

VOTER REGISTRATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to voter registration.

Highlighted Provisions:

This bill:

- ▶ provides that an individual who registers to vote, in-person or online, fifteen or more days before an election may participate in early voting or may vote on election day;
- ▶ provides that an individual who registers to vote online seven or more days before an election may vote on election day;
- ▶ provides that, if an individual timely fills out and submits a voter registration form to a registration drive coordinator who then submits the registration form late, the individual may vote in the election if, within six days after the day of the election, the individual establishes by a preponderance of the evidence that the individual filled out and provided the registration to the registration drive coordinator before the filing deadline; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-2-201**, as last amended by Laws of Utah 2008, Chapters 225 and 27631 **20A-2-206**, as last amended by Laws of Utah 2011, Chapter 1732 **20A-4-107**, as last amended by Laws of Utah 2013, Chapter 390

33

34 *Be it enacted by the Legislature of the state of Utah:*35 Section 1. Section **20A-2-201** is amended to read:36 **20A-2-201. Registering to vote at office of county clerk.**

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

42 (2) [~~If a registration form is submitted]~~ If an individual submits a registration form in
 43 person at the office of the county clerk during the period beginning on the date after the voter
 44 registration deadline and ending on the date that is 15 calendar days before the date of the
 45 election, the county clerk shall:

46 (a) accept a registration [forms from all persons who present themselves for
 47 registration] form from each individual who submits a registration form in person at the clerk's
 48 office during designated office hours if [~~those persons]~~ the individual, on the date of the
 49 election, will be legally qualified and entitled to vote in a voting precinct in the county; and

50 (b) inform [~~them]~~ the individual that[:] the individual will be registered to vote in the
 51 pending election.

52 [~~(i) they will be registered to vote in the pending election; and]~~

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

56 [~~(3) If a registration form is submitted to the county clerk on the date of the election or~~
 57 ~~during the 14 calendar days before an election, the county clerk shall:]~~

58 [~~(a) accept registration forms from all persons who present themselves for registration~~

59 ~~at the clerk's office during designated office hours if those persons, on the date of the election,~~
60 ~~will be legally qualified and entitled to vote in a voting precinct in the county, and]~~

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

63 (3) If an individual who will be legally qualified and entitled to vote in a voting
64 precinct in the county on the date of an election appears in person, during designated office
65 hours, and submits a registration form on the date of the election or during the 14 calendar days
66 before an election, the county clerk shall:

67 (a) accept the registration form; and

68 (b) (i) if it is more than seven calendar days before the date of an election:

69 (A) inform the individual that, if the individual registers to vote online under Section
70 20A-2-206 before the seven-day deadline described in Section 20A-2-206, the individual may
71 vote in the pending election; or

72 (B) if the individual does not register to vote online under Section 20A-2-206, that the
73 individual will be registered to vote but may not vote in the pending election because the
74 individual registered too late; or

75 (ii) if it is on the date of an election or during the seven calendar days before an
76 election, inform the individual that the individual will be registered to vote but may not vote in
77 the pending election because the individual registered too late.

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

79 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

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

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

83 (a) that an applicant have a valid driver license or identification card, issued under Title
84 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of
85 residence;

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

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

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

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

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

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

100 (6) Upon receiving all information from an applicant and the Driver License Division,
101 the lieutenant governor shall send the information to the county clerk for the county in which
102 the applicant's principal place of residence is found for further action as required by Section
103 20A-2-304.

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

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

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

111 (ii) inform the individual that:

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

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

116 (b) If an individual applies to register under this section during the [~~14~~] six calendar
117 days before an election, the county clerk shall:

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

120 (ii) inform the individual that the individual is registered to vote but may not vote in

121 the pending election because the individual registered too late.

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

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

127 Section 3. Section 20A-4-107 is amended to read:

128 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

130 (a) the person:

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

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

133 (iii) provided valid voter identification to the poll worker;

134 (b) the person:

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

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

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

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

144 (c) the person:

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

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

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

151 (B) the person provides valid voter identification to the county clerk or an election

152 officer who is administering the election by the close of normal office hours on Monday after
153 the date of the election.

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

157 (i) registered to vote in this state; and

158 (ii) legally entitled to vote:

159 (A) the ballot that the person voted; or

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

162 (b) If the election officer determines that the person is not registered to vote in this
163 state or is not legally entitled to vote in the county or for any of the ballot propositions or
164 candidates on the ballot that the person voted, the election officer shall retain the ballot
165 envelope, unopened, for the period specified in Section [20A-4-202](#) unless ordered by a court to
166 produce or count it.

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

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

174 (3) If the election officer determines that the person is registered to vote in this state,
175 the election officer shall ensure that the voter registration records are updated to reflect the
176 information provided on the provisional ballot envelope.

177 (4) If the election officer determines that the person is not registered to vote in this
178 state and the information on the provisional ballot envelope is complete, the election officer
179 shall:

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

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

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

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

188 (a) the election officer determines, in accordance with the provisions of this section,
189 that the sole reason a provisional ballot may not otherwise be counted is because the voter
190 registration was filed late;

191 (b) the late filing was made due to a registration drive coordinator filing a voter's
192 registration, other than the registration drive coordinator's registration, after the filing deadline;
193 and

194 (c) within six days after the day of the election, the voter establishes to the election
195 officer, by a preponderance of the evidence, that the voter filled out and provided the
196 registration to the registration drive coordinator before the filing deadline.

Legislative Review Note
as of 11-14-13 12:36 PM

Office of Legislative Research and General Counsel