

VOTING ADMINISTRATION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends provisions relating to the administration of elections.

Highlighted Provisions:

This bill:

- ▶ establishes a deadline to cure a rejected ballot; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

20A-3a-401, as renumbered and amended by Laws of Utah 2020, Chapter 31

Utah Code Sections Affected by Coordination Clause:

20A-3a-401, as renumbered and amended by Laws of Utah 2020, Chapter 31

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

Section 1. Section **20A-3a-401** is amended to read:

20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --

Disposition -- Notice.

(1) This section governs ballots returned by mail or via a ballot drop box.

(2) (a) Poll workers shall open return envelopes containing manual ballots that are in

30 the custody of the poll workers in accordance with Subsection (2)(b).

31 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
32 the return envelope to the signature of the voter in the voter registration records.

33 (3) After complying with Subsection (2), the poll workers shall determine whether:

34 (a) the signatures correspond;

35 (b) the affidavit is sufficient;

36 (c) the voter is registered to vote in the correct precinct;

37 (d) the voter's right to vote the ballot has been challenged;

38 (e) the voter has already voted in the election;

39 (f) the voter is required to provide valid voter identification; and

40 (g) if the voter is required to provide valid voter identification, whether the voter has
41 provided valid voter identification.

42 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
43 workers determine that:

44 (i) the signatures correspond;

45 (ii) the affidavit is sufficient;

46 (iii) the voter is registered to vote in the correct precinct;

47 (iv) the voter's right to vote the ballot has not been challenged;

48 (v) the voter has not already voted in the election; and

49 (vi) for a voter required to provide valid voter identification, that the voter has
50 provided valid voter identification.

51 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
52 workers shall:

53 (i) remove the manual ballot from the return envelope in a manner that does not
54 destroy the affidavit on the return envelope;

55 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
56 with the return envelope; and

57 (iii) place the ballot with the other ballots to be counted.

58 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
59 the poll workers shall:

- 60 (i) disallow the vote;
- 61 (ii) without opening the return envelope, mark across the face of the return envelope:
 - 62 (A) "Rejected as defective"; or
 - 63 (B) "Rejected as not a registered voter"; and
- 64 (iii) place the return envelope, unopened, with the other rejected return envelopes.

65 (5) (a) If the poll workers reject an individual's ballot because the poll workers
66 determine that the signature on the return envelope does not match the individual's signature in
67 the voter registration records, the election officer shall contact the individual in accordance
68 with Subsection (7) by mail, email, text message, or phone, and inform the individual:

- 69 (i) that the individual's signature is in question;
- 70 (ii) how the individual may resolve the issue; and
- 71 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
72 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
73 requirements described in Subsection (5)(b).

74 (b) An affidavit described in Subsection (5)(a)(iii) shall include:

- 75 (i) an attestation that the individual voted the ballot;
- 76 (ii) a space for the individual to enter the individual's name, date of birth, and driver
77 license number or the last four digits of the individual's social security number;
- 78 (iii) a space for the individual to sign the affidavit; and
- 79 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
80 governor's and county clerk's use of the individual's signature on the affidavit for voter
81 identification purposes.

82 (c) In order for an individual described in Subsection (5)(a) to have the individual's
83 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the
84 election officer.

85 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall

86 immediately:

87 (i) scan the signature on the affidavit electronically and keep the signature on file in the
88 statewide voter registration database developed under Section 20A-2-109; and

89 (ii) if the election officer receives the affidavit no later than 5 p.m. [~~the day before~~]
90 three days before the day on which the canvass begins, count the individual's ballot.

91 (6) If the poll workers reject an individual's ballot for any reason, other than the reason
92 described in Subsection (5)(a), the election officer shall notify the individual of the rejection in
93 accordance with Subsection (7) by mail, email, text message, or phone and specify the reason
94 for the rejection.

95 (7) An election officer who is required to give notice under Subsection (5) or (6) shall
96 give the notice no later than:

97 (a) if the election officer rejects the ballot before election day:

98 (i) one business day after the day on which the election officer rejects the ballot, if the
99 election officer gives the notice by email or text message; or

100 (ii) two business days after the day on which the election officer rejects the ballot, if
101 the election officer gives the notice by postal mail or phone;

102 (b) seven days after election day if the election officer rejects the ballot on election day;

103 or

104 (c) seven days after the canvass if the election officer rejects the ballot after election
105 day and before the end of the canvass.

106 (8) An election officer may not count the ballot of an individual whom the election
107 officer contacts under Subsection (5) or (6) unless:

108 (a) the election officer receives a signed affidavit from the individual under Subsection
109 (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's
110 identity[-]; and

111 (b) the affidavit described in Subsection (8)(a) is received, or the confirmation
112 described in Subsection (8)(a) occurs, no later than 5 p.m. three days before the day on which
113 the canvass begins.

114 (9) The election officer shall retain and preserve the return envelopes in the manner
115 provided by law for the retention and preservation of ballots voted at that election.

116 Section 2. **Coordinating H.B. 411 with H.B. 188 -- Technical amendment.**

117 If this H.B. 411 and H.B. 188, Voter Signature Verification Amendments, both pass and
118 become law, it is the intent of the Legislature that the Office of Legislative Research and
119 General Counsel prepare the Utah Code database for publication by amending Subsection
120 20A-3a-401(8) of this bill to read:

121 "[(8)] (7) An election officer may not count the ballot of an individual whom the
122 election officer contacts under Subsection (5) or (6) unless:

123 (a) (i) the election officer receives a signed affidavit from the individual under
124 Subsection [(5)(b) or is otherwise able to establish contact with the individual to confirm the
125 individual's identity.] (5)(a)(ii)(C); and

126 (ii) the affidavit described in Subsection (7)(a)(i) is received no later than 5 p.m. three
127 days before the day on which the canvass begins; or

128 (b) (i) the election officer or the election officer's employee communicates directly with
129 the voter;

130 (ii) the voter provides identifying information to the officer or employee that the officer
131 or employee verifies using the voter's voter registration file; and

132 (iii) the election officer maintains written documentation of compliance with
133 Subsections (7)(b)(i) and (ii)."