

## HB0218S03 compared with HB0218S02

~~{deleted text}~~ shows text that was in HB0218S02 but was deleted in HB0218S03.

Inserted text shows text that was not in HB0218S02 but was inserted into HB0218S03.

**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:

### MODIFICATIONS TO ELECTION LAW

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca Chavez-Houck**

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

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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;

~~{ } → requires a county clerk to include certain voters on the absentee voter list;~~

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- ~~amends provisions related to absentee voting;~~
- ‡
  - ▶ 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;
  - ▶ ~~{provides that an individual who}~~ 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 ~~{will be registered to vote unless};~~
  - ▶ allows an individual to register as an absentee voter when the individual applies for or renews the {individual opts out} individual's driver license or state identification card;
  - ▶ allows certain information in a driver license or state identification card application form to be used for voter registration purposes;
  - ▶ amends provisions relating to the process by which a voter may request that the voter's voter registration record be classified as a private record;
  - ▶ 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}~~ certain requirements for conducting an election by absentee ballot ~~{, except for an election on a referendum challenging a local tax law};~~
- ▶ requires a county that conducts on election by absentee ballot 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

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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

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-3-605, as last amended by Laws of Utah 2013, Chapter 320

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

~~{20A-5-303}~~63G-2-302, as last amended by Laws of Utah ~~{2011}~~2017, ~~{Chapter 335}~~Chapters 168 and 282

ENACTS:

20A-2-207, Utah Code Annotated 1953

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*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-2-204, 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.

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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:

(a) a driver license application form; or

(b) a state identification card application form.

~~[(+)]~~ (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:

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

(b) the following question, which an applicant is required to answer if the applicant answers "yes" to the question described in Subsection (2)(a): "Any voter may register as an absentee voter to receive ballots by mail. A voter may change this designation at any time. Would you like to be registered as an absentee voter to receive your ballots by mail? YES \_\_\_ NO \_\_\_"; and

(c) the following statement: "If you believe that disclosure of any information contained in your voter registration form to a person other than a government official or government employee is likely to put you 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 request that your voter registration record be temporarily classified as a private record by indicating below.

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

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

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~~[(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:]~~

~~[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]~~

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~~[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 \$2,500";]~~

(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 }~~

; and

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

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

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

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

~~[(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, when an individual named on a qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described in Subsection

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20A-2-108(2)(a), the information on the qualifying form that can be used for voter registration purposes ~~{ if the individual named on the form does not indicate otherwise under Subsection 20A-2-108(2)}; { }~~

(2) (a) ~~[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]~~ to vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a) and 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:

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

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

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

(iv) the desired political affiliation, if indicated; and

(v) an indication of whether the individual requested that the individual's voter registration record be classified as a private record under Subsection 20A-2-108(2)(c).

(4) Upon receipt of an individual's voter registration form from the Driver License Division under Subsection (3), the lieutenant governor shall:

(a) enter the information into the statewide voter registration database; and

(b) if the individual requests on the individual's voter registration form that the individual's voter registration record be classified as a private record, temporarily classify the individual's voter registration record as a private record.

(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~~

~~(iii)~~ (i) 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)~~ (ii) 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) [-]; and~~

(c) if the individual answered "yes" to the question described in Subsection 20A-2-108(2)(c):

(i) immediately send a notice to the individual that:

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

(B) explains that, in order for the individual's voter registration record to be permanently classified as a private record, the individual is required to submit an application described in Subsection 20A-2-104(4)(f)(i) and provide evidence to the county clerk

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establishing that release of the information on the voter's voter registration record is likely to put the voter or a member of the voter's household's life or safety at risk, or to put the voter or a member of the voter's household at risk of being stalked or harassed;

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

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

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

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

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

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

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

~~[(5) (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} (i)~~

~~[register the applicant 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:~~

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~~— (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]~~

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

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

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

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

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

(b) If the county clerk receives a correctly completed voter registration form 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:

(i) accept the voter registration form; and

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

(c) If the county clerk receives a correctly completed voter registration form 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:

(i) accept the voter registration form; and

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

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

(B) for the pending election, the individual must vote on the day of the election or by provisional ballot, under Section 20A-2-207, during the early voting period described in

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Section 20A-3-601 because the individual registered late.

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

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

(ii) unless the individual is preregistering to vote, inform 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 (7)(d)(ii)(A), the individual is registered to vote but may not vote in the pending election because the individual registered late.

~~[(6)]~~ ~~(7)~~ ~~(8)~~ (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

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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 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;

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(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 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



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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:
  - (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

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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 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] or by provisional ballot, under Section 20A-2-207, during the early voting period described in Section 20A-3-601 because the individual registered late.~~

~~(c)~~ (10) If an individual applies to register under this section during the six calendar

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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) unless the individual timely registers to vote in the current election in a manner that permits registration after the voter registration deadline, 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 (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

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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.

(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[;];

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

~~[(c)]~~ (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; and

(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 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:

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(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}~~ 20A-3-302 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.

~~\_\_\_\_\_~~ (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)}~~ (a) Notwithstanding Section 17B-1-306, an ~~{An}~~ An election officer may ~~{not}~~ administer an election [entirely] by absentee ballot ~~{, unless the election is held solely for a~~

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referendum challenging a local tax law under Section 20A-7-609.5.

under this section.

