

**EARLY VOTING AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John R. Westwood**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

This bill permits to reduce the early voting period.

**Highlighted Provisions:**

This bill:

▶ permits ~~H~~→ [an election officer] a municipal clerk and, for a county where an election is conducted entirely by mail, a county clerk, ←~~H~~ to reduce the early voting period;

▶ makes conforming changes to certain deadlines; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**20A-3-202**, as last amended by Laws of Utah 2012, Chapter 251

**20A-3-202.3**, as last amended by Laws of Utah 2015, Chapter 19

**20A-3-601**, as last amended by Laws of Utah 2017, Chapter 58

**20A-3-604**, as last amended by Laws of Utah 2017, Chapters 251, 267 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 267

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



90 ~~voting commences]~~ date of the election.

91 (4) (a) [~~Before the day on which early voting commences]~~ No later ~~H→~~ **than** ~~←H~~ 15 days  
91a before the

92 date of the election, the election officer shall determine whether each challenged voter is  
93 eligible to vote.

94 (b) (i) The filer of the challenge has the burden to prove, by clear and convincing  
95 evidence, that the basis for challenging the voter's right to vote is valid.

96 (ii) The election officer shall resolve the challenge based on the available facts and  
97 information submitted, which may include voter registration records and other documents or  
98 information available to the election officer.

99 (5) A person who files a challenge under the requirements of this section is subject to  
100 criminal penalties for false statements as provided under Sections 76-8-503 and 76-8-504 and  
101 any other applicable criminal provision.

102 (6) (a) A decision of the election officer regarding a person's eligibility to vote may be  
103 appealed to the district court having jurisdiction over the location where the challenge was  
104 filed.

105 (b) The district court shall uphold the decision of the election officer unless the district  
106 court determines that the decision was arbitrary, capricious, or unlawful.

107 (c) In making the district court's determination, the district court's review is limited to:

108 (i) the information submitted under Subsection (1)(a) by the person challenging the  
109 voter's eligibility;

110 (ii) the information submitted under Subsection (3)(c) by the challenged voter; and

111 (iii) any additional facts and information used by the election official to determine  
112 whether the challenged voter is eligible to vote, as indicated by the election official.

113 (7) A challenged voter may register to vote or change the location of the voter's voter  
114 registration if otherwise legally entitled to do so.

115 (8) All documents pertaining to a voter challenge are public records.

116 Section 3. Section **20A-3-601** is amended to read:

117 **20A-3-601. Early voting.**

118 (1) [~~(a)~~] An individual who is registered to vote may vote before the election date in  
119 accordance with this section.

120 [~~(b) An individual who is not registered to vote may register to vote and vote before the~~

121 ~~election date in accordance with this section if the individual:]~~

122 ~~(i) is otherwise legally entitled to vote the ballot in a jurisdiction that is approved by~~  
 123 ~~the lieutenant governor to participate in the pilot project described in Section 20A-4-108; and]~~

124 ~~(ii) casts a provisional ballot in accordance with Section 20A-4-108.]~~

125 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period  
 126 shall:

127 (a) begin on the date that is 14 days before the date of the election; and

128 (b) continue through the Friday before the election if the election date is a Tuesday.

129 (3) (a) An election officer may extend the end of the early voting period to the day  
 130 before the election date if the election officer provides notice of the extension in accordance  
 131 with Section 20A-3-604.

132 (b) ~~H→~~ [An election officer] For a municipal election, the municipal clerk ~~←H~~ may  
 132a reduce the early voting period described in this section if:

133 (i) the ~~H→~~ [election officer] municipal clerk ~~←H~~ conducts early voting on at least  
 133a ~~H→~~ [two] four ~~←H~~ days;

134 (ii) the early voting days are within the period beginning on the date that is 14 days  
 135 before the date of the election and ending on the day before the election; and

136 (iii) the ~~H→~~ [election officer] municipal clerk ~~←H~~ provides notice of the reduced early  
 136a voting period in  
 137 accordance with Section 20A-3-604.

137a ~~H→~~ (c) For a county election that is conducted entirely by mail, the county clerk may reduce  
 137b the early voting period described in this section if:

137c (i) the county clerk conducts early voting on at least [two] four days;

137d (ii) the early voting days are within the period beginning on the date that is 14 days  
 137e before the date of the election and ending on the day before the election; and

137f (iii) the county clerk provides notice of the reduced early voting period in accordance  
 137g with Section 20A-3-604. ~~←H~~

138 (4) Except as provided in Section 20A-1-308, during the early voting period, the  
 139 election officer:

140 (a) for a local special election, a municipal primary election, and a municipal general  
 141 election:

142 (i) shall conduct early voting on a minimum of four days during each week of the early  
 143 voting period; and

144 (ii) shall conduct early voting on the last day of the early voting period; and