767 the person resides;  
768 (iii) the information on the ballot is complete; and  
769 (iv) the person provided valid voter identification and proof of residence to the poll  
770 worker;  
771 (b) if a provisional ballot and the person who voted the provisional ballot comply with

772 the requirements described in Subsection (10)(a), the election officer shall:

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

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

776 (iii) as soon as reasonably possible, register the person to vote; and

777 (c) except as provided in Subsection (11), the election officer shall retain a provisional  
778 ballot envelope, unopened, for the period specified in Section 20A-4-202, if the election officer  
779 determines that the person who voted the ballot:

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

781 (B) is not eligible for registration under Subsection (10); or

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

783 (11) Subsection (10)(c) does not apply if a court orders the election officer to produce  
784 or count the provisional ballot.

785 (12) For a county or municipality that is approved by the lieutenant governor to  
786 participate in the pilot project, if, under Subsection 20A-4-107(4), the election officer  
787 determines that the person is not registered to vote in this state, that the information on the  
788 provisional ballot envelope is complete, and that the provisional ballot and the person who  
789 voted the provisional ballot do not comply with the requirements described in Subsection  
790 (10)(a), the election officer shall:

791 (a) consider the provisional ballot envelope a voter registration form for the person's  
792 county of residence; and

793 (b) (i) register the person if the voter's county of residence is within the county; or

794 (ii) forward the voter registration form to the election officer of the person's county of  
795 residence, which election officer shall register the person.

796 (13) (a) The county clerk of a county that is approved to participate in the pilot project,  
797 and the municipal clerk of a municipality that is approved to participate in the pilot project,  
798 shall provide training for the poll workers of the county or municipality on administering the  
799 pilot program.

800 (b) The lieutenant governor shall, for a county or municipality that is approved to  
801 participate in the pilot project, provide information relating to the pilot project in accordance  
802 with the provisions of Subsection 67-1a-2(2)(a)(iv).

803           (14) The lieutenant governor and each county and municipality that is approved by the  
804 lieutenant governor to participate in the pilot project shall:

805           (a) report to the Government Operations Interim Committee, on or before October 31  
806 of each year that the pilot project is in effect, regarding:

807           (i) the implementation of the pilot project;

808           (ii) the number of ballots cast by voters who registered on election day;

809           (iii) any difficulties resulting from the pilot project; and

810           (iv) whether, in the opinion of the lieutenant governor, the county, or the municipality,  
811 the state would benefit from implementing election day voter registration permanently and on a  
812 statewide basis; and

813           (b) on or before December 31, 2016, report to the Legislative Management Committee  
814 regarding the matters described in Subsection (14)(a).

815           (15) During the 2016 interim, the Government Operations Interim Committee shall  
816 study and make a recommendation to the Legislature regarding whether to implement statewide  
817 election day voter registration on a permanent, statewide basis.

818           Section 12. Section **63I-1-220** is amended to read:

819           **63I-1-220. Repeal dates, Title 20A.**

820           Section [20A-4-108](#) and all references in the Utah Code to Section [20A-4-108](#) are  
821 repealed on January 1, 2017.

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**Legislative Review Note**  
**as of 2-20-14 4:13 PM**

**Office of Legislative Research and General Counsel**