

**AMENDMENTS TO VOTER REGISTRATION**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends voter registration provisions in the Election Code.

**Highlighted Provisions:**

This bill:

- ▶ provides that an otherwise eligible voter may register to vote, and vote, by casting a provisional ballot on election day or during the early voting period;
- ▶ amends provisions relating to voter registration deadlines and the information provided to applicants for voter registration;
- ▶ changes the deadline for filing an absentee ballot application and for casting an absentee ballot in person;
- ▶ provides a sunset date for the provisions of this bill, other than technical and conforming changes;
- ▶ requires the lieutenant governor to report to the Government Operations Interim Committee regarding implementation of the provisions of this bill; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

- 29 [20A-2-102.5](#), as last amended by Laws of Utah 2014, Chapters 98 and 231
- 30 [20A-2-201](#), as last amended by Laws of Utah 2015, Chapters 130 and 394
- 31 [20A-2-202](#), as last amended by Laws of Utah 2015, Chapter 130
- 32 [20A-2-204](#), as last amended by Laws of Utah 2015, Chapter 130
- 33 [20A-2-205](#), as last amended by Laws of Utah 2015, Chapter 130
- 34 [20A-2-206](#), as last amended by Laws of Utah 2015, Chapter 130
- 35 [20A-2-307](#), as last amended by Laws of Utah 2015, Chapter 79
- 36 [20A-3-304](#), as last amended by Laws of Utah 2015, Chapter 394
- 37 [20A-3-306](#), as last amended by Laws of Utah 2015, Chapter 124
- 38 [20A-3-601](#), as last amended by Laws of Utah 2017, Chapter 58
- 39 [20A-4-107](#), as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended
- 40 by Coordination Clause, Laws of Utah 2014, Chapter 231
- 41 [63I-1-220](#), as last amended by Laws of Utah 2017, Chapter 181

42 ENACTS:

43 [20A-2-207](#), Utah Code Annotated 1953



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

46 Section 1. Section [20A-2-102.5](#) is amended to read:

47 **[20A-2-102.5. Voter registration deadline.](#)**

48 (1) Except as provided in Section [20A-2-201](#), [20A-2-206](#), [20A-2-207](#), or [20A-4-107](#)[-] ]  
49 or Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to submit a  
50 correctly completed voter registration form on or before the voter registration deadline may not  
51 vote in the election.

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

53 Section 2. Section [20A-2-201](#) is amended to read:

54 **[20A-2-201. Registering to vote at office of county clerk.](#)**

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

59 (2) If an individual who is registering to vote submits a registration form in person at  
 60 the office of the county clerk during designated office hours, during the period beginning on  
 61 the date after the voter registration deadline and ending on the date that is 15 calendar days  
 62 before the date of the election, the county clerk shall:

63 (a) accept the form if the individual, on the date of the election, will be legally  
 64 qualified and entitled to vote in a voting precinct in the county; and

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

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

71 (a) accept the registration form; and

72 (b) (i) if ~~[it is]~~ the individual submits the registration form seven or more calendar days  
 73 before the date of an election, inform the individual that:

74 (A) ~~[inform the individual that]~~ the individual is registered to vote in the pending  
 75 election; and

76 (B) for the pending election, the individual must vote on the day of the election ~~[and is~~  
 77 ~~not eligible to vote using early voting under Chapter 3, Part 6, Early Voting]~~ or by provisional  
 78 ballot, under Section 20A-2-207, during the early voting period described in Section

79 20A-3-601, because the individual registered ~~[too]~~ late; or

80 (ii) ~~[except as provided in Subsection 20A-4-108(5), if it is]~~ if the individual submits  
 81 the registration form on the date of an election or during the six calendar days before an  
 82 election, inform the individual ~~[that the individual]:~~

83 (A) of each manner still available to the individual to timely register to vote in the  
 84 current election; and

85 (B) that, if the individual does not timely register in a manner described in Subsection  
 86 (3)(b)(ii)(A), the individual will be registered to vote but may not vote in the pending election  
 87 because the individual registered ~~[too]~~ late.

88 Section 3. Section 20A-2-202 is amended to read:

89 **20A-2-202. Registration by mail.**

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

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

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

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

95 (ii) ensure that ~~it~~ the by-mail voter registration form is postmarked on or before the  
96 voter registration deadline or is otherwise marked by the post office as received by the post  
97 office on or before the voter registration deadline.

