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
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 administrate 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) 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 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 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) The county clerk of a county that 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.
[(b) (i)] (5) (a) Upon receiving the returned absentee ballots, the [county clerk] 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.

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

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

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

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

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

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

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

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

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

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

(b) The study shall include recommended statutory changes.


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

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

(1) Section 20A-2-107.5 is repealed July 1, 2013.
Section 20A-3-704 is repealed January 1, 2016.

Section 20A-5-410 is repealed January 1, 2016.

This bill repeals:

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

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