

Representative Keven J. Stratton proposes the following substitute bill:

ELECTION LAW REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to an absentee ballot.

Highlighted Provisions:

This bill:

- ▶ requires a county that conducts an election entirely by mail to provide ballot drop boxes;
- ▶ establishes requirements for a ballot drop box;
- ▶ replaces the absentee ballot postmark deadline with a requirement that an absentee ballot be received by the election officer on or before election day in order to be counted; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-3-302, as last amended by Laws of Utah 2015, Chapter 173



26 **20A-3-306**, as last amended by Laws of Utah 2015, Chapter 124

27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **20A-3-302** is amended to read:

30 **20A-3-302. Conducting entire election by absentee ballot.**

31 (1) Notwithstanding Section **17B-1-306**, an election officer may administer an election
32 entirely by absentee ballot.

33 (2) If the election officer decides to administer an election entirely by absentee ballot,
34 the election officer shall mail to each registered voter within that voting precinct:

35 (a) an absentee ballot;

36 (b) for an election administered by a county clerk, information regarding the location
37 and hours of operation of any election day voting center at which the voter may vote;

38 (c) a courtesy reply mail envelope;

39 (d) instructions for returning the ballot that include an express notice about any
40 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
41 (e) for an election administered by an election officer other than a county clerk, if the
42 election officer does not operate a polling location or an election day voting center, a warning,
43 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
44 the instructions included with the absentee ballot, the voter will be unable to vote in that
45 election because there will be no polling place in the voting precinct on the day of the election.

46 (3) A voter who votes by absentee ballot under this section is not required to apply for
47 an absentee ballot as required by this part.

48 (4) An election officer who administers an election entirely by absentee ballot shall:

49 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
50 the election; or

51 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
52 and

53 (b) maintain the signatures on file in the election officer's office.

54 (5) (a) Upon receiving the returned absentee ballots, the election officer shall compare
55 the signature on each absentee ballot with the voter's signature that is maintained on file and
56 verify that the signatures are the same.

(b) If the election officer questions the authenticity of the signature on the absentee ballot, the election officer shall immediately contact the voter to verify the signature.

(c) If the election ~~official~~ officer determines that the signature on the absentee ballot does not match the voter's signature that is maintained on file, the election officer shall:

(i) unless the absentee ballot application deadline described in Section 20A-3-304 has passed, immediately send another absentee ballot and other voting materials as required by this section to the voter; and

(ii) disqualify the initial absentee ballot.

(6) A county that administers an election entirely by absentee ballot:

(a) shall provide at least one election day voting center in accordance with Title 20A, Chapter 3, Part 7, Election Day Voting Center;

(b) shall ensure that an 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; and

(c) is not required to pay return postage for an absentee ballot.

(7) (a) A county that conducts an election under this section shall provide ballot drop boxes in a number that is at least equal to the greater of:

(i) one for every 30,000 individuals to whom a ballot is sent for the election; or

(ii) three.

(b) A county shall ensure that a ballot drop box described in Subsection (7)(a) is publicly accessible for a voter to deposit a ballot:

(i) at a reasonably accessible time and place; and

(ii) until 8:00 p.m. on election day.

(c) Notwithstanding Subsection (7)(a), a county may provide less than three ballot drop boxes if:

(i) the county submits a written request to the lieutenant governor that:

(A) requests approval to provide fewer than three ballot drop boxes; and

(B) provides justification for the request; and

(ii) the lieutenant governor approves the request.

(d) A county clerk that provides a ballot drop box shall ensure that:

(i) the ballot drop box is secured with a lock;

88 (ii) the ballot drop box is physically secured in a manner that prevents the theft of the
89 ballot drop box;

90 (iii) an individual does not deposit a ballot in the ballot drop box after 8:00 p.m. on the
91 day of the election; and

92 (iv) at least two election officials are present any time a ballot deposited in a ballot
93 drop box is:

94 (A) removed from the ballot drop box; or

95 (B) transported to a polling location or counting center.

96 (e) Notwithstanding the requirements described in Subsection (7)(d)(iii), a county clerk
97 shall allow an individual to deposit a ballot in a ballot drop box if the individual is in line to
98 deposit the ballot in the ballot drop box at 8:00 p.m. on the day of an election.

99 Section 2. Section **20A-3-306** is amended to read:

100 **20A-3-306. Voting ballot -- Returning ballot.**

101 (1) (a) Except as provided by Section **20A-1-308**, to vote a mail-in absentee ballot, the
102 absentee voter shall:

103 (i) complete and sign the affidavit on the envelope;

104 (ii) mark the votes on the absentee ballot;

105 (iii) place the voted absentee ballot in the envelope;

106 (iv) securely seal the envelope; and

107 (v) attach postage, unless voting [~~in accordance with Section **20A-3-302**~~] in a county
108 that provides the voter a business reply mail envelope, and deposit the envelope in the mail or
109 deliver it in person to the election officer from whom the ballot was obtained.

110 (b) Except as provided by Section **20A-1-308**, to vote an absentee ballot in person at
111 the office of the election officer, the absent voter shall:

112 (i) complete and sign the affidavit on the envelope;

113 (ii) mark the votes on the absent-voter ballot;

114 (iii) place the voted absent-voter ballot in the envelope;

115 (iv) securely seal the envelope; and

116 (v) give the ballot and envelope to the election officer.

117 (2) Except as provided by Section **20A-1-308**, an absentee ballot is not valid unless the
118 ballot is:

119 ~~[(a) in the case of an absentee ballot that is voted in person, the ballot is:]~~

120 ~~[(+)] (a) applied for and cast in person at the office of the appropriate election officer no~~
121 ~~later than the Thursday before election day; [or]~~

122 ~~[(ii) submitted on election day at a polling location in the political subdivision where~~
123 ~~the absentee voter resides;]~~

124 ~~[(b) in the case of an absentee ballot that is submitted by mail, the ballot is:]~~

125 ~~[(i) clearly postmarked before election day, or otherwise clearly marked by the post~~
126 ~~office as received by the post office before election day; and]~~

127 ~~[(ii) received in the office of the election officer before noon on the day of the official~~
128 ~~canvass following the election; or]~~

129 (b) received by the election officer on or before election day; or

130 (c) in the case of a military-overseas ballot, ~~[the ballot is]~~ submitted in accordance with
131 Section [20A-16-404](#).

132 (3) An absentee voter may submit a completed absentee ballot at a polling location in a
133 political subdivision holding the election, if the absentee voter resides in the political
134 subdivision.

135 (4) An absentee voter may submit an incomplete absentee ballot at a polling location
136 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and
137 vote in person.