

VOTING AND VOTER RESIDENCY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill amends elections provisions, including residency provisions for voting and running for office and provisions relating to uniformed and overseas voters.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends and clarifies provisions for determining residency;
- ▶ establishes standards and requirements for determining residency;
- ▶ addresses evidence of residency and challenges to residency;
- ▶ modifies provisions relating to uniformed and overseas voters to:
 - comply with federal law and certain provisions of state law; and
 - clarify the races for which, and the types of ballots which, certain overseas

voters may vote; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-2-105, as last amended by Laws of Utah 2021, Chapter 183

20A-16-102, as last amended by Laws of Utah 2021, Chapter 93

- 30 **20A-16-103**, as enacted by Laws of Utah 2011, Chapter 327
- 31 **20A-16-201**, as enacted by Laws of Utah 2011, Chapter 327
- 32 **20A-16-301**, as enacted by Laws of Utah 2011, Chapter 327
- 33 **20A-16-302**, as last amended by Laws of Utah 2013, Chapter 198
- 34 **20A-16-401**, as last amended by Laws of Utah 2020, Chapter 31
- 35 **20A-16-402**, as last amended by Laws of Utah 2013, Chapter 198
- 36 **20A-16-403**, as last amended by Laws of Utah 2019, Chapter 255
- 37 **20A-16-405**, as enacted by Laws of Utah 2011, Chapter 327
- 38 **20A-16-501**, as last amended by Laws of Utah 2021, Chapter 100
- 39 **20A-16-502**, as last amended by Laws of Utah 2012, Chapter 369
- 40 **20A-16-503**, as enacted by Laws of Utah 2011, Chapter 327

41 REPEALS:

- 42 **20A-16-101**, as enacted by Laws of Utah 2011, Chapter 327



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

45 Section 1. Section **20A-2-105** is amended to read:

46 **20A-2-105. Determining residency.**

47 (1) As used in this section:

48 (a) "Principal place of residence" means the single location where [~~a person's~~] an
49 individual's habitation is fixed and to which, whenever the [~~person~~] individual is absent, the
50 [~~person~~] individual has the intention of returning, as evidenced by:

51 (i) the intent expressed by the individual; and

52 (ii) acts of the individual that are consistent or inconsistent with the intent expressed by
53 the individual.

54 (b) "Resident" means [~~a person~~] an individual whose principal place of residence is
55 within a specific voting precinct in Utah.

56 (2) Election officials and judges shall apply the standards and requirements of this
57 section when determining whether [~~a person~~] an individual is a resident for purposes of

58 interpreting this title or the Utah Constitution.

59 (3) An individual may request that an election official or election judge assist the
60 individual in determining the individual's principal place of residence for a purpose described
61 in Subsection (2).

62 [~~3~~] (4) (a) [~~A person~~] An individual resides in Utah if:

63 (i) the [~~person's~~] individual's principal place of residence is within Utah; and

64 (ii) the [~~person~~] individual has a present intention to maintain the [~~person's~~]
65 individual's principal place of residence in Utah permanently or indefinitely.

66 (b) [~~A person~~] An individual resides within a particular voting precinct if, [~~as of~~] on
67 the date of registering to vote, the [~~person's~~] individual's principal place of residence is in that
68 voting precinct.

69 (c) [~~A person's~~] An individual's principal place of residence does not change solely
70 because the [~~person~~] individual is present in Utah, present in a voting precinct, absent from
71 Utah, or absent from the [~~person's~~] individual's voting precinct because the [~~person~~] individual
72 is:

73 (i) employed in the service of the United States or of Utah;

74 (ii) a student at an institution of learning;

75 (iii) incarcerated in prison or jail; or

76 (iv) residing upon an Indian or military reservation.

77 (d) (i) A member of the armed forces of the United States is not a resident of Utah
78 merely because that member is stationed at a military facility within Utah.

79 (ii) In order to be a resident of Utah, a member of the armed forces described in this
80 Subsection [~~(3)(d)~~] (4)(d) shall meet the other requirements of this section.

