

HB0156S01 compared with HB0156

~~text~~ shows text that was in HB0156 but was deleted in HB0156S01.

inserted text shows text that was not in HB0156 but was inserted into HB0156S01.

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Senator Deidre M. Henderson proposes the following substitute bill:

ELECTION DAY VOTER REGISTRATION PILOT PROJECT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca ~~Chavez-Houck~~ Chavez-Houck

Senate Sponsor: ~~_____~~ Deidre M. Henderson

Cosponsors:

<u>Janice M. Fisher</u>	<u>Lee B. Perry</u>
<u>Jennifer M. Seelig</u>	<u>Marie H. Poulson</u>
<u>Tim M. Cosgrove</u>	<u>Kraig Powell</u>
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<u>Rebecca P. Edwards</u>	

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.

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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.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ [This bill coordinates with S.B. 135, Voter Registration Amendments, by providing substantive amendments.](#)

Utah Code Sections Affected:

AMENDS:

- 20A-1-102, as last amended by Laws of Utah 2013, Chapter 320
- 20A-2-102, as last amended by Laws of Utah 2003, Chapter 34
- 20A-2-102.5, as last amended by Laws of Utah 2011, Chapters 17, 297, and 327
- 20A-2-201, as last amended by Laws of Utah 2008, Chapters 225 and 276
- 20A-2-202, as last amended by Laws of Utah 2009, Chapter 45
- 20A-2-204, as last amended by Laws of Utah 2006, Chapters 264 and 326
- 20A-2-205, as last amended by Laws of Utah 2012, Chapter 251

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

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

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

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

ENACTS:

20A-4-108, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

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

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

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

20A-4-108, Utah Code Annotated 1953

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

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

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

20A-1-102. Definitions.

As used in this title:

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

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

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

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

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

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

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

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

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- (a) an opinion question specifically authorized by the Legislature;
- (b) a constitutional amendment;
- (c) an initiative;
- (d) a referendum;
- (e) a bond proposition;
- (f) a judicial retention question;
- (g) an incorporation of a city or town; or
- (h) any other ballot question specifically authorized by the Legislature.

~~(4)~~ (6) "Ballot sheet":

- (a) means a ballot that:
 - (i) consists of paper or a card where the voter's votes are marked or recorded; and
 - (ii) can be counted using automatic tabulating equipment; and
- (b) includes punch card ballots and other ballots that are machine-countable.

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

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

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

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

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

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

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

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

(15) "Contracting election officer" means an election officer who enters into a contract

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or interlocal agreement with a provider election officer.

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

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

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

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

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

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

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

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

(b) does not include:

(i) deadlines established for absentee voting; or

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

(23) "Elected official" means:

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

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

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

(25) "Election Assistance Commission" means the commission established by Public

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Law 107-252, the Help America Vote Act of 2002.

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

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

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

(28) "Election officer" means:

- (a) the lieutenant governor, for all statewide ballots and elections;
- (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

- (i) a municipal ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

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

- (i) a local district ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

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

- (i) a school district ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

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

(30) "Election results" means:

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

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

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

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

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

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

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

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

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

(b) failed to respond to that notice.

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

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

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

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

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

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

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

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

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(44) "Municipal executive" means:

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

or

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

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

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

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

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

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

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

(51) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

(i) the poll worker's initials; and

(ii) the ballot number.

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

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

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

(b) spaces for the voter to record the voter's vote for each office and for or against each

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ballot proposition.

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

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

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

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

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

(b) "Poll worker" includes election judges.

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

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

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

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

(a) is built into a voting machine; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- (c) lacks the official endorsement.

~~[(76)]~~ (77) "Statewide special election" means a special election called by the governor

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or the Legislature in which all registered voters in Utah may vote.

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

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

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

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

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

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

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

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
 - (A) the state; or
 - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

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

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection ~~[(82)]~~ (83)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

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- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid Social Security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;
- (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- (xii) a currently valid identification card issued by:
 - (A) a local government within the state;
 - (B) an employer for an employee; or
 - (C) a college, university, technical school, or professional school located within the state; or
- (xiii) a current Utah vehicle registration.

~~[(83)]~~ (84) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

~~[(84)]~~ (85) "Voter" means a person who:

- (a) meets the requirements for voting in an election;
- (b) meets the requirements of election registration;
- (c) is registered to vote; and
- (d) is listed in the official register book.

~~[(85)]~~ (86) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

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

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

- (a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or
- (b) a voting device that is free standing.

