



29 that:

- 30           • the election will be conducted primarily by mail; and
- 31           • a county is required to provide in-person voting, for both early voting and on  
32 election day, by traditional voting or outdoor voting;
- 33           ▶ lists several code provisions that are not in effect, or that are otherwise modified, for  
34 the 2020 regular general election;
- 35           ▶ provides for accessible voting options for a voter with a disability for the 2020  
36 regular general election;
- 37           ▶ modifies ballot harvesting provisions for all elections;
- 38           ▶ repeals all provisions of this bill, except the ballot harvesting provisions, on January  
39 1, 2021; and
- 40           ▶ makes technical and conforming changes.

41 **Money Appropriated in this Bill:**

42           None

43 **Other Special Clauses:**

44           This bill provides a special effective date.

45 **Utah Code Sections Affected:**

46 AMENDS:

47           **20A-3a-501**, as renumbered and amended by Laws of Utah 2020, Chapter 31

48           **63I-2-220**, as last amended by Laws of Utah 2020, Chapters 31 and 49

49 ENACTS:

50           **20A-1-310**, Utah Code Annotated 1953



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

53           Section 1. Section **20A-1-310** is enacted to read:

54           **20A-1-310. Regular general election, 2020 -- COVID-19 measures.**

55           (1) As used in this section, and for the 2020 regular general election:

56 (a) (i) "Building" means, except as provided in Subsection (1)(a)(ii), a structure that is  
57 completely enclosed from the exterior by walls and a roof.

58 (ii) "Building" does not include a structure approved by the election officer for voters  
59 to drive through the structure.

60 (b) (i) "Outdoor voting" means a voting procedure where the voter does not enter a  
61 building at any time during the voting process.

62 (ii) "Outdoor voting" includes voting by:

63 (A) walking up to, or driving up to, an exterior window of a building;

64 (B) walking up to, or driving up to, an outdoor location; or

65 (C) driving through a structure approved by the election officer for voters to drive  
66 through the structure.

67 (c) "Outdoor voting station" means a location described in Subsection (1)(b)(ii) where  
68 outdoor voting occurs.

69 (d) "Polling place" means:

70 (i) a building where polling is conducted; or

71 (ii) an outdoor voting station.

72 (2) In relation to conducting the 2020 regular general election, the Legislature takes the  
73 action described in this section to protect the public health and safety in relation to the  
74 COVID-19 pandemic.

75 (3) If any provision of the Utah Code conflicts with a provision of this section, this  
76 section prevails.

77 (4) Notwithstanding any emergency declaration issued under the authority of this state,  
78 or any other restriction imposed by the governor, the Department of Health, a local  
79 government, a local health department, or any other government entity of the state, and  
80 consistent with the requirements of this section, the conduct of the 2020 regular general  
81 election:

82 (a) subject to the provisions of this section, is an essential service, including voting,

83 voter registration, the mailing of ballots, the return of completed ballots, the processing of  
84 ballots, the counting and tallying of votes, and the release of election results; and

85 (b) except as expressly provided in this section, is not prohibited or affected by the  
86 emergency declaration or restriction.

87 (5) The lieutenant governor's office shall, in consultation with the county clerks and  
88 consistent with the provisions of this section and other applicable requirements of law, issue  
89 protocols to protect the health and safety of voters and government employees in the conduct of  
90 the 2020 regular general election, including:

91 (a) requiring poll workers to use protective gear and to wash hands regularly;

92 (b) prohibiting ill poll workers from working; and

93 (c) promoting, to the extent practicable, social distancing between poll workers.

94 (6) The lieutenant governor's office shall conduct a campaign to:

95 (a) educate the public on the provisions of this section, especially provisions relating to  
96 changes in the voter registration, voting methods, and voting process; and

97 (b) encourage voters to vote by mail rather than at an outdoor voting station.

98 (7) The lieutenant governor's office may make other modifications relating to  
99 deadlines, locations, and methods of conducting the 2020 regular general election to the extent  
100 the modifications are necessary to carry out the provisions of this section.

