

VOTER REGISTRATION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends voter registration provisions in the Election Code.

Highlighted Provisions:

This bill:

- ▶ 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;
- ▶ provides a sunset date for the provisions of this bill, other than technical and conforming changes;
- ▶ requires the lieutenant governor to report to the Government Operations Interim Committee regarding implementation of the provisions of this bill; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



AMENDS:

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

20A-2-201, 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-2-307, as last amended by Laws of Utah 2015, Chapter 79

20A-3-304, as last amended by Laws of Utah 2015, Chapter 394

20A-3-306, as last amended by Laws of Utah 2015, Chapter 124

20A-3-601, as last amended by Laws of Utah 2015, Chapter 79

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

63I-1-220, as last amended by Laws of Utah 2016, Chapters 176 and 348

ENACTS:

20A-2-207, Utah Code Annotated 1953

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

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

20A-2-102.5. Voter registration deadline.

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

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

Section 2. Section **20A-2-201** 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 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 3. 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.

(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.

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

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

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

127 ~~[(4)]~~ (5) If the county clerk determines that a registration form received by mail or
128 otherwise is incorrect because of an error or because it is incomplete, the county clerk shall
129 mail notice to the person attempting to register or preregister, stating that the person has not
130 been registered or preregistered because of an error or because the form is incomplete.

131 Section 4. Section **20A-2-204** is amended to read:

132 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

133 (1) As used in this section, "voter registration form" means the driver license
134 application/voter registration form and the driver license renewal/voter registration form
135 required by Section **20A-2-108**.

136 (2) Any citizen who is qualified to vote may register to vote, and any citizen who is
137 qualified to preregister to vote may preregister to vote, by completing the voter registration
138 form.

139 (3) The Driver License Division shall:

140 (a) assist applicants in completing the voter registration form unless the applicant
141 refuses assistance;

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

145 (c) transmit each address change within five days after the day on which the division
146 receives the address change; and

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

151 (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 process the form in accordance with the requirements of Section 20A-2-101.1.

(5) ~~[(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 before the election, informing the ~~[applicant that his]~~ individual:

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

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

~~[(b)]~~ (6) 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)]~~ (a) process the voter registration form; and

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

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

Section 5. Section 20A-2-205 is amended to read:

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

(1) As used in this section:

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

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

(i) public assistance; or

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

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

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

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register or preregister to vote here today? (The decision of whether to register or preregister to vote will not affect the amount of assistance that you will be provided by this agency.) Yes____ No____

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

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

214 assistance provided by the agency or office;

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

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

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

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

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

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

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

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

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

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

233 (b) notify the applicant of registration.

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

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

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

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

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

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

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

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

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

252 ~~[(8)]~~ (9) If the county clerk determines that a voter registration form received from a
253 public assistance agency or discretionary voter registration agency is incorrect because of an
254 error or because it is incomplete, the county clerk shall mail notice to the individual attempting
255 to register or preregister to vote, stating that the individual has not been registered or
256 preregistered to vote because of an error or because the form is incomplete.

257 Section 6. Section **20A-2-206** is amended to read:

258 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

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

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

263 (a) that an applicant have a valid driver license or identification card, issued under Title
264 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place
265 of residence;

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

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

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

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

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

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

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

(5) The lieutenant governor shall:

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

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

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

(a) receiving all information from an applicant; and

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

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

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

307 ~~[(i)]~~ (a) accept the application for registration if the individual, on the date of the
308 election, will be legally qualified and entitled to vote in a voting precinct in the state; and
309 ~~[(ii)]~~ (b) inform the individual that:
310 ~~[(A)]~~ (i) the individual is registered to vote in the pending election; and
311 ~~[(B)]~~ (ii) for the pending election, the individual must vote on the day of the election
312 and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the
313 individual registered too late.

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

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

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

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

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

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

328 ~~[(9)]~~ (11) (a) A registered voter may file an application for an absentee ballot in
329 accordance with Section 20A-3-304 on the electronic system for voter registration established
330 under this section.

