

ELECTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Aaron Osmond

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ clarifies how to cast a valid absentee ballot;
- ▶ changes the date by which a voter is required to file an application for an absentee ballot; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 53, Election Law Amendments, by providing substantive amendments.

This bill coordinates with S.B. 24, Absentee Ballot Amendments, by providing substantive amendments.

Utah Code Sections Affected:

AMENDS:

20A-3-301, as last amended by Laws of Utah 2004, Chapter 195

20A-3-304, as last amended by Laws of Utah 2011, Chapter 17

20A-3-306, as last amended by Laws of Utah 2012, Chapter 309

20A-3-702, as enacted by Laws of Utah 2011, Chapter 291

20A-16-302, as enacted by Laws of Utah 2011, Chapter 327

30 **20A-16-401**, as enacted by Laws of Utah 2011, Chapter 327

31 **20A-16-402**, as enacted by Laws of Utah 2011, Chapter 327

32 **Utah Code Sections Affected by Coordination Clause:**

33 **20A-3-304**, as last amended by Laws of Utah 2011, Chapter 17

34 **20A-3-306**, as last amended by Laws of Utah 2012, Chapter 309



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

37 Section 1. Section **20A-3-301** is amended to read:

38 **20A-3-301. Voting by absentee ballot.**

39 (1) Any person who is registered to vote may vote by absentee ballot.

40 (2) [A] Except as provided in Section 20A-3-702, a registered voter may not vote in
41 person if the voter voted by absentee ballot.

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

43 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

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

45 (a) file an absentee ballot application:

46 (i) on the electronic system maintained by the lieutenant governor under Section
47 20A-2-206; or

48 (ii) with the appropriate election officer for an official absentee ballot as provided in
49 this section; or

50 (b) vote in person at the office of the appropriate election officer as provided in Section
51 20A-3-306.

52 (2) (a) Except as provided in Subsection (2)(b), the lieutenant governor or election
53 officer shall prepare an application form for absentee ballot applications in substantially the
54 following form:

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

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

58 Voter"

59 (b) The lieutenant governor or election officer shall prepare blank applications for
60 absentee ballot applications for regular primary elections and for the Western States
61 Presidential Primary in substantially the following form:

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

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

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

68 Voter"

69 (c) If requested by the applicant, the election officer shall:

- 70 (i) mail or fax the application blank to the absentee voter; or
- 71 (ii) deliver the application blank to any voter who personally applies for it at the office
72 of the election officer.

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

77 (b) Overseas applicants shall file their applications with the appropriate election officer
78 no later than 20 days before election day.

79 (4) (a) A county clerk may establish a permanent absentee voter list.

80 (b) The clerk shall place on the list the name of any person who:

- 81 (i) requests permanent absentee voter status; and
- 82 (ii) meets the requirements of this section.

83 (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on
84 the absentee voter list.

85 (ii) The questionnaire shall allow the absentee person to verify the voter's residence.

86 (iii) The clerk may remove the names of any voter from the absentee voter registration
87 list if:
88 (A) the voter is no longer listed in the official register; or
89 (B) the voter fails to verify the voter's residence and absentee status.
90 (d) The clerk shall provide a copy of the permanent absentee voter list to election
91 officers for use in elections.

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

93 **20A-3-306. Voting ballot -- Returning ballot.**

94 (1) (a) To vote a mail-in absentee ballot, the absentee voter shall:

- 95 (i) complete and sign the affidavit on the envelope;
- 96 (ii) mark the votes on the absentee ballot;
- 97 (iii) place the voted absentee ballot in the envelope;
- 98 (iv) securely seal the envelope; and

99 (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit
100 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
101 obtained.

102 (b) To vote an absentee ballot in person at the office of the election officer, the absent
103 voter shall:

- 104 (i) complete and sign the affidavit on the envelope;
- 105 (ii) mark the votes on the absent-voter ballot;
- 106 (iii) place the voted absent-voter ballot in the envelope;
- 107 (iv) securely seal the envelope; and
- 108 (v) give the ballot and envelope to the election officer.

109 (2) An absentee ballot is not valid unless:

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

111 (i) applied for and cast in person at the office of the appropriate election officer no later
112 than the [Friday] Thursday before election day; or

113 (ii) submitted at a polling location in the political subdivision where the absentee voter

114 resides;

115 (b) in the case of an absentee ballot that is returned by mail, the ballot is:

116 (i) clearly postmarked before election day; and

117 (ii) received in the office of the election officer before noon on the day of the official

118 canvass following the election; or

119 ~~(b)~~ (c) in the case of a military-overseas ballot, the ballot is submitted in accordance
120 with Section 20A-16-404.

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

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

127 Section 4. Section **20A-3-702** is amended to read:

128 **20A-3-702. Election day voting center -- Hours of operation -- Compliance with**
129 **Election Code.**

130 (1) An election officer may operate an election day voting center in one or more
131 locations designated under Section 20A-3-703.

132 (2) An election officer shall provide for voting at an election day voting center by:

133 (a) regular ballot if:

134 (i) the election day voting center is designated under Section 20A-5-403 as the polling
135 place for the voting precinct in which the voter resides; and

136 (ii) the voter is eligible to vote using a regular ballot in accordance with this title;

137 (b) voting center ballot if:

138 (i) the election day voting center is not designated under Section 20A-5-403 as the
139 polling place for the voting precinct in which the voter resides;

140 (ii) the voter resides within the political subdivision holding the election; and

141 (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this

142 title; or

143 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
144 accordance with this title.