101 (8) For the 2020 regular general election only:

102 (a) a county shall:

103 (i) conduct the election primarily by mail;

104 (ii) provide in-person voting on election day and during early voting, via one or more  
105 of the following in-person voting methods:

106 (A) traditional in-person voting at a polling location in a building; or

107 (B) outdoor voting;

108 (b) a covered voter, as defined in Section [20A-16-102](#), may vote in any manner  
109 approved by the election officer;

- 110 (c) an election officer shall:
- 111 (i) provide a method of accessible voting to a voter with a disability who is not able to
- 112 vote by mail; and
- 113 (ii) include, on the election officer's website and with each ballot mailed, instructions
- 114 regarding how a voter described in Subsection (8)(c)(i) may vote;
- 115 (d) an individual assisting a voter described in Subsection (8)(c)(i) may vote at the
- 116 same time and place as the voter;
- 117 (e) the notice of election shall include the following statement: "To help prevent the
- 118 spread of the coronavirus, for the 2020 regular general election only:
- 119 • the election will be conducted primarily by mail;
  - 120 • in-person voting will be available by [indicate the methods of in-person voting that
  - 121 will be available in the county and a web address where an individual may obtain more
  - 122 information about voting in-person];
  - 123 • drop boxes will be available for depositing mail-in ballots until 8 p.m. on election
  - 124 day; and
  - 125 • registration by provisional ballot will be available at a polling place.
- 126 An individual with a disability who is not able to vote a manual ballot by mail may
- 127 obtain information on voting in an accessible manner from the county's website, by contacting
- 128 the county clerk, or by reviewing the information included with a ballot mailed to the voter.";
- 129 (f) subject to Subsection (9), the following are in effect in a county to the extent
- 130 in-person voting occurs via the methods of in-person voting in effect in the county:
- 131 (i) in relation to voter registration:
  - 132 (A) Subsections [20A-2-102.5\(2\)\(b\)](#) and [\(2\)\(c\)](#); and
  - 133 (B) the portion of Subsections [20A-2-202\(3\)\(b\)](#), [20A-2-204\(6\)\(c\)\(iii\)](#),
  - 134 [20A-2-205\(7\)\(b\)](#), and [20A-2-206\(9\)\(b\)](#) following the words "pending election";
  - 135 (ii) in relation to polling places:
  - 136 (A) Sections [20A-3a-203](#), [20A-3a-402](#), [20A-4-101](#), [20A-4-102](#), [20A-4-103](#),

137 20A-5-403, 20A-5-404, 20A-5-406, 20A-5-407, and 20A-6-203;  
138 (B) Subsections 20A-3a-201(1)(b) and (c), 20A-3a-202(2)(a)(iv), 20A-3a-209(1) and  
139 (2), 20A-4-202(2)(a), 20A-5-102(2), 20A-5-205(2), and 20A-5-405(1)(i) and (3)(b)(ii);  
140 (C) Subsections 20A-5-101(4)(b), (4)(c), (4)(e), and (6)(c)(iii);  
141 (D) Subsections 20A-3a-204(2)(b)(i), (3), (4), (7), (8), and (9); and  
142 (E) the portion of Subsection 20A-5-102(1)(c)(xiii) following the words "date of the  
143 election";  
144 (iii) in relation to an election day voting center, Chapter 3a, Part 7, Election Day  
145 Voting Center, Subsection 20A-3a-202(2)(a)(iv) and (v) and (8)(a) and (b), and Subsection  
146 20A-7-801(3)(e);  
147 (iv) relating to early voting, Chapter 3a, Part 6, Early Voting, and Subsection  
148 20A-3a-202(8)(c);  
149 (v) registration by provisional ballot, described in Section 20A-2-207;  
150 (vi) in relation to bond elections:  
151 (A) Subsections 11-14-202(3), (4)(a)(ii), (4)(a)(iv), (4)(b), and (6); and  
152 (B) the portion of Subsection 11-14-202(4)(a)(iii) following the words "election  
153 officer's website";  
154 (vii) in relation to in-person voter registration that occurs on or after the effective date  
155 of this bill, Section 20A-2-201, Subsection 20A-2-304(1)(a), and Subsection 20A-2-307(2)(a);  
156 (viii) in relation to a provisional ballot, the portion of Subsection 20A-3a-804(3)(b)(ii)  
157 following the words "provisional ballot";  
158 (ix) in relation to voting a provisional ballot in-person, Section 20A-3a-205; and  
159 (x) in relation to a challenge at a polling place, Section 20A-3a-805;  
160 (g) provisional ballots, described in Section 20A-3a-205, may only be cast:  
161 (i) by mail;  
162 (ii) at a polling location for in-person voting, to the extent the in-person voting occurs  
163 via a method of in-person voting in effect in the county; or

