

ABSENTEE BALLOT AMENDMENT

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Afton B. Bradshaw

AN ACT RELATING TO ELECTIONS; MODIFYING THE QUALIFICATIONS FOR VOTING AN ABSENTEE BALLOT; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-3-304, as last amended by Chapter 10, Laws of Utah 1996

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

Section 1. Section **20A-3-304** is amended to read:

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

(1) As used in this section, "absent elector" means a person who:

(a) is physically, emotionally, or mentally impaired;

(b) will be serving as an election judge or who has election duties in another voting precinct;

(c) is detained or incarcerated in a jail or prison **h AS A PENALTY FOR COMMITTING A MISDEMEANOR h** ;

(d) suffers a legal disability;

(e) is prevented from voting in a particular location because of religious tenets or other strongly-held personal values;

(f) is called for jury duty in state or federal court; or

(g) otherwise expects to be absent from the voting precinct during the hours the polls are open on election day.

(2) A registered voter who is or will be an absent elector may file an absentee ballot application with the appropriate election officer for an official absentee ballot.

(3) (a) Each election officer shall prepare blank applications for absentee ballot applications in substantially the following form:

28 "I, ____ a qualified elector, in full possession of my mental faculties, residing at ____
29 Street, ____ City, ____ County, Utah and to my best knowledge and belief am entitled to vote by
30 absentee ballot at the next election.

31 I apply for an official absentee ballot to be voted by me at the election.

32 Dated _____ 19____ Signed _____

33 Voter"

34 (b) If requested by the applicant, the election officer shall:

35 (i) mail or fax the application blank to the absentee voter; or

36 (ii) deliver the application blank to any voter who personally applies for it at the office of
37 the election officer.

38 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the voters shall file the application
39 for an absentee ballot with the appropriate election officer no later than the Friday before election
40 day.

41 (ii) Overseas applicants shall file their applications with the appropriate election officer
42 no later than 20 days before the day of election.

43 (b) Persons voting an absentee ballot at the office of the election officer shall apply for and
44 cast their ballot no later than the day before the election.

45 (5) (a) A county clerk may establish a permanent absentee voter list.

46 (b) The clerk shall place on the list the name of any person who:

47 (i) requests permanent absentee voter status; and

48 (ii) meets the requirements of this section.

49 (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the
50 absentee voter list.

51 (ii) The questionnaire shall allow the absentee person to verify the voter's residence and
52 inability to vote at the voting precinct on election day.

53 (iii) The clerk may remove the names of any voter from the absentee voter registration list
54 if:

55 (A) the voter is no longer listed in the official register; or

56 (B) the voter fails to verify the voter's residence and absentee status.

57 (d) The clerk shall provide a copy of the permanent absentee voter list to election officers
58 for use in elections.

Legislative Review Note
as of 2-1-99 9:17 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel