

Representative Brad M. Daw proposes the following substitute bill:

MODIFICATIONS TO VOTING LAW

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Fred C. Cox

Senate Sponsor: Gene Davis

LONG TITLE

General Description:

This bill amends provisions related to absentee ballots and voter registration.

Highlighted Provisions:

This bill:

- ▶ establishes that a voter's absentee status does not expire, unless the voter designates otherwise;
- ▶ describes the action that a county clerk is required to take if an individual does not designate a party affiliation on a voter registration form;
- ▶ modifies a voter registration deadline; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-2-107, as last amended by Laws of Utah 2008, Chapter 329

20A-2-201, as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended



26 by Coordination Clause, Laws of Utah 2014, Chapter 231

27 **20A-3-304**, as last amended by Laws of Utah 2013, Chapters 198, 218 and last
28 amended by Coordination Clause, Laws of Utah 2013, Chapter 198

29 **20A-4-108**, as enacted by Laws of Utah 2014, Chapter 231 and last amended by
30 Coordination Clause, Laws of Utah 2014, Chapter 231

31

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

33 Section 1. Section **20A-2-107** is amended to read:

34 **20A-2-107. Designating or changing party affiliation -- Times permitted.**

35 (1) The county clerk shall:

36 (a) record the party affiliation designated by the voter on the voter registration form as
37 the voter's party affiliation; or

38 (b) if no political party affiliation is designated by the voter on the voter registration
39 form[;]:

40 (i) except as provided in Subsection (1)(b)(ii), record the voter's party affiliation as the
41 party that the voter designated the last time that the voter designated a party on a voter
42 registration form, unless the voter more recently registered as "unaffiliated"; or

43 (ii) record the voter's party affiliation as "unaffiliated[-]" if the voter:

44 (A) did not previously designate a party;

45 (B) most recently designated the voter's party affiliation as "unaffiliated"; or

46 (C) did not previously register.

47 (2) (a) Any registered voter may designate or change the voter's political party
48 affiliation by complying with the procedures and requirements of this Subsection (2).

49 (b) A registered voter may designate or change the voter's political party affiliation by
50 filing a signed form with the county clerk that identifies the registered political party with
51 which the voter chooses to affiliate, during any period except the following:

52 (i) the period beginning on the day after the voter registration deadline and continuing
53 through the date of the regular primary election; and

54 (ii) the period beginning on the day after the voter registration deadline and continuing
55 through the date of the Western States Presidential Primary.

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

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

58 (1) Except as provided in Subsection (3), the county clerk shall register to vote each
59 individual who registers in person at the county clerk's office during designated office hours if
60 the individual will, on the date of the election, be legally eligible to vote in a voting precinct in
61 the county in accordance with Section [20A-2-101](#).

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

65 (a) accept a registration form from each individual who submits a registration form in
66 person at the clerk's office during designated office hours if the individual, on the date of the
67 election, will be legally qualified and entitled to vote in a voting precinct in the county; and

68 (b) inform the individual that the individual will be registered to vote in the pending
69 election.

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

74 (a) accept the registration form; and

75 (b) (i) if it is [~~more than~~] seven or more calendar days before the date of an election:

76 (A) inform the individual that the individual is registered to vote in the pending
77 election; and

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

81 (ii) except as provided in Subsection [20A-4-108\(5\)](#), if it is on the date of an election or
82 during the [~~seven~~] six calendar days before an election, inform the individual that the
83 individual will be registered to vote but may not vote in the pending election because the
84 individual registered too late.

85 Section 3. Section **20A-3-304** is amended to read:

86 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

87 (1) (a) Any registered voter who wishes to vote an absentee ballot may either:

88 (i) file an absentee ballot application:

89 (A) on the electronic system maintained by the lieutenant governor under Section

90 20A-2-206; or

91 (B) with the appropriate election officer for an official absentee ballot as provided in

92 this section; or

93 (ii) vote in person at the office of the appropriate election officer as provided in Section

94 20A-3-306.

95 (b) A person that collects a completed absentee ballot application from a registered
96 voter shall file the completed absentee ballot application with the appropriate election official
97 before the earlier of:

98 (i) 14 days after the day on which the registered voter signed the absentee ballot form;

99 or

100 (ii) the Thursday before the next election.

101 (2) As it relates to an absentee ballot application to be filled out entirely by the voter:

102 (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer
103 shall approve an application form for absentee ballot applications;

104 (i) in substantially the following form:

105 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

106 apply for an official absentee ballot to be voted by me at the election.

107 Date _____ (month/day/year) Signed _____

108 _____
Voter"; and

109 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
110 status:

111 (A) until the voter requests otherwise at a future date; or

112 (B) until a date specified by the voter in the application form; and

113 (b) the lieutenant governor or election officer shall approve an application form for
114 regular primary elections and for the Western States Presidential Primary;

115 (i) in substantially the following form:

116 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

117 apply for an official absentee ballot for the _____ political party to be voted by me
118 at the primary election.

119 I understand that I must be affiliated with or authorized to vote the political party's
120 ballot that I request.

121 Dated _____ (month\day\year) _____ Signed _____

122 Voter"; and

123 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
124 status:

125 (A) until the voter requests otherwise at a future date; or

126 (B) until a date specified by the voter in the application form.

127 [~~(c)~~] (3) If requested by the applicant, the election officer shall:

128 [~~(i)~~] (a) mail or fax the application form to the absentee voter; or

129 [~~(ii)~~] (b) deliver the application form to any voter who personally applies for it at the
130 office of the election officer.

131 [~~(3)~~] (4) As it relates to an absentee ballot application to be filled out for, and finished
132 and signed by, a voter:

133 (a) except as provided in Subsection [~~(3)~~] (4)(b), the lieutenant governor or election
134 officer shall approve an application form for absentee ballot applications;

135 (i) in substantially the following form:

136 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
137 apply for an official absentee ballot to be voted by me at the election.

138 I understand that a person that collects this absentee ballot application is required to file
139 it with the appropriate election official before the earlier of fourteen days after the day on
140 which I sign the application or the Thursday before the next election.

141 This form is provided by (insert name of person or organization).

142 I have verified that the information on this application is correct.

143 I understand that I will receive a ballot at the following address: (insert address and an
144 adjacent check box);

145 OR

146 I request that the ballot be mailed to the following address: (insert blank space for an
147 address and an adjacent check box).

148 Date _____ (month\day\year) Signed _____

149 Voter"; and

150 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
151 status:

152 (A) until the voter requests otherwise at a future date; or

153 (B) until a date specified by the voter in the application form; and

154 (b) the lieutenant governor or election officer shall approve an application form for
155 regular primary elections and for the Western States Presidential Primary;

156 (i) in substantially the following form:

157 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
158 apply for an official absentee ballot for the _____ political party to be voted by me
159 at the primary election.

160 I understand that I must be affiliated with or authorized to vote the political party's
161 ballot that I request. I understand that a person that collects this absentee ballot application is
162 required to file it with the appropriate election official before the earlier of fourteen days after
163 the day on which I sign the application or the Thursday before the next primary election.

164 This form is provided by (insert name of person or organization).

165 I have verified that the information on this application is correct.

166 I understand that I will receive a ballot at the following address: (insert address and an
167 adjacent check box);

168 OR

169 I request that the ballot be mailed to the following address: (insert blank space for an
170 address and an adjacent check box).

171 Dated _____ (month\day\year) _____ Signed _____

172 Voter"; and

173 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
174 status:

175 (A) until the voter requests otherwise at a future date; or

176 (B) until a date specified by the voter in the application form.

177 [~~4~~] (5) The forms described in Subsections (2) and [~~3~~] (4) shall contain instructions
178 on how a voter may cancel an absentee ballot application.

179 [~~5~~] (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote
180 by absentee ballot shall file the application for an absentee ballot with the lieutenant governor

181 or appropriate election officer no later than the Thursday before election day.

182 ~~[(6)]~~ (7) (a) A county clerk ~~[may]~~ shall establish ~~[a permanent]~~ an absentee voter list[-

183 ~~(b) The clerk shall place on the list]~~ containing the name of ~~[any person]~~ each voter who:

184 (i) requests ~~[permanent]~~ absentee voter status; and

185 (ii) meets the requirements of this section.

186 (b) A county clerk may not remove a voter's name from the list described in Subsection

187 (7)(a) unless:

188 (i) the voter is no longer listed in the official register;

189 (ii) the voter cancels the voter's absentee status; or

190 (iii) the voter's name is removed on the date specified by the voter on the absentee

191 ballot application form.

