

**ELECTIONS REVISIONS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad M. Daw**

Senate Sponsor: Deidre M. Henderson

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**LONG TITLE**

**General Description:**

This bill changes processes related to elections.

**Highlighted Provisions:**

This bill:

- ▶ creates requirements for an election officer who receives an invalid absentee ballot;
- ▶ changes the time by which a county clerk is required to remove a deceased individual's name from the official register;
- ▶ makes changes to the process by which a paper ballot is adjudicated when a question arises regarding a vote recorded on the paper ballot;

~~H→ [→ requires a county to pay return postage on an absentee ballot when conducting an election entirely by absentee ballot;] ←H~~ and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-2-305**, as last amended by Laws of Utah 2012, Chapters 33 and 52

**20A-3-302**, as last amended by Laws of Utah 2015, Chapter 173



59 after the day on which the voter registered to vote in this state.

60 (3) The county clerk shall remove a voter's name from the [~~registration list within 21~~  
61 ~~days of receipt of~~] official register within five business days after the day on which the county  
62 clerk receives confirmation from the Department of Health's Bureau of Vital Records that [a]  
63 the voter is deceased.

64 Section 2. Section **20A-3-302** is amended to read:

65 **20A-3-302. Conducting entire election by absentee ballot.**

66 (1) (a) Notwithstanding Section 17B-1-306, an election officer may administer an  
67 election entirely by absentee ballot.

68 (b) An election officer who administers an election entirely by absentee ballot, except  
69 for an election conducted under Section 20A-7-609.5, shall, before the following dates, notify  
70 the lieutenant governor that the election will be administered entirely by absentee ballot:

71 (i) February 1 of an even-numbered year if the election is a regular general election; or  
72 (ii) May 1 of an odd-numbered year if the election is a municipal general election.

73 (2) If the election officer decides to administer an election entirely by absentee ballot,  
74 the election officer shall mail to each registered voter within that voting precinct:

75 (a) an absentee ballot;

76 (b) for an election administered by a county clerk, information regarding the location  
77 and hours of operation of any election day voting center at which the voter may vote;

78 (c) a ~~H~~→ [f] courtesy [H] **[business]** ←~~H~~ reply mail envelope;

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

81 (e) for an election administered by an election officer other than a county clerk, if the  
82 election officer does not operate a polling location or an election day voting center, a warning,  
83 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow  
84 the instructions included with the absentee ballot, the voter will be unable to vote in that  
85 election because there will be no polling place in the voting precinct on the day of the election.

86 (3) A voter who votes by absentee ballot under this section is not required to apply for  
87 an absentee ballot as required by this part.

88 (4) An election officer who administers an election entirely by absentee ballot shall:

89 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before

121 section to the voter; and]

122 [~~(ii) disqualify the initial absentee ballot.~~]

123 (ii) if the canvass has not concluded, count the voter's ballot.

124 (f) An election officer may not count the ballot of a voter to whom the election officer  
 125 sends the notice described in Subsection (5)(c) if the election officer does not receive a signed  
 126 affidavit from the voter under Subsection (5)(d) or is not otherwise able to establish contact  
 127 with the voter to confirm the voter's identity.

128 (6) A county that administers an election entirely by absentee ballot:

129 (a) shall provide at least one election day voting center in accordance with Title 20A,  
 130 Chapter 3, Part 7, Election Day Voting Center;

131 (b) shall ensure that an election day voting center operated by the county has at least  
 132 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,  
 133 Pub. L. No. 107-252, for individuals with disabilities; [~~and~~]

134 (c) is ~~is~~ [f] not [f] ~~is~~ required to pay return postage for an absentee ballot[-]; and

135 (d) is subject to an audit conducted under Subsection (7).

136 (7) (a) The lieutenant governor shall:

137 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in  
 138 an election conducted under this section; and

139 (ii) after each primary, general, or special election conducted under this section, select  
 140 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures  
 141 developed under Subsection (7)(a)(i).

142 (b) The lieutenant governor shall post the results of an audit conducted under this  
 143 Subsection (7) on the lieutenant governor's website.

144 Section 3. Section **20A-3-305** is amended to read:

145 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**  
 146 **Affidavit.**

147 (1) (a) Upon timely receipt of an absentee voter application properly filled out and  
 148 signed less than 30 days before the election, the election officer shall either:

149 (i) give the applicant an official absentee ballot and envelope to vote in the office; or

150 (ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an  
 151 envelope printed as required in Subsection (2).