

VOTE BY MAIL AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends and enacts provisions relating to voting by mail.

Highlighted Provisions:

This bill:

- ▶ requires the lieutenant governor, with the participation of county clerks and other election officers, to study how to administer an election by mail with the option of voting in person at early voting or an election day voting center;
- ▶ repeals a section specific to voting by mail in certain districts;
- ▶ authorizes an election officer to administer an election entirely by mail; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

20A-3-302, as last amended by Laws of Utah 2005, Chapter 71

63I-2-220, as last amended by Laws of Utah 2011, Chapter 291

ENACTS:

20A-5-410, Utah Code Annotated 1953

REPEALS:

20A-3-302.5, as enacted by Laws of Utah 2009, Chapter 24

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

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

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

(1) [~~Whenever, on the 60th day before an election, there are 500 or fewer persons registered to vote in a voting precinct, the county legislative body of the county in which the voting precinct is located~~] Notwithstanding Section 17B-1-306, an election officer may [~~elect to~~] administer an election entirely by absentee ballot.

(2) If the [~~county legislative body of the county in which the voting precinct is located~~] election officer decides to administer an election entirely by absentee ballot, the [~~county clerk~~] election officer shall mail to each registered voter within that voting precinct:

- (a) an absentee ballot;
- (b) a statement that there will be no polling place in the voting precinct for the election;
- (c) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for [~~his~~] the voter's vote to be counted; and
- (d) if the election officer does not operate an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, [~~he~~] the voter will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.

(3) Any voter who votes by absentee ballot under this subsection is not required to apply for an absentee ballot as required by this part.

(4) [~~(a) The county clerk of a county that~~] An election officer who administers an election entirely by absentee ballot shall:

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

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

~~(ii)~~ (b) maintain the signatures on file in the [county clerk's] election officer's office.

58 ~~[(b)(i)]~~ (5) (a) Upon receiving the returned absentee ballots, the ~~[county clerk]~~ election
59 officer shall compare the signature on each absentee ballot with the voter's signature that is
60 maintained on file and verify that the signatures are the same.

61 ~~[(ii)]~~ (b) If the ~~[county clerk]~~ election officer questions the authenticity of the signature
62 on the absentee ballot, the ~~[clerk]~~ election officer shall immediately contact the voter to verify
63 the signature.

64 ~~[(iii)]~~ (c) If the voter does not confirm ~~[his]~~ the voter's signature on the absentee ballot,
65 the ~~[county clerk]~~ election officer shall:

66 ~~[(A)]~~ (i) immediately send another absentee ballot and other voting materials as
67 required by this subsection to the voter; and

68 ~~[(B)]~~ (ii) disqualify the initial absentee ballot.

69 Section 2. Section **20A-5-410** is enacted to read:

70 **20A-5-410. Study voting by mail.**

71 (1) The lieutenant governor, in consultation with other election officers, shall study
72 how to administer an election that takes place no later than 2015 in which all registered voters
73 receive a ballot in the mail and a person may vote by:

74 (a) returning a marked ballot to the election officer in the mail; or

75 (b) marking a ballot in person at an early voting polling place or an election day voting
76 center.

77 (2) (a) An election officer shall participate in the study at the request of the lieutenant
78 governor.

79 (b) The study shall include recommended statutory changes.

80 (3) The lieutenant governor shall report on the progress of the study to the Government
81 Operations Interim Committee before September 30, 2012, September 30, 2013, and
82 September 30, 2014.

83 Section 3. Section **63I-2-220** is amended to read:

84 **63I-2-220. Repeal dates, Title 20A.**

85 (1) Section 20A-2-107.5 is repealed July 1, 2013.

86 (2) Section 20A-3-704 is repealed January 1, 2016.

87 (3) Section 20A-5-410 is repealed January 1, 2016.

88 Section 4. **Repealer.**

89 This bill repeals:

90 Section **20A-3-302.5, Absentee voting -- No polling place in elections for certain**
91 **districts.**

92 Section 5. **Effective date.**

93 If approved by two-thirds of all the members elected to each house, this bill takes effect
94 upon approval by the governor, or the day following the constitutional time limit of Utah
95 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
96 the date of veto override.