

SB0135S02 compared with SB0135S01

~~{deleted text}~~ shows text that was in SB0135S01 but was deleted in SB0135S02.

inserted text shows text that was not in SB0135S01 but was inserted into SB0135S02.

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Senator Scott K. Jenkins proposes the following substitute bill:

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}~~ 15 or more days before an election may participate in early voting or may vote on election day;
- ▶ provides that a person who registers to vote in-person or online less than 15 days before an election, but more than six days before an election, 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;~~

SB0135S02 compared with SB0135S01

- ‡ requires a county clerk to accept a voter registration form as late as the day before an election if the registrant timely filled out and submitted the voter registration form to ~~{a registration drive coordinator}~~ another person who turns the voter registration form in late; and
- ‡ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

Section 1. Section 20A-2-102.5 is amended to read:

20A-2-102.5. Voter registration deadline.

(1) Except as provided in Sections 20A-2-201 ~~[and]~~, 20A-2-206 ~~[and]~~, or 20A-4-107, ~~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 ~~{†}~~2. 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]~~ each individual who registers in person at the county clerk's office during designated office hours if ~~[those persons]~~ the individual will, on the date of the election, ~~[will]~~ be legally eligible to vote in a voting precinct in the county in

SB0135S02 compared with SB0135S01

accordance with Section 20A-2-101.

(2) ~~[If a registration form is submitted]~~ If an individual submits a registration form 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 a registration form from each individual who submits a registration form in person at the clerk's office during designated office hours if ~~[those persons]~~ the individual, 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]~~ the individual that~~[-]~~ the individual will be registered to vote in the pending election.

~~[(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) 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]~~

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

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

(a) accept the registration form; and

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

(A) inform the individual that ~~{, if}~~ the individual ~~{registers to vote online under Section 20A-2-206 before the seven-day deadline described in Section 20A-2-206, the individual may}~~ is registered to vote in the pending election; ~~{or~~

SB0135S02 compared with SB0135S01

~~(B) if the individual does not register to vote online under Section 20A-2-206, that the individual will be registered to vote but may not vote in} 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; or

(ii) 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.

Section ~~{2}~~3. 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 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,

SB0135S02 compared with SB0135S01

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) If an individual applies to register under this section during the period beginning on the date that is 14 calendar days before the election and ending on the date that is seven calendar days before the 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)]~~ (c) 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.

(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 section.

SB0135S02 compared with SB0135S01

(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 ~~3}4~~4. 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 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 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

SB0135S02 compared with SB0135S01

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) 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 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, the election officer shall ensure that the voter registration records are updated to reflect the information provided on the provisional ballot envelope.

(4) 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.

(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

SB0135S02 compared with SB0135S01

counted with those ballots at the canvass, if:

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

~~(b) less than eight days before the election;~~

(b) eight or more days before the election, the individual who cast the provisional ballot:

(i) completed and signed the voter registration ~~was completed~~; and

(ii) provided ~~to a registration drive coordinator before~~ the voter registration ~~deadline~~ to another person to file;

(c) the late filing was made due to ~~a registration drive coordinator filing a voter's registration, other than the registration drive coordinator's registration, after the filing deadline~~ the person described in Subsection (5)(b)(ii) filing the voter registration less than eight days before the election; and

(d) the election officer receives the voter registration no later than one day before the day of the election.