



Utah

Updated May 6, 2021

If enacted in its current form, the For the People Act (H.R.1/S.1) would only modestly change federal elections in Utah. Utah represents a state where many of the goals of H.R.1/S.1 are already a reality. Most Utah voters already vote early or by mail, which Utah's laws encourage by design. In addition, Utah already has an independent redistricting commission, though the legislature maintains the ultimate power to draw districts.

The following is a summary of the most salient ways in which H.R.1/S.1 would interact with current Utah law:

Expanding & Protecting Voter Registration Opportunities

- Requires Utah to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.¹ Utah does not currently have automatic voter registration.
- Permits voters to register to vote at a polling place and vote on the same day. Applies to Election Day and early voting.² Utah already permits same-day registration, except that voters seeking to change parties to vote in even-year primary elections must do so no later than March 31.³
- Gives voters an option to register online, as Utah already does.⁴
- Prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information.⁵

Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires procedures that enhance voters' ability to vote early and absentee. Most Utahns already vote early or by mail under laws designed to promote these voting methods that meet or exceed H.R.1/S.1's requirements.⁶
- Gives voters the option of early in person voting for a full 15 days before a federal election, including opportunities before and after business hours, on weekends, and on the day before Election Day.⁷ Under current Utah law, early voting begins 14 days before

¹ H.R. 1, Title I, Subtitle A, Part 2.

² H.R. 1, Title I, Subtitle A, Part 3.

³ Utah Code § 20A-2-207 (permitting eligible voters who are not registered to vote provisionally at polling place during early voting or on Election Day and for such a provisional ballot to constitute a voter registration form); H.B. 197 (amending Utah Code § 20A-2-107).

⁴ H.R. 1, Title I, Subtitle A, Part 1; Utah Code § 20A-2-206.

⁵ H.R. 1, Title I, Subtitle C.

⁶ In 2016, nearly 70 percent of Utah ballots were cast early or by mail. U.S. Election Assistance Commission, *EAVS Deep Dive: Early, Absentee, and Mail Voting*, <https://www.eac.gov/documents/2017/10/17/eavs-deep-dive-early-absentee-and-mail-voting-data-statutory-overview>.

⁷ H.R. 1, Title I, Subtitle H.



the election and may continue through the day before Election Day.⁸ Utah does not mandate extended hours for early voting.⁹

- Provides options for certain voters to request absentee ballots. Utah already requires election officials to mail ballots to all registered voters without the need for a request.¹⁰
- Allows voters to cast absentee ballots without witness signatures, as Utah already does.¹¹
- Allows voters to track their ballots through the voting and counting process, as Utah already does.¹²
- Deems ballots postmarked by Election Day valid and requires such ballots to be counted, if delivered to election officials up to ten days after the election.¹³ Utah currently requires ballots received before noon on the seventh day after Election Day to be counted, as long as they are postmarked *before* Election Day. Depending on the date votes are canvassed in a particular county, ballots postmarked before Election Day may be counted if they are received as many as 14 days after Election Day.¹⁴
- Requires that drop boxes be available 24 hours a day for 15 days before Election Day and that the number of drop boxes be based on county population.¹⁵ Utah law provides for drop boxes but does not currently mandate 24/7 availability.¹⁶
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.¹⁷

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹⁸ Utah law currently requires employers to allow employees two hours of paid time off to vote, with limited exceptions.¹⁹
- Requires notice of polling-place relocations at least seven days before Election Day. Utah law currently requires 15 days' notice of all polling-place locations regardless of whether they are different from previous years.²⁰
- Requires states to take steps to ensure that voters need not wait more than 30 minutes to vote.²¹ Following lengthy waits during the 2016 election, Utah enacted a law requiring election officials to take steps to limit waiting times to 30 minutes.²²

⁸ Utah Code § 20A-3a-601(2)-(3).

⁹ Utah Code. § 20A-3a-602.

