

ABSENTEE VOTING BY MILITARY PERSONNEL

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Benjamin M. McAdams

House Sponsor: Lynn N. Hemingway

LONG TITLE

General Description:

This bill modifies the Election Code by amending provisions related to overseas military absentee voting.

Highlighted Provisions:

This bill:

- ▶ amends the deadline for a military voter to apply and cast an absentee ballot;
- ▶ allows an overseas military voter to apply for an absentee ballot electronically; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-3-406, as last amended by Laws of Utah 2006, Chapter 264

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

Section 1. Section **20A-3-406** is amended to read:

20A-3-406. Absentee ballots for military personnel and citizens living overseas --



28 **Federal postcard applications for ballot.**

29 (1) (a) [~~Applications for absentee ballots for military voters that are~~] An application for
30 an absentee ballot for a military voter who is located in the United States shall be filed in the
31 county clerk's office no later than the Friday immediately before the day of election.

32 (b) [~~Military personnel~~] A member of the military voting an absentee ballot at the
33 office of the clerk shall apply and cast [~~their~~] the absentee ballot no later than the [~~day~~] Friday
34 before the election.

35 (2) (a) (i) [~~Military voters~~] A military voter stationed overseas and an overseas citizen
36 [~~voters~~] voter shall file an application for a ballot with the county clerk no later than 20 days
37 before the date of the election.

38 (ii) The application for an overseas military voter under Subsection (2)(a)(i) may be
39 filed electronically.

40 (b) Upon receipt of a properly completed [~~written~~] application for an absentee ballot
41 signed by [~~any~~] a military voter or an overseas citizen voter, the county clerk shall mail an
42 appropriate ballot to the military voter or overseas citizen voter.

43 (c) [~~The~~] At the time the ballot is furnished, the county clerk[~~, at the time he furnishes~~
44 ~~the ballot,~~] shall record, in a record book provided for that purpose[~~;~~];

45 (i) the name and home address of the military voter or overseas citizen voter to whom
46 the ballot is mailed[~~;~~];

47 (ii) the address [~~mailed to, and~~] to which the ballot was mailed; and

48 (iii) the date [~~of mailing~~] the ballot was mailed.

49 (d) If the military voter or overseas citizen voter sends [~~his~~] the absentee ballot
50 application to the lieutenant governor, the lieutenant governor shall forward the application to
51 the county clerk of the county where the military voter or overseas citizen voter is entitled to
52 vote.

53 (e) If the county clerk rejects the application for an absentee ballot from a military or
54 overseas citizen voter, the county clerk shall inform the voter of the reasons for rejecting the
55 application.

56 (3) [~~Any~~] A military voter or overseas citizen voter who is physically disabled [~~so as to~~
57 ~~be~~] and unable to see or write may apply for a ballot by having a commissioned,
58 noncommissioned, or petty officer not below the rank of sergeant[~~;~~] or other person authorized

59 to administer oaths to apply for a ballot on the voter's behalf.

60 (4) (a) A federal postcard application issued under the authority of any Act of Congress
61 or federal regulation is acceptable, when properly executed, as an application for a ballot under
62 this chapter.

63 (b) The county clerk shall accept the completed postcard application as an application
64 for ballots for each election for federal office held in the next two even-numbered years and
65 shall send the applicant a ballot for each of those elections, as required by Section 20A-3-407.

66 (5) The county clerk shall retain the application for use at the time the ballot is received
67 from the military voter or overseas citizen voter.

Legislative Review Note
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Office of Legislative Research and General Counsel