

**Representative Rebecca Chavez-Houck** proposes the following substitute bill:

**MODIFICATIONS TO ELECTION LAW**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

Senate Sponsor: Deidre M. Henderson

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**LONG TITLE**

**General Description:**

This bill amends provisions 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 absentee ballot in person;
- ▶ amends provisions for removing a voter from the absentee ballot list;
- ▶ requires the lieutenant governor to report to the Government Operations Interim Committee regarding implementation of the provisions of this bill;
- ▶ simplifies the process by which an individual may register to vote when the individual applies for or renews the individual's driver license or state identification card;
- ▶ allows an individual to register as an absentee voter when the individual applies for



- 26 or renews the individual's driver license or state identification card;
- 27       ▶ allows certain information in a driver license or state identification card application
- 28 form to be used for voter registration purposes;
- 29       ▶ amends provisions relating to the process by which a voter may request that the
- 30 voter's voter registration record be classified as a private record;
- 31       ▶ requires a county clerk to send certain information to an individual who registers to
- 32 vote;
- 33       ▶ provides certain requirements for conducting an election by absentee ballot;
- 34       ▶ requires a county that conducts an election by absentee ballot to provide a certain
- 35 number of polling places on the date of an election; and
- 36       ▶ makes technical and conforming changes.

**37 Money Appropriated in this Bill:**

38       None

**39 Other Special Clauses:**

40       None

**41 Utah Code Sections Affected:**

42 AMENDS:

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

57 [20A-3-605](#), as last amended by Laws of Utah 2013, Chapter 320

58 [20A-4-107](#), as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended  
59 by Coordination Clause, Laws of Utah 2014, Chapter 231

60 [63G-2-302](#), as last amended by Laws of Utah 2017, Chapters 168 and 282

61 ENACTS:

62 [20A-2-207](#), Utah Code Annotated 1953



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

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

66 **[20A-2-102.5. Voter registration deadline.](#)**

67 (1) Except as provided in Section [20A-2-201](#), [20A-2-204](#), [20A-2-206](#), [20A-2-207](#), or  
68 [20A-4-107](#)[;] or Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to  
69 submit a correctly completed voter registration form on or before the voter registration deadline  
70 may not vote in the election.

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

72 Section 2. Section [20A-2-108](#) is amended to read:

73 **[20A-2-108. Driver license or state identification card registration form --](#)**  
74 **[Transmittal of information.](#)**

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

76 (a) a driver license application form; or

77 (b) a state identification card application form.

78 ~~[(1)]~~ (2) The lieutenant governor and the Driver License Division shall design [the  
79 ~~driver license application and renewal forms to include the following questions:]~~ each  
80 qualifying form to include:

81 (a) the following question, which an applicant is required to answer: "Do you authorize  
82 the use of information in this form for voter registration purposes? YES \_\_\_\_\_ NO \_\_\_\_\_";

83 (b) the following question, which an applicant is required to answer if the applicant  
84 answers "yes" to the question described in Subsection (2)(a): "Any voter may register as an  
85 absentee voter to receive ballots by mail. A voter may change this designation at any time.

86 Would you like to be registered as an absentee voter to receive your ballots by mail? YES \_\_\_\_\_  
87 NO \_\_\_\_\_"; and

88 (c) the following statement: "If you believe that disclosure of any information  
89 contained in your voter registration form to a person other than a government official or  
90 government employee is likely to put you or a member of your household's life or safety at risk,  
91 or to put you or a member of your household at risk of being stalked or harassed, you may  
92 request that your voter registration record be temporarily classified as a private record by  
93 indicating below.

94 If you request that your voter registration record be temporarily classified as a private  
95 record, you will be required to provide evidence to the county clerk of the risks described  
96 above. Your county clerk will contact you with further instructions on how to submit this  
97 evidence.

98 If you agree to the conditions described above, you may request that your voter  
99 registration record be temporarily classified as a private record by marking here: \_\_\_\_\_."