¹⁰ H.R. 1, Title I, Subtitle J; Utah Code § 20A-3a-202(2)(a).

¹¹ H.R. 1, Title I, Subtitle I; Utah Code §§ 20A-3a-202(4), 20A-3a-204(1)(e).

¹² H.R. 1, Title I, Subtitle I. Although not required by law, the Lieutenant Governor currently maintains a ballot tracking system, see <https://votesearch.utah.gov/voter-search/search/search-by-voter/track-mail-ballot>. On March 16, 2021, the Governor signed a law that mandates such a ballot tracking system and imposes additional requirements for the system to be effective by May 1, 2022. H.B. 70, to be codified as Utah Code § 20A-3a-401.5.

¹³ H.R. 1, Title I, Subtitle I.

¹⁴ Utah Code §§ 20A-3a-204(2)(a), 20A-4-301(1)(b).

¹⁵ H.R. 1, Title I, Subtitle N, Part 1.

¹⁶ Utah Code § 20A-3a-204.

¹⁷ H.R. 1, Title I, Subtitle N, Part 1.

¹⁸ H.R. 1, Title I, Subtitle N, Part 1.

¹⁹ Utah Code § 20A-3a-105.

²⁰ H.R. 1, Title I, Subtitle N, Part 1; Utah Code § 20A-3a-703.

²¹ H.R. 1, Title I, Subtitle N, Part 1.

²² 2017 Utah Laws Ch. 108, § 1 (codified as Utah Code § 20A-5-403(6)).



- Allows voters who are already registered to provide a sworn written statement on a state form to confirm their identity and eligibility to vote in the election as an alternative means of complying with Utah's voter ID requirements.²³
- Prohibits challenges to voters' eligibility based on race, ethnicity, or age by non-election officials. Requires challenges to voter qualifications to be under oath, based on personal knowledge, and filed more than 10 days before Election Day.²⁴ Currently, while Utah requires challenges to be under oath and based on personal knowledge, challenges may occur as late as Election Day.²⁵

Restoring Civil Rights

- Requires Utah to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.²⁶ Utah currently permits people with felony convictions to vote when they are released from prison.²⁷

Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²⁸
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.²⁹
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.³⁰
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.³¹
- Permits the security of drop boxes through remote or electronic surveillance.³²

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Unlike many states, Utah already provides for an independent redistricting commission for federal elections.³³ However, current Utah law permits the legislature to disregard the commission's work.³⁴ H.R.1/S.1:
 - Requires that an independent commission draw federal congressional districts, which must take public input and operate in an open, transparent process.³⁵ If

²³ H.R. 1, Title I, Subtitle N, Part 1; Utah Code §§ 20A-1-102(76), 20A-3a-202(5), 20A-3a-203(2)(b).

²⁴ H.R. 1, Title I, Subtitle C.

²⁵ Utah Code §§ 20A-3a-803, 804, 805.

²⁶ H.R. 1, Title I, Subtitle E.

²⁷ Utah Code § 20A-2-101.5

²⁸ Amendment 5 to H.R.1, Part B.

²⁹ H.R. 1, Title I, Subtitle I.

³⁰ Amendment 27 to H.R.1, Part B.

³¹ H.R. 1, Title I, Subtitle F.

³² Amendment 9 to H.R.1, Part B.

³³ Utah Code §§ 20A-20-101 *et seq.*

³⁴ Utah Code. § 20A-20-303(5).

³⁵ H.R. 1, Title III, Subtitle E; Utah Code §§ 20A-20-201, 20A-20-301.



enacted, Utah's legislature would no longer be able to reject the commission's chosen map.

- Prevents one party from dominating the process or excluding minority groups and takes map-drawing away from politicians.³⁶
- Requires consideration of "communities of interest" when drawing congressional districts.³⁷
- Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).³⁸
- Counts incarcerated Utahns as residents of their home community for purposes of representation, ending prison gerrymanders.³⁹

³⁶ H.R. 1, Title III, Subtitle E.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*