

HB0218S02 compared with HB0218S01

~~text~~ shows text that was in HB0218S01 but was deleted in HB0218S02.

Inserted text shows text that was not in HB0218S01 but was inserted into HB0218S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Rebecca Chavez-Houck proposes the following substitute bill:

~~AMENDMENT~~ MODIFICATIONS TO ~~VOTER~~
~~REGISTRATION~~ ELECTION LAW

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends ~~voter registration~~ provisions ~~in~~ of 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 ~~_____~~

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- } absentee ballot in person;
- ▶ requires a county clerk to include certain voters on the absentee voter list;
- ▶ amends provisions related to absentee voting;
- ▶ 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;
- ▶ allows certain information in a driver license or state identification card application form to be used for voter registration purposes;
- ▶ requires a county clerk to send certain information to an individual who registers to vote;
- ▶ provides that an individual is not guilty of fraudulent registration if the individual is ineligible to register to vote but is inadvertently registered to vote under this bill;
- ▶ provides that an election may not be conducted entirely by absentee ballot, except for an election on a referendum challenging a local tax law;
- ▶ requires a county to provide a certain number of polling places on the date of an election; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-2-102.5, as last amended by Laws of Utah 2014, Chapters 98 and 231

20A-2-108, as last amended by Laws of Utah 2015, Chapter 130

20A-2-201, as last amended by Laws of Utah 2015, Chapters 130 and 394

20A-2-202, as last amended by Laws of Utah 2015, Chapter 130

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20A-2-204, as last amended by Laws of Utah 2015, Chapter 130
20A-2-205, as last amended by Laws of Utah 2015, Chapter 130
20A-2-206, as last amended by Laws of Utah 2015, Chapter 130
20A-2-304, as last amended by Laws of Utah 2017, Chapter 91
20A-2-307, as last amended by Laws of Utah 2015, Chapter 79
20A-2-401, as last amended by Laws of Utah 2015, Chapter 130
20A-3-302, as last amended by Laws of Utah 2017, Chapters 235, 327 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 327
20A-3-304, as last amended by Laws of Utah 2015, Chapter 394
20A-3-305, as last amended by Laws of Utah 2017, Chapters 235 and 327
20A-3-306, as last amended by Laws of Utah 2015, Chapter 124
20A-3-601, as last amended by Laws of Utah 2017, Chapter 58
20A-4-107, as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended by Coordination Clause, Laws of Utah 2014, Chapter 231
~~{631-1-220}~~20A-5-303, as last amended by Laws of Utah ~~{2017}~~2011, Chapter ~~{181}~~335

ENACTS:

20A-2-207, Utah Code Annotated 1953

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

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

20A-2-102.5. Voter registration deadline.

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

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

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

20A-2-108. Driver license or state identification card registration form --

Transmittal of information.

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

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(a) a driver license application form; or

(b) a state identification card application form.

~~[(1)]~~ (2) The lieutenant governor and the Driver License Division shall design ~~[the driver license application and renewal forms to include the following questions:]~~ each qualifying form to include the following statement: "If you are qualified to register or preregister to vote, the information on this form will be used for voter registration purposes, unless you indicate otherwise by marking here: ___ No, I do not authorize the use of the information in this form for voter registration purposes."

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

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

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

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

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

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

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

~~[Signed and sworn]~~

~~[_____]~~

~~[Voter's Signature]~~

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

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

~~["CITIZENSHIP AFFIDAVIT]~~

~~[Name:]~~

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

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[Place of birth:]

[Date of birth:]

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

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

[_____]

[Signature of Applicant]

[In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered or preregistered to vote if you know you are not entitled to register or preregister to vote is up to one year in jail and a fine of up to \$2,500⁰⁰.]

