

**Effective 5/12/2015**

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

- (1) Notwithstanding Section 17B-1-306, an election officer may administer an election entirely by absentee ballot.
- (2) If the election officer decides to administer an election entirely by absentee ballot, the election officer shall mail to each registered voter within that voting precinct:
  - (a) an absentee ballot;
  - (b) for an election administered by a county clerk, information regarding the location and hours of operation of any election day voting center at which the voter may vote;
  - (c) a courtesy reply mail envelope;
  - (d) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
  - (e) for an election administered by an election officer other than a county clerk, if the election officer does not operate a polling location or 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, 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) A voter who votes by absentee ballot under this section is not required to apply for an absentee ballot as required by this part.
- (4) 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;  
or
    - (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
  - (b) maintain the signatures on file in the election officer's office.
- (5)
  - (a) Upon receiving the returned absentee ballots, the election officer shall compare the signature on each absentee ballot with the voter's signature that is maintained on file and verify that the signatures are the same.
  - (b) If the election officer questions the authenticity of the signature on the absentee ballot, the election officer shall immediately contact the voter to verify the signature.
  - (c) If the election official determines that the signature on the absentee ballot does not match the voter's signature that is maintained on file, the election officer shall:
    - (i) unless the absentee ballot application deadline described in Section 20A-3-304 has passed, immediately send another absentee ballot and other voting materials as required by this section to the voter; and
    - (ii) disqualify the initial absentee ballot.
- (6) A county that administers an election entirely by absentee ballot:
  - (a) shall provide at least one election day voting center in accordance with Title 20A, Chapter 3, Part 7, Election Day Voting Center;
  - (b) shall ensure that an election day voting center operated by the county has at least one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities; and
  - (c) is not required to pay return postage for an absentee ballot.

Amended by Chapter 173, 2015 General Session