

Senator Aaron Osmond proposes the following substitute bill:

ELECTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Aaron Osmond

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ clarifies how to cast a valid absentee ballot;
- ▶ changes the date by which a voter is required to file an application for an absentee ballot; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 53, Election Law Amendments, by providing substantive amendments.

→ This bill coordinates with S.B. 24, Absentee Ballot Amendments, by providing substantive amendments. ←

Utah Code Sections Affected:

AMENDS:

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

20A-3-304, as last amended by Laws of Utah 2011, Chapter 17

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



- 26 20A-3-702, as enacted by Laws of Utah 2011, Chapter 291
- 27 20A-16-302, as enacted by Laws of Utah 2011, Chapter 327
- 28 20A-16-401, as enacted by Laws of Utah 2011, Chapter 327
- 29 20A-16-402, as enacted by Laws of Utah 2011, Chapter 327

Utah Code Sections Affected by Coordination Clause:

30a **§→ 20A-3-304, as last amended by Laws of Utah 2011, Chapter 17 ←§**

31 20A-3-306, as last amended by Laws of Utah 2012, Chapter 309



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

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

35 **20A-3-301. Voting by absentee ballot.**

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

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

39 Section 2. Section 20A-3-304 is amended to read:

40 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

41 (1) Any registered voter who wishes to vote an absentee ballot may either:

42 (a) file an absentee ballot application:

43 (i) on the electronic system maintained by the lieutenant governor under Section
44 20A-2-206; or

45 (ii) with the appropriate election officer for an official absentee ballot as provided in
46 this section; or

47 (b) vote in person at the office of the appropriate election officer as provided in Section
48 20A-3-306.

49 (2) (a) Except as provided in Subsection (2)(b), the lieutenant governor or election
50 officer shall prepare an application form for absentee ballot applications in substantially the
51 following form:

52 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
53 apply for an official absentee ballot to be voted by me at the election.

54 Date _____ (month\day\year) Signed _____

55 Voter"

56 (b) The lieutenant governor or election officer shall prepare blank applications for

212 "(2) An absentee ballot is not valid unless:

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

214 (i) applied for and cast in person at the office of the appropriate election officer no later
215 than the ~~[Friday]~~ Thursday before election day; or

216 (ii) submitted on election day at a polling location in the political subdivision where
217 the absentee voter resides;

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

219 (i) clearly postmarked before election day; and

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

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

223a **§→ Section 9. Coordinating H.B. 204 with S.B. 24 -- Substantive amendments.**

223b **If this H.B. 204 and S.B. 24, Absentee Ballot Amendments, both pass and become law, it**
223c **is the intent of the Legislature that the Office of Legislative Research and General Counsel, in**
223d **preparing the Utah Code database for publication, do the following:**

223e **(1) the changes in Subsection 20A-3-304(3) in H.B. 204 do not take effect; and**

223f **(2) modify Subsection 20A-3-304(5) in S.B. 24 to read as follows:**

223g **"(5) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by**
223h **absentee ballot shall file the application for an absentee ballot with the lieutenant governor or**
223i **appropriate election officer no later than the ~~[Friday]~~ Thursday before election day."** ←§