

Representative Rebecca Chavez-Houck proposes the following substitute bill:

AMENDMENTS TO VOTER REGISTRATION

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends voter registration provisions in the Election Code.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ 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;
- ▶ amends provisions for removing a voter from the absentee ballot list;
- ▶ 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;
- ▶ provides that an individual who applies for or renews the individual's driver license or state identification card will be registered to vote unless the individual opts out;



- 26 ▶ allows certain information in a driver license or state identification card application
- 27 form to be used for voter registration purposes;
- 28 ▶ requires a county clerk to send certain information to an individual who registers to
- 29 vote;
- 30 ▶ provides that an individual is not guilty of fraudulent registration if the individual is
- 31 ineligible to register to vote but is inadvertently registered to vote under this bill;
- 32 ▶ provides that an election may not be conducted entirely by absentee ballot, except
- 33 for an election on a referendum challenging a local tax law; and
- 34 ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

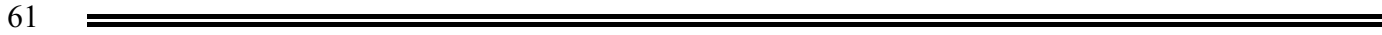
- 41 **20A-2-102.5**, as last amended by Laws of Utah 2014, Chapters 98 and 231
- 42 **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130
- 43 **20A-2-201**, as last amended by Laws of Utah 2015, Chapters 130 and 394
- 44 **20A-2-202**, as last amended by Laws of Utah 2015, Chapter 130
- 45 **20A-2-204**, as last amended by Laws of Utah 2015, Chapter 130
- 46 **20A-2-205**, as last amended by Laws of Utah 2015, Chapter 130
- 47 **20A-2-206**, as last amended by Laws of Utah 2015, Chapter 130
- 48 **20A-2-304**, as last amended by Laws of Utah 2017, Chapter 91
- 49 **20A-2-307**, as last amended by Laws of Utah 2015, Chapter 79
- 50 **20A-2-401**, as last amended by Laws of Utah 2015, Chapter 130
- 51 **20A-3-302**, as last amended by Laws of Utah 2017, Chapters 235, 327 and last
- 52 amended by Coordination Clause, Laws of Utah 2017, Chapter 327
- 53 **20A-3-304**, as last amended by Laws of Utah 2015, Chapter 394
- 54 **20A-3-306**, as last amended by Laws of Utah 2015, Chapter 124
- 55 **20A-3-601**, as last amended by Laws of Utah 2017, Chapter 58
- 56 **20A-4-107**, as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended

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

58 **63I-1-220**, as last amended by Laws of Utah 2017, Chapter 181

59 ENACTS:

60 **20A-2-207**, Utah Code Annotated 1953



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

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

64 **20A-2-102.5. Voter registration deadline.**

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

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

70 Section 2. Section **20A-2-108** is amended to read:

71 **20A-2-108. Driver license or state identification card registration form --**
72 **Transmittal of information.**

73 (1) As used in this section, "qualifying form" means:

74 (a) a driver license application form; or

75 (b) a state identification card application form.

76 ~~[(+)]~~ (2) The lieutenant governor and the Driver License Division shall design ~~[the~~
77 ~~driver license application and renewal forms to include the following questions:]~~ each
78 qualifying form to include the following statement: "If you are qualified to register or
79 preregister to vote, the information on this form will be used for voter registration purposes,
80 unless you indicate otherwise by marking here: No, I do not authorize the use of the
81 information in this form for voter registration purposes."

82 ~~[(a) "If you are not registered to vote where you live now, would you like to register to~~
83 ~~vote today?"; and]~~

84 ~~[(b) "If you are 16 or 17 years of age, and will not be 18 years of age before the date of~~
85 ~~the next election, would you like to preregister to vote today?"]~~

86 ~~[(2) (a) The lieutenant governor and the Driver License Division shall design a motor~~
87 ~~voter registration form to be used in conjunction with driver license application and renewal~~

88 forms.]

