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LOCAL AND SPECIAL SERVICE DISTRICT

ELECTION AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill allows local districts and special service districts to conduct elections solely by absentee ballot.

Highlighted Provisions:

This bill:

- ▶ defines "district";
- ▶ allows a district to conduct an election solely by absentee ballot;
- ▶ addresses the district's provision of information and ballots to voters within the district;
- ▶ provides for the district to obtain signatures from all voters within the district from the voter or county clerk; and
- ▶ addresses the procedure for a district to verify each ballot received.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 ENACTS:

29 **20A-3-302.5**, Utah Code Annotated 1953



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

32 Section 1. Section **20A-3-302.5** is enacted to read:

33 **20A-3-302.5. Absentee voting -- No polling place in elections for certain districts.**

34 (1) As used in this section, "district" means a:

35 (a) local district, as defined in Section 17B-1-102; or

36 (b) special service district, as defined in Section 17D-1-102.

37 (2) Notwithstanding Sections 17B-1-306 and 17D-1-303, at least 60 days before the
38 day of an election, a district may elect to administer an election entirely by absentee ballot.

39 (3) If a district decides to administer an election entirely by absentee ballot, the district
40 shall mail to each registered voter within the district:

41 (a) an absentee ballot;

42 (b) a statement that there will be no polling place for the election;

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

45 (d) a warning, on a separate page of colored paper in bold face print, indicating that if
46 the voter fails to follow the instructions included with the absentee ballot, the voter will be
47 unable to vote in that election because there will be no polling place on the day of the election.

48 (4) Any voter who votes by absentee ballot under this section is not required to apply
49 for an absentee ballot as required by this part.

50 (5) (a) A district that administers an election entirely by absentee ballot shall:

51 (i) (A) obtain, in person, the signatures of each voter within the district before the
52 election; and

53 (B) maintain the signatures on file in the district's office; or

54 (ii) obtain the signatures of each voter within the district from the county clerk.

55 (b) (i) Upon receiving the returned absentee ballots, the district shall compare the
56 signature on each absentee ballot with the voter's signature that is maintained on file and verify
57 that the signatures are the same.

58 (ii) If the district questions the authenticity of the signature on the absentee ballot, the

59 district shall immediately contact the voter to verify the signature.

60 (iii) If the voter does not confirm the voter's signature on the absentee ballot, the

61 district shall:

62 (A) immediately send another absentee ballot and other voting materials as required by

63 this section to the voter; and

64 (B) disqualify the initial absentee ballot.

Legislative Review Note
as of 11-20-08 11:57 AM

Office of Legislative Research and General Counsel