

1 **ELECTION DAY VOTER REGISTRATION PILOT PROJECT**

2 **AMENDMENTS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Rebecca Chavez-Houck**

6 Senate Sponsor: Deidre M. Henderson

8 **LONG TITLE**

9 **General Description:**

10 This bill expands the Election Day Voter Registration Pilot Project to permit an
11 individual to register to vote, and vote, on a day when early voting is held.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ expands the Election Day Voter Registration Pilot Project to permit an individual to
15 register to vote, and vote, on a day when early voting is held.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **20A-2-307**, as last amended by Laws of Utah 2014, Chapter 231

23 **20A-3-601**, as last amended by Laws of Utah 2013, Chapter 182

24 **20A-4-108**, as enacted by Laws of Utah 2014, Chapter 231 and last amended by
25 Coordination Clause, Laws of Utah 2014, Chapter 231

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



28 Section 1. Section 20A-2-307 is amended to read:

29 **20A-2-307. County clerks' instructions to election judges.**

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

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

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

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

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

41 (b) the voter's name does not appear on the official register; or

42 (c) the voter is challenged as provided in Section 20A-3-202.

43 Section 2. Section 20A-3-601 is amended to read:

44 **20A-3-601. Early voting.**

45 (1) ~~[A person]~~ (a) An individual who is registered to vote may vote before the election
46 date in accordance with this section.

47 (b) An individual who is not registered to vote may register to vote and vote before the
48 election date in accordance with this section if the individual:

49 (i) is otherwise legally entitled to vote the ballot in a jurisdiction that is approved by
50 the lieutenant governor to participate in the pilot project described in Section 20A-4-108; and

51 (ii) casts a provisional ballot in accordance with Section 20A-4-108.

52 (2) Except as provided in Section 20A-1-308, the early voting period shall:

53 (a) begin on the date that is 14 days before the date of the election; and

54 (b) continue through the Friday before the election if the election date is a Tuesday.

55 (3) Except as provided in Section 20A-1-308, during the early voting period, the
56 election officer:

57 (a) for a local special election, a municipal primary election, and a municipal general
58 election:

59 (i) shall conduct early voting on a minimum of four days during each week of the early
60 voting period; and

61 (ii) shall conduct early voting on the last day of the early voting period; and

62 (b) for all other elections:

63 (i) shall conduct early voting on each weekday; and

64 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

65 (4) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,
66 early voting shall be administered according to the requirements of this title.

67 Section 3. Section 20A-4-108 is amended to read:

68 **20A-4-108. Election day voter registration pilot project.**

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

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

73 (a) the name of the county;

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

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

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

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

81 (a) the name of the municipality;

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

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

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

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

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

90 as applicable; and

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

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

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

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

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

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

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

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

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

114 (a) unless the applicant registers during early voting or on election day by casting a
115 provisional ballot in accordance with Subsection (10), register the applicant for the next
116 election; and

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

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

120 (ii) the applicant may register to vote during early voting or on election day by casting

121 a provisional ballot in accordance with Subsection (10).

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

126 (a) unless the applicant registers to vote during early voting or on election day by
127 casting a provisional ballot in accordance with Subsection (10), register the applicant after the
128 next election; and

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

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

132 (ii) the applicant may register to vote during early voting or on election day by casting
133 a provisional ballot in accordance with Subsection (10).

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

138 (a) unless the applicant registers to vote during early voting or on election day by
139 casting a provisional ballot in accordance with Subsection (10), register the applicant after the
140 next election; and

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

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

144 (ii) the applicant may register to vote during early voting or on election day by casting
145 a provisional ballot in accordance with Subsection (10).

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

150 (a) if the individual desires to vote in the pending election, inform the individual that
151 the individual must, during early voting or on election day, register to vote by casting a

152 provisional ballot in accordance with Subsection (10); or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

182 (11) Subsection (10)(c) does not apply if a court orders the election officer to produce

183 or count the provisional ballot.

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

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

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

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

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

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

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

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

206 (i) the implementation of the pilot project;

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

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

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

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

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

Legislative Review Note
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Office of Legislative Research and General Counsel