89 ~~[(b) Each driver license application and renewal form shall contain:]~~

90 ~~[(i) a place for the applicant to decline to register or preregister to vote;]~~

91 ~~[(ii) an eligibility statement in substantially the following form:]~~

92 ~~["I do swear (or affirm), subject to penalty of law for false statements, that the~~
93 ~~information contained in this form is true, and that I am a citizen of the United States and a~~
94 ~~resident of the state of Utah, residing at the above address. Unless I have indicated above that I~~
95 ~~am preregistering to vote in a later election, I will be at least 18 years of age and will have~~
96 ~~resided in Utah for 30 days immediately before the next election.]~~

97 ~~[Signed and sworn]~~

98 ~~[_____]~~

99 ~~[Voter's Signature]~~

100 ~~[_____(month\day\year)";]~~

101 ~~[(iii) a citizenship affidavit in substantially the following form:]~~

102 ~~["CITIZENSHIP AFFIDAVIT]~~

103 ~~[Name:]~~

104 ~~[Name at birth, if different:]~~

105 ~~[Place of birth:]~~

106 ~~[Date of birth:]~~

107 ~~[Date and place of naturalization (if applicable):]~~

108 ~~[I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a~~
109 ~~citizen and that to the best of my knowledge and belief the information above is true and~~
110 ~~correct.]~~

111 ~~[_____]~~

112 ~~[Signature of Applicant]~~

113 ~~[In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or~~
114 ~~allowing yourself to be registered or preregistered to vote if you know you are not entitled to~~
115 ~~register or preregister to vote is up to one year in jail and a fine of up to \$2,500";]~~

116 (3) The lieutenant governor and the Driver License Division shall ensure that a
117 qualifying form contains:

118 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and

119 Utah residency, and that the information provided in the form is true;

120 (b) a records disclosure that is similar to the records disclosure on a voter registration
 121 form described in Section 20A-2-104;

122 ~~[(iv)]~~ (c) a statement that if an applicant declines to register or preregister to vote, the
 123 fact that the applicant has declined to register or preregister will remain confidential and will be
 124 used only for voter registration purposes; and

125 ~~[(v)]~~ (d) a statement that if an applicant does register or preregister to vote, the office at
 126 which the applicant submits a voter registration application will remain confidential and will be
 127 used only for voter registration purposes~~[-and]~~.

128 ~~[(vi) the following statement:]~~

129 ~~["The portion of a voter registration form that lists a person's driver license or~~
 130 ~~identification card number, Social Security number, and email address is a private record. The~~
 131 ~~portion of a voter registration form that lists a person's date of birth is a private record, the use~~
 132 ~~of which is restricted to government officials, government employees, political parties, or~~
 133 ~~certain other persons.]~~

134 ~~[If you believe that disclosure of any information contained in this voter registration~~
 135 ~~form to a person other than a government official or government employee is likely to put you~~
 136 ~~or a member of your household's life or safety at risk, or to put you or a member of your~~
 137 ~~household at risk of being stalked or harassed, you may apply to the lieutenant governor or your~~
 138 ~~county clerk to have your entire voter registration record classified as private."]~~

139 ~~[(3) Upon receipt of a voter registration form from an applicant, the county clerk or the~~
 140 ~~clerk's designee shall:]~~

141 ~~[(a) review the voter registration form for completeness and accuracy; and]~~

142 ~~[(b) if the county clerk believes, based upon a review of the form, that a person may be~~
 143 ~~seeking to register or preregister to vote who is not legally entitled to register or preregister to~~
 144 ~~vote, refer the form to the county attorney for investigation and possible prosecution.]~~

145 Section 3. Section 20A-2-201 is amended to read:

146 **20A-2-201. Registering to vote at office of county clerk.**

147 (1) Except as provided in Subsection (3), the county clerk shall register to vote each
 148 individual who registers in person at the county clerk's office during designated office hours if
 149 the individual will, on the date of the election, be legally eligible to vote in a voting precinct in

150 the county in accordance with Section [20A-2-101](#).