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

(a) a place for an individual to affirm the individual's citizenship, voting eligibility, and Utah residency, and that the information provided in the form is true;

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

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

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

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

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

[If you believe that disclosure of any information contained in this voter registration form to a person other than a government official or government employee is likely to put you

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~~or a member of your household's life or safety at risk, or to put you or a member of your household at risk of being stalked or harassed, you may apply to the lieutenant governor or your county clerk to have your entire voter registration record classified as private."~~]

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

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

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

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

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

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

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

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

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

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

(a) accept the registration form; and

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

(A) ~~[inform the individual that]~~ the individual is registered to vote in the pending

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election; and

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

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

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

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

Section 4. Section **20A-2-202** is amended to read:

20A-2-202. Registration by mail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) As used in this section, "voter registration form" means ~~the driver license application/voter registration form and the driver license renewal/voter registration form required by Section 20A-2-108~~ the information on a qualifying form, as defined in Section 20A-2-108, that can be used for voter registration purposes if the individual named on the form

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does not indicate otherwise under Subsection 20A-2-108(2).

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

(3) The Driver License Division shall:

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

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

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

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

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

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

~~[(ii) notify the applicant of registration:]~~

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

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

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

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

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(iii) an email address ~~and phone number~~, if available.

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

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

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

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

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

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

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

~~[(5)]~~ (6) (a) If the county clerk receives a correctly completed voter registration form under this section that is dated after the voter registration deadline, the county clerk shall[; unless]:

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

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

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

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

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

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

(i) process the voter registration form; and

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

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

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

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

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

(1) As used in this section:

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

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

(i) public assistance; or

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

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

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

"REGISTERING TO VOTE

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

IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE

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

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

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

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

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

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

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

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

(b) display any political preference or party allegiance;

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

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

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

(a) enter the applicant's name on the list of registered voters for the voting precinct in

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which the applicant resides; and

(b) notify the applicant of registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The lieutenant governor shall:

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

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

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

(a) receiving all information from an applicant; and

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

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

(7) The lieutenant governor may use additional security measures to ensure the

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accuracy and integrity of an electronically submitted voter registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the ballot is identical to the ballot for the precinct in which the individual resides;

(c) the information on the provisional ballot form is complete; and

(d) the individual provides valid voter identification and proof of residence to the poll worker.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) on election day; and

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

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

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

Each county clerk shall:

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

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

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

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

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

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

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

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

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

(iv) if the voter registration form was submitted under Subsection (1)(b) after the voter

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registration deadline and before the election to which the deadline pertains, informs the individual that the individual's voter registration will not be effective until after the election;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the person did not:

(i) provide false information; or

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

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

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

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

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

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

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

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

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

(a) an absentee ballot;

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

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(c) a courtesy reply mail envelope;

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) (a) The lieutenant governor shall:

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

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

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

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

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

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

(i) file an absentee ballot application:

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

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

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

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

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

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

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

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

(i) in substantially the following form:

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

Date _____ (month\day\year) Signed _____

Voter"; and

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

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

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

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

(i) in substantially the following form:

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

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

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

Voter"; and

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

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

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

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

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

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

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

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

(i) in substantially the following form:

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

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

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

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

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

OR

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

Date _____ (month\day\year) Signed _____

Voter"; and

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

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

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

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

(i) in substantially the following form:

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

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

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

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

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

OR

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

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

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Voter"; and

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

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

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

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

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

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

(i) each voter who:

~~(i) (A)~~ requests absentee voter status; and

~~(ii) (B)~~ meets the requirements of this section~~.~~

~~(b) [-]; and~~

(ii) each voter:

(A) to whom the county clerk mailed an absentee ballot in an election that was conducted entirely by mail between September 1, 2016 and May 7, 2018; and

(B) who is currently registered to vote in the clerk's county.

(b) A voter described in Subsection (7)(a)(ii) is not required to apply for an absentee ballot to receive an absentee ballot under this part unless the voter's name is removed from the absentee voter list under Subsection (7)(c) or (d).

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

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

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

(iii) the voter's name is removed on the date specified by the voter on the absentee ballot application form~~[-]; or~~

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

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

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

(ii) The questionnaire shall allow the voter to:

(A) verify the voter's residence; or

(B) cancel the voter's absentee status.