(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~~ An election officer ~~[decides to administer]~~ who administers an election entirely by absentee ballot ~~{ under Section 20A-7-609.5}~~ ~~the election officer~~ :

(a) shall mail to each registered active voter within that a voting precinct:

~~(a)~~ (i) an absentee ballot;

~~(b)~~ (ii) 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;

~~(c)~~ (iii) a courtesy reply mail envelope;

~~(d)~~ (iv) 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)~~ (v) 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 ~~[-]; and~~

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

(i) an inactive voter; or

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

(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~~

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~~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, for every 5,000 active voters in the county who will not receive an absentee ballot, but not fewer than one election day voting center;

(b) shall ensure that an each 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) may reduce the early voting period described in Section 20A-6-301, if:

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

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

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

~~(e)~~ (d) is not required to pay return postage for an absentee ballot; and

~~(d)~~ (e) 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

(ii) after each ~~ff~~ primary, general, or special ~~ff~~ 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



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Subsection (7) on the lieutenant governor's website.

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

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

(c) An election officer who receives a request from an individual under Subsection (8)(a):

(i) shall remove the individual's name from the list of voters who will receive an absentee ballot; and

(ii) may not send the individual an absentee ballot for:

(A) the next election, if the individual submits the request described in Subsection (8)(a) before the deadline described in Subsection (8)(b); or

(B) an election after the election described in Subsection (8)(c)(ii)(A).

(d) An individual who submits a request under Subsection (8)(a) may resume the individual's receipt of an absentee ballot in an election conducted under this section by filing an absentee ballot request under Section 20A-3-304.

Section ~~{13}~~12. Section **20A-3-304** is amended to read:

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

(1) (a) ~~[Any]~~A registered voter who wishes to vote an absentee ballot may ~~[either:~~  
~~—~~(i) { } file an absentee ballot application:

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

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

~~{ — } (ii) }~~ (iii) by answering "yes" to the question described in Subsection 20A-2-108(2)(a) when registering to vote while filing a driver license or state identification card application.

[(ii)] (b) An absentee voter may vote in person at the office of the appropriate election officer as provided in Section 20A-3-306.

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~~(b)~~(c) 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:

(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

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(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).

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:

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"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 \_\_\_\_\_

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:~~

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

~~{ } (ii) { } { } (B) meets the requirements of this section { } and~~

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~~\_\_\_\_\_ (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):~~

(b) 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)(d), to remove the voter's name from the list under Subsection (7)(c) or 20A-3-302(8)(c)(ii).

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

Section ~~{14}~~ 13. Section ~~{20A-3-305}~~ 20A-3-306 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~~

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~~\_\_\_\_\_ (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 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.~~

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~~—— (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 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;
- (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

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(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 ~~16~~14. Section **20A-3-601** is amended to read:

### **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.



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

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

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

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

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

(a) a municipal primary election; or

(b) a municipal general election.

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

Section ~~{17}~~16. 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:

(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;

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(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.

(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

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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) [~~If~~] 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 provisional ballot:

(A) completed and signed the voter registration; and

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

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(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}~~17. Section ~~{20A-5-303}~~63G-2-302 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;~~63G-2-302. Private records.

(1) The following records are private:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) that part of a record indicating a person's social security number or federal employer identification number if provided 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 county legislative body may not:~~

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

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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; 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;~~

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

~~(i) driver license or identification card number;~~

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

~~(iii) email address; or~~

~~(iv) date of birth;~~

~~(k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection ~~{20A-3-304(7)}~~ divided by 5,000, rounded up to the nearest whole number.~~

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~~— (8) Each common polling place shall have at least one voting device that is accessible for individuals with disabilities;~~ 20A-2-104(4)(f) [or], 20A-2-101.1(5)(a), or 20A-2-204(4)(b) or (5)(c)(i)(A);

(l) a record that:

(i) contains information about an individual;

(ii) is voluntarily provided by the individual; and

(iii) goes into an electronic database that:

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

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

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

(i) Subsection 31A-23a-115(3)(a);

(ii) Subsection 31A-23a-302(4); or

(iii) Subsection 31A-26-210(4);

(n) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

(o) information provided by an offender that is:

(i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap Offender Registry or Title 77, Chapter 43, Child Abuse Registry; and

(ii) not required to be made available to the public under Subsection 77-41-110(4) or 77-43-108(4);

(p) a statement and any supporting documentation filed with the attorney general in accordance with ~~{Public Law 107-252, the Help America Vote Act of 2002:~~

~~‡Section 34-45-107, if the federal law or action supporting the filing involves homeland security;~~

(q) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;

(r) an email address provided by a military or overseas voter under Section

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20A-16-501;

(s) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

(t) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 11-49-201, except for:

(i) the commission's summary data report that is required in Section 11-49-202; and

(ii) any other document that is classified as public in accordance with Title 11, Chapter 49, Political Subdivisions Ethics Review Commission;

(u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was notified of an incident or threat; and

(v) a criminal background check or credit history report conducted in accordance with Section 63A-3-201.

(2) The following records are private if properly classified by a governmental entity:

(a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

(b) records describing an individual's finances, except that the following are public:

(i) records described in Subsection 63G-2-301(2);

(ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or

(iii) records that must be disclosed in accordance with another statute;

(c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;

(d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;

(e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;

(f) any portion of a record in the custody of the Division of Aging and Adult Services,



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created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

(g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:

(i) depict the commission of an alleged crime;

(ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

(iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

(iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);

or

(v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.

(3) (a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.

(b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

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

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

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