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

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

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

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

163 (a) accept the registration form; and

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

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

168 (B) for the pending election, the individual must vote on the day of the election ~~[and is~~
169 ~~not eligible to vote using early voting under Chapter 3, Part 6, Early Voting]~~ or by provisional
170 ballot, under Section [20A-2-207](#), during the early voting period described in Section
171 [20A-3-601](#), because the individual registered [too] late; or

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

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

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

180 Section 4. Section [20A-2-202](#) is amended to read:

181 **20A-2-202. Registration by mail.**

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

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

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

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

187 (ii) ensure that [it] the by-mail voter registration form is postmarked on or before the
188 voter registration deadline or is otherwise marked by the post office as received by the post
189 office on or before the voter registration deadline.190 (d) The citizen has effectively registered to vote under this section only when the
191 county clerk's office has received a correctly completed by-mail voter registration form.192 (2) Upon receipt of a correctly completed by-mail voter registration form, the county
193 clerk shall, unless the individual named in the form is preregistering to vote:194 (a) enter the applicant's name on the list of registered voters for the voting precinct in
195 which the applicant resides; and196 (b) mail confirmation of registration to the newly registered voter after entering the
197 applicant's voting precinct number on that copy.198 (3) [~~(a)~~] If the county clerk receives a correctly completed by-mail voter registration
199 form that is postmarked after the voter registration deadline, and is not otherwise marked by
200 the post office as received by the post office before the voter registration deadline, the county
201 clerk shall [~~unless~~]:202 (a) if the individual named in the form is preregistering to vote[:(i)], comply with
203 Section 20A-2-101.1; or204 (b) (i) unless the individual timely registers to vote in the current election in a manner
205 that permits registration after the voter registration deadline, register the [~~applicant~~] individual
206 after the next election; and207 (ii) if possible, promptly [~~phone or~~] mail a notice to, or otherwise notify, the
208 [~~applicant~~] individual before the election, informing the [~~applicant that his~~] individual:209 (A) of each manner still available to the individual to timely register to vote in the
210 current election; and211 (B) that, if the individual does not timely register in a manner described in Subsection

212 (3)(b)(ii)(A), the individual's registration will not be effective until after the election.

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

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

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

219 ~~[(4)]~~ (5) If the county clerk determines that a registration form received by mail or
 220 otherwise is incorrect because of an error or because it is incomplete, the county clerk shall
 221 mail notice to the person attempting to register or preregister, stating that the person has not
 222 been registered or preregistered because of an error or because the form is incomplete.

223 Section 5. Section **20A-2-204** is amended to read:

224 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

225 (1) As used in this section, "voter registration form" means ~~[the driver license~~
 226 ~~application/voter registration form and the driver license renewal/voter registration form~~
 227 ~~required by Section 20A-2-108]~~ the information on a qualifying form, as defined in Section
 228 20A-2-108, that can be used for voter registration purposes if the individual named on the form
 229 does not indicate otherwise under Subsection 20A-2-108(2).

230 (2) ~~[Any]~~ A citizen who is qualified to vote [may register] and who completes a voter
 231 registration form under this section shall be registered to vote, and [any] a citizen who is
 232 qualified to preregister to vote [may preregister] and who completes a voter registration form
 233 under this section shall be preregistered to vote[-by completing the voter registration form].

