

Representative Fred C. Cox proposes the following substitute bill:

MODIFICATIONS TO VOTING LAW

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Fred C. Cox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to absentee ballots and voter registration.

Highlighted Provisions:

This bill:

- ▶ establishes that a voter's absentee status does not expire, unless the voter designates otherwise;
- ▶ describes the action that a county clerk is required to take if an individual does not designate a party affiliation on a voter registration form; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-2-107, as last amended by Laws of Utah 2008, Chapter 329

20A-3-304, as last amended by Laws of Utah 2013, Chapters 198, 218 and last amended by Coordination Clause, Laws of Utah 2013, Chapter 198



26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

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

Section 1. Section **20A-2-107** is amended to read:

20A-2-107. Designating or changing party affiliation -- Times permitted.

(1) The county clerk shall:

(a) record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or

(b) if no political party affiliation is designated by the voter on the voter registration form[;];

(i) except as provided in Subsection (1)(b)(ii), record the voter's party affiliation as the party that the voter designated the last time that the voter designated a party on a voter registration form, unless the voter more recently registered as "unaffiliated"; or

(ii) record the voter's party affiliation as "unaffiliated[;]" if the voter:

(A) did not previously designate a party;

(B) most recently designated the voter's party affiliation as "unaffiliated"; or

(C) did not previously register.

(2) (a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (2).

(b) A registered voter may designate or change the voter's political party affiliation by filing a signed form with the county clerk that identifies the registered political party with which the voter chooses to affiliate, during any period except the following:

(i) the period beginning on the day after the voter registration deadline and continuing through the date of the regular primary election; and

(ii) the period beginning on the day after the voter registration deadline and continuing through the date of the Western States Presidential Primary.

Section 2. Section **20A-3-304** is amended to read:

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

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

(i) file an absentee ballot application:

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

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

59 (ii) vote in person at the office of the appropriate election officer as provided in Section
60 20A-3-306.

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

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

65 or

66 (ii) the Thursday before the next election.

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

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

70 (i) in substantially the following form:

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

73 Date _____ (month\day\year) Signed _____

74 _____ Voter"; and

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

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

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

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

81 (i) in substantially the following form:

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

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

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

Voter"; and

88
89 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter

90 status:

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

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

93 [~~Ⓔ~~] (3) If requested by the applicant, the election officer shall:

94 [~~Ⓘ~~] (a) mail or fax the application form to the absentee voter; or

95 [~~Ⓙ~~] (b) deliver the application form to any voter who personally applies for it at the
96 office of the election officer.

97 [~~Ⓕ~~] (4) As it relates to an absentee ballot application to be filled out for, and finished
98 and signed by, a voter:

99 (a) except as provided in Subsection [~~Ⓕ~~] (4)(b), the lieutenant governor or election
100 officer shall approve an application form for absentee ballot applications;

101 (i) in substantially the following form:

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

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

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

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

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

111 OR

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

114 Date _____ (month\day\year) Signed _____

115 Voter"; and

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

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

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

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

122 (i) in substantially the following form:

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

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

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

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

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

134 OR

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

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

138 Voter"; and

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

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

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

143 [~~4~~] (5) The forms described in Subsections (2) and [~~3~~] (4) shall contain instructions
144 on how a voter may cancel an absentee ballot application.

145 [~~5~~] (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote
146 by absentee ballot shall file the application for an absentee ballot with the lieutenant governor
147 or appropriate election officer no later than the Thursday before election day.

148 [~~6~~] (7) (a) A county clerk [~~may~~] shall establish [~~a permanent~~] an absentee voter list[-
149 (b) ~~The clerk shall place on the list~~] containing the name of [~~any person~~] each voter who:

150 (i) requests [~~permanent~~] absentee voter status; and

151 (ii) meets the requirements of this section.

152 (b) A county clerk may not remove a voter's name from the list described in Subsection

153 (7)(a) unless:

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

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

156 (iii) the voter's name is removed on the date specified by the voter on the absentee

157 ballot application form.

158 (c) (i) Each year, the clerk shall mail a questionnaire to each [~~person~~] voter whose
159 name is on the absentee voter list.

160 (ii) The questionnaire shall allow the [~~absentee person to~~] voter to:

161 (A) verify the voter's residence[-]; or

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

163 [~~(iii) The clerk may remove the names of any voter from the absentee voter registration~~

164 ~~list if:]~~

165 [~~(A) the voter is no longer listed in the official register; or]~~

166 [~~(B) the voter fails to verify the voter's residence and absentee status.]~~

167 (d) The clerk shall provide a copy of the [~~permanent~~] absentee voter list to election

168 officers for use in elections.