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

100 (2) Upon receipt of a correctly completed by-mail voter registration form, the county  
101 clerk shall, unless the individual named in the form is preregistering to vote:

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

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

106 (3) ~~(a)~~ If the county clerk receives a correctly completed by-mail voter registration  
107 form that is postmarked after the voter registration deadline, and is not otherwise marked by  
108 the post office as received by the post office before the voter registration deadline, the county  
109 clerk shall~~;~~ ~~unless~~:

110 (a) if the individual named in the form is preregistering to vote~~;~~ ~~(i)~~, comply with  
111 Section [20A-2-101.1](#); or

112 (b) (i) unless the individual timely registers to vote in the current election in a manner  
113 that permits registration after the voter registration deadline, register the ~~applicant~~ individual  
114 after the next election; and

115 (ii) if possible, promptly ~~phone or~~ mail a notice to, or otherwise notify, the  
116 ~~applicant~~ individual before the election, informing the ~~applicant that his~~ individual:

117 (A) of each manner still available to the individual to timely register to vote in the  
118 current election; and

119 (B) that, if the individual does not timely register in a manner described in Subsection  
120 (3)(b)(ii)(A), the individual's registration will not be effective until after the election.

121           ~~[(b)]~~ (4) When the county clerk receives a correctly completed by-mail voter  
122 registration form at least seven days before an election that is postmarked on or before the date  
123 of the voter registration deadline, or is otherwise marked by the post office as received by the  
124 post office on or before the voter registration deadline, the county clerk shall:

125           ~~[(i)]~~ (a) process the by-mail voter registration form; and

126           ~~[(ii)]~~ (b) record the new voter in the official register.

127           ~~[(4)]~~ (5) If the county clerk determines that a registration form received by mail or  
128 otherwise is incorrect because of an error or because it is incomplete, the county clerk shall  
129 mail notice to the person attempting to register or preregister, stating that the person has not  
130 been registered or preregistered because of an error or because the form is incomplete.

131           Section 4. Section **20A-2-204** is amended to read:

132           **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

136           (2) Any citizen who is qualified to vote may register to vote, and any citizen who is  
137 qualified to preregister to vote may preregister to vote, by completing the voter registration  
138 form.

139           (3) The Driver License Division shall:

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

142           (b) accept a completed voter registration form and transmit the form to the county clerk  
143 of the county in which the applicant resides within five days after the day on which the division  
144 receives the form;

145           (c) transmit each address change within five days after the day on which the division  
146 receives the address change; and

147           (d) transmit electronically to the lieutenant governor's office the name, address, birth  
148 date, and driver license number of each individual who answers "yes" to a question described  
149 in Subsection **20A-2-108(1)**, and indicate whether the individual is registering or preregistering  
150 to vote.

151           (4) (a) Upon receipt of a correctly completed voter registration form from an individual

152 who is registering to vote, the county clerk shall:

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

155 (ii) notify the applicant of registration.

156 (b) Upon receipt of a correctly completed voter registration form from an individual  
157 who is preregistering to vote, the county clerk shall process the form in accordance with the  
158 requirements of Section 20A-2-101.1.

159 (5) ~~(a)~~ If the county clerk receives a correctly completed voter registration form that  
160 is dated after the voter registration deadline, the county clerk shall ~~unless~~:

161 (a) if the individual named in the form is preregistering to vote~~(i)~~, comply with  
162 Section 20A-2-101.1; or

163 (b) (i) unless the individual timely registers to vote in the current election in a manner  
164 that permits registration after the voter registration deadline, register the ~~applicant~~ individual  
165 after the next election; and

166 (ii) if possible, promptly phone or mail a notice to the applicant before the election,  
167 informing the ~~applicant that his~~ individual:

168 (A) of each manner still available to the individual to timely register to vote in the  
169 current election; and

170 (B) that, if the individual does not timely register in a manner described in Subsection  
171 (5)(b)(ii)(A), the individual's registration will not be effective until after the election.

172 ~~(b)~~ (6) When the county clerk receives a correctly completed voter registration form  
173 at least seven days before an election that is dated on or before the voter registration deadline,  
174 the county clerk shall, unless the individual named in the form is preregistering to vote:

175 ~~(i)~~ (a) process the voter registration form; and

176 ~~(ii)~~ (b) record the new voter in the official register.