234 (3) The Driver License Division shall:

235 (a) assist ~~[applicants]~~ an individual in completing the voter registration form unless the
 236 ~~[applicant]~~ individual refuses assistance;

237 ~~[(b)]~~ accept a completed voter registration form and transmit the form to the county
 238 clerk of the county in which the applicant resides within five days after the day on which the
 239 division receives the form;]

240 ~~[(c)]~~ (b) electronically transmit each address change to the lieutenant governor within
 241 five days after the day on which the division receives the address change; and

242 ~~[(d)]~~ transmit electronically to the lieutenant governor's office the name, address, birth

243 date, and driver license number of each individual who answers "yes" to a question described
244 in Subsection ~~20A-2-108~~(1), and indicate whether the individual is registering or preregistering
245 to vote.]

246 [~~(4) (a) Upon receipt of a correctly completed voter registration form from an
247 individual who is registering to vote, the county clerk shall:]~~

248 [~~(i) enter the applicant's name on the list of registered voters for the voting precinct in
249 which the applicant resides; and]~~

250 [~~(ii) notify the applicant of registration.]~~

251 [~~(b) Upon receipt of a correctly completed voter registration form from an individual
252 who is preregistering to vote, the county clerk shall]~~

253 (c) within five days after the day on which the division receives a voter registration
254 form, electronically transmit the form to the Office of the Lieutenant Governor, including the
255 following for the individual named on the form:

256 (i) the name, date of birth, driver license or state identification card number, last four
257 digits of the social security number, phone number, Utah residential address, place of birth, and
258 signature;

259 (ii) a mailing address, if different from the individual's Utah residential address; and

260 (iii) an email address, if available.

261 (4) Upon receipt of an individual's voter registration form from the Driver License
262 Division under Subsection (3), the lieutenant governor shall enter the information into the
263 statewide voter registration database.

264 (5) The county clerk of an individual whose information is entered into the statewide
265 voter registration database under Subsection (4) shall:

266 (a) (i) ensure that the individual meets the qualifications to be registered or
267 preregistered to vote; and

268 (ii) if the individual meets the qualifications to be registered to vote:

269 (A) ensure that the individual is assigned to the proper voting precinct; and

270 (B) send the individual the notice described in Section ~~20A-2-304~~; or

271 (b) if the individual meets the qualifications to be preregistered to vote, process the
272 form in accordance with the requirements of Section ~~20A-2-101.1~~.

273 [~~(5)] (6) (a) If the county clerk receives a correctly completed voter registration form~~

274 under this section that is dated after the voter registration deadline, the county clerk shall[;
275 unless];

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

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

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

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

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

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

290 (i) process the voter registration form; and

291 (ii) record the [new voter] individual in the official register.

292 [~~(6)~~] (7) (a) If the county clerk determines that [~~a~~] an individual's voter registration
293 form received from the Driver License Division is incorrect because of an error [~~or~~], because
294 [~~it~~] the form is incomplete, or because the individual does not meet the qualifications to be
295 registered to vote, the county clerk shall mail notice to the individual [~~attempting to register or~~
296 preregister to vote,] stating that the individual has not been registered or preregistered because
297 of an error [~~or~~], because the form is incomplete, or because the individual does not meet the
298 qualifications to be registered to vote.

299 (b) If a county clerk believes, based upon a review of a voter registration form, that an
300 individual, who knows that the individual is not legally entitled to register or preregister to
301 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer
302 the form to the county attorney for investigation and possible prosecution.

303 Section 6. Section 20A-2-205 is amended to read:

304 **20A-2-205. Registration at voter registration agencies.**

305 (1) As used in this section:

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

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

309 (i) public assistance; or

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

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

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

317 "REGISTERING TO VOTE

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

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

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

334 (a) distribute a by-mail voter registration form with each application for service or
335 assistance provided by the agency or office;

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

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

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

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

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

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

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

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

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

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

354 (b) notify the applicant of registration.

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

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

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

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

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

366 (B) that, if the individual does not timely register in a manner described in Subsection

367 (7)(b)(ii)(A), the individual's registration will not be effective until after the election.

