

Representative Michael J. Petersen proposes the following substitute bill:

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:

None

Utah Code Sections Affected:

AMENDS:

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.



- 26 (1) This section governs ballots returned by mail or via a ballot drop box.
- 27 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in
28 the custody of the poll workers in accordance with Subsection (2)(b).
- 29 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
30 the return envelope to the signature of the voter in the voter registration records.
- 31 (3) After complying with Subsection (2), the poll workers shall determine whether:
- 32 (a) the signatures correspond;
- 33 (b) the affidavit is sufficient;
- 34 (c) the voter is registered to vote in the correct precinct;
- 35 (d) the voter's right to vote the ballot has been challenged;
- 36 (e) the voter has already voted in the election;
- 37 (f) the voter is required to provide valid voter identification; and
- 38 (g) if the voter is required to provide valid voter identification, whether the voter has
39 provided valid voter identification.
- 40 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
41 workers determine that:
- 42 (i) the signatures correspond;
- 43 (ii) the affidavit is sufficient;
- 44 (iii) the voter is registered to vote in the correct precinct;
- 45 (iv) the voter's right to vote the ballot has not been challenged;
- 46 (v) the voter has not already voted in the election; and
- 47 (vi) for a voter required to provide valid voter identification, that the voter has
48 provided valid voter identification.
- 49 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
50 workers shall:
- 51 (i) remove the manual ballot from the return envelope in a manner that does not
52 destroy the affidavit on the return envelope;
- 53 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
54 with the return envelope; and
- 55 (iii) place the ballot with the other ballots to be counted.
- 56 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),

57 the poll workers shall:

58 (i) disallow the vote;

59 (ii) without opening the return envelope, mark across the face of the return envelope:

60 (A) "Rejected as defective"; or

61 (B) "Rejected as not a registered voter"; and

62 (iii) place the return envelope, unopened, with the other rejected return envelopes.

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

67 (i) that the individual's signature is in question;

68 (ii) how the individual may resolve the issue; and

69 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
70 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
71 requirements described in Subsection (5)(b).

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

73 (i) an attestation that the individual voted the ballot;

74 (ii) a space for the individual to enter the individual's name, date of birth, and driver
75 license number or the last four digits of the individual's social security number;

76 (iii) a space for the individual to sign the affidavit; and

77 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
78 governor's and county clerk's use of the individual's signature on the affidavit for voter
79 identification purposes.

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

83 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
84 immediately:

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

87 (ii) if the election officer receives the affidavit no later than 5 p.m. [~~the day before~~]

88 three days before the day on which the canvass begins, count the individual's ballot.

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

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

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

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

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

100 (b) seven days after election day if the election officer rejects the ballot on election day;
101 or

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

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

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

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

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