

## HB0204S02 compared with HB0204S01

~~text~~ shows text that was in HB0204S01 but was deleted in HB0204S02.

text shows text that was not in HB0204S01 but was inserted into HB0204S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative ~~Steve Eliason~~James A. Dunnigan 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~~ This bill coordinates with H.B. 53, Election Law Amendments, by providing substantive amendments.

##### Utah Code Sections Affected:

## HB0204S02 compared with HB0204S01

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

**Utah Code Sections Affected by Coordination Clause:**

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

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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:

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

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

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

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

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

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

- (i) complete and sign the affidavit on the envelope;
- (ii) mark the votes on the absentee ballot;
- (iii) place the voted absentee ballot in the envelope;
- (iv) securely seal the envelope; and

(v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit the envelope in the mail or deliver it in person to the election officer from whom the ballot was obtained.

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

- (i) complete and sign the affidavit on the envelope;
- (ii) mark the votes on the absent-voter ballot;
- (iii) place the voted absent-voter ballot in the envelope;
- (iv) securely seal the envelope; and
- (v) give the ballot and envelope to the election officer.

(2) An absentee ballot is not valid unless:

## HB0204S02 compared with HB0204S01

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

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

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

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

(i) clearly postmarked on or before election day; and

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

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

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

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

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

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

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

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

(a) regular ballot if:

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

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

(b) voting center ballot if:

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

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

## HB0204S02 compared with HB0204S01

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

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

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

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

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

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

(ii) arrives at the election day voting center by the designated closing time in accordance with Section 20A-1-302; and

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

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

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

### Section 4. Coordinating H.B. 204 with H.B. 53 -- Substantive amendments.

If this H.B. 204 and H.B. 53, Election Law Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 20A-3-306(2) to read as follows:

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

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

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

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

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

(i) clearly postmarked before election day; and

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

**HB0204S02 compared with HB0204S01**

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