177 ~~(6)~~ (7) If the county clerk determines that a voter registration form received from the  
178 Driver License Division is incorrect because of an error or because it is incomplete, the county  
179 clerk shall mail notice to the individual attempting to register or preregister to vote, stating that  
180 the individual has not been registered or preregistered because of an error or because the form  
181 is incomplete.

182 Section 5. Section 20A-2-205 is amended to read:

183           **20A-2-205. Registration at voter registration agencies.**

184           (1) As used in this section:

185           (a) "Discretionary voter registration agency" means the same as that term is defined in  
186 Section [20A-2-300.5](#).

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

188           (i) public assistance; or

189           (ii) state funded programs primarily engaged in providing services to people with  
190 disabilities.

191           (2) An individual may obtain and complete a by-mail registration form at a public  
192 assistance agency or discretionary voter registration agency.

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

196           "REGISTERING TO VOTE

197           If you are not registered to vote where you live now, would you like to apply to register  
198 or preregister to vote here today? (The decision of whether to register or preregister to vote will  
199 not affect the amount of assistance that you will be provided by this agency.) Yes\_\_\_\_ No\_\_\_\_

200 IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE  
201 DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you  
202 would like help in filling out the voter registration form, we will help you. The decision about  
203 whether to seek or accept help is yours. You may fill out the application form in private. If  
204 you believe that someone has interfered with your right to register or preregister or to decline to  
205 register or preregister to vote, your right to privacy in deciding whether to register or  
206 preregister, or in applying to register or preregister to vote, or your right to choose your own  
207 political party or other political preference, you may file a complaint with the Office of the  
208 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number  
209 of the Office of the Lieutenant Governor)."

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

213           (a) distribute a by-mail voter registration form with each application for service or

214 assistance provided by the agency or office;

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

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

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

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

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

223 (b) display any political preference or party allegiance;

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

226 (d) make any statement to an applicant or take any action that has the purpose or effect  
227 of leading the applicant to believe that a decision of whether to register or preregister has any  
228 bearing upon the availability of services or benefits.

229 (6) Upon receipt of a correctly completed voter registration form, the county clerk  
230 shall, unless the individual named in the form is preregistering to vote:

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

233 (b) notify the applicant of registration.

234 (7) [~~(a)~~] If the county clerk receives a correctly completed voter registration form that  
235 is dated after the voter registration deadline, the county clerk shall~~[-unless]~~:

236 (a) if the individual named in the form is preregistering to vote[:(~~i~~)], comply with  
237 Section 20A-2-101.1; or

238 (b) (i) unless the individual timely registers to vote in the current election in a manner  
239 that permits registration after the voter registration deadline, register the [applicant] individual  
240 after the next election; and

241 (ii) if possible, promptly phone or mail a notice to the [applicant] individual before the  
242 election, informing the [applicant that his] individual:

243 (A) of each manner still available to the individual to timely register to vote in the  
244 current election; and



245 (B) that, if the individual does not timely register in a manner described in Subsection  
246 (7)(b)(ii)(A), the individual's registration will not be effective until after the election.

247 ~~[(b)]~~ (8) When the county clerk receives a correctly completed voter registration form  
248 at least seven days before an election that is dated on or before the voter registration deadline,  
249 the county clerk shall:

250 ~~[(i)]~~ (a) process the voter registration form; and

251 ~~[(ii)]~~ (b) record the new voter in the official register.

252 ~~[(8)]~~ (9) If the county clerk determines that a voter registration form received from a  
253 public assistance agency or discretionary voter registration agency is incorrect because of an  
254 error or because it is incomplete, the county clerk shall mail notice to the individual attempting  
255 to register or preregister to vote, stating that the individual has not been registered or  
256 preregistered to vote because of an error or because the form is incomplete.

257 Section 6. Section **20A-2-206** is amended to read:

258 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

259 (1) The lieutenant governor may create and maintain an electronic system that is  
260 publicly available on the Internet for an individual to apply for voter registration or  
261 preregistration and for an individual to request an absentee ballot.

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

263 (a) that an applicant have a valid driver license or identification card, issued under Title  
264 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place  
265 of residence;

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

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

270 (d) that the applicant authorize the lieutenant governor's and county clerk's use of the  
271 applicant's:

272 (i) driver license or identification card signature, obtained under Title 53, Chapter 3,  
273 Uniform Driver License Act, for voter registration purposes; or

274 (ii) signature on file in the lieutenant governor's statewide voter registration database  
275 developed under Section [20A-2-109](#).