164 (iii) for an individual with a disability, as otherwise authorized by the election officer;  
165 (h) the statement described in Subsections 20A-5-101(4)(d) and 20A-7-702(1)(m) and  
166 (1)(n) shall refer to the following:  
167 (i) polling places, to the extent the in-person voting occurs via a method of in-person  
168 voting in effect in the county; and  
169 (ii) ballot drop boxes;  
170 (i) the statement described in Subsection 20A-5-101(6)(b) shall state "A [indicate  
171 election type] will be held in [indicate the jurisdiction] on [indicate date of election].  
172 Information relating to the election, including ballot drop box locations, polling locations,  
173 accessible options for voters with a disability, and qualifications of voters may be obtained  
174 from the following sources:";  
175 (j) notwithstanding Subsection 20A-3a-202(10), the election officer shall mail a  
176 manual ballot to each active voter who is eligible to vote in the election, regardless of whether  
177 the voter has requested that the election officer not send a ballot by mail to the voter;  
178 (k) the election officer may modify the number of poll workers to an amount that the  
179 election officer determines is appropriate and may alter or otherwise designate the duties of  
180 poll workers in general, and of each individual poll worker;  
181 (l) the election officer may reduce the number of watchers and alter or otherwise  
182 regulate the placement and conduct of watchers as the election officer determines is  
183 appropriate;  
184 (m) Subsection 20A-2-102.5(2)(a)(i), relating to voter registration at the office of the  
185 county clerk, is in effect only if permitted, and only to the extent permitted, by the election  
186 officer;  
187 (n) in relation to a ballot drop box, the words "in line at" in Subsection  
188 20A-3a-204(2)(d) are replaced with the words "waiting in the vicinity of";  
189 (o) in relation to assisting a voter, the words "or otherwise vote" are inserted  
190 immediately after the words "enter a polling place" in Subsection 20A-3a-208(1);

191 (p) Section 20A-3a-301, relating to emergency ballots, is in effect only to the extent  
192 that the process can be completed:

193 (i) by mail;

194 (ii) if approved by the lieutenant governor's office, by electronic means; or

195 (iii) in-person, if approved by the election officer;

196 (q) Subsection 20A-3a-804(1)(b), relating to a pre-election challenge to a voter, shall  
197 be completed by mail;

198 (r) Subsection 20A-3a-804(4)(a) is not in effect, and the election officer is, instead,  
199 required to determine whether each challenged individual is eligible to vote before the day on  
200 which the canvass is held;

201 (s) the requirement in Subsection 20A-4-303(1)(b) regarding a public canvass may be  
202 fulfilled by recording the canvass and making the recording available to the public;

203 (t) the posting requirements described in Subsections 20A-5-403.5(3)(b) and  
204 20A-5-405(1)(h)(i) and (2)(c)(ii) are not in effect;

205 (u) the "in-person" requirement in Subsection 20A-7-609.5(3)(a)(i) is not in effect;

206 (v) any duty of care owed by a government entity in relation to voting at a polling place  
207 is the sole responsibility of the county, not the state, but this section does not impose a duty of  
208 care or other legal liability not already owed under the provisions of law;

209 (w) in Subsection 20A-3a-202(2)(a), the words "send or" are inserted immediately  
210 before the word "mail"; and

211 (x) for a county where there is a significant risk that timely-mailed ballots may be  
212 postmarked too late to be counted as valid, the county shall:

213 (i) work with the local post office to arrange for the post office to separate and  
214 date-stamp the ballots in a manner that accurately reflects that the ballots were timely mailed;  
215 or

216 (ii) place additional secure drop boxes in the county, starting at least two days before  
217 the election, that will be emptied by poll workers at 8:00 pm on the day of the election.



218 (9) A county clerk may, consistent with the provisions of this section and the other  
219 requirements of law that remain in effect for the 2020 regular general election, alter  
220 requirements relating to a polling place to the extent necessary to address the practical  
221 differences between outdoor voting and voting in a building.