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

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

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

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

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

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

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

115 ~~[Signed and sworn]~~

116 ~~[\_\_\_\_\_]~~

117 ~~[Voter's Signature]~~

118 ~~[\_\_\_\_\_(month\day\year)";]~~

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

120 ~~["CITIZENSHIP AFFIDAVIT]~~

121 ~~[Name:]~~

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

123 ~~[Place of birth:]~~

124 ~~[Date of birth:]~~

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

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

129 ~~[\_\_\_\_\_]~~

130 ~~[Signature of Applicant]~~

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

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

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

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

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

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

146 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space  
147 where an individual may, if desired:

148 (i) indicate the individual's desired political affiliation from a listing of each registered  
149 political party, as defined in Section [20A-8-101](#);

150 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the  
151 individual desires to affiliate; or

152 (iii) indicate that the individual does not wish to affiliate with a political party.

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

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

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

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

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

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

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

171 **20A-2-201. Registering to vote at office of county clerk.**

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

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

180 (a) accept the form if the individual, on the date of the election, will be legally

181 qualified and entitled to vote in a voting precinct in the county; and

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

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

188 (a) accept the registration form; and

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

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

193 (B) for the pending election, the individual must vote on the day of the election ~~[and is  
194 not eligible to vote using early voting under Chapter 3, Part 6, Early Voting]~~ or by provisional  
195 ballot, under Section 20A-2-207, during the early voting period described in Section  
196 20A-3-601, because the individual registered [too] late; or

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

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

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

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

206 **20A-2-202. Registration by mail.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



243 ~~[(i)]~~ (b) record the new voter in the official register.

244 ~~[(4)]~~ (5) If the county clerk determines that a registration form received by mail or  
 245 otherwise is incorrect because of an error or because it is incomplete, the county clerk shall  
 246 mail notice to the person attempting to register or preregister, stating that the person has not  
 247 been registered or preregistered because of an error or because the form is incomplete.

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

249 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

250 (1) As used in this section, "voter registration form" means ~~[the driver license~~  
 251 ~~application/voter registration form and the driver license renewal/voter registration form~~  
 252 ~~required by Section 20A-2-108.];~~ when an individual named on a qualifying form, as defined in  
 253 Section 20A-2-108, answers "yes" to the question described in Subsection 20A-2-108(2)(a), the  
 254 information on the qualifying form that can be used for voter registration purposes.

255 (2) (a) ~~[Any]~~ A citizen who is qualified to vote may register to vote, and ~~[any]~~ a citizen  
 256 who is qualified to preregister to vote may preregister to vote, by answering "yes" to the  
 257 question described in Subsection 20A-2-108(2)(a) and completing the voter registration form.

258 (3) The Driver License Division shall:

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

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

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

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

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

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

274 ~~[(ii) notify the applicant of registration.]~~  
275 ~~[(b) Upon receipt of a correctly completed voter registration form from an individual~~  
276 ~~who is preregistering to vote, the county clerk shall]~~  
277 (c) within five days after the day on which the division receives a voter registration  
278 form, electronically transmit the form to the Office of the Lieutenant Governor, including the  
279 following for the individual named on the form:  
280 (i) the name, date of birth, driver license or state identification card number, last four  
281 digits of the social security number, Utah residential address, place of birth, and signature;  
282 (ii) a mailing address, if different from the individual's Utah residential address;  
283 (iii) an email address and phone number, if available;  
284 (iv) the desired political affiliation, if indicated; and  
285 (v) an indication of whether the individual requested that the individual's voter  
286 registration record be classified as a private record under Subsection 20A-2-108(2)(c).  
287 (4) Upon receipt of an individual's voter registration form from the Driver License  
288 Division under Subsection (3), the lieutenant governor shall:  
289 (a) enter the information into the statewide voter registration database; and  
290 (b) if the individual requests on the individual's voter registration form that the  
291 individual's voter registration record be classified as a private record, temporarily classify the  
292 individual's voter registration record as a private record.  
293 (5) The county clerk of an individual whose information is entered into the statewide  
294 voter registration database under Subsection (4) shall:  
295 (a) ensure that the individual meets the qualifications to be registered or preregistered  
296 to vote;  
297 (b) (i) if the individual meets the qualifications to be registered to vote:  
298 (A) ensure that the individual is assigned to the proper voting precinct; and  
299 (B) send the individual the notice described in Section 20A-2-304; or  
300 (ii) if the individual meets the qualifications to be preregistered to vote, process the  
301 form in accordance with the requirements of Section 20A-2-101.1[-]; and  
302 (c) if the individual answered "yes" to the question described in Subsection  
303 20A-2-108(2)(c):  
304 (i) immediately send a notice to the individual that:

305 (A) explains that the individual's voter registration record has been temporarily  
306 classified as a private record;

307 (B) explains that, in order for the individual's voter registration record to be  
308 permanently classified as a private record, the individual is required to submit an application  
309 described in Subsection 20A-2-104(4)(f)(i) and provide evidence to the county clerk  
310 establishing that release of the information on the voter's voter registration record is likely to  
311 put the voter or a member of the voter's household's life or safety at risk, or to put the voter or a  
312 member of the voter's household at risk of being stalked or harassed;

313 (C) lists types of evidence that may be sufficient to comply with the requirements  
314 described in Subsection (5)(c)(i)(B), including the types of evidence described in Subsection  
315 20A-2-104(4)(g);

316 (D) includes an application described in Subsection 20A-2-104(4)(f)(i);

317 (E) specifies the deadline described in Subsection (6) by which the individual is  
318 required to submit the application and evidence described in Subsection (5)(c)(i)(B);

319 (F) includes instructions on how the individual may submit the application and  
320 evidence to the county clerk; and

321 (G) explains that, if the individual does not submit the application and evidence before  
322 the deadline described in Subsection (5)(c)(i)(E), the county clerk will classify the individual's  
323 voter registration record as a public record; and

324 (ii) (A) if the individual submits the application and evidence described in Subsection  
325 (5)(c)(i)(B) before the deadline described in Subsection (5)(c)(i)(E), permanently classify the  
326 individual's voter registration record as a private record; or

327 (B) if the individual does not submit the evidence described in Subsection (5)(c)(i)(B)  
328 before the deadline described in Subsection (5)(c)(i)(E), classify the individual's voter  
329 registration record as a public record.

330 ~~[(5) (a) If the county clerk receives a correctly completed voter registration form that is~~  
331 ~~dated after the voter registration deadline, the county clerk shall, unless]~~

332 ~~[the individual named in the form is preregistering to vote: (i)]~~

333 ~~[register the applicant after the next election; and]~~

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

336 ~~[registration will not be effective until after the election.]~~

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

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

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

342 (6) An individual shall submit the application and evidence described in Subsection  
343 (5)(c)(i)(B) to the county clerk within 30 days after the day on which the county clerk sends the  
344 notice described in Subsection (5)(c)(i).

345 (7) (a) When the county clerk receives a correctly completed voter registration form  
346 under this section, the clerk shall:

347 (i) comply with the applicable provisions of this Subsection (7); or

348 (ii) if the individual is preregistering to vote, comply with Section [20A-2-101.1](#).

349 (b) If the county clerk receives a correctly completed voter registration form under this  
350 section during the period beginning on the date after the voter registration deadline and ending  
351 on the date that is 15 calendar days before the date of an election, the county clerk shall:

352 (i) accept the voter registration form; and

353 (ii) unless the individual is preregistering to vote, inform the individual that the  
354 individual is registered to vote in the pending election.

355 (c) If the county clerk receives a correctly completed voter registration form under this  
356 section during the period beginning on the date that is 14 calendar days before the election and  
357 ending on the date that is seven calendar days before the election, the county clerk shall:

358 (i) accept the voter registration form; and

359 (ii) unless the individual is preregistering to vote, inform the individual that:

360 (A) the individual is registered to vote in the pending election; and

361 (B) for the pending election, the individual must vote on the day of the election or by  
362 provisional ballot, under Section [20A-2-207](#), during the early voting period described in  
363 Section [20A-3-601](#) because the individual registered late.