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

333 Section 7. Section 20A-2-207 is enacted to read:

334 **20A-2-207. Registration by provisional ballot.**

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

(a) the individual is otherwise legally entitled to vote the ballot;
(b) the ballot is identical to the ballot for the precinct in which the individual resides;
(c) the information on the provisional ballot form is complete; and
(d) the individual provides valid voter identification and proof of residence to the poll worker.

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

(a) consider the provisional ballot a voter registration form;
(b) place the ballot with the absentee ballots, to be counted with those ballots at the canvass; and

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

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

(a) is not registered to vote and is not eligible for registration under this section; or
(b) is not legally entitled to vote the ballot that the individual voted.

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

(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 8. 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

369 ballot if:

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

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

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

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

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

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

380 Section 9. Section 20A-3-304 is amended to read:

381 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

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

383 (i) file an absentee ballot application:

384 (A) on the electronic system maintained by the lieutenant governor under Section
385 20A-2-206; or

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

388 (ii) vote in person at the office of the appropriate election officer as provided in Section
389 20A-3-306.

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

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

394 or

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

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

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

399 (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

(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:

"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) requests absentee voter status; and

(ii) meets the requirements of this section.

(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.

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

Section 10. 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

(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 11. 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, 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) 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.

(4) 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 12. Section **20A-4-107** is amended to read:

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

(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;

(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:

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

587 (ii) legally entitled to vote:

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

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

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

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

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

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

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

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

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

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

615 (5) Notwithstanding any provision of this section, the election officer shall [~~remove the~~
616 ~~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;

(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 13. Section **63I-1-220** is amended to read:

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

~~[On January 1, 2017:]~~

~~[(1) Subsection 20A-1-102(55) is repealed.]~~

~~[(2) Subsection 20A-2-102.5(1) the language that states "20A-4-108, or" is repealed.]~~

~~[(3) Subsection 20A-2-202(3)(a) the language that states "Except as provided in Subsection 20A-4-108(6)," is repealed.]~~

~~[(4) Subsection 20A-2-204(5)(a) the language that states "Except as provided in Subsection 20A-4-108(7)," is repealed.]~~

~~[(5) Subsection 20A-2-205(7)(a) the language that states "Except as provided in Subsection 20A-4-108(8)," is repealed.]~~

~~[(6) Subsection 20A-2-206(8)(c) the language that states "Except as provided in Subsection 20A-4-108(9)," is repealed.]~~

~~[(7) Subsection 20A-2-307(2)(a) is repealed.]~~

~~[(8) Subsection 20A-4-107(2)(b) the language that states "Except as provided in Subsection 20A-4-108(10)," is repealed.]~~

648 ~~[(9) Subsection 20A-4-107(3) the language that states "or if the voter is, in accordance~~
649 ~~with the pilot project, registered to vote under Subsection 20A-4-108(10)," is repealed.]~~

650 ~~[(10) Subsection 20A-4-107(4) the language that states "Except as provided in~~
651 ~~Subsection 20A-4-108(12)," is repealed.]~~

652 ~~[(11) Section 20A-4-108 is repealed.]~~

653 On January 1, 2022:

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

655 (2) In Subsection 20A-2-201(3)(b)(i)(B), the language that states, "or by provisional
656 ballot, under Section 20A-2-207, during the early voting period described in Section
657 20A-3-601" is repealed and replaced with, "and is not eligible to vote using early voting under
658 Chapter 3, Part 6, Early Voting".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Section [20A-2-207](#) is repealed.

(9) Subsection [20A-2-307](#)(2)(a) is repealed and the remaining subsections in
Subsection [20A-2-307](#)(2) are renumbered accordingly.

(10) Subsection [20A-3-601](#)(1)(a) is renumbered as Subsection (1), and Subsection
[20A-3-601](#)(1)(b) is repealed.

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

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

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

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

(15) Subsection [20A-4-107](#)(5)(b) is repealed, "; or" is repealed from the end of
Subsection [20A-4-107](#)(5)(a)(iv) and is replaced with a period, and the remaining subsections in
Subsection [20A-4-107](#)(5), and the references to those subsections, are renumbered accordingly.

Legislative Review Note
Office of Legislative Research and General Counsel