145 (3) An election officer shall ensure that an election day voting center:

146 (a) is open on election day during the time period specified under Section 20A-1-302;

147 (b) allows an eligible voter to vote if the voter:

148 (i) resides within the political subdivision holding an election; and

149 (ii) arrives at the election day voting center by the designated closing time in

150 accordance with Section 20A-1-302; and

151 (c) is administered according to the requirements of this title.

152 (4) A person may submit a completed absentee ballot at an election day voting center
153 for the political subdivision in which the person resides.

154 (5) A person may submit an incomplete absentee ballot at an election day voting center
155 for the political subdivision in which the person resides, request that the ballot be declared
156 spoiled, and vote in person.

157 Section 5. Section **20A-16-302** is amended to read:

158 **20A-16-302. Methods of registering to vote.**

159 (1) To apply to register to vote, in addition to any other approved method, a covered
160 voter may use a federal postcard application or the application's electronic equivalent.

161 (2) (a) A covered voter may use the declaration accompanying a federal write-in
162 absentee ballot to apply to register to vote simultaneously with the submission of the federal
163 write-in absentee ballot, if the declaration is received by the [~~Friday~~] Thursday immediately
164 before the election.

165 (b) If the declaration is received after the [~~Friday~~] Thursday immediately before the
166 election, the declaration shall be treated as an application to register to vote for subsequent
167 elections.

168 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
169 described in Subsection 20A-16-201(3) is capable of accepting both a federal postcard

170 application and any other approved electronic registration application sent to the appropriate
171 election official.

172 (b) The voter may use the electronic transmission system or any other approved
173 method to register to vote.

174 Section 6. Section **20A-16-401** is amended to read:

175 **20A-16-401. Methods of applying for military-overseas ballots.**

176 (1) A covered voter who is registered to vote in the state may apply for a
177 military-overseas ballot using:

178 (a) an absentee ballot application under Section 20A-3-304; or

179 (b) (i) the federal postcard application; or

180 (ii) the federal postcard application's electronic equivalent.

181 (2) A covered voter who is not registered to vote in this state may use a federal
182 postcard application or the federal postcard application's electronic equivalent to apply
183 simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

184 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
185 described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal
186 postcard application and any other approved electronic military-overseas ballot application sent
187 to the appropriate election official.

188 (b) The voter may use the electronic transmission system or any other approved
189 method to apply for a military-overseas ballot.

190 (4) A covered voter may use the declaration accompanying a federal write-in absentee
191 ballot as an application for a military-overseas ballot simultaneously with the submission of the
192 federal write-in absentee ballot, if the declaration is received by the appropriate election official
193 by the [~~Friday~~] Thursday immediately before the election.

194 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
195 election official that the voter is a covered voter by:

196 (a) the use of a federal postcard application or federal write-in absentee ballot;

197 (b) the use of an overseas address on an approved voter registration application or

198 ballot application; or

199 (c) the inclusion on an approved voter registration application or ballot application of
200 other information sufficient to identify the voter as a covered voter.

201 (6) This chapter does not preclude a covered voter from voting under Chapter 3, Part 3,
202 Absentee Voting.

203 Section 7. Section **20A-16-402** is amended to read:

204 **20A-16-402. Timeliness and scope of application for military-overseas ballot.**

205 (1) An application for a military-overseas ballot is timely if received by the ~~Friday~~
206 Thursday immediately before the election.

207 (2) An application for a military-overseas ballot for a regular primary election or
208 municipal primary election, whether or not timely, is effective as an application for a
209 military-overseas ballot for the regular general election or municipal general election.

210 Section 8. **Coordinating H.B. 204 with H.B. 53 -- Substantive amendments.**

211 If this H.B. 204 and H.B. 53, Election Law Amendments, both pass and become law, it
212 is the intent of the Legislature that the Office of Legislative Research and General Counsel, in
213 preparing the Utah Code database for publication, modify Subsection 20A-3-306(2) to read as
214 follows:

215 "(2) An absentee ballot is not valid unless:

216 (a) in the case of an absentee ballot that is voted in person, ~~it is~~ the ballot is:

217 (i) applied for and cast in person at the office of the appropriate election officer no later
218 than the ~~Friday~~ Thursday before election day; or

219 (ii) submitted on election day at a polling location in the political subdivision where
220 the absentee voter resides;

221 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:

222 (i) clearly postmarked before election day; and

223 (ii) received in the office of the election officer before noon on the day of the official
224 canvass following the election; or

225 ~~(b)~~ (c) in the case of a military-overseas ballot, the ballot is submitted in accordance

226 with Section 20A-16-404.";

227 Section 9. **Coordinating H.B. 204 with S.B. 24 -- Substantive amendments.**

228 If this H.B. 204 and S.B. 24, Absentee Ballot Amendments, both pass and become law,
229 it is the intent of the Legislature that the Office of Legislative Research and General Counsel,
230 in preparing the Utah Code database for publication, do the following:

231 (1) the changes in Subsection 20A-3-304(3) in H.B. 204 do not take effect; and

232 (2) modify Subsection 20A-3-304(5) in S.B. 24 to read as follows:

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