

## HB0281S01 compared with HB0281

{deleted text} shows text that was in HB0281 but was deleted in HB0281S01.

Inserted text shows text that was not in HB0281 but was inserted into HB0281S01.

**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 Joel K. Briscoe proposes the following substitute bill:

### VOTER ELIGIBILITY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Joel K. Briscoe**

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

Cosponsor:

Paul Ray

---

---

#### LONG TITLE

#### General Description:

This bill modifies provisions of the Election Code relating to voter age requirements.

#### Highlighted Provisions:

This bill:

- ▶ provides that an individual who is 17 years of age may register for and vote in a primary election if the individual will be 18 years of age on or before the date of the general election;
- ▶ makes changes to the process of preregistering to vote to conform with the provisions of this bill; and
- ▶ makes technical and conforming changes.

## HB0281S01 compared with HB0281

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**20A-2-101**, as last amended by Laws of Utah 2011, Chapter 395

[20A-2-101.1, as enacted by Laws of Utah 2015, Chapter 130](#)

ENACTS:

**20A-3-101.5**, Utah Code Annotated 1953

---

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

Section 1. Section **20A-2-101** is amended to read:

**20A-2-101. Eligibility for registration.**

(1) Except as provided in Subsection (2), [~~any person~~ may apply to] an individual ~~may { apply to }~~ register to vote in an election who:

- (a) is a citizen of the United States;
- (b) has been a resident of Utah for at least the 30 days immediately before the election;
- (c) will be:
  - (i) at least 18 years [~~old~~] of age on the day of the election; [~~and~~] or
  - (ii) if the election is a regular primary election, a municipal primary election, or a

Western States Presidential Primary:

(A) 17 years of age on or before the day of the regular primary election, municipal primary election, or Western States Presidential Primary; and

(B) 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or Western States Presidential Primary; and

(d) currently resides within the voting district or precinct in which the [~~person~~] individual applies to register to vote.

(2) (a) (i) [~~A person~~] An individual who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and

## HB0281S01 compared with HB0281

may not register to vote in that voting precinct unless the ~~[person]~~ individual was a resident of that voting precinct before the confinement or incarceration.

(ii) ~~[A person]~~ An individual who is involuntarily confined or incarcerated in a jail or prison is a resident of the voting precinct in which the ~~[person]~~ individual resided before the confinement or incarceration.

(b) ~~[A person]~~ An individual who has been convicted of a felony or a misdemeanor for an offense under this title may not register to vote or remain registered to vote unless the ~~[person's]~~ individual's right to vote has been restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(c) ~~[A person]~~ An individual whose right to vote has been restored, as provided in Section 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.

(3) ~~[A person]~~ An individual who is eligible to vote and who resides within the geographic boundaries of the entity in which the election is held may register to vote in a:

- (a) regular general election;
- (b) regular primary election;
- (c) municipal general election;
- (d) municipal primary election;
- (e) statewide special election;
- (f) local special election;
- (g) local district election; ~~[and]~~
- (h) bond election~~[-]; and~~
- (i) Western States Presidential Primary.

### Section 2. Section 20A-2-101.1 is amended to read:

#### **20A-2-101.1. Preregistering to vote.**

(1) An individual may preregister to vote if the individual:

(a) is 16 or 17 years of age;

~~[(b) will not be 18 years of age before the next election;]~~

(b) is not eligible to register to vote because the individual does not comply with the age requirements described in Subsection 20A-2-101(1)(c);

(c) is a citizen of the United States;

(d) has been a resident of Utah for at least 30 days; and

## HB0281S01 compared with HB0281

(e) currently resides within the voting district or precinct in which the individual preregisters to vote.

(2) An individual described in Subsection (1) may not vote in an election and is not registered to vote until:

(a) the individual [~~is at least 18 years of age~~] is otherwise eligible to register to vote because the individual complies with the age requirements described in Subsection 20A-2-101(1)(c); and

(b) the county clerk registers the individual to vote under Subsection (4).

(3) An individual who preregisters to vote shall:

(a) complete a voter registration form, including an indication that the individual is preregistering to vote; and

(b) submit the voter registration form to a county clerk in person, by mail, or in any other manner authorized by this chapter for the submission of a voter registration form.

(4) (a) A county clerk shall:

(i) retain the voter registration form of an individual who meets the qualifications for preregistration and who submits a completed voter registration form to the county clerk under Subsection (3)(b);

(ii) register the individual to vote in the next election in which the individual will be eligible to vote, before the voter registration deadline established in Section 20A-2-102.5 for that election; and

(iii) send a notice to the individual that:

(A) informs the individual that the individual's voter registration form has been accepted as an application for preregistration;

(B) informs the individual that the individual will be registered to vote in the next election in which the individual will be eligible to vote; and

(C) indicates in which election the individual will be registered to vote.

(b) An individual who the county clerk registers under Subsection (4)(a)(ii) is considered to have applied for voter registration on the earlier of:

(i) the day of the voter registration deadline immediately preceding the election day on which the individual will be at least 18 years of age; or

(ii) the day on which the individual turns 18 years of age.

## HB0281S01 compared with HB0281

(c) A county clerk shall refer a voter registration form to the county attorney for investigation and possible prosecution if the clerk or the clerk's designee believes the individual is attempting to preregister to vote in an election~~[-:†~~

~~— } (i) { } that will be held on or after the day on which the individual turns 18 years of age; and †~~

~~— } (ii) { } ] in which the individual will not be legally entitled to vote.~~

(5) (a) The lieutenant governor or a county clerk shall classify the voter registration record of an individual who preregisters to vote as a private record until the earlier of:

(i) the day on which the individual turns 18 years of age[-:]; or

(ii) for an individual who is qualified to vote under Section 20A-3-101.5, 60 days before the primary election in which the individual is qualified to vote.

(b) On the day on which the individual described in Subsection (5)(a) turns 18 years of age, the lieutenant governor or county clerk shall classify the individual's voter registration record as a public record in accordance with Subsection 63G-2-301(2)(1).

(6) If an individual who is at least 18 years of age erroneously indicates on the voter registration form that the individual is preregistering to vote, the county clerk shall consider the form as a voter registration form and shall process the form in accordance with this chapter.

Section ~~{2}3~~. Section **20A-3-101.5** is enacted to read:

**20A-3-101.5. Age requirements for primary elections -- 17-year-olds may vote.**

An individual who is 17 years of age may vote in a regular primary election, a municipal primary election, or a Western States Presidential Primary, if:

(1) the individual will be 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or Western States Presidential Primary;

(2) the individual is registered to vote in accordance with Chapter 2, Voter Registration;

(3) the individual's political party affiliation, or unaffiliated status, allows the individual to vote in the election; and

(4) the individual otherwise complies with the requirements to vote in the primary election.

†

**HB0281S01 compared with HB0281**

~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~