81 (e) (i) Except as provided in Subsection [~~(3)(e)(ii) or (iii)~~], ~~a person has not lost the~~
82 ~~person's~~ (4)(e)(ii) or (iii), an individual does not lose the individual's principal place of
83 residence in Utah or a precinct if [~~that person~~] the individual moves to a foreign country,
84 another state, or another voting precinct within Utah, for temporary purposes with the intention
85 of returning.

86 (ii) If ~~[a person]~~ an individual leaves the state or a voting precinct and votes or registers
87 to vote in another state or voting precinct, the ~~[person]~~ individual is no longer a resident of the
88 state or voting precinct that the ~~[person]~~ individual left.

89 (iii) ~~[A person loses the person's]~~ An individual loses the individual's principal place of
90 residence in Utah or in a precinct, if, after the [person] individual moves to another state or
91 another precinct under Subsection [(3)(e)(i)] (4)(e)(i), the [person] individual forms the intent
92 of making the other state or precinct the [person's] individual's principal place of residence.

93 (f) ~~[A person]~~ An individual is not a resident of a county or voting precinct if ~~[that~~
94 ~~person]~~ the individual comes to the county or voting precinct for temporary purposes and does
95 not intend to make that county or voting precinct the ~~[person's]~~ individual's principal place of
96 residence.

97 (g) ~~[A person loses the person's]~~ An individual loses the individual's principal place of
98 residence in Utah or in a precinct if the [person] individual moves to another state or precinct
99 with the intention of making the other state or precinct the [person's] individual's principal
100 place of residence.

101 (h) If ~~[a person]~~ an individual moves to another state or precinct with the intent of
102 remaining ~~[there]~~ in the other state or precinct for an indefinite time as the ~~[person's]~~
103 individual's principal place of residence, the [person loses the person's] individual loses the
104 individual's principal place of residence in Utah, or in the precinct, even though the [person]
105 individual intends to return at some future time.

106 (5) (a) An individual may challenge a determination by a voter, election official, or
107 election judge of a voter's principal place of residence, for the purpose of voting, in accordance
108 with the applicable provisions of Sections [20A-3a-803](#), [20A-3a-804](#), and [20A-3a-805](#).

109 (b) If an election official or election judge has reasonable, articulable grounds to
110 question the principal place of residence of an individual for a purpose described in Subsection
111 (2), the election official or election judge may require the individual to provide information to
112 resolve the question.

113 (c) Reasonable, articulable grounds to question an individual's principal place of

114 residence, and require additional information under Subsection (5)(b) include:

115 (i) that the individual has a driver license or other identification from outside Utah;

116 (ii) that the address claimed as the individual's principal place of residence does not
117 match the address on the individual's driver license or other identification;

118 (iii) that the individual owns residential property outside the location claimed as the
119 individual's principal place of residence; or

120 (iv) other articulable grounds that would lead a reasonable individual to question an
121 individual's principal place of residence.

122 (d) If an election official or election judge requires, under Subsection (5)(b), that an
123 individual provide additional information, the clerk shall:

124 (i) enter the voter registration into the statewide voter registration database; and

125 (ii) indicate, in the statewide voter registration database, that the voter must provide
126 additional information before the voter's ballot may be accepted.

127 ~~[(4)] (6) [An] Subject to Subsection (10), an election official or judge [shall, in~~
128 ~~determining a person's] who, under Subsection (5), makes a determination regarding an~~
129 ~~individual's principal place of residence, shall, when making the determination, consider the~~
130 ~~following factors, to the extent that the [election official or judge determines the] factors [to~~
131 ~~be] are relevant:~~

132 (a) where the ~~[person's]~~ individual's family resides;

133 (b) whether the ~~[person]~~ individual is single, married, separated, or divorced;

134 (c) the age of the ~~[person]~~ individual;

135 (d) where the ~~[person]~~ individual usually sleeps;

136 (e) where the ~~[person's]~~ individual's minor children attend school;

137 (f) the location of the ~~[person's]~~ individual's employment, income sources, or business
138 pursuits;

139 (g) the location of real property owned by the ~~[person]~~ individual;

140 (h) the ~~[person's]~~ individual's residence for purposes of taxation or tax exemption;

141 ~~[and]~~

142 (i) the location where the individual's motor vehicles are registered;

143 (j) the address for which the individual pays