

MAIL-IN BALLOT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to voting by mail.

Highlighted Provisions:

This bill:

- ▶ extends the deadline for mailing a ballot to the day of the election;
 - ▶ modifies the earliest date on which an election officer may mail a manual ballot;
- and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-3a-202, as last amended by Laws of Utah 2020, Chapter 354 and renumbered and amended by Laws of Utah 2020, Chapter 31

20A-3a-204, as enacted by Laws of Utah 2020, Chapter 31

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

Section 1. Section **20A-3a-202** is amended to read:



28 **20A-3a-202. Conducting election by mail.**

29 (1) Except as otherwise provided for an election conducted entirely by mail under
30 Section [20A-7-609.5](#), an election officer shall administer an election primarily by mail, in
31 accordance with this section.

32 (2) An election officer who administers an election:

33 (a) shall in accordance with Subsection (3), no sooner than ~~[21]~~ 28 days before election
34 day and no later than seven days before election day, send or mail to each active voter within a
35 voting precinct:

36 (i) a manual ballot;

37 (ii) a return envelope;

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

40 (iv) for an election administered by a county clerk, information regarding the location
41 and hours of operation of any election day voting center at which the voter may vote or a
42 website address where the voter may view this information; and

43 (v) for an election administered by an election officer other than a county clerk, if the
44 election officer does not operate a polling location or an election day voting center, a warning,
45 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
46 the instructions included with the ballot, the voter will be unable to vote in that election
47 because there will be no polling place for the voting precinct on the day of the election; and

48 (b) may not mail a ballot under this section to:

49 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

50 (ii) a voter whom the election officer is prohibited from sending a ballot under
51 Subsection (10)(c)(ii).

52 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail
53 the manual ballot to the address:

54 (i) provided at the time of registration; or

55 (ii) if, at or after the time of registration, the voter files an alternate address request
56 form described in Subsection (3)(b), the alternate address indicated on the form.

57 (b) The lieutenant governor shall make available to voters an alternate address request
58 form that permits a voter to request that the election officer mail the voter's ballot to a location

59 other than the voter's residence.

60 (c) A voter shall provide the completed alternate address request form to the election
61 officer no later than 11 days before the day of the election.

62 (4) The return envelope shall include:

63 (a) the name, official title, and post office address of the election officer on the front of
64 the envelope;

65 (b) a space where a voter may write an email address and phone number by which the
66 election officer may contact the voter if the voter's ballot is rejected;

67 (c) a printed affidavit in substantially the following form:

68 "County of ____ State of ____

69 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
70 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
71 currently incarcerated for commission of a felony.

72 _____

73 Signature of Voter"; and

74 (d) a warning that the affidavit must be signed by the individual to whom the ballot
75 was sent and that the ballot will not be counted if the signature on the affidavit does not match
76 the signature on file with the election officer of the individual to whom the ballot was sent.

77 (5) If the election officer determines that the voter is required to show valid voter
78 identification, the election officer may:

79 (a) mail a ballot to the voter; and

80 (b) instruct the voter to include a copy of the voter's valid voter identification with the
81 return ballot.

82 (6) An election officer who administers an election shall:

83 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the
84 election; or

85 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
86 and

87 (b) maintain the signatures on file in the election officer's office.

88 (7) Upon receipt of a returned ballot, the election officer shall review and process the
89 ballot under Section [20A-3a-401](#).

90 (8) A county that administers an election:

91 (a) shall provide at least one election day voting center in accordance with Chapter 3a,
92 Part 7, Election Day Voting Center, and at least one additional election day voting center for
93 every 5,000 active voters in the county who have requested to not receive a ballot by mail;

94 (b) shall ensure that each election day voting center operated by the county has at least
95 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
96 Pub. L. No. 107-252, for individuals with disabilities;

97 (c) may reduce the early voting period described in Section 20A-3a-601, if:

98 (i) the county clerk conducts early voting on at least four days;

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

101 (iii) the county clerk provides notice of the reduced early voting period in accordance
102 with Section 20A-3a-604;

103 (d) is not required to pay return postage for a ballot; and

104 (e) is subject to an audit conducted under Subsection (9).

105 (9) (a) The lieutenant governor shall:

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

108 (ii) after each primary, general, or special election conducted under this section, select
109 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
110 developed under Subsection (9)(a)(i).

111 (b) The lieutenant governor shall post the results of an audit conducted under this
112 Subsection (9) on the lieutenant governor's website.