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

Section 14. Section 20A-3-305 is amended to read:

20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --

Affidavit.

(1) (a) Upon timely receipt of an absentee voter application properly filled out and signed less than 30 days before the election, the election officer shall either:

(i) give the applicant an official absentee ballot and envelope to vote in the office; or

(ii) mail an official absentee ballot ~~[- postage paid,]~~ to the absentee voter and enclose an envelope ~~[printed as required]~~ that complies with the requirements described in Subsection (2).

(b) No later than 21 days before election day, the election officer shall mail ~~[an official absentee ballot, postage paid,]~~ to all absentee voters, other than to a uniformed-service voter or an overseas voter, who ~~[have submitted a properly filled out and signed absentee voter application before the day on which the ballots are mailed and enclose an envelope printed as required by Subsection (2).]~~ are listed on the absentee voter list described in Subsection

20A-3-304(7):

(a) an absentee ballot;

(b) a courtesy reply mail envelope;

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

(d) information regarding how a voter may request an accommodation or assistance in order to vote privately and independently.

(2) The election officer shall ensure that:

(a) the name, official title, and post office address of the election officer is printed on

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the front of the envelope;

(b) the return envelope includes a space where a voter may write an email address and phone number by which the election officer may contact the voter if the voter's ballot is rejected; and

(c) the following is printed on the back of the envelope:

(i) a printed affidavit in substantially the following form:

"County of _____ State of _____

I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signature of Absentee Voter"; and

(ii) a warning that the affidavit must be signed by the individual to whom the ballot was sent and that the ballot will not be counted if the signature on the affidavit does not match the signature on file with the election officer of the individual to whom the ballot was sent.

(3) If the election officer determines that the absentee voter is required to show valid voter identification, the election officer shall:

(a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

(b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot;

(c) provide the voter clear instructions on how to vote a provisional ballot; and

(d) comply with the requirements of Subsection (2).

(4) An election officer that sends a voter an absentee ballot under this section is not required to pay return postage for the absentee ballot.

Section ~~{14}~~15. Section **20A-3-306** is amended to read:

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

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

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

(ii) mark the votes on the absentee ballot;

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

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(iv) securely seal the envelope; and

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

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

- (i) complete and sign the affidavit on the envelope;
- (ii) mark the votes on the absent-voter ballot;
- (iii) place the voted absent-voter ballot in the envelope;
- (iv) securely seal the envelope; and
- (v) give the ballot and envelope to the election officer.

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

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

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

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

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

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

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

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

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

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

Section ~~{15}~~16. Section **20A-3-601** is amended to read:

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20A-3-601. Early voting.

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

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

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

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

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

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

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

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

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

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

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

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

(b) for all other elections:

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

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

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

Section ~~{16}~~17. Section **20A-4-107** is amended to read:

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

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

(a) the person:

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- (i) is registered to vote in the state;
- (ii) votes the ballot for the voting precinct in which the person resides; and
- (iii) provides valid voter identification to the poll worker;

(b) the person:

- (i) is registered to vote in the state;
- (ii) (A) provided valid voter identification to the poll worker; or

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

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

(c) the person:

- (i) is registered to vote in the state;
- (ii) either failed to provide valid voter identification or the documents provided as

valid voter identification were inadequate and the poll worker recorded that fact in the official register; and

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

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

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

- (i) registered to vote in this state; and
- (ii) legally entitled to vote:
- (A) the ballot that the person voted; or

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

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

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

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

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

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

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

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

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

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

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

(ii) [~~eight~~] seven or more days before the election, the individual who cast the

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provisional ballot:

- (A) completed and signed the voter registration; and
- (B) provided the voter registration to another person to file;
- (iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B) filing the voter registration less than [~~eight~~] seven days before the election; and
- (iv) the election officer receives the voter registration no later than one day before the day of the election; or
- (b) the provisional ballot is cast on or before election day [~~in a county or municipality that is approved by the lieutenant governor to participate in the pilot project and the provisional ballot~~] and is not otherwise prohibited from being counted under the provisions of this chapter.

