

ELECTION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ clarifies how to cast a valid absentee ballot; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-3-301, as last amended by Laws of Utah 2004, Chapter 195

20A-3-306, as last amended by Laws of Utah 2009, Chapter 191

20A-3-702, as enacted by Laws of Utah 2011, Chapter 291

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

Section 1. Section **20A-3-301** is amended to read:

20A-3-301. Voting by absentee ballot.

(1) Any person who is registered to vote may vote by absentee ballot.



28 (2) A registered voter may not vote in person if the voter voted by absentee ballot
29 except as provided in Section 20A-3-702.

30 Section 2. Section **20A-3-306** is amended to read:

31 **20A-3-306. Voting ballot -- Returning ballot.**

32 (1) (a) To vote a mail-in absentee ballot, the absentee voter shall:

33 (i) complete and sign the affidavit on the envelope;

34 (ii) mark his votes on the absentee ballot;

35 (iii) place the voted absentee ballot in the envelope;

36 (iv) securely seal the envelope; and

37 (v) attach postage and deposit the envelope in the mail or deliver it in person to the
38 election officer from whom the ballot was obtained.

39 (b) To vote an absentee ballot in person at the office of the election officer, the absent
40 voter shall:

41 (i) complete and sign the affidavit on the envelope;

42 (ii) mark his votes on the absent-voter ballot;

43 (iii) place the voted absent-voter ballot in the envelope;

44 (iv) securely seal the envelope; and

45 (v) give the ballot and envelope to the election officer.

46 (2) An absentee ballot is not valid unless:

47 (a) in the case of an absentee ballot that is voted in person~~[-it]~~;

48 (i) the ballot is applied for and cast in person at the office of the appropriate election
49 officer no later than the Friday before election day; or

50 (ii) the ballot is submitted at an election day voting center as provided in Section
51 20A-3-702; or

52 (b) in the case of [~~an absentee ballot that is returned by mail or transmitted~~
53 ~~electronically under~~] a military-overseas ballot, the ballot is submitted in accordance with
54 Section [20A-3-408.5, it is:] 20A-16-404.

55 [~~(i) clearly postmarked or electronically transmitted before election day; and]~~

56 [~~(ii) received in the office of the election officer before noon on the day of the official~~
57 ~~canvass following the election.]~~

58 Section 3. Section **20A-3-702** is amended to read:

59 **20A-3-702. Election day voting center -- Hours of operations -- Compliance with**
60 **Election Code.**

61 (1) An election officer may operate an election day voting center in one or more
62 locations designated under Section 20A-3-703.

63 (2) An election officer shall provide for voting at an election day voting center by:

64 (a) regular ballot if:

65 (i) the election day voting center is designated under Section 20A-5-403 as the polling
66 place for the voting precinct in which the voter resides; and

67 (ii) the voter is eligible to vote using a regular ballot in accordance with this title;

68 (b) voting center ballot if:

69 (i) the election day voting center is not designated under Section 20A-5-403 as the
70 polling place for the voting precinct in which the voter resides;

71 (ii) the voter resides within the political subdivision holding the election; and

72 (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this
73 title; or

74 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
75 accordance with this title.

76 (3) An election officer shall ensure that an election day voting center:

77 (a) is open on election day during the time period specified under Section 20A-1-302;

78 (b) allows an eligible voter to vote if the voter:

79 (i) resides within the political subdivision holding an election; and

80 (ii) arrives at the election day voting center by the designated closing time in
81 accordance with Section 20A-1-302; and

82 (c) is administered according to the requirements of this title.

83 (4) A person may submit a completed absentee ballot at an election day voting center
84 for the political subdivision in which the person resides.

85 (5) A person may submit an incomplete absentee ballot at an election day voting center
86 for the political subdivision in which the person resides, request that the ballot be declared
87 spoiled, and vote in person.

Legislative Review Note
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Office of Legislative Research and General Counsel