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

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

281 (5) The lieutenant governor shall:

282 (a) obtain a digital copy of the applicant's driver license or identification card signature  
283 from the Driver License Division; or

284 (b) ensure that the applicant's signature is already on file in the lieutenant governor's  
285 statewide voter registration database developed under Section 20A-2-109.

286 (6) The lieutenant governor shall send the information to the county clerk for the  
287 county in which the applicant's principal place of residence is found for further action as  
288 required by Section 20A-2-304 after:

289 (a) receiving all information from an applicant; and

290 (b) (i) receiving all information from the Driver License Division; or

291 (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's  
292 statewide voter registration database developed under Section 20A-2-109.

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

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

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

301 ~~(ii)~~ (b) inform the individual that the individual is registered to vote in the pending  
302 election.

303 ~~(b)~~ (9) If an individual applies to register under this section during the period  
304 beginning on the date that is 14 calendar days before the election and ending on the date that is  
305 seven calendar days before the election, the county clerk shall, unless the individual is  
306 preregistering to vote:

307           ~~[(i)]~~ (a) accept the application for registration if the individual, on the date of the  
 308 election, will be legally qualified and entitled to vote in a voting precinct in the state; and  
 309           ~~[(ii)]~~ (b) inform the individual that:  
 310           ~~[(A)]~~ (i) the individual is registered to vote in the pending election; and  
 311           ~~[(B)]~~ (ii) for the pending election, the individual must vote on the day of the election  
 312 and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the  
 313 individual registered too late.

314           ~~[(c)]~~ (10) If an individual applies to register under this section during the six calendar  
 315 days before an election, the county clerk shall~~[-unless]~~:

316           (a) if the individual is preregistering to vote~~[-(i)]~~, [comply with Section 20A-2-101.1](#);

317 or

318           (b) (i) unless the individual timely registers to vote in the current election in a manner  
 319 that permits registration after the voter registration deadline, accept the application for  
 320 registration if the individual, on the date of the election, will be legally qualified and entitled to  
 321 vote in a voting precinct in the state; and

322           (ii) inform the individual ~~[that the individual]~~:

323           (A) of each manner still available to the individual to timely register to vote in the  
 324 current election; and

325           (B) that, if the individual does not timely register in a manner described in Subsection  
 326 (10)(b)(ii)(A), the individual is registered to vote but may not vote in the pending election  
 327 because the individual registered ~~[too]~~ late.

328           ~~[(9)]~~ (11) (a) A registered voter may file an application for an absentee ballot in  
 329 accordance with Section [20A-3-304](#) on the electronic system for voter registration established  
 330 under this section.

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

333           Section 7. Section **20A-2-207** is enacted to read:

334           **20A-2-207. Registration by provisional ballot.**

335           (1) An individual who is not registered to vote may register to vote, and vote, on  
 336 election day or during the early voting period described in Section [20A-3-601](#), by voting a  
 337 provisional ballot, if:

338 (a) the individual is otherwise legally entitled to vote the ballot;  
339 (b) the ballot is identical to the ballot for the precinct in which the individual resides;  
340 (c) the information on the provisional ballot form is complete; and  
341 (d) the individual provides valid voter identification and proof of residence to the poll  
342 worker.

343 (2) If a provisional ballot and the individual who voted the ballot comply with the  
344 requirements described in Subsection (1), the election officer shall:

345 (a) consider the provisional ballot a voter registration form;  
346 (b) place the ballot with the absentee ballots, to be counted with those ballots at the  
347 canvass; and

348 (c) as soon as reasonably possible, register the individual to vote.

349 (3) Except as provided in Subsection (4), the election officer shall retain a provisional  
350 ballot form, uncounted, for the period specified in Section [20A-4-202](#), if the election officer  
351 determines that the individual who voted the ballot:

352 (a) is not registered to vote and is not eligible for registration under this section; or  
353 (b) is not legally entitled to vote the ballot that the individual voted.

354 (4) Subsection (3) does not apply if a court orders the election officer to produce or  
355 count the provisional ballot.