364 (d) If the county clerk receives a correctly completed voter registration form under this  
365 section during the six calendar days before an election, the county clerk shall:

366 (i) accept the application for registration if the individual; and

367 (ii) unless the individual is preregistering to vote, inform the individual:

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

370 (B) that, if the individual does not timely register in a manner described in Subsection  
371 (7)(d)(ii)(A), the individual is registered to vote but may not vote in the pending election  
372 because the individual registered late.

373 ~~[(6)]~~ (8) (a) If the county clerk determines that [a] an individual's voter registration  
374 form received from the Driver License Division is incorrect because of an error [or], because  
375 [it] the form is incomplete, or because the individual does not meet the qualifications to be  
376 registered to vote, the county clerk shall mail notice to the individual [attempting to register or  
377 preregister to vote,] stating that the individual has not been registered or preregistered because  
378 of an error [or], because the form is incomplete, or because the individual does not meet the  
379 qualifications to be registered to vote.

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

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

385 **20A-2-205. Registration at voter registration agencies.**

386 (1) As used in this section:

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

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

390 (i) public assistance; or

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

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

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

398 "REGISTERING TO VOTE

399 If you are not registered to vote where you live now, would you like to apply to register  
400 or preregister to vote here today? (The decision of whether to register or preregister to vote will  
401 not affect the amount of assistance that you will be provided by this agency.) Yes\_\_\_ No\_\_\_  
402 IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE  
403 DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you  
404 would like help in filling out the voter registration form, we will help you. The decision about  
405 whether to seek or accept help is yours. You may fill out the application form in private. If  
406 you believe that someone has interfered with your right to register or preregister or to decline to  
407 register or preregister to vote, your right to privacy in deciding whether to register or  
408 preregister, or in applying to register or preregister to vote, or your right to choose your own  
409 political party or other political preference, you may file a complaint with the Office of the  
410 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number  
411 of the Office of the Lieutenant Governor)."

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

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

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

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

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

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

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

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

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

428 (d) make any statement to an applicant or take any action that has the purpose or effect

429 of leading the applicant to believe that a decision of whether to register or preregister has any  
430 bearing upon the availability of services or benefits.

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

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

435 (b) notify the applicant of registration.

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

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

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

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

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

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

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

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

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

454 [~~(8)~~] (9) If the county clerk determines that a voter registration form received from a  
455 public assistance agency or discretionary voter registration agency is incorrect because of an  
456 error or because it is incomplete, the county clerk shall mail notice to the individual attempting  
457 to register or preregister to vote, stating that the individual has not been registered or  
458 preregistered to vote because of an error or because the form is incomplete.

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

460 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

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

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

465 (a) that an applicant have a valid driver license or identification card, issued under Title  
466 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place  
467 of residence;

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

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

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

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

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

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

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

483 (5) The lieutenant governor shall:

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

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

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



491 (a) receiving all information from an applicant; and  
 492 (b) (i) receiving all information from the Driver License Division; or  
 493 (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's  
 494 statewide voter registration database developed under Section [20A-2-109](#).

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

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

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

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

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

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

511 ~~(ii)~~ (b) inform the individual that:

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

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

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

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

520 or

521 (b) (i) accept the application for registration if the individual, on the date of the

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

523 (ii) unless the individual timely registers to vote in the current election in a manner that  
524 permits registration after the voter registration deadline, inform the individual [that the  
525 individual]:

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

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

531 [(9)] (11) (a) A registered voter may file an application for an absentee ballot in  
532 accordance with Section 20A-3-304 on the electronic system for voter registration established  
533 under this section.