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

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

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

373 ~~[(8)]~~ (9) If the county clerk determines that a voter registration form received from a
374 public assistance agency or discretionary voter registration agency is incorrect because of an
375 error or because it is incomplete, the county clerk shall mail notice to the individual attempting
376 to register or preregister to vote, stating that the individual has not been registered or
377 preregistered to vote because of an error or because the form is incomplete.

378 Section 7. Section **20A-2-206** is amended to read:

379 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

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

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

384 (a) that an applicant have a valid driver license or identification card, issued under Title
385 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place
386 of residence;

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

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

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

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

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

397 (3) Notwithstanding Section [20A-2-104](#), an applicant using the electronic system for

398 voter registration or preregistration created under this section is not required to complete a
399 printed registration form.

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

402 (5) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

422 ~~[(ii)]~~ (b) inform the individual that the individual is registered to vote in the pending
423 election.

424 ~~[(b)]~~ (9) If an individual applies to register under this section during the period
425 beginning on the date that is 14 calendar days before the election and ending on the date that is
426 seven calendar days before the election, the county clerk shall, unless the individual is
427 preregistering to vote:

428 ~~[(i)]~~ (a) accept the application for registration if the individual, on the date of the

429 election, will be legally qualified and entitled to vote in a voting precinct in the state; and

430 ~~[(ii)]~~ (b) inform the individual that:

431 ~~[(A)]~~ (i) the individual is registered to vote in the pending election; and

432 ~~[(B)]~~ (ii) for the pending election, the individual must vote on the day of the election
433 and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the
434 individual registered too late.

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

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

438 or

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

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

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

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

449 ~~[(9)]~~ (11) (a) A registered voter may file an application for an absentee ballot in
450 accordance with Section 20A-3-304 on the electronic system for voter registration established
451 under this section.

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

454 Section 8. Section 20A-2-207 is enacted to read:

455 **20A-2-207. Registration by provisional ballot.**

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

459 (a) the individual is otherwise legally entitled to vote the ballot;

460 (b) the ballot is identical to the ballot for the precinct in which the individual resides;
461 (c) the information on the provisional ballot form is complete; and
462 (d) the individual provides valid voter identification and proof of residence to the poll
463 worker.

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

466 (a) consider the provisional ballot a voter registration form;

467 (b) place the ballot with the absentee ballots, to be counted with those ballots at the
468 canvass; and

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

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

473 (a) is not registered to vote and is not eligible for registration under this section; or

474 (b) is not legally entitled to vote the ballot that the individual voted.

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

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

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

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

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

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

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

485 (ii) on election day; and

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

487 Section 9. Section **20A-2-304** is amended to read:

488 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

489 Each county clerk shall:

490 (1) register to vote each [~~applicant for registration~~] individual who meets the

491 requirements for registration and who:

492 (a) submits a completed voter registration form to the county clerk [~~on or before the~~
493 ~~voter registration deadline~~];

494 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to
495 the Driver License Division[;];

496 (c) submits a completed voter registration form to a public assistance agency[;] or a
497 discretionary voter registration agency [~~on or before the voter registration deadline~~]; or

498 [~~(c)~~] (d) mails a completed by-mail voter registration form to the county clerk [~~on or~~
499 ~~before the voter registration deadline~~]; and

500 (2) within 30 days after the day on which the county clerk processes a voter registration
501 [application] form, send a notice to the individual who submits the [application] form that:

502 (a) (i) informs the individual that the individual's [application for] voter registration
503 form has been accepted and that the individual is registered to vote;

504 (ii) informs the individual of the procedure for designating or changing the individual's
505 political affiliation;

506 (iii) informs the individual of the procedure to cancel a voter registration; and

507 (iv) if the voter registration form was submitted under Subsection (1)(b) after the voter
508 registration deadline and before the election to which the deadline pertains, informs the
509 individual that the individual's voter registration will not be effective until after the election;

510 (b) informs the individual that the individual's [application for] voter registration form
511 has been rejected and the reason for the rejection; or

512 (c) (i) informs the individual that the [application for] individual's voter registration
513 form is being returned to the individual for further action because the [application] form is
514 incomplete; and

515 (ii) gives instructions to the individual on how to properly complete the [application]
516 form.

