

ABSENTEE BALLOT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions in Title 20A, Election Code, regarding absentee ballots.

Highlighted Provisions:

This bill:

- ▶ establishes a deadline by which an absentee ballot must be postmarked;
- ▶ requires a person who distributes and collects absentee ballot applications to register and receive training;
- ▶ establishes criminal and civil penalties; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

Section 1. Section **20A-3-304** is amended to read:

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

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

(a) file an absentee ballot application:

(i) on the electronic system maintained by the lieutenant governor under Section

20A-2-206; or

(ii) with the appropriate election officer for an official absentee ballot as provided in

this section; or

33 (b) vote in person at the office of the appropriate election officer as provided in Section
34 20A-3-306.

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

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

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

41 _____
42 Voter"

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

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

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

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

51 _____
52 Voter"

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

53 (i) mail or fax the application blank to the absentee voter; or

54 (ii) deliver the application blank to any voter who personally applies for it at the office
55 of the election officer.

56 (d) If an election officer provides a person with more than 10 blank absentee ballot
57 applications, the election officer shall notify the person of the requirements of Subsection (5).

58 (3) [~~(a) Except as provided in Subsection (3)(b), a~~] A voter who wishes to vote by
59 absentee ballot shall file the application for an absentee ballot with the lieutenant governor or
60 appropriate election officer no later than the Friday before election day.

61 [~~(b) Overseas applicants shall file their applications with the appropriate election~~
62 ~~officer no later than 20 days before election day.~~]

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

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

65 (i) requests permanent absentee voter status; and

66 (ii) meets the requirements of this section.

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

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

70 (iii) The clerk may remove the names of any voter from the absentee voter registration
71 list if:

72 (A) the voter is no longer listed in the official register; or

73 (B) the voter fails to verify the voter's residence and absentee status.

74 (d) The clerk shall provide a copy of the permanent absentee voter list to election
75 officers for use in elections.

76 (5) (a) (i) A person who intends to distribute a blank absentee ballot application to
77 more than 10 people and receive a completed absentee ballot application from another person
78 shall, before distributing a blank absentee ballot application:

79 (A) register with the lieutenant governor; and

80 (B) complete the training described in Subsection (5)(a)(ii).

81 (ii) The lieutenant governor shall provide online training to a person who registers
82 under Subsection (5)(a)(i) regarding the absentee ballot application process, deadline, and
83 requirements.

84 (iii) The lieutenant governor may impose a fine of up to \$100 on a person who fails to
85 comply with the requirements of Subsection (5)(a)(i).

86 (b) A person who receives a completed absentee ballot application from another person
87 shall file the absentee ballot application with the lieutenant governor or appropriate election
88 officer no later than the sooner of:

89 (i) the Friday before election day; or

90 (ii) 14 days after the day on which the person receives a completed absentee ballot
91 application from another person.

92 (c) (i) It is unlawful for a person to willfully fail or refuse to file a completed absentee
93 ballot application as required by Subsection (5)(b) to the lieutenant governor or appropriate
94 election officer.

95 (ii) A person who violates this Subsection (5)(c) is guilty of a class C misdemeanor.

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

97 **20A-3-306. Voting ballot -- Returning ballot.**

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

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

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

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

102 (iv) securely seal the envelope; and

103 (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit

104 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
105 obtained.

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

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

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

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

111 (iv) securely seal the envelope; and

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

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

114 (a) in the case of an absentee ballot that is voted in person, it is applied for and cast in
115 person at the office of the appropriate election officer no later than the Friday before election
116 day; ~~or~~

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

118 (i) postmarked on or before election day; and

119 (ii) received by the election officer before noon on the day of the canvass; or

120 ~~(b)~~ (c) in the case of a military-overseas ballot, submitted in accordance with Section
121 20A-16-404.