356 (5) The lieutenant governor shall report to the Government Operations Interim  
357 Committee on or before October 31, 2018, and on or before October 31, 2020, regarding:

358 (a) implementation of registration by provisional ballot, as described in this section, on  
359 a statewide basis;

360 (b) any difficulties resulting from the implementation described in Subsection (5)(a);

361 (c) the effect of registration by provisional ballot on voter participation in Utah;

362 (d) the number of ballots cast by voters who registered by provisional ballot:

363 (i) during the early voting period described in Section [20A-3-601](#); and

364 (ii) on election day; and

365 (e) suggested changes in the law relating to registration by provisional ballot.

366 Section 8. Section **20A-2-307** is amended to read:

367 **20A-2-307. County clerks' instructions to election judges.**

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

369 ballot if:

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

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

374 (2) Each county clerk shall instruct election judges to allow [~~a person~~] an individual to  
375 vote a provisional ballot if:

376 (a) the individual is not registered to vote, but is otherwise legally entitled to vote  
377 under Section 20A-2-207;

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

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

380 Section 9. Section 20A-3-304 is amended to read:

381 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

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

383 (i) file an absentee ballot application:

384 (A) on the electronic system maintained by the lieutenant governor under Section  
385 20A-2-206; or

386 (B) with the appropriate election officer for an official absentee ballot as provided in  
387 this section; or

388 (ii) vote in person at the office of the appropriate election officer as provided in Section  
389 20A-3-306.

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

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

394 or

395 (ii) the [~~Thursday~~] Tuesday before the next election.

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

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

399 (i) in substantially the following form:

400 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
401 apply for an official absentee ballot to be voted by me at the election.

402 Date \_\_\_\_\_ (month\day\year) Signed \_\_\_\_\_

403 \_\_\_\_\_  
Voter"; and

404 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
405 status:

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

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

408 (b) the lieutenant governor or election officer shall approve an application form for  
409 regular primary elections and for the Western States Presidential Primary:

410 (i) in substantially the following form:

411 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
412 apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me  
413 at the primary election.

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

416 Dated \_\_\_\_\_ (month\day\year) \_\_\_\_\_ Signed \_\_\_\_\_

417 \_\_\_\_\_  
Voter"; and

418 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
419 status:

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

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

422 (3) If requested by the applicant, the election officer shall:

423 (a) mail or fax the application form to the absentee voter; or

424 (b) deliver the application form to any voter who personally applies for it at the office  
425 of the election officer.

426 (4) As it relates to an absentee ballot application to be filled out for, and finished and  
427 signed by, a voter:

428 (a) except as provided in Subsection (4)(b), the lieutenant governor or election officer  
429 shall approve an application form for absentee ballot applications:

430 (i) in substantially the following form:

431 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
432 apply for an official absentee ballot to be voted by me at the election.

433 I understand that a person that collects this absentee ballot application is required to file  
434 it with the appropriate election official before the earlier of fourteen days after the day on  
435 which I sign the application or the [~~Thursday~~] Tuesday before the next election.

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

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

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

440 OR

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

443 Date \_\_\_\_\_ (month\day\year) Signed \_\_\_\_\_

444 Voter"; and

445 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
446 status:

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

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

449 (b) the lieutenant governor or election officer shall approve an application form for  
450 regular primary elections and for the Western States Presidential Primary:

451 (i) in substantially the following form:

452 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah  
453 apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me  
454 at the primary election.

455 I understand that I must be affiliated with or authorized to vote the political party's  
456 ballot that I request. I understand that a person that collects this absentee ballot application is  
457 required to file it with the appropriate election official before the earlier of fourteen days after  
458 the day on which I sign the application or the [~~Thursday~~] Tuesday before the next primary  
459 election.

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

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

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

464 OR

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

467 Dated \_\_\_\_\_ (month\day\year) \_\_\_\_ Signed \_\_\_\_\_

468 Voter"; and

469 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter  
470 status:

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

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

473 (5) The forms described in Subsections (2) and (4) shall contain instructions on how a  
474 voter may cancel an absentee ballot application.

475 (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by  
476 absentee ballot shall file the application for an absentee ballot with the lieutenant governor or  
477 appropriate election officer no later than the [~~Thursday~~] Tuesday before election day.

478 (7) (a) A county clerk shall establish an absentee voter list containing the name of each  
479 voter who:

480 (i) requests absentee voter status; and

481 (ii) meets the requirements of this section.

482 (b) A county clerk may not remove a voter's name from the list described in Subsection  
483 (7)(a) unless:

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

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

486 (iii) the voter's name is removed on the date specified by the voter on the absentee  
487 ballot application form.

488 (c) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is on  
489 the absentee voter list.

490 (ii) The questionnaire shall allow the voter to:

491 (A) verify the voter's residence; or

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



493 (d) The clerk shall provide a copy of the absentee voter list to election officers for use  
494 in elections.

495 Section 10. Section **20A-3-306** is amended to read:

496 **20A-3-306. Voting ballot -- Returning ballot.**

497 (1) (a) Except as provided by Section **20A-1-308**, to vote a mail-in absentee ballot, the  
498 absentee voter shall:

499 (i) complete and sign the affidavit on the envelope;

500 (ii) mark the votes on the absentee ballot;

501 (iii) place the voted absentee ballot in the envelope;

502 (iv) securely seal the envelope; and

503 (v) attach postage, unless voting in accordance with Section **20A-3-302**, and deposit  
504 the envelope in the mail or deliver it in person to the election officer from whom the ballot was  
505 obtained.

506 (b) Except as provided by Section **20A-1-308**, to vote an absentee ballot in person at  
507 the office of the election officer, the absent voter shall:

508 (i) complete and sign the affidavit on the envelope;

509 (ii) mark the votes on the absent-voter ballot;

510 (iii) place the voted absent-voter ballot in the envelope;

511 (iv) securely seal the envelope; and

512 (v) give the ballot and envelope to the election officer.

513 (2) Except as provided by Section **20A-1-308**, an absentee ballot is not valid unless:

514 (a) in the case of an absentee ballot that is voted in person, the ballot is:

515 (i) applied for and cast in person at the office of the appropriate election officer no later  
516 than the [~~Thursday~~] Tuesday before election day; or

517 (ii) submitted on election day at a polling location in the political subdivision where  
518 the absentee voter resides;

519 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:

520 (i) clearly postmarked before election day, or otherwise clearly marked by the post  
521 office as received by the post office before election day; and

522 (ii) received in the office of the election officer before noon on the day of the official  
523 canvass following the election; or

524 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with  
525 Section 20A-16-404.

526 (3) An absentee voter may submit a completed absentee ballot at a polling location in a  
527 political subdivision holding the election, if the absentee voter resides in the political  
528 subdivision.

529 (4) An absentee voter may submit an incomplete absentee ballot at a polling location  
530 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and  
531 vote in person.

532 Section 11. Section 20A-3-601 is amended to read:

533 **20A-3-601. Early voting.**

534 (1) (a) An individual who is registered to vote may vote before the election date in  
535 accordance with this section.

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

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

540 (ii) casts a provisional ballot in accordance with Section [~~20A-4-108~~] 20A-2-207.

541 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period  
542 shall:

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

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

545 (3) An election officer may extend the end of the early voting period to the day before  
546 the election date if the election officer provides notice of the extension in accordance with  
547 Section 20A-3-604.

548 (4) Except as provided in Section 20A-1-308, during the early voting period, the  
549 election officer:

550 (a) for a local special election, a municipal primary election, and a municipal general  
551 election:

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

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

555 (b) for all other elections:  
556 (i) shall conduct early voting on each weekday; and  
557 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.  
558 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,  
559 early voting shall be administered according to the requirements of this title.

560 Section 12. Section 20A-4-107 is amended to read:

561 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

563 (a) the person:

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

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

566 (iii) provides valid voter identification to the poll worker;

567 (b) the person:

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

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

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

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

577 (c) the person:

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

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

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

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

586 the date of the election.

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

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

591 (ii) legally entitled to vote:

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

593 (B) if the ballot is from the person's county of residence, for at least one ballot

594 proposition or candidate on the ballot that the person voted.

595 (b) [~~H~~] Except as provided in Section 20A-2-207, if the election officer determines that  
596 the person is not registered to vote in this state or is not legally entitled to vote in the county or  
597 for any of the ballot propositions or candidates on the ballot that the person voted, the election  
598 officer shall retain the ballot [~~envelope, unopened~~] form, uncounted, for the period specified in  
599 Section 20A-4-202 unless ordered by a court to produce or count it.

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

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

607 (3) If the election officer determines that the person is registered to vote in this state, or  
608 if the voter registers to vote in accordance with Section 20A-2-207, the election officer shall  
609 ensure that the voter registration records are updated to reflect the information provided on the  
610 provisional ballot [~~envelope~~] form.