517 Section 10. Section **20A-2-307** is amended to read:

518 **20A-2-307. County clerks' instructions to election judges.**

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

521 (a) the voter has moved from one address within a voting precinct to another address

522 within the same voting precinct; and

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

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

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

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

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

531 Section 11. Section 20A-2-401 is amended to read:

532 **20A-2-401. Fraudulent registration -- Penalty.**

533 (1) (a) An individual may not willfully register to vote, or cause, procure, or allow
534 himself or herself to be registered to vote, knowing that the individual is not eligible to register
535 to vote under Section 20A-2-101.

536 (b) A person may not willfully cause, procure, advise, encourage, or assist any
537 individual to be registered to vote, knowing or believing that the individual is not eligible to
538 register to vote under Section 20A-2-101.

539 (2) (a) An individual may not willfully preregister to vote, or allow himself or herself
540 to be preregistered to vote, knowing that the individual is not eligible to preregister to vote
541 under Section 20A-2-101.1.

542 (b) A person may not willfully cause, advise, encourage, or assist an individual to
543 preregister to vote, knowing or believing that the individual is not eligible to preregister to vote
544 under Section 20A-2-101.1.

545 (3) A person is not guilty of violating this section if:

546 (a) the individual who is ineligible to vote becomes registered to vote under Section
547 20A-2-204; and

548 (b) the person did not:

549 (i) provide false information; or

550 (ii) take other action intended to cause the registration of an individual who is
551 ineligible to vote.

552 ~~[(3)]~~ (4) A person who violates this section is guilty of a class A misdemeanor.

553 Section 12. Section **20A-3-302** is amended to read:

554 **20A-3-302. Conducting entire election by absentee ballot prohibited -- Exception.**

555 (1) [~~(a) Notwithstanding Section [17B-1-306](#), an~~] An election officer may not
556 administer an election entirely by absentee ballot, unless the election is held solely for a
557 referendum challenging a local tax law under Section [20A-7-609.5](#).

558 [~~(b) An election officer who administers an election entirely by absentee ballot, except~~
559 ~~for an election conducted under Section [20A-7-609.5](#), shall, before the following dates, notify~~
560 ~~the lieutenant governor that the election will be administered entirely by absentee ballot.]~~

561 [~~(i) February 1 of an even-numbered year if the election is a regular general election;~~
562 ~~or]~~

563 [~~(ii) May 1 of an odd-numbered year if the election is a municipal general election.]~~

564 (2) If the election officer [~~decides to administer~~] administers an election entirely by
565 absentee ballot under Section [20A-7-609.5](#), the election officer shall mail to each registered
566 voter within that voting precinct:

567 (a) an absentee ballot;

568 (b) for an election administered by a county clerk, information regarding the location
569 and hours of operation of any election day voting center at which the voter may vote;

570 (c) a courtesy reply mail envelope;

571 (d) instructions for returning the ballot that include an express notice about any
572 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

573 (e) for an election administered by an election officer other than a county clerk, if the
574 election officer does not operate a polling location or an election day voting center, a warning,
575 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
576 the instructions included with the absentee ballot, the voter will be unable to vote in that
577 election because there will be no polling place in the voting precinct on the day of the election.

578 (3) A voter who votes by absentee ballot under this section is not required to apply for
579 an absentee ballot as required by this part.

580 (4) An election officer who administers an election entirely by absentee ballot under
581 Section [20A-7-609.5](#) shall:

582 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
583 the election; or

584 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
585 and

586 (b) maintain the signatures on file in the election officer's office.

587 (5) Upon receipt of a returned absentee ballot, the election officer shall review and
588 process the ballot under Section [20A-3-308](#).