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

- (a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;
- (b) a device for marking the ballots with ink or another substance;
- (c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;
- (d) an automated voting system under Section 20A-5-302; or
- (e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20A-2-102.5. Voter registration deadline.

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

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

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

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

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

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

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

(b) inform them that:

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

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

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

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

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

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

20A-2-202. Registration by mail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) If the county clerk determines that a registration form received by mail or otherwise is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to

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the person attempting to register, [~~informing him that he~~] stating that the person has not been registered because of an error or because the form is incomplete.

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

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

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

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

(3) The Driver License Division shall:

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

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

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

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

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

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

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

(b) notify the applicant of registration.

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

- (i) public assistance; or
- (ii) state funded programs primarily engaged in providing services to people with disabilities.

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

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

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register to vote here today? (Applying to register to vote or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.) Yes ___ No ___ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the voter registration application form, we will help you. The decision about whether or not to

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seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether or not to register, or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number of the Office of the Lieutenant Governor)."

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

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

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

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

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

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

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

(b) display any political preference or party allegiance;

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

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

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

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

(b) notify the applicant of registration.

(7) (a) [Hf] Except as provided in Subsection 20A-4-108(8), if the county clerk receives

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a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall:

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

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

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

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

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

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

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

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

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

(b) that the applicant provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (4);

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

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

(3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for

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voter registration created under this section is not required to complete a printed registration form.

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

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

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

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

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

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

(ii) inform the individual that:

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

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

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

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

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

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

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section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the person:

(i) is registered to vote in the state;

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

(iii) ~~[provided]~~ provides valid voter identification to the poll worker;

(b) the person:

(i) is registered to vote in the state;

(ii) (A) provided valid voter identification to the poll worker; or

(B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the person's identity and residence through some other

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means; and

(iii) did not vote in the person's precinct of residence, but the ballot that the person voted was from the person's county of residence and includes one or more candidates or ballot propositions on the ballot voted in the person's precinct of residence; or

(c) the person:

(i) is registered to vote in the state;

(ii) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register; and

(iii) (A) the county clerk verifies the person's identity and residence through some other means as reliable as photo identification; or

(B) the person provides valid voter identification to the county clerk or an election officer who is administering the election by the close of normal office hours on Monday after the date of the election.

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

(i) registered to vote in this state; and

(ii) legally entitled to vote:

(A) the ballot that the person voted; or

(B) if the ballot is from the person's county of residence, for at least one ballot proposition or candidate on the ballot that the person voted.

(b) [Hf] Except as provided in Subsection 20A-4-108(10), if the election officer determines that the person is not registered to vote in this state or is not legally entitled to vote in the county or for any of the ballot propositions or candidates on the ballot that the person voted, the election officer shall retain the ballot envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to produce or count it.

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

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those ballots at the canvass.

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

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

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

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

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

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

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

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

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

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

(a) the name of the county;

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

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

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

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

~~— (a) a county clerk conducts the election under contract with the municipality; and~~

~~— (b) } if the municipal clerk {and the county clerk described in Subsection (3)(a) submit};~~ submits to the lieutenant governor a written application to participate in the pilot

project that contains:

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~~(fi)a~~ the name of the municipality;

~~(fiib)~~ a request that the municipality be permitted to participate in the pilot project;

~~(fiic)~~ an estimate of the extent to which election day voter registration may increase voter participation; and

~~(fiid)~~ any other reasons that the municipality desires to participate in the project.

(4) Within 10 business days after the day on which the lieutenant governor receives an application described in Subsection (2) or (3), the lieutenant governor shall approve the application if:

(a) the application complies with the requirements described in Subsection (2) or (3), as applicable; and

(b) the lieutenant governor determines, based on the information contained in the application, that implementing the pilot project in the county or municipality:

(i) will yield valuable information to determine whether election day voter registration should be implemented on a permanent, statewide basis; and

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

(5) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-2-201(3), a registration form is submitted to the county clerk on the date of the election or during the 14 calendar days before an election, the county clerk shall:

(a) if the person desires to vote in the pending election, inform the person that the person must, on election day, register to vote by casting a provisional ballot in accordance with Subsection (10); or

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

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

and

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

(6) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-2-202(3)(a), the county clerk receives

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a correctly completed by-mail voter registration form that is postmarked after the voter registration deadline, the county clerk shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(9) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-2-206(8)(b), an individual applies to register under this section during the 14 calendar days before an election, the county clerk shall:

(a) if the individual desires to vote in the pending election, inform the individual that the individual must, on election day, register to vote by casting a provisional ballot in accordance with Subsection (10); or

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

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

(ii) inform the individual that the individual is registered to vote but may not vote in the pending election because the individual registered too late and chose not to register and vote as described in Subsection (9)(a).

