

1 **ELECTION CODE - MILITARY OVERSEAS**

2 **BALLOT PROCEDURES**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Matt Throckmorton**

6 **This act modifies statutes governing voting by military or overseas citizens. This act**
7 **establishes criteria for declaring certain ballots invalid.**

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

9 AMENDS:

10 **20A-3-408**, as enacted by Chapter 1, Laws of Utah 1993

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

12 Section 1. Section **20A-3-408** is amended to read:

13 **20A-3-408. Voting of ballot by military or overseas citizen voter.**

14 (1) (a) The military or overseas citizen voter shall:

15 (i) upon receipt of the ballot, mark it in secret;

16 (ii) seal it in the ballot envelope provided for that purpose; and

17 (iii) execute the registration and voting certificate on the back of the envelope in the
18 presence of a commissioned, noncommissioned, or petty officer not below the rank of sergeant,
19 or other person authorized to administer oaths.

20 (b) (i) If the military or overseas citizen voter is physically disabled so as to be unable to
21 see or write, he may request assistance from two persons, each of whom shall be qualified to
22 certify to the registration and voting certificate.

23 (ii) The military or overseas citizen voter shall tell those persons how he wishes his ballot
24 marked.

25 (iii) Those persons shall mark the ballot as directed by the military or overseas citizen
26 voter in his presence.

27 (iv) One of the persons assisting the military or overseas citizen voter shall:



28 (A) read to the voter the registration and voting certificate upon the ballot;
 29 (B) fill in its blanks as the voter directs; and
 30 (C) sign, on the line provided for the signature of the voter, the name of the voter and his
 31 own name.

32 (2) (a) The ballot shall be sent by any available mail service to the county clerk who issued
 33 it.
 34 (b) The military or overseas citizen voter is not required to return the ballot by registered
 35 mail.

36 (3) ~~§ (a) h~~ The ballot is not valid unless it is:
 37 ~~h [(a) for overseas citizen voters, received at the office of the appropriate election officer~~
 38 ~~before the closing of polls on election day; or~~
 39 ~~——(b) for overseas military voters:]~~

40 ~~§ [—(a)] h~~ (i) clearly postmarked by the appropriate military post office, the Fleet Post Office (FPO)
 41 or the Army/Air Force Post Office (APO), on or before election day and received in the office of
 42 the election officer before noon on the day of the official canvass following the election; or

42a ~~h (ii) § [THE BALLOT IS] § IN THE POSSESSION OF A MILITARY MAIL COURIER, § [IS] § EN ROUTE TO~~
 42b ~~THE APPROPRIATE FLEET POST OFFICE OR ARMY/AIR FORCE POST OFFICE § . § AND CAN BE~~
 42c ~~CERTIFIED AS HAVING BEEN PICKED UP ON OR BEFORE ELECTION DAY § [; OR] . § h~~

43 ~~h [(iii) (b) h § [if] IF h~~ it is not possible to obtain the appropriate military post office
 43a ~~postmark on or before~~
 44 ~~election day, a noncommissioned officer or commissioned officer, may certify that the ballot was~~
 45 ~~voted on or before election day by writing the following on the exterior of the ballot:~~

46 ~~h [(A)] (i) h~~ "I certify that this ballot was voted on or before election day";
 47 ~~h [(B)] (ii) h~~ by signing and dating; and
 48 ~~h [(C)] (iii) h~~ clearly printing the noncommissioned officer or the commissioned officer's name,
 49 ~~rank, and service number below the signature.~~

Legislative Review Note
as of 2-5-01 7:01 AM

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

Office of Legislative Research and General Counsel