

Representative Patrice M. Arent proposes the following substitute bill:

ELECTION LAW REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill amends provisions related to an absentee ballot.

Highlighted Provisions:

This bill:

- ▶ requires a county that conducts an election entirely by mail to provide ballot drop boxes;
- ▶ establishes requirements for a ballot drop box; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-3-302, as last amended by Laws of Utah 2015, Chapter 173

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

Section 1. Section **20A-3-302** is amended to read:



26 **20A-3-302. Conducting entire election by absentee ballot.**

27 (1) Notwithstanding Section 17B-1-306, an election officer may administer an election
28 entirely by absentee ballot.

29 (2) If the election officer decides to administer an election entirely by absentee ballot,
30 the election officer shall mail to each registered voter within that voting precinct:

31 (a) an absentee ballot;

32 (b) for an election administered by a county clerk, information regarding the location
33 and hours of operation of any election day voting center at which the voter may vote;

34 (c) a courtesy reply mail envelope;

35 (d) instructions for returning the ballot that include an express notice about any
36 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

37 (e) for an election administered by an election officer other than a county clerk, if the
38 election officer does not operate a polling location or an election day voting center, a warning,
39 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
40 the instructions included with the absentee ballot, the voter will be unable to vote in that
41 election because there will be no polling place in the voting precinct on the day of the election.

42 (3) A voter who votes by absentee ballot under this section is not required to apply for
43 an absentee ballot as required by this part.

44 (4) An election officer who administers an election entirely by absentee ballot shall:

45 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
46 the election; or

47 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
48 and

49 (b) maintain the signatures on file in the election officer's office.

50 (5) (a) Upon receiving the returned absentee ballots, the election officer shall compare
51 the signature on each absentee ballot with the voter's signature that is maintained on file and
52 verify that the signatures are the same.

53 (b) If the election officer questions the authenticity of the signature on the absentee
54 ballot, the election officer shall immediately contact the voter to verify the signature.

55 (c) If the election ~~[official]~~ officer determines that the signature on the absentee ballot
56 does not match the voter's signature that is maintained on file, the election officer shall:

57 (i) unless the absentee ballot application deadline described in Section 20A-3-304 has
58 passed, immediately send another absentee ballot and other voting materials as required by this
59 section to the voter; and

60 (ii) disqualify the initial absentee ballot.

61 (6) A county that administers an election entirely by absentee ballot:

62 (a) shall provide at least one election day voting center in accordance with Title 20A,
63 Chapter 3, Part 7, Election Day Voting Center;

64 (b) shall ensure that an election day voting center operated by the county has at least
65 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
66 Pub. L. No. 107-252, for individuals with disabilities; and

67 (c) is not required to pay return postage for an absentee ballot.

68 (7) (a) A county that conducts an election under this section shall provide ballot drop
69 boxes in a number that is at least equal to the greater of:

70 (i) one for every 30,000 individuals to whom a ballot is sent for the election; or

71 (ii) three.

72 (b) A county shall ensure that a ballot drop box described in Subsection (7)(a) is
73 publicly accessible for a voter to deposit a ballot:

74 (i) at a reasonably accessible time and place; and

75 (ii) until 8:00 p.m. on election day.

76 (c) Notwithstanding Subsection (7)(a), a county may provide less than three ballot drop
77 boxes if:

78 (i) the county submits a written request to the lieutenant governor that:

79 (A) requests approval to provide fewer than three ballot drop boxes; and

80 (B) provides justification for the request; and

81 (ii) the lieutenant governor approves the request.

82 (d) A county clerk that provides a ballot drop box shall ensure that:

83 (i) the ballot drop box is secured with a lock;

84 (ii) the ballot drop box is physically secured in a manner that prevents the theft of the
85 ballot drop box;

86 (iii) an individual does not deposit a ballot in the ballot drop box after 8:00 p.m. on the
87 day of the election; and

88 (iv) at least two election officials are present any time a ballot deposited in a ballot
89 drop box is:
90 (A) removed from the ballot drop box; or
91 (B) transported to a polling location or counting center.
92 (e) Notwithstanding the requirements described in Subsection (7)(d)(iii), a county clerk
93 shall allow an individual to deposit a ballot in a ballot drop box if the individual is in line to
94 deposit the ballot in the ballot drop box at 8:00 p.m. on the day of an election.