

**EMERGENCY RESPONDER VOTING AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rosemary T. Lesser**

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

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**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 16 voting for 0 voting against 0 absent

**General Description:**

This bill addresses voting procedures for emergency responders.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ authorizes a registered voter assisting with an emergency on the date of an election to cast an electronic ballot if the area affected by the emergency is located outside the voter's county of residence;
- ▶ requires a voter described above to submit a declaration to an election officer affirming the voter's eligibility to cast an electronic ballot;
- ▶ requires the lieutenant governor to submit an annual report to the Government Operations Interim Committee; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-3a-201**, as last amended by Laws of Utah 2022, Chapter 18

31 ENACTS:

32 **20A-3a-901**, Utah Code Annotated 1953

33 **20A-3a-902**, Utah Code Annotated 1953

34 **20A-3a-903**, Utah Code Annotated 1953

35 **20A-3a-904**, Utah Code Annotated 1953

36 **20A-3a-905**, Utah Code Annotated 1953

37 **20A-3a-906**, Utah Code Annotated 1953

38 **20A-3a-907**, Utah Code Annotated 1953



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

41 Section 1. Section **20A-3a-201** is amended to read:

42 **20A-3a-201. Voting methods.**

43 (1) Except for an election conducted entirely by mail under Section **20A-7-609.5**, a  
44 voter may vote as follows:

45 (a) by mail;

46 (b) at a polling place during early voting hours;

47 (c) at a polling place on election day when the polls are open;

48 (d) if the voter is an individual with a disability, by voting remotely, via a mechanical  
49 ballot or via electronic means if approved by the election officer;

50 (e) electronically or via a federal write-in absentee ballot if the voter is a covered voter,  
51 as defined in Section **20A-16-102**; [~~or~~]

52 (f) electronically if the voter is an emergency responder voter, as defined in Section  
53 **20A-3a-901**; or

54 [~~(f)~~] (g) by emergency ballot, in accordance with Part 3, Emergency Ballots.

55 (2) A voter may not vote at a polling place if the voter voted by mail or in a manner  
56 described in Subsections (1)(d) through [~~(f)~~] (g).

57 Section 2. Section **20A-3a-901** is enacted to read:

58 **Part 9. Emergency Responders**

59 **20A-3a-901. Definitions.**

60 As used in this part:

61 (1) "Emergency" means:

62 (a) a severe weather event;

63 (b) a natural disaster;

64 (c) an act of terrorism;

65 (d) civil unrest; or

66 (e) another event that:

67 (i) injures, or threatens to injure, an individual or property; or

68 (ii) poses a threat to life or public safety.

69 (2) "Emergency responder" means an individual who provides service, assistance, or  
70 support in response to an emergency.

71 (3) "Emergency responder voter" means a registered voter who:

72 (a) is an emergency responder; and

73 (b) is temporarily assigned by a government agency, a nongovernment relief agency, or

74 by an employer to an area affected by an emergency that is outside the voter's county of

75 residence, if:

76 (i) the assignment begins before the date of the election; and

77 (ii) the assignment is expected to continue until after the date of the election.

78 Section 3. Section **20A-3a-902** is enacted to read:

79 **20A-3a-902. Application to elections.**

80 (1) The voting procedures in this part apply to an election authorized by this title.

81 (2) An emergency responder voter may cast an electronic ballot in accordance with this

82 part.

83 Section 4. Section **20A-3a-903** is enacted to read:

84 **20A-3a-903. Duties of lieutenant governor.**

85 The lieutenant governor shall:

86 (1) assist election officers in implementing this part;

87 (2) make available to emergency responder voters information regarding procedures for  
88 casting electronic ballots;

89 (3) utilize the electronic transmission system described in Subsection [20A-16-201\(3\)](#) to

90 allow an emergency responder voter to apply for, receive, and submit an electronic ballot and  
91 related material; and

92 (4) prescribe the form of the declaration described in Section [20A-3a-907](#).

93 Section 5. Section **20A-3a-904** is enacted to read:

94 **20A-3a-904. Reports on ballots.**

95 (1) No later than 60 days after the date of an election, an election officer shall submit a  
96 report to the lieutenant governor indicating:

97 (a) the number of ballots sent to emergency responder voters; and

98 (b) the number of ballots returned by emergency responder voters that were counted.

99 (2) Beginning on January 1, 2025, the lieutenant governor shall submit a report to the

100 Government Operations Interim Committee that contains the information described in

101 Subsection (1) on or before May 31 of each year after the year in which an election is held.

102 Section 6. Section **20A-3a-905** is enacted to read:

103 **20A-3a-905. Applying for an electronic ballot -- Timeliness -- Transmission of**  
104 **blank ballots to voters.**

105 (1) An emergency responder voter may apply for an electronic ballot:

106 (a) via the electronic transmission system described in Subsection [20A-16-201](#)(3); or

107 (b) by otherwise making a request in writing to the election officer for the jurisdiction  
108 to which the ballot relates.

109 (2) An application for an electronic ballot under this section is timely if received by the  
110 election officer before 5 p.m. the day before the date of the election.

111 (3) Upon receipt of an application described in Subsection (1), the election officer shall  
112 transmit to the voter the ballot, the declaration described in Section [20A-3a-907](#), and, if the  
113 election includes a ballot proposition, the ballot proposition insert:

114 (a) if the election officer receives the application before or during the time period for  
115 mailing ballots under Subsection [20A-3a-202](#)(2)(a), no later than one business day after the last  
116 day to mail ballots; or

117 (b) if the election officer receives the application after the time period for mailing  
118 ballots under Subsection [20A-3a-202](#)(2)(a), no later than one business day after the day on  
119 which the election officer receives the application.

120 Section 7. Section **20A-3a-906** is enacted to read:

121 **20A-3a-906. Timely casting of ballot.**

122 Subject to Subsection 20A-3a-907, an electronic ballot under this part is valid if:

123 (1) received by the election officer no later than the close of the polls; or

124 (2) submitted electronically no later than 8 p.m. on the date of the election.

125 Section 8. Section **20A-3a-907** is enacted to read:

126 **20A-3a-907. Declaration.**

127 An electronic ballot under this part shall include or be accompanied by:

128 (1) a description of the eligibility requirements for casting an electronic ballot under  
129 this part;

130 (2) a declaration signed by the voter that the voter meets the eligibility requirements  
131 described in Subsection (1); and

132 (3) a warning that a material misstatement in making the representations described in  
133 Subsection (2) may be grounds for a conviction of perjury under the laws of the United States  
134 or Title 76, Chapter 8, Part 5, Falsification in Official Matters.

135 Section 9. **Effective date.**

136 This bill takes effect on May 1, 2024.