222 (10) A county that provides outdoor voting:

223 (a) shall operate one or more outdoor voting stations:

224 (i) during early voting hours; and

225 (ii) during normal polling hours on election day;

226 (b) may not operate an outdoor voting station at any time other than a time described in  
227 Subsection (10)(a);

228 (c) may permit a voter to access an outdoor voting station by walking up to the voting  
229 station or driving up to the voting station;

230 (d) shall establish procedures and requirements to protect the health and welfare of  
231 voters and poll workers at an outdoor voting station, including the use of protective gear;

232 (e) shall operate the outdoor voting station in a manner that permits a voter to vote in  
233 one or more of the following manners:

234 (i) while remaining outside; or

235 (ii) while remaining in the voter's vehicle; and

236 (f) shall take measures to ensure that a voter's vote is secret and secure.

237 (11) An individual in line at an outdoor voting station at 8 p.m. on election day may  
238 vote at the outdoor voting station.

239 (12) This section does not supersede a federal court order entered in relation to  
240 elections in San Juan County.

241 Section 2. Section **20A-3a-501** is amended to read:

242 **20A-3a-501. Prohibited conduct at polling place -- Other prohibited activities.**

243 (1) As used in this section:

244 (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to

245 refrain from voting or to vote for or vote against any candidate or issue; and

246 (b) "polling place" means the physical place where ballots are cast and includes the  
247 physical place where a ballot drop box is located.

248 (2) (a) An individual may not, within a polling place or in any public area within 150  
249 feet of the building where a polling place is located:

250 (i) do any electioneering;

251 (ii) circulate cards or handbills of any kind;

252 (iii) solicit signatures to any kind of petition; or

253 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts  
254 the administration of the polling place.

255 (b) A county, municipality, school district, or local district may not prohibit  
256 electioneering that occurs more than 150 feet from the building where a polling place is  
257 located, but may regulate the place and manner of that electioneering to protect the public  
258 safety.

259 (3) (a) An individual may not obstruct the doors or entries to a building in which a  
260 polling place is located or prevent free access to and from any polling place.

261 (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the  
262 obstruction of the entrance to a polling place and may arrest an individual creating an  
263 obstruction.

264 (4) An individual may not solicit any voter to show the voter's ballot.

265 ~~[(5) An individual may not receive a voted ballot from any voter or deliver an unused  
266 ballot to a voter unless that individual is a poll worker.]~~

267 (5) (a) An individual may not knowingly possess or control another individual's voted  
268 manual ballot, unless:

269 (i) the individual is an election official or postal worker acting in the capacity of an  
270 election official or postal worker;

271 (ii) the individual possesses or controls the voted ballot in accordance with Section

272 [20A-3a-301](#), relating to emergency ballots;

273 (iii) the possession or control is authorized in order to deliver a military-overseas ballot  
274 in accordance with Chapter 16, Uniform Military and Overseas Voting Act;

275 (iv) subject to Section [20A-3a-208](#), the individual is authorized by a voter to possess or  
276 control the voter's voted ballot if the voter needs assistance delivering the ballot due to the  
277 voter's age, illness, or disability; or

278 (v) the individual resides in the same household as the voter.

279 (b) A violation of Subsection (5)(a) does not invalidate the ballot.

280 (6) An individual who violates any provision of this section is, in addition to the  
281 penalties described in Subsections [20A-1-609](#)(2) and (3), guilty of a class A misdemeanor.

282 (7) A political subdivision may not prohibit political signs that are located more than  
283 150 feet away from a polling place, but may regulate their placement to protect public safety.

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

285 **63I-2-220. Repeal dates -- Title 20A.**

286 (1) On January 1, 2021:

287 (a) Subsection [20A-1-201.5](#)(1), the language that states "Except as provided in  
288 Subsection (4)," is repealed.

289 (b) Subsection [20A-1-201.5](#)(4) is repealed.

290 (c) Subsections [20A-1-204](#)(1)(a)(i) through (iii) are repealed and replaced with the  
291 following:

292 "(i) the fourth Tuesday in June; or

293 (ii) the first Tuesday after the first Monday in November."

294 (d) In Subsections [20A-1-503](#)(4)(c), [20A-9-202](#)(3)(a), [20A-9-403](#)(3)(d)(ii),

295 [20A-9-407](#)(5) and (6)(a), and [20A-9-408](#)(5), immediately following the reference to Subsection  
296 [20A-9-202](#)(1)(b), the language that states "(i) or (ii)" is repealed.

297 (e) Subsection [20A-9-202](#)(1)(b) is repealed and replaced with the following:

298 "(b) Unless expressly provided otherwise in this title, for a registered political party

299 that is not a qualified political party, the deadline for filing a declaration of candidacy for an  
300 elective office that is to be filled at the next regular general election is 5 p.m. on the first  
301 Monday after the third Saturday in April.";

302 (f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:

303 "(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after  
304 the third Saturday in April."