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

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

537 **20A-2-207. Registration by provisional ballot.**

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

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

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

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

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

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

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

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

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

552 (3) Except as provided in Subsection (4), the election officer shall retain a provisional

553 ballot form, uncounted, for the period specified in Section 20A-4-202, if the election officer  
 554 determines that the individual who voted the ballot:

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

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

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

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

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

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

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

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

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

567 (ii) on election day; and

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

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

570 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

571 Each county clerk shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

597 **20A-2-307. County clerks' instructions to election judges.**

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

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

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

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

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

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

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

610 Section 11. Section **20A-3-302** is amended to read:

611 **20A-3-302. Conducting election by absentee ballot prohibited -- Exception.**

612 (1) (a) Notwithstanding Section [17B-1-306](#), an election officer may administer an  
613 election [~~entirely~~] by absentee ballot under this section.

614 (b) An election officer who administers an election [~~entirely~~] by absentee ballot, except

615 for an election conducted under Section 20A-7-609.5, shall, before the following dates, notify  
 616 the lieutenant governor that the election will be administered [~~entirely~~] by absentee ballot:

- 617 (i) February 1 of an even-numbered year if the election is a regular general election; or  
 618 (ii) May 1 of an odd-numbered year if the election is a municipal general election.

619 (2) [~~If the~~] An election officer [~~decides to administer~~] who administers an election  
 620 [~~entirely~~] by absentee ballot[~~;~~ ~~the election officer~~]:

621 (a) shall mail to each [~~registered~~] active voter within [~~that~~] a voting precinct:

622 [~~(a)~~] (i) an absentee ballot;

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

625 [~~(c)~~] (iii) a courtesy reply mail envelope;

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

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

634 (b) may not mail an absentee ballot under this section to:

635 (i) an inactive voter; or

636 (ii) a voter whom the election officer is prohibited from sending an absentee ballot  
 637 under Subsection (8)(c)(ii).

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

640 (4) An election officer who administers an election [~~entirely~~] by absentee ballot shall:

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

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

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

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

648 (6) A county that administers an election [~~entirely~~] by absentee ballot:

649 (a) shall provide at least one election day voting center in accordance with Title 20A,  
650 Chapter 3, Part 7, Election Day Voting Center, for every 5,000 active voters in the county who  
651 will not receive an absentee ballot, but not fewer than one election day voting center;

652 (b) shall ensure that [~~an~~] each election day voting center operated by the county has at  
653 least one voting device that is accessible, in accordance with the Help America Vote Act of  
654 2002, Pub. L. No. 107-252, for individuals with disabilities;

655 (c) may reduce the early voting period described in Section [20A-6-301](#), if:

656 (i) the county clerk conducts early voting on at least four days;

657 (ii) the early voting days are within the period beginning on the date that is 14 days  
658 before the date of the election and ending on the day before the election; and

659 (iii) the county clerk provides notice of the reduced early voting period in accordance  
660 with Section [20A-3-604](#);

661 [~~(c)~~] (d) is not required to pay return postage for an absentee ballot; and

662 [~~(d)~~] (e) is subject to an audit conducted under Subsection (7).

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

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

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

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

671 (8) (a) An individual in a jurisdiction that conducts an election by absentee ballot may  
672 request that the election officer not send the individual a ballot by mail in the next and  
673 subsequent elections by submitting a written request to the election officer.

674 (b) An individual shall submit the request described in Subsection (8)(a) to the election  
675 officer at least 60 days before an election if the individual does not wish to receive an absentee  
676 ballot in that election.

677 (c) An election officer who receives a request from an individual under Subsection  
 678 (8)(a):  
 679 (i) shall remove the individual's name from the list of voters who will receive an  
 680 absentee ballot; and  
 681 (ii) may not send the individual an absentee ballot for:  
 682 (A) the next election, if the individual submits the request described in Subsection  
 683 (8)(a) before the deadline described in Subsection (8)(b); or  
 684 (B) an election after the election described in Subsection (8)(c)(ii)(A).  
 685 (d) An individual who submits a request under Subsection (8)(a) may resume the  
 686 individual's receipt of an absentee ballot in an election conducted under this section by filing an  
 687 absentee ballot request under Section [20A-3-304](#).