113 (10) (a) An individual may request that the election officer not send the individual a
114 ballot by mail in the next and subsequent elections by submitting a written request to the
115 election officer.

116 (b) An individual shall submit the request described in Subsection (10)(a) to the
117 election officer before 5 p.m. no later than 60 days before an election if the individual does not
118 wish to receive a ballot by mail in that election.

119 (c) An election officer who receives a request from an individual under Subsection
120 (10)(a):

121 (i) shall remove the individual's name from the list of voters who will receive a ballot
122 by mail; and

123 (ii) may not send the individual a ballot by mail for:

124 (A) the next election, if the individual submits the request described in Subsection

125 (10)(a) before the deadline described in Subsection (10)(b); or

126 (B) an election after the election described in Subsection (10)(c)(ii)(A).

127 (d) An individual who submits a request under Subsection (10)(a) may resume the
128 individual's receipt of a ballot by mail by submitting a written request to the election officer.

129 Section 2. Section **20A-3a-204** is amended to read:

130 **20A-3a-204. Marking and depositing ballots.**

131 (1) To vote by mail:

132 (a) except as provided in Subsection (6), the voter shall prepare the voter's manual
133 ballot by marking the appropriate space with a mark opposite the name of each candidate of the
134 voter's choice for each office to be filled;

135 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the
136 appropriate space with a mark opposite the answer the voter intends to make;

137 (c) except as provided in Subsection (6), the voter shall record a write-in vote in
138 accordance with Subsection [20A-3a-206\(1\)](#);

139 (d) except as provided in Subsection (6), a mark is not required opposite the name of a
140 write-in candidate; and

141 (e) the voter shall:

142 (i) complete and sign the affidavit on the return envelope;

143 (ii) place the voted ballot in the return envelope;

144 (iii) securely seal the return envelope; and

145 (iv) (A) attach postage, if necessary, and deposit the return envelope in the mail; or

146 (B) place the return envelope in a ballot drop box, designated by the election officer,
147 for the precinct where the voter resides.

148 (2) (a) Except as otherwise provided in Section [20A-16-404](#), to be valid, a ballot that is
149 mailed must be:

150 (i) clearly postmarked on or before election day, or otherwise clearly marked by the
151 post office as received by the post office on or before election day; and

152 (ii) received in the office of the election officer before noon on the day of the official
153 canvass following the election.

154 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls
155 close on election day, be deposited in:

156 (i) a ballot box at a polling place; or

157 (ii) a ballot drop box designated by an election officer for the jurisdiction to which the
158 ballot relates.

159 (c) An election officer may, but is not required to, forward a ballot deposited in a ballot
160 drop box in the wrong jurisdiction to the correct jurisdiction.

161 (d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a
162 ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to
163 deposit the ballot in the ballot drop box.

164 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after
165 complying with Subsections (1)(a) through (d):

166 (a) sign the official register or pollbook; and

167 (b) (i) place the ballot in the ballot box; or

168 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
169 envelope, complete the information printed on the provisional ballot envelope, and deposit the
170 provisional ballot envelope in the provisional ballot box.

171 (4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

172 (b) An individual other than an individual with a disability may vote a mechanical
173 ballot at a polling place if permitted by the election officer.

174 (5) To vote a mechanical ballot, the voter shall:

175 (a) make the selections according to the instructions provided for the voting device;

176 and

177 (b) subject to Subsection (6), record a write-in vote by:

178 (i) selecting the appropriate position for entering a write-in candidate; and

179 (ii) using the voting device to enter the name of the valid write-in candidate for whom
180 the voter wishes to vote.

181 (6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,
182 Municipal Alternate Voting Methods Pilot Project, a voter:

183 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
184 first preference for the office; and

185 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
186 order of the voter's preference.

187 (7) A voter who votes at a polling place:

188 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting
189 area after voting; and

190 (b) may not:

191 (i) occupy a voting booth occupied by another, except as provided in Section
192 [20A-3a-208](#);

193 (ii) remain within the voting area more than 10 minutes; or

194 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
195 voters are waiting to occupy a voting booth.

196 (8) If the official register shows any voter as having voted, that voter may not reenter
197 the voting area during that election unless that voter is an election official or watcher.

198 (9) A poll worker may not, at a polling place, allow more than four voters more than
199 the number of voting booths into the voting area at one time unless those excess voters are:

200 (a) election officials;

201 (b) watchers; or

202 (c) assisting voters with a disability.