

Part 4 Voting and Ballots

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

- (1) A covered voter who is registered to vote in the state may apply for a military-overseas ballot using:
 - (a) an absentee ballot application under Section 20A-3-304; or
 - (b)
 - (i) the federal postcard application; or
 - (ii) the federal postcard application's electronic equivalent.
- (2) A covered voter who is not registered to vote in this state may use a federal postcard application or the federal postcard application's electronic equivalent to apply simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.
- (3)
 - (a) The lieutenant governor shall ensure that the electronic transmission system described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official.
 - (b) The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.
- (4) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by the Thursday immediately before the election.
- (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate election official that the voter is a covered voter by:
 - (a) the use of a federal postcard application or federal write-in absentee ballot;
 - (b) the use of an overseas address on an approved voter registration application or ballot application; or
 - (c) the inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.
- (6) This chapter does not preclude a covered voter from voting under Chapter 3, Part 3, Absentee Voting.

Amended by Chapter 198, 2013 General Session

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

- (1) An application for a military-overseas ballot is timely if received by the Thursday immediately before the election.
- (2) An application for a military-overseas ballot for a regular primary election or municipal primary election, whether or not timely, is effective as an application for a military-overseas ballot for the regular general election or municipal general election.

Amended by Chapter 198, 2013 General Session

20A-16-403 Transmission of unvoted ballots.

- (1) For an election for which the state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later than 45 days before the election or, notwithstanding Section 20A-1-401, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.
- (2)
 - (a) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose:
 - (i) facsimile transmission;
 - (ii) email delivery; or
 - (iii) if offered by the voter's jurisdiction, Internet delivery.
 - (b) The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.
- (3) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

Enacted by Chapter 327, 2011 General Session

20A-16-404 Timely casting of ballot.

Except as provided by Section 20A-1-308, to be valid, a military-overseas ballot shall be:

- (1) received by the appropriate election officer not later than the close of the polls; or
- (2) submitted for mailing, electronic transmission, or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date of the election.

Amended by Chapter 219, 2013 General Session

20A-16-405 Federal write-in absentee ballot.

A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot propositions in an election.

Enacted by Chapter 327, 2011 General Session

20A-16-406 Disposition of ballot by county clerk.

- (1) Upon receipt by the county clerk of the envelope containing a military-overseas ballot, the county clerk shall:
 - (a) enclose the unopened envelope containing the ballot and the written application of the covered voter in a larger envelope;
 - (b) securely seal and endorse it with:
 - (i) the name or number of the proper voting precinct;
 - (ii) the name and official title of the clerk; and
 - (iii) the words: "This envelope contains an absentee voter's official Utah election ballot to be voted at ____ (Insert Name and Number) precinct, in ____ (Insert Name) county, and may be opened on election day at the polls while the polls are open."; and

- (c) safely keep the envelope in the county clerk's office until the envelope is delivered by the county clerk to the proper election judges.
- (2)
- (a) When reasonably possible, the county clerk shall deliver or mail all military-overseas voter ballot envelopes to the appropriate voting precinct election judges so that the ballots may be processed on election day.
 - (b) If the clerk is unable to determine the voting precinct to which the ballot should be sent or when valid ballots are received too late to deliver to the election judges on election day, the clerk shall keep them in a safe place until delivery can be made as required by Section 20A-3-309.

Amended by Chapter 369, 2012 General Session

20A-16-407 Duty of election judges.

- (1)
- (a) Voting precinct election judges shall open envelopes containing military-overseas ballots that are in the judges' custody on election day at the polling places during the time the polls are open as provided in this subsection.
 - (b) The election judges shall:
 - (i) first, open the outer envelope only; and
 - (ii) compare the signature of the covered voter on the application with the signature on the registration and voting certificate.
- (2)
- (a) The judges shall register the covered voter to vote if the voter is not already registered if the judges find that:
 - (i) the registration and voting certificate appears to be executed in proper form and contains information qualifying the covered voter to be registered as a voter; and
 - (ii) the signatures on the certificate and the application correspond, where a comparison is required.
 - (b) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:
 - (i) disallow the registration; and
 - (ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of _____ ." with the reason for the rejection placed in the blank.
 - (c) When a covered voter's name is entered upon the registration books, the voter is considered to be registered and the registration and voting certificate, signed and sworn to by the covered voter on the back of the ballot envelope, together with the covered voter's name upon the registration books, constitute the covered voter's registration record.
 - (d) Nothing in this title may abridge the right of the covered voter to be registered as provided in this section.
- (3)
- (a) After registering the voter, the judges shall carefully open the ballot envelope so as not to destroy the information printed on it if they find that:
 - (i) the registration and voting certificate is sufficient; and
 - (ii) the signatures on the certificate and the application correspond, where a comparison is required.
 - (b) The election judges shall:

- (i) remove the ballot from the envelope without unfolding it or permitting it to be opened or examined;
 - (ii) initial the stub in the same manner as for other ballots;
 - (iii) deposit the ballot in the proper ballot box; and
 - (iv) mark the official register and pollbook to show that the voter has voted.
- (c) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:
- (i) disallow the vote; and
 - (ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of _____ ." with the reason for the rejection placed in the blank.
- (4) The election judges shall deposit the envelope, when the ballot is voted, and the envelope with its contents unopened, when the absent vote is rejected, in the ballot box containing the ballots.
- (5) The county clerk shall retain and preserve the envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

Renumbered and Amended by Chapter 327, 2011 General Session
Amended by Chapter 366, 2011 General Session

20A-16-408 Receipt of voted ballot.

- (1) Except as provided by Section 20A-1-308, a valid military-overseas ballot cast in accordance with Section 20A-16-404 shall be counted if the military-overseas ballot is delivered by the end of business on the business day before the latest deadline for completing the canvass to the address that the appropriate state or local election office has specified.
- (2) If, at the time of completing a military-overseas ballot and balloting materials, the voter has declared under penalty of perjury as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters, that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

Amended by Chapter 219, 2013 General Session

20A-16-409 Declaration.

A military-overseas ballot shall include or be accompanied by:

- (1) a declaration signed by a covered voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or Title 76, Chapter 8, Part 5, Falsification in Official Matters; and
- (2) the following statement if the military-overseas ballot is electronically transmitted: "I understand that by electronically transmitting my voted ballot I am voluntarily waiving my right to a secret ballot. Signature of voter _____ Date _____".

Enacted by Chapter 327, 2011 General Session

20A-16-410 Confirmation of receipt of application and voted ballot.

The lieutenant governor, in coordination with an election officer, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet:

- (1) whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted;
- (2) whether the voter's military-overseas ballot has been received; and

(3) the current status of the ballot.

Enacted by Chapter 327, 2011 General Session