305 (2) Subsection 20A-5-803(8) is repealed July 1, 2023.

306 (3) Section 20A-5-804 is repealed July 1, 2023.

307 (4) On January 1, 2026:

308 (a) In Subsection 20A-1-102(18)(a), the language that states "or [~~Title 20A,~~] Chapter 4,  
309 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

310 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as  
311 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is  
312 repealed.

313 (c) In Section 20A-1-304, the language that states "Except for a race conducted by  
314 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods  
315 Pilot Project," is repealed.

316 (d) In Subsection 20A-3a-204(1)(a), (c), or (d), the language that states "except as  
317 provided in Subsection (6)," is repealed.

318 (e) Subsection 20A-3a-204 (5)(b), the language that states "subject to Subsection (6),"  
319 is repealed.

320 (f) Subsection 20A-3a-204(6) is repealed and the remaining subsections in Section  
321 20A-3a-204 are renumbered accordingly.

322 (g) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in  
323 Subsection (2)(f)," is repealed.

324 (h) Subsection 20A-4-101(2)(f) is repealed.

325 (i) Subsection 20A-4-101(3) is repealed and replaced with the following:

326           "(3) To resolve questions that arise during the counting of ballots, a counting judge  
327 shall apply the standards and requirements of Section 20A-4-105."

328           (j) In Subsection 20A-4-102(1)(b), the language that states "or a rule made under  
329 Subsection 20A-4-101(2)(f)(i)" is repealed.

330           (k) Subsection 20A-4-102(1)(c) is repealed and replaced with the following:

331           "(b) To resolve questions that arise during the counting of ballots, a counting judge  
332 shall apply the standards and requirements of Section 20A-4-105."

333           (l) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in  
334 [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule  
335 made under Subsection 20A-4-101(2)(f)(i)" is repealed.

336           (m) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise  
337 provided in [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project,"  
338 is repealed.

339           (n) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3a-204(6),  
340 or [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project," is  
341 repealed.

342           (o) In Subsections 20A-4-105(3), (4), and (11), the language that states "Except as  
343 otherwise provided in [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods  
344 Pilot Project," is repealed.

345           (p) In Subsection 20A-4-106(2), the language that states "or Title 20A, Chapter 4, Part  
346 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

347           (q) In Subsection 20A-4-304(1)(a), the language that states "except as provided in  
348 [~~Title 20A, Chapter 4,~~] Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

349           (r) Subsection 20A-4-304(2)(e) is repealed and replaced with the following:

350           "(v) from each voting precinct:

351           (A) the number of votes for each candidate; and

352           (B) the number of votes for and against each ballot proposition;"

353 (s) Subsection [20A-4-401](#)(1)(a) is repealed, the remaining subsections in Subsection  
354 (1) are renumbered accordingly, and the cross-references to those subsections are renumbered  
355 accordingly.

356 (t) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is  
357 repealed.

358 (u) Subsections [20A-5-400.1](#)(1)(c) and (d), relating to contracting with a local political  
359 subdivision to conduct an election, is repealed.

360 (v) In Section [20A-5-802](#), relating to the certification of voting equipment:

361 (i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of  
362 Subsection (2); and

363 (ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered  
364 accordingly.

365 (w) Section [20A-6-203.5](#) is repealed.

366 (x) In Subsections [20A-6-402](#)(1) and (2), the language that states "Except as otherwise  
367 required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,  
368 Municipal Alternate Voting Methods Pilot Project," is repealed.

369 (y) In Subsection [20A-9-203](#)(3)(a)(i), the language that states "or Title 20A, Chapter 4,  
370 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

371 (z) In Subsection [20A-9-203](#)(3)(c)(i), the language that states "except as provided in  
372 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

373 (aa) In Subsection [20A-9-404](#)(1)(a), the language that states "or Title 20A, Chapter 4,  
374 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

375 (bb) In Subsection [20A-9-404](#)(2), the language that states "Except as otherwise  
376 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is  
377 repealed.

378 (5) Section [20A-7-407](#) is repealed January 1, 2021.

379 (6) Section [20A-1-310](#) is repealed January 1, 2021.

380           Section 4. **Effective date.**

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