611 (4) [~~H~~] Except as provided in Section 20A-2-207, if the election officer determines that  
612 the person is not registered to vote in this state and the information on the provisional ballot  
613 [~~envelope~~] form is complete, the election officer shall:

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

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

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

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

622 (a) (i) the election officer determines, in accordance with the provisions of this section,  
623 that the sole reason a provisional ballot may not otherwise be counted is because the voter  
624 registration was filed less than ~~[eight]~~ seven days before the election;

625 (ii) ~~[eight]~~ seven or more days before the election, the individual who cast the  
626 provisional ballot:

627 (A) completed and signed the voter registration; and

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

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

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

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

636 Section 13. Section **63I-1-220** is amended to read:

637 **63I-1-220. Repeal dates, Title 20A.**

638 On January 1, 2023:

639 (1) In Subsection 20A-2-102.5, the language that states "20A-2-207," is repealed.

640 (2) In Subsection 20A-2-201(3)(b)(i)(B), the language that states "or by provisional  
641 ballot, under Section 20A-2-207, during the early voting period described in Section  
642 20A-3-601" is repealed and replaced with "and is not eligible to vote using early voting under  
643 Chapter 3, Part 6, Early Voting."

644 (3) Subsection 20A-2-201(3)(b)(ii) is amended to read "(ii) if the individual submits  
645 the registration form on the date of an election or during the six calendar days before an  
646 election, inform the individual that the individual will be registered to vote, but may not vote in  
647 the pending election because the individual registered late;".

648           (4) Subsection 20A-2-202(3) is amended to read "(3) If the county clerk receives a  
649 correctly completed by-mail voter registration form that is postmarked after the voter  
650 registration deadline, the county clerk shall, unless the individual named in the form is  
651 preregistering to vote:

652           (a) register the applicant after the next election; and

653           (b) if possible, promptly mail a notice to, or otherwise notify, the applicant before the  
654 election, informing the applicant that the applicant's registration will not be effective until after  
655 the election."

656           (5) Subsection 20A-2-204(5) is amended to read "(5) If the county clerk receives a  
657 correctly completed voter registration form that is dated after the voter registration deadline,  
658 the county clerk shall, unless the individual named in the form is preregistering to vote:

659           (a) register the applicant after the next election; and

660           (b) if possible, promptly phone or mail a notice to the applicant before the election,  
661 informing the applicant that the applicant's registration will not be effective until after the  
662 election."

663           (6) Subsection 20A-2-205(7) is amended to read "(7) If the county clerk receives a  
664 correctly completed voter registration form that is dated after the voter registration deadline,  
665 the county clerk shall, unless the individual named in the form is preregistering to vote:

666           (a) register the applicant after the next election; and

667           (b) if possible, promptly phone or mail a notice to the applicant before the election,  
668 informing the applicant that the applicant's registration will not be effective until after the  
669 election."

670           (7) Subsection 20A-2-206(10) is amended to read "(10) If an individual applies to  
671 register under this section during the six calendar days before an election, the county clerk  
672 shall, unless the individual is preregistering to vote:

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

675           (b) inform the individual that the individual is registered to vote but may not vote in  
676 the pending election because the individual registered late."

677           (8) Section 20A-2-207 is repealed.

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

679           (10) Subsection 20A-3-601(1)(b) is repealed.

680           (11) The word "Tuesday" is repealed and replaced with the word "Thursday" in  
681 Subsections 20A-3-304(1)(b)(ii), (4)(a)(i), (4)(b)(i), and (6) and Subsection 20A-3-306(2)(a)(i).

682           (12) In Subsection 20A-4-107(2)(b), the language that states "Except as provided in  
683 Section 20A-2-207," is repealed.

684           (13) In Subsection 20A-4-107(3), the language that states ", or if the voter registers to  
685 vote in accordance with Section 20A-2-207," is repealed.

686           (14) In Subsection 20A-4-107(4), the language that states "Except as provided in  
687 Section 20A-2-207," is repealed.

688           (15) Subsection 20A-4-107(5)(b) is repealed.

689           (16) In addition to the authority described in Subsection 36-12-12(3), the Office of  
690 Legislative Research and General Counsel shall ensure that the sections and subsections  
691 identified in this section are complete sentences and accurately reflect the office's  
692 understanding of the Legislature's intent.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**