688 Section 12. Section **20A-3-304** is amended to read:

689 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

690 (1) (a) ~~[Any]~~ A registered voter who wishes to vote an absentee ballot may ~~[either:(i)]~~  
 691 file an absentee ballot application:  
 692 ~~[(A)]~~ (i) on the electronic system maintained by the lieutenant governor under Section  
 693 [20A-2-206](#); ~~[or]~~  
 694 ~~[(B)]~~ (ii) with the appropriate election officer for an official absentee ballot as provided  
 695 in this section; or  
 696 (iii) by answering "yes" to the question described in Subsection [20A-2-108\(2\)\(a\)](#) when  
 697 registering to vote while filing a driver license or state identification card application.  
 698 ~~[(ii)]~~ (b) An absentee voter may vote in person at the office of the appropriate election  
 699 officer as provided in Section [20A-3-306](#).  
 700 ~~[(b)]~~ (c) A person that collects a completed absentee ballot application from a  
 701 registered voter shall file the completed absentee ballot application with the appropriate  
 702 election official before the earlier of:  
 703 (i) 14 days after the day on which the registered voter signed the absentee ballot form;  
 704 or  
 705 (ii) the ~~[Thursday]~~ Tuesday before the next election.  
 706 (2) As it relates to an absentee ballot application to be filled out entirely by the voter:  
 707 (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer

708 shall approve an application form for absentee ballot applications:

709 (i) in substantially the following form:

710 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah

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

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

713 \_\_\_\_\_ Voter"; and

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

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

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

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

720 (i) in substantially the following form:

721 "I, \_\_\_\_\_, a qualified elector, residing at \_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ County, Utah

722 apply for an official absentee ballot for the \_\_\_\_\_ political party to be voted by me  
723 at the primary election.

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

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

727 \_\_\_\_\_ Voter"; and

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

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

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

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

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

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

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

738 (a) except as provided in Subsection (4)(b), the lieutenant governor or election officer



739 shall approve an application form for absentee ballot applications:

740 (i) in substantially the following form:

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

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

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

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

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

750 OR

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

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

754 Voter"; and

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

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

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

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

761 (i) in substantially the following form:

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

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

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

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

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

774 OR

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

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

778 Voter"; and

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

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

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

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

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

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

790 (i) requests absentee voter status; and

791 (ii) meets the requirements of this section.

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

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

795 (ii) the voter cancels the voter's absentee status; [~~or~~]

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

798 (iv) the county clerk is required to remove the voter's name from the list under  
799 Subsection (7)(c) or [20A-3-302\(8\)\(c\)\(ii\)](#).

800 (c) A county clerk shall remove a voter's name from the list described in Subsection

801 (7)(a) if the voter fails to vote in two consecutive regular general elections.

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

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

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

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

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

809 Section 13. Section **20A-3-306** is amended to read:

810 **20A-3-306. Voting ballot -- Returning ballot.**

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

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

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

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

816 (iv) securely seal the envelope; and

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

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

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

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

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

825 (iv) securely seal the envelope; and

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

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

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

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

831 (ii) submitted on election day at a polling location in the political subdivision where

832 the absentee voter resides;

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

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

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

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

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

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

846 Section 14. Section **20A-3-601** is amended to read:

847 **20A-3-601. Early voting.**

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

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

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

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

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

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

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

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

862 (4) Except as provided in Section [20A-1-308](#), during the early voting period, the

863 election officer:

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

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

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

869 (b) for all other elections:

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

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

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

874 Section 15. Section 20A-3-605 is amended to read:

875 **20A-3-605. Exemptions from early voting.**

876 (1) (a) This part does not apply to an election of a board member of a local district.

877 (b) Notwithstanding Subsection (1)(a), a local district may, at its discretion, provide  
878 early voting in accordance with this part for an election of a board member.

879 (2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth  
880 class or a town as described in Section 10-2-301 may provide early voting as provided under  
881 this part for:

882 (a) a municipal primary election; or

883 (b) a municipal general election.

884 (3) A municipality [~~or county~~] that administers an election entirely by absentee ballot,  
885 in accordance with Section 20A-3-302, is not required to conduct early voting for the election.