(10) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project:

(a) the election officer shall take the action described in Subsection (10)(b) in relation to a provisional ballot if the election officer determines that:

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

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

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

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

(b) if a provisional ballot and the person who voted the provisional ballot comply with the requirements described in Subsection (10)(a), the election officer shall:

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

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

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

(c) except as provided in Subsection (11), the election officer shall retain a provisional

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ballot envelope, unopened, for the period specified in Section 20A-4-202, if the election officer determines that the person who voted the ballot:

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

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

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

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

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

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

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

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

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

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

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

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

(i) the implementation of the pilot project;

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

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

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

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

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

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

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

~~{Section}~~ On January 1, 2017:

(1) Subsection 20A-1-102(54) is repealed.

(2) Subsection 20A-2-102.5(1) the language that states "20A-4-108, or" is repealed.

(3) Subsection 20A-2-201(3) the language that states "Except as provided in Subsection 20A-4-108~~{ and all references in the Utah Code to}~~(5)," is repealed.

(4) Subsection 20A-2-202(3)(a) the language that states "Except as provided in Subsection 20A-4-108(6)," is repealed.

(5) Subsection 20A-2-204(5)(a) the language that states "Except as provided in Subsection 20A-4-108(7)," is repealed.

(6) Subsection 20A-2-205(7)(a) the language that states "Except as provided in Subsection 20A-4-108(8)," is repealed.

(7) Subsection 20A-2-206(8)(b) the language that states "Except as provided in Subsection 20A-4-108(9)," is repealed.

(8) Subsection 20A-2-307(2)(a) is repealed.

(9) Subsection 20A-4-107(2)(b) the language that states "Except as provided in Subsection 20A-4-108(10)," is repealed.

(10) Subsection 20A-4-107(3) the language that states "or if the voter is, in accordance with the pilot project, registered to vote under Subsection 20A-4-108(10)," is repealed.

(11) Subsection 20A-4-107(4) the language that states "Except as provided in Subsection 20A-4-108(12)," is repealed.

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(12) Section 20A-4-108 ~~fare~~ is repealed ~~on January 1, 2017.~~

Legislative Review Note

~~as of 2-20-14 4:13 PM~~

Section 13. Coordinating H.B. 156 with S.B. 135 -- Substantive amendments.

If this H.B. 156 and S.B. 135, Voter Registration Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(1) modify Subsection 20A-2-201(3)(b)(ii) to read:

"(ii) except as provided in Subsection 20A-4-108(5), if it is on the date of an election or during the seven calendar days before an election, inform the individual that the individual will be registered to vote but may not vote in the pending election because the individual registered too late.";

(2) amend the existing Subsection 20A-2-206(8)(b) to read as follows:

"[(b) If] (c) Except as provided in Subsection 20A-4-108(9), if an individual applies to register under this section during the [14] six calendar days before an election, the county clerk shall:

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

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

(3) modify Subsection 20A-4-107(5) to read:

"(5) Notwithstanding any provision of this section, the election officer shall remove the ballot from a provisional ballot envelope and place the ballot with the absentee ballots to be counted with those ballots at the canvass, if:

(a) (i) the election officer determines, in accordance with the provisions of this section,

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that the sole reason a provisional ballot may not otherwise be counted is because the voter registration was filed less than eight days before the election;

(ii) eight or more days before the election, the individual who cast the provisional ballot;

(A) completed and signed the voter registration; and

(B) provided the voter registration to another person to file;

(iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B) filing the voter registration less than eight days before the election; and

(iv) the election officer receives the voter registration no later than one day before the day of the election; or

(b) the provisional ballot is cast on or before election day in a county or municipality that is approved by the lieutenant governor to participate in the pilot project and the provisional ballot is not otherwise prohibited from being counted under the provisions of this chapter; and"; and

(4) replace the reference in Subsection 20A-4-108(5), to "Subsection 20A-2-201(3)" with "Subsection 20A-2-201(3)(b)(ii)";

(5) change the language in Subsection 20A-4-108(5) from "14 calendar days" to "seven calendar days";

(6) replace the reference in Subsection 20A-4-108(9), to "Subsection 20A-2-206(8)(b)" with "Subsection 20A-2-206(8)(c)"; and

(7) change the language in Subsection 20A-4-108(9), from "14 calendar days" to "six calendar days".