192 (c) (i) Each year, the clerk shall mail a questionnaire to each ~~[person]~~ voter whose
193 name is on the absentee voter list.

194 (ii) The questionnaire shall allow the ~~[absentee person to]~~ voter to:

195 (A) verify the voter's residence[-]; or

196 (B) cancel the voter's absentee status.

197 ~~[(iii) The clerk may remove the names of any voter from the absentee voter registration~~
198 ~~list if:]~~

199 ~~[(A) the voter is no longer listed in the official register; or]~~

200 ~~[(B) the voter fails to verify the voter's residence and absentee status.]~~

201 (d) The clerk shall provide a copy of the ~~[permanent]~~ absentee voter list to election
202 officers for use in elections.

203 Section 4. Section **20A-4-108** is amended to read:

204 **20A-4-108. Election day voter registration pilot project.**

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

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

209 (a) the name of the county;

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

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

212 participation; and

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

214 (3) A municipality may participate in the pilot project for a municipal election if the
215 municipal clerk submits to the lieutenant governor a written application to participate in the
216 pilot project that contains:

217 (a) the name of the municipality;

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

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

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

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

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

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

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

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

232 (5) For a county or municipality that is approved by the lieutenant governor to
233 participate in the pilot project, if, under Subsection 20A-2-201(3)(b)(ii), a registration form is
234 submitted to the county clerk on the date of the election or during the [~~seven~~] six calendar days
235 before an election, the county clerk shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 305 (i) consider the provisional ballot a voter registration form;
- 306 (ii) place the ballot with the absentee ballots, to be counted with those ballots at the
307 canvass; and
- 308 (iii) as soon as reasonably possible, register the person to vote; and
- 309 (c) except as provided in Subsection (11), the election officer shall retain a provisional
310 ballot envelope, unopened, for the period specified in Section 20A-4-202, if the election officer
311 determines that the person who voted the ballot:
- 312 (i) (A) is not registered to vote in this state; and
313 (B) is not eligible for registration under Subsection (10); or
314 (ii) is not legally entitled to vote the ballot that the person voted.
- 315 (11) Subsection (10)(c) does not apply if a court orders the election officer to produce
316 or count the provisional ballot.
- 317 (12) For a county or municipality that is approved by the lieutenant governor to
318 participate in the pilot project, if, under Subsection 20A-4-107(4), the election officer
319 determines that the person is not registered to vote in this state, that the information on the
320 provisional ballot envelope is complete, and that the provisional ballot and the person who
321 voted the provisional ballot do not comply with the requirements described in Subsection
322 (10)(a), the election officer shall:
- 323 (a) consider the provisional ballot envelope a voter registration form for the person's
324 county of residence; and
- 325 (b) (i) register the person if the voter's county of residence is within the county; or
326 (ii) forward the voter registration form to the election officer of the person's county of
327 residence, which election officer shall register the person.
- 328 (13) (a) The county clerk of a county that is approved to participate in the pilot project,
329 and the municipal clerk of a municipality that is approved to participate in the pilot project,
330 shall provide training for the poll workers of the county or municipality on administering the
331 pilot program.
- 332 (b) The lieutenant governor shall, for a county or municipality that is approved to
333 participate in the pilot project, provide information relating to the pilot project in accordance
334 with the provisions of Subsection 67-1a-2(2)(a)(iv).
- 335 (14) The lieutenant governor and each county and municipality that is approved by the

336 lieutenant governor to participate in the pilot project shall:

337 (a) report to the Government Operations Interim Committee, on or before October 31

338 of each year that the pilot project is in effect, regarding:

339 (i) the implementation of the pilot project;

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

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

342 (iv) whether, in the opinion of the lieutenant governor, the county, or the municipality,

343 the state would benefit from implementing election day voter registration permanently and on a

344 statewide basis; and

345 (b) on or before December 31, 2016, report to the Legislative Management Committee

346 regarding the matters described in Subsection (14)(a).

347 (15) During the 2016 interim, the Government Operations Interim Committee shall

348 study and make a recommendation to the Legislature regarding whether to implement statewide

349 election day voter registration on a permanent, statewide basis.