589 (6) A county that administers an election entirely by absentee ballot under Section
590 [20A-7-609.5](#):

591 (a) shall provide at least one election day voting center in accordance with Title 20A,
592 Chapter 3, Part 7, Election Day Voting Center;

593 (b) shall ensure that an election day voting center operated by the county has at least
594 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
595 Pub. L. No. 107-252, for individuals with disabilities;

596 (c) is not required to pay return postage for an absentee ballot; and

597 (d) is subject to an audit conducted under Subsection (7).

598 (7) (a) The lieutenant governor shall:

599 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
600 an election conducted under this section; and

601 (ii) after each [~~primary, general, or special~~] election conducted under this section,
602 select a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
603 developed under Subsection (7)(a)(i).

604 (b) The lieutenant governor shall post the results of an audit conducted under this
605 Subsection (7) on the lieutenant governor's website.

606 Section 13. Section **20A-3-304** is amended to read:

607 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

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

609 (i) file an absentee ballot application:

610 (A) on the electronic system maintained by the lieutenant governor under Section
611 [20A-2-206](#); or

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

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

615 20A-3-306.

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

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

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

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

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

625 (i) in substantially the following form:

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

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

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

629 _____ Voter"; and

630 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
631 status:

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

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

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

636 (i) in substantially the following form:

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

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

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

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

643 _____ Voter"; and

644 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
645 status:

646 (A) until the voter requests otherwise at a future date; or
 647 (B) until a date specified by the voter in the application form.
 648 (3) If requested by the applicant, the election officer shall:
 649 (a) mail or fax the application form to the absentee voter; or
 650 (b) deliver the application form to any voter who personally applies for it at the office
 651 of the election officer.

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

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

656 (i) in substantially the following form:

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

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

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

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

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

666 OR

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

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

670 Voter"; and

671 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
 672 status:

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

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

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

677 (i) in substantially the following form:

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

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

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

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

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

690 OR

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

693 Dated _____ (month/day/year) _____ Signed _____

694 Voter"; and

695 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
696 status:

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

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

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

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

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

706 (i) requests absentee voter status; and

707 (ii) meets the requirements of this section.

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

710 (i) the voter is no longer listed in the official register;
711 (ii) the voter cancels the voter's absentee status; or
712 (iii) the voter's name is removed on the date specified by the voter on the absentee
713 ballot application form~~[-];~~ or

714 (iv) the county clerk is required, under Subsection (7)(c), to remove the voter's name
715 from the list.

716 (c) A county clerk shall remove a voter's name from the list described in Subsection
717 (7)(a) if the voter fails to vote in two consecutive regular general elections.

718 ~~[(e)]~~ (d) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is
719 on the absentee voter list.

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

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

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

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

725 Section 14. Section **20A-3-306** is amended to read:

726 **20A-3-306. Voting ballot -- Returning ballot.**

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

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

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

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

732 (iv) securely seal the envelope; and

733 (v) attach postage, unless voting in accordance with Section **20A-3-302**, and deposit

734 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
735 obtained.

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

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

- 739 (ii) mark the votes on the absent-voter ballot;
- 740 (iii) place the voted absent-voter ballot in the envelope;
- 741 (iv) securely seal the envelope; and
- 742 (v) give the ballot and envelope to the election officer.
- 743 (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:
- 744 (a) in the case of an absentee ballot that is voted in person, the ballot is:
- 745 (i) applied for and cast in person at the office of the appropriate election officer no later
- 746 than the [~~Thursday~~] Tuesday before election day; or
- 747 (ii) submitted on election day at a polling location in the political subdivision where
- 748 the absentee voter resides;
- 749 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:
- 750 (i) clearly postmarked before election day, or otherwise clearly marked by the post
- 751 office as received by the post office before election day; and
- 752 (ii) received in the office of the election officer before noon on the day of the official
- 753 canvass following the election; or
- 754 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with
- 755 Section 20A-16-404.
- 756 (3) An absentee voter may submit a completed absentee ballot at a polling location in a
- 757 political subdivision holding the election, if the absentee voter resides in the political
- 758 subdivision.
- 759 (4) An absentee voter may submit an incomplete absentee ballot at a polling location
- 760 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and
- 761 vote in person.