Section 18. Section 20A-5-303 is amended to read:

20A-5-303. Establishing, dividing, abolishing, and changing voting precincts -- Common polling places -- Combined voting precincts.

(1) (a) After receiving recommendations from the county clerk, the county legislative body may establish, divide, abolish, and change voting precincts.

(b) Within 30 days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Automated Geographic Reference Center, created under Section 63F-1-506, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.

(2) (a) The county legislative body shall alter or divide voting precincts so that each voting precinct contains not more than 1,250 active voters.

(b) The county legislative body shall:

(i) identify those precincts that may reach the limit of active voters in a precinct under Subsection (2)(a) or that becomes too large to facilitate the election process; and

(ii) except as provided by Subsection (3), divide those precincts on or before January 1 of a general election year.

(3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the

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county legislative body may not:

(a) establish or abolish any voting precinct after January 1 of a regular general election year;

(b) alter or change the boundaries of any voting precinct after January 1 of a regular general election year; or

(c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a year immediately preceding the year in which an enumeration is required by the United States Constitution and the day on which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(5) A county legislative body may establish, divide, abolish, alter, or change a voting precinct on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(6) (a) ~~[For]~~ Subject to Subsection (7), for the purpose of voting in an election, the county legislative body may establish a common polling place for two or more whole voting precincts.

(b) At least 90 days before the election, the county legislative body shall designate:

(i) the voting precincts that will vote at the common polling place; and

(ii) the location of the common polling place.

(c) A county may use one set of election judges for the common polling place under this Subsection (6).

(7) Each county shall have ~~[at least two]~~ a number of polling places open for voting on the date of the election greater than or equal to the quotient of the number of active voters in the county who are not included on the absentee voter list under Subsection 20A-3-304(7) divided by 5,000, rounded up to the nearest whole number.

(8) Each common polling place shall have at least one voting device that is accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002.

~~{ Section 17. Section 63I-1-220 is amended to read:~~

~~63I-1-220. Repeal dates, Title 20A:~~

~~On January 1, 2023:~~

HB0218S02 compared with HB0218S01

- ~~—— (1) In Subsection 20A-2-102.5, the language that states "20A-2-207," is repealed.~~
- ~~—— (2) In Subsection 20A-2-201(3)(b)(i)(B), the language that states "or by provisional ballot, under Section 20A-2-207, during the early voting period described in Section 20A-3-601" is repealed and replaced with "and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting."~~
- ~~—— (3) Subsection 20A-2-201(3)(b)(ii) is amended to read "(ii) if the individual submits the registration form on the date of an election or during the six calendar days before an election, inform the individual that the individual will be registered to vote, but may not vote in the pending election because the individual registered late;"~~
- ~~—— (4) Subsection 20A-2-202(3) is amended to read "(3) If the county clerk receives a correctly completed by-mail voter registration form that is postmarked after the voter registration deadline, the county clerk shall, unless the individual named in the form is preregistering to vote:
 - ~~—— (a) register the applicant after the next election; and~~
 - ~~—— (b) if possible, promptly mail a notice to, or otherwise notify, the applicant before the election, informing the applicant that the applicant's registration will not be effective until after the election."~~~~
- ~~—— (5) Subsection 20A-2-204(5) is amended to read "(5) If the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall, unless the individual named in the form is preregistering to vote:
 - ~~—— (a) register the applicant after the next election; and~~
 - ~~—— (b) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that the applicant's registration will not be effective until after the election."~~~~
- ~~—— (6) Subsection 20A-2-205(7) is amended to read "(7) If the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall, unless the individual named in the form is preregistering to vote:
 - ~~—— (a) register the applicant after the next election; and~~
 - ~~—— (b) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that the applicant's registration will not be effective until after the election."~~~~

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

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

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

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

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

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

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

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

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

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

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

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

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