886 Section 16. Section 20A-4-107 is amended to read:

887 **20A-4-107. Review and disposition of provisional ballot envelopes.**

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

889 (a) the person:

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

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

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

893 (b) the person:

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

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

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

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

903 (c) the person:

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

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

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

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

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

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

917 (ii) legally entitled to vote:

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

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

921 (b) [~~H~~] Except as provided in Section 20A-2-207, if the election officer determines that  
922 the person is not registered to vote in this state or is not legally entitled to vote in the county or  
923 for any of the ballot propositions or candidates on the ballot that the person voted, the election  
924 officer shall retain the ballot [~~envelope, unopened~~] form, uncounted, for the period specified in

925 Section [20A-4-202](#) unless ordered by a court to produce or count it.

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

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

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

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

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

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

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

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

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

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

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

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

955 (iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B)

956 filing the voter registration less than [~~eight~~] seven days before the election; and

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

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

962 Section 17. Section **63G-2-302** is amended to read:

963 **63G-2-302. Private records.**

964 (1) The following records are private:

965 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
966 social services, welfare benefits, or the determination of benefit levels;

967 (b) records containing data on individuals describing medical history, diagnosis,  
968 condition, treatment, evaluation, or similar medical data;

969 (c) records of publicly funded libraries that when examined alone or with other records  
970 identify a patron;

971 (d) records received by or generated by or for:

972 (i) the Independent Legislative Ethics Commission, except for:

973 (A) the commission's summary data report that is required under legislative rule; and

974 (B) any other document that is classified as public under legislative rule; or

975 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
976 unless the record is classified as public under legislative rule;

977 (e) records received by, or generated by or for, the Independent Executive Branch  
978 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review  
979 of Executive Branch Ethics Complaints;

980 (f) records received or generated for a Senate confirmation committee concerning  
981 character, professional competence, or physical or mental health of an individual:

982 (i) if, prior to the meeting, the chair of the committee determines release of the records:

983 (A) reasonably could be expected to interfere with the investigation undertaken by the  
984 committee; or

985 (B) would create a danger of depriving a person of a right to a fair proceeding or  
986 impartial hearing; and



987 (ii) after the meeting, if the meeting was closed to the public;

988 (g) employment records concerning a current or former employee of, or applicant for  
989 employment with, a governmental entity that would disclose that individual's home address,  
990 home telephone number, social security number, insurance coverage, marital status, or payroll  
991 deductions;

992 (h) records or parts of records under Section [63G-2-303](#) that a current or former  
993 employee identifies as private according to the requirements of that section;

994 (i) that part of a record indicating a person's social security number or federal employer  
995 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),  
996 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);

997 (j) that part of a voter registration record identifying a voter's:

998 (i) driver license or identification card number;

999 (ii) Social Security number, or last four digits of the Social Security number;

1000 (iii) email address; or

1001 (iv) date of birth;

1002 (k) a voter registration record that is classified as a private record by the lieutenant  
1003 governor or a county clerk under Subsection [20A-2-104\(4\)\(f\)](#) [~~or~~], [20A-2-101.1\(5\)\(a\)](#), or  
1004 [20A-2-204\(4\)\(b\)](#) or [\(5\)\(c\)\(i\)\(A\)](#);

1005 (l) a record that:

1006 (i) contains information about an individual;

1007 (ii) is voluntarily provided by the individual; and

1008 (iii) goes into an electronic database that:

1009 (A) is designated by and administered under the authority of the Chief Information  
1010 Officer; and

1011 (B) acts as a repository of information about the individual that can be electronically  
1012 retrieved and used to facilitate the individual's online interaction with a state agency;

1013 (m) information provided to the Commissioner of Insurance under:

1014 (i) Subsection [31A-23a-115\(3\)\(a\)](#);

1015 (ii) Subsection [31A-23a-302\(4\)](#); or

1016 (iii) Subsection [31A-26-210\(4\)](#);

1017 (n) information obtained through a criminal background check under Title 11, Chapter

