

Representative Gregory H. Hughes proposes the following substitute bill:

ELECTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Aaron Osmond

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ clarifies how to cast a valid absentee ballot;
- ▶ changes the date by which a voter is required to file an application for an absentee ballot; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 53, Election Law Amendments, by providing substantive amendments.

Utah Code Sections Affected:

AMENDS:

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

20A-3-304, as last amended by Laws of Utah 2011, Chapter 17

20A-3-306, as last amended by Laws of Utah 2012, Chapter 309



26 20A-3-702, as enacted by Laws of Utah 2011, Chapter 291

27 Utah Code Sections Affected by Coordination Clause:

28 20A-3-306, as last amended by Laws of Utah 2012, Chapter 309



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

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

32 **20A-3-301. Voting by absentee ballot.**

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

34 (2) ~~[A]~~ Except as provided in Section 20A-3-702, a registered voter may not vote in
35 person if the voter voted by absentee ballot.

36 Section 2. Section 20A-3-304 is amended to read:

37 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

38 (1) Any registered voter who wishes to vote an absentee ballot may either:

39 (a) file an absentee ballot application:

40 (i) on the electronic system maintained by the lieutenant governor under Section
41 20A-2-206; or

42 (ii) with the appropriate election officer for an official absentee ballot as provided in
43 this section; or

44 (b) vote in person at the office of the appropriate election officer as provided in Section
45 20A-3-306.

46 (2) (a) Except as provided in Subsection (2)(b), the lieutenant governor or election
47 officer shall prepare an application form for absentee ballot applications in substantially the
48 following form:

49 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
50 apply for an official absentee ballot to be voted by me at the election.

51 Date _____ (month\day\year) Signed _____

52 _____
Voter"

53 (b) The lieutenant governor or election officer shall prepare blank applications for
54 absentee ballot applications for regular primary elections and for the Western States
55 Presidential Primary in substantially the following form:

56 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

57 apply for an official absentee ballot for the _____ political party to be voted by me
58 at the primary election.

59 I understand that I must be affiliated with or authorized to vote the political party's
60 ballot that I request.

61 Dated _____ (month\day\year) ____ Signed _____
62 Voter"

63 (c) If requested by the applicant, the election officer shall:

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

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

67 (3) (a) Except as provided in Subsection (3)(b) or Subsection 20A-3-306(2)(a), a voter
68 who wishes to vote by absentee ballot shall file the application for an absentee ballot with the
69 lieutenant governor or appropriate election officer no later than the [~~Friday~~] Thursday before
70 election day.

71 (b) Overseas applicants shall file their applications with the appropriate election officer
72 no later than 20 days before election day.

73 (4) (a) A county clerk may establish a permanent absentee voter list.

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

75 (i) requests permanent absentee voter status; and

76 (ii) meets the requirements of this section.

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

79 (ii) The questionnaire shall allow the absentee person to verify the voter's residence.

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

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

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

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

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

87 **20A-3-306. Voting ballot -- Returning ballot.**

88 (1) (a) To vote a mail-in absentee ballot, the absentee voter shall:
89 (i) complete and sign the affidavit on the envelope;
90 (ii) mark the votes on the absentee ballot;
91 (iii) place the voted absentee ballot in the envelope;
92 (iv) securely seal the envelope; and
93 (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit
94 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
95 obtained.

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

- 98 (i) complete and sign the affidavit on the envelope;
- 99 (ii) mark the votes on the absent-voter ballot;
- 100 (iii) place the voted absent-voter ballot in the envelope;
- 101 (iv) securely seal the envelope; and
- 102 (v) give the ballot and envelope to the election officer.

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

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

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

107 (ii) the ballot is submitted at a polling location in the political subdivision where the
108 absentee voter resides;

109 (b) in the case of an absentee ballot that is returned by mail, the ballot is:

110 (i) clearly postmarked before election day; and

111 (ii) received in the office of the election officer before noon on the day of the official
112 canvass following the election; or

113 ~~[(b)]~~ (c) in the case of a military-overseas ballot, the ballot is submitted in accordance
114 with Section 20A-16-404.

115 (3) An absentee voter may submit a completed absentee ballot at a polling location
116 located in a political subdivision holding the election, if the absentee voter resides in the
117 political subdivision.

118 (4) An absentee voter may submit an incomplete absentee ballot at a polling location

119 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and
120 vote in person.

121 Section 4. Section **20A-3-702** is amended to read:

122 **20A-3-702. Election day voting center -- Hours of operation -- Compliance with**
123 **Election Code.**

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

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

127 (a) regular ballot if:

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

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

131 (b) voting center ballot if:

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

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

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

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

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

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

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

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

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

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

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

148 (5) A person may submit an incomplete absentee ballot at an election day voting center
149 for the political subdivision in which the person resides, request that the ballot be declared

150 spoiled, and vote in person.

151 Section 5. **Coordinating H.B. 204 with H.B. 53 -- Substantive amendments.**

152 If this H.B. 204 and H.B. 53, Election Law Amendments, both pass and become law, it
153 is the intent of the Legislature that the Office of Legislative Research and General Counsel, in
154 preparing the Utah Code database for publication, modify Subsection 20A-3-306(2) to read as
155 follows:

156 "(2) An absentee ballot is not valid unless:

157 (a) in the case of an absentee ballot that is voted in person, ~~[it]~~ the ballot:

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

160 (ii) is submitted on election day at a polling location in the political subdivision where
161 the absentee voter resides;

162 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:

163 (i) clearly postmarked before election day; and

164 (ii) received in the office of the election officer before noon on the day of the official
165 canvass following the election; or

166 ~~[(b)]~~ (c) in the case of a military-overseas ballot, the ballot is submitted in accordance
167 with Section 20A-16-404."