

20A-3-308 Absentee ballots in the custody of poll workers -- Disposition -- Notice.

- (1)
 - (a) Voting precinct poll workers shall open envelopes containing absentee ballots that are in their custody on election day at the polling places during the time the polls are open as provided in this Subsection (1).
 - (b) The poll workers shall:
 - (i) first, open the outer envelope only; and
 - (ii) compare the signature of the voter on the application with the signature on the affidavit.
- (2)
 - (a) The poll workers shall carefully open and remove the absentee voter envelope so as not to destroy the affidavit on the envelope if they find that:
 - (i) the affidavit is sufficient;
 - (ii) the signatures correspond; and
 - (iii) the applicant is registered to vote in that voting precinct and has not voted in that election.
 - (b) If, after opening the absentee voter envelope, the poll worker finds that a provisional ballot envelope is enclosed, the poll worker shall:
 - (i) record, in the official register, whether:
 - (A) the voter included valid voter identification; or
 - (B) a covered voter, as defined in Section 20A-16-102, did not provide valid voter identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;
 - (ii) if any type of identification was included, record the type of identification provided by the voter in the appropriate space in the official register;
 - (iii) record the provisional ballot number on the official register; and
 - (iv) place the provisional ballot envelope with the other provisional ballot envelopes to be transmitted to the county clerk.
 - (c) If the absentee ballot is not a provisional ballot, the poll workers shall:
 - (i) remove the absentee 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) remove the stub from the ballot;
 - (iv) deposit the ballot in the ballot box; and
 - (v) mark the official register and pollbook to show that the voter has voted.
- (3) If the poll workers determine that the affidavit is insufficient, or that the signatures do not correspond, or that the applicant is not a registered voter in the voting precinct, they shall:
 - (a) disallow the vote; and
 - (b) without opening the absentee voter envelope, mark across the face of the envelope:
 - (i) "Rejected as defective"; or
 - (ii) "Rejected as not a registered voter."
- (4) The poll workers shall deposit the absentee voter envelope, when the absentee ballot is voted, and the absentee voter envelope with its contents unopened when the absent vote is rejected, in the ballot box containing the ballots.
- (5)
 - (a) An election officer shall notify a voter if a poll worker rejects the voter's ballot and specify the reason for the rejection.
 - (b) An election officer shall give the notice described in Subsection (5)(a) to a voter no later than seven days after:
 - (i) election day if the election officer receives the ballot before or on election day; and

- (ii) the canvass if the election officer receives the ballot after election day and before the end of the canvass.
- (6) The election officer shall retain and preserve the absentee voter envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

Amended by Chapter 309, 2012 General Session