1018 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;  
1019 (o) information provided by an offender that is:  
1020 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
1021 Offender Registry or Title 77, Chapter 43, Child Abuse Registry; and  
1022 (ii) not required to be made available to the public under Subsection 77-41-110(4) or  
1023 77-43-108(4);  
1024 (p) a statement and any supporting documentation filed with the attorney general in  
1025 accordance with Section 34-45-107, if the federal law or action supporting the filing involves  
1026 homeland security;  
1027 (q) electronic toll collection customer account information received or collected under  
1028 Section 72-6-118 and customer information described in Section 17B-2a-815 received or  
1029 collected by a public transit district, including contact and payment information and customer  
1030 travel data;  
1031 (r) an email address provided by a military or overseas voter under Section  
1032 20A-16-501;  
1033 (s) a completed military-overseas ballot that is electronically transmitted under Title  
1034 20A, Chapter 16, Uniform Military and Overseas Voters Act;  
1035 (t) records received by or generated by or for the Political Subdivisions Ethics Review  
1036 Commission established in Section 11-49-201, except for:  
1037 (i) the commission's summary data report that is required in Section 11-49-202; and  
1038 (ii) any other document that is classified as public in accordance with Title 11, Chapter  
1039 49, Political Subdivisions Ethics Review Commission;  
1040 (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was  
1041 notified of an incident or threat; and  
1042 (v) a criminal background check or credit history report conducted in accordance with  
1043 Section 63A-3-201.  
1044 (2) The following records are private if properly classified by a governmental entity:  
1045 (a) records concerning a current or former employee of, or applicant for employment  
1046 with a governmental entity, including performance evaluations and personal status information  
1047 such as race, religion, or disabilities, but not including records that are public under Subsection  
1048 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

- 1049 (b) records describing an individual's finances, except that the following are public:
- 1050 (i) records described in Subsection 63G-2-301(2);
- 1051 (ii) information provided to the governmental entity for the purpose of complying with
- 1052 a financial assurance requirement; or
- 1053 (iii) records that must be disclosed in accordance with another statute;
- 1054 (c) records of independent state agencies if the disclosure of those records would
- 1055 conflict with the fiduciary obligations of the agency;
- 1056 (d) other records containing data on individuals the disclosure of which constitutes a
- 1057 clearly unwarranted invasion of personal privacy;
- 1058 (e) records provided by the United States or by a government entity outside the state
- 1059 that are given with the requirement that the records be managed as private records, if the
- 1060 providing entity states in writing that the record would not be subject to public disclosure if
- 1061 retained by it;
- 1062 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
- 1063 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
- 1064 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 1065 (g) audio and video recordings created by a body-worn camera, as defined in Section
- 1066 77-7a-103, that record sound or images inside a home or residence except for recordings that:
- 1067 (i) depict the commission of an alleged crime;
- 1068 (ii) record any encounter between a law enforcement officer and a person that results in
- 1069 death or bodily injury, or includes an instance when an officer fires a weapon;
- 1070 (iii) record any encounter that is the subject of a complaint or a legal proceeding
- 1071 against a law enforcement officer or law enforcement agency;
- 1072 (iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);
- 1073 or
- 1074 (v) have been requested for reclassification as a public record by a subject or
- 1075 authorized agent of a subject featured in the recording.
- 1076 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
- 1077 records, statements, history, diagnosis, condition, treatment, and evaluation.
- 1078 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
- 1079 doctors, or affiliated entities are not private records or controlled records under Section

1080 [63G-2-304](#) when the records are sought:

1081           (i) in connection with any legal or administrative proceeding in which the patient's  
1082 physical, mental, or emotional condition is an element of any claim or defense; or

1083           (ii) after a patient's death, in any legal or administrative proceeding in which any party  
1084 relies upon the condition as an element of the claim or defense.

1085           (c) Medical records are subject to production in a legal or administrative proceeding  
1086 according to state or federal statutes or rules of procedure and evidence as if the medical  
1087 records were in the possession of a nongovernmental medical care provider.