762 Section 15. Section 20A-3-601 is amended to read:

763 **20A-3-601. Early voting.**

- 764 (1) (a) An individual who is registered to vote may vote before the election date in
- 765 accordance with this section.
- 766 (b) An individual who is not registered to vote may register to vote and vote before the
- 767 election date in accordance with this section if the individual:
- 768 (i) is otherwise legally entitled to vote the ballot [~~in a jurisdiction that is approved by~~
- 769 ~~the lieutenant governor to participate in the pilot project described in Section 20A-4-108~~]; and

770 (ii) casts a provisional ballot in accordance with Section [~~20A-4-108~~] 20A-2-207.
771 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period
772 shall:
773 (a) begin on the date that is 14 days before the date of the election; and
774 (b) continue through the Friday before the election if the election date is a Tuesday.
775 (3) An election officer may extend the end of the early voting period to the day before
776 the election date if the election officer provides notice of the extension in accordance with
777 Section 20A-3-604.
778 (4) Except as provided in Section 20A-1-308, during the early voting period, the
779 election officer:
780 (a) for a local special election, a municipal primary election, and a municipal general
781 election:
782 (i) shall conduct early voting on a minimum of four days during each week of the early
783 voting period; and
784 (ii) shall conduct early voting on the last day of the early voting period; and
785 (b) for all other elections:
786 (i) shall conduct early voting on each weekday; and
787 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
788 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,
789 early voting shall be administered according to the requirements of this title.
790 Section 16. Section ~~20A-4-107~~ is amended to read:
791 **20A-4-107. Review and disposition of provisional ballot envelopes.**
792 (1) As used in this section, a person is "legally entitled to vote" if:
793 (a) the person:
794 (i) is registered to vote in the state;
795 (ii) votes the ballot for the voting precinct in which the person resides; and
796 (iii) provides valid voter identification to the poll worker;
797 (b) the person:
798 (i) is registered to vote in the state;
799 (ii) (A) provided valid voter identification to the poll worker; or
800 (B) either failed to provide valid voter identification or the documents provided as

801 valid voter identification were inadequate and the poll worker recorded that fact in the official
802 register but the county clerk verifies the person's identity and residence through some other
803 means; and

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

807 (c) the person:

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

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

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

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

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

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

821 (ii) legally entitled to vote:

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

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

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

830 (c) If the election officer determines that the person is registered to vote in this state
831 and is legally entitled to vote in the county and for at least one of the ballot propositions or

832 candidates on the ballot that the person voted, the election officer shall [~~remove the ballot from~~
833 ~~the provisional ballot envelope and~~] place the provisional ballot with the absentee ballots to be
834 counted with those ballots at the canvass.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

866 Section 17. Section **63I-1-220** is amended to read:

867 **63I-1-220. Repeal dates, Title 20A.**

868 On January 1, 2023:

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

870 (2) In Subsection 20A-2-201(3)(b)(i)(B), the language that states "or by provisional
871 ballot, under Section 20A-2-207, during the early voting period described in Section
872 20A-3-601" is repealed and replaced with "and is not eligible to vote using early voting under
873 Chapter 3, Part 6, Early Voting."

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

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

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

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

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

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

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

893 (6) Subsection 20A-2-205(7) is amended to read "(7) If the county clerk receives a

894 correctly completed voter registration form that is dated after the voter registration deadline,
895 the county clerk shall, unless the individual named in the form is preregistering to vote:

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

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

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

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

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

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

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

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

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

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

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

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

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

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