

1 **OVERSEAS AND MILITARY VOTERS**

2 **AMENDMENTS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Don E. Bush**

6 **This act modifies provisions of the Election Code governing military and overseas voters by**
7 **modifying mailing requirements for overseas and military ballots. This act makes technical**
8 **corrections.**

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **20A-3-408**, as last amended by Chapter 373, Laws of Utah 2001

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

13 Section 1. Section **20A-3-408** is amended to read:

14 **20A-3-408. Voting of ballot by military or overseas citizen voter.**

15 (1) (a) The military or overseas citizen voter shall:

16 (i) upon receipt of the ballot, mark it in secret;

17 (ii) seal it in the ballot envelope provided for that purpose; and

18 (iii) execute the registration and voting certificate and mailing affidavit on the back of the
19 envelope [~~in the presence of a commissioned, noncommissioned, or petty officer not below the~~
20 ~~rank of sergeant, or other person authorized to administer oaths~~].

21 (b) (i) If the military or overseas citizen voter is physically disabled so as to be unable to
22 see or write, he may request assistance from two persons, each of whom shall be qualified to
23 certify to the registration and voting certificate.

24 (ii) The military or overseas citizen voter shall tell those persons how he wishes his ballot
25 marked.

26 (iii) Those persons shall mark the ballot as directed by the military or overseas citizen
27 voter in his presence.



28 (iv) One of the persons assisting the military or overseas citizen voter shall:

29 (A) read to the voter the registration and voting certificate upon the ballot;

30 (B) fill in its blanks as the voter directs; and

31 (C) sign, on the line provided for the signature of the voter, the name of the voter and his
32 own name.

33 (2) (a) The ballot shall be sent by any available mail service to the county clerk who issued
34 it.

35 (b) The military or overseas citizen voter is not required to return the ballot by registered
36 mail.

37 (3) ~~[(a)]~~ The ballot is not valid unless ~~[it is]~~:

38 (a) (i) it is clearly postmarked by the appropriate military post office, the Fleet Post Office
39 (FPO) or the Army/Air Force Post Office (APO), ~~[on or]~~ before election day and received in the
40 office of the election officer before noon on the day of the official canvass following the election;
41 or

42 ~~[(ii) in the possession of a military mail courier, en route to the appropriate fleet post office
43 or army/air force post office, and can be certified as having been picked up on or before election
44 day.]~~

45 ~~[(b) If it is not possible to obtain the appropriate military post office postmark on or before
46 election day, a noncommissioned officer or commissioned officer may certify that the ballot was
47 voted on or before election day by writing the following on the exterior of the ballot:]~~

48 ~~[(i) "I certify that this ballot was voted on or before election day";]~~

49 ~~[(ii) by signing and dating; and]~~

50 ~~[(iii) clearly printing the noncommissioned officer or the commissioned officer's name,
51 rank, and service number below the signature.]~~

52 (i) the voter has signed the mailing affidavit on the back of the ballot envelope and the
53 ballot is received in the office of the election officer before noon on the day of the official canvass
54 following the election.

55 (b) The county clerk shall cause a mailing affidavit to be printed on the back of the ballot
56 envelope that is in substantially the following form:

57 "I certify that I am/may be unable to obtain a proper postmark and, subject to penalty of law
58 for false statements, swear or affirm that this ballot was voted and mailed before the day of the

59 election.
60 Signature of
61 Voter _____
62 Date _____
63 To be signed when voter is physically unable to see or write:
64 _____ Signature of additional
65 witness who is a commissioned, noncommissioned, or petty officer not below the rank of sergeant
66 or its equivalent, or another person authorized to administer oaths who does swear, under penalty
67 of law for false statements, that at the request of _____ (name of the voter), I
68 completed the mailing affidavit because the voter was unable to see or write because of a physical
69 disability."

Legislative Review Note
as of 11-15-01 8:56 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Government Operations Interim Committee recommended this bill.