

Representative Steve Eliason proposes the following substitute bill:

**ELECTION AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to elections.

**Highlighted Provisions:**

This bill:

- ▶ clarifies how to cast a valid absentee ballot; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-3-301**, as last amended by Laws of Utah 2004, Chapter 195

**20A-3-306**, as last amended by Laws of Utah 2012, Chapter 309

**20A-3-702**, as enacted by Laws of Utah 2011, Chapter 291

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

Section 1. Section **20A-3-301** is amended to read:



26           **20A-3-301. Voting by absentee ballot.**

27           (1) Any person who is registered to vote may vote by absentee ballot.

28           (2) [~~A~~] Except as provided in Section 20A-3-702, a registered voter may not vote in  
29 person if the voter voted by absentee ballot.

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

31           **20A-3-306. Voting ballot -- Returning ballot.**

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

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

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

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

36           (iv) securely seal the envelope; and

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

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

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

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

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

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

45           (iv) securely seal the envelope; and

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

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

48           (a) in the case of an absentee ballot that is voted in person~~[, it]~~;

49           (i) the ballot is applied for and cast in person at the office of the appropriate election  
50 officer no later than the Friday before election day; or

51           (ii) the ballot is submitted at a polling location in the political subdivision where the  
52 absentee voter resides;

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

54           (i) clearly postmarked ~~H~~→ [on or] ←~~H~~ before election day; and

55           (ii) received in the office of the election officer before noon on the day of the official  
56 canvass following the election; or

57            [~~(b)~~] (c) in the case of a military-overseas ballot, the ballot is submitted in accordance  
58 with Section 20A-16-404.

59            (3) An absentee voter may submit a completed absentee ballot at a polling location  
60 located in a political subdivision holding the election, if the absentee voter resides in the  
61 political subdivision.

62            (4) An absentee voter may submit an incomplete absentee ballot at a polling location  
63 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and  
64 vote in person.

65            Section 3. Section **20A-3-702** is amended to read:

66            **20A-3-702. Election day voting center -- Hours of operation -- Compliance with**  
67 **Election Code.**

68            (1) An election officer may operate an election day voting center in one or more  
69 locations designated under Section 20A-3-703.

70            (2) An election officer shall provide for voting at an election day voting center by:

71            (a) regular ballot if:

72            (i) the election day voting center is designated under Section 20A-5-403 as the polling  
73 place for the voting precinct in which the voter resides; and

74            (ii) the voter is eligible to vote using a regular ballot in accordance with this title;

75            (b) voting center ballot if:

76            (i) the election day voting center is not designated under Section 20A-5-403 as the  
77 polling place for the voting precinct in which the voter resides;

78            (ii) the voter resides within the political subdivision holding the election; and

79            (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this  
80 title; or

81            (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in  
82 accordance with this title.

83            (3) An election officer shall ensure that an election day voting center:

84            (a) is open on election day during the time period specified under Section 20A-1-302;

85            (b) allows an eligible voter to vote if the voter:

86            (i) resides within the political subdivision holding an election; and

87            (ii) arrives at the election day voting center by the designated closing time in

88 accordance with Section 20A-1-302; and

89 (c) is administered according to the requirements of this title.

90 (4) A person may submit a completed absentee ballot at an election day voting center  
91 for the political subdivision in which the person resides.

92 (5) A person may submit an incomplete absentee ballot at an election day voting center  
93 for the political subdivision in which the person resides, request that the ballot be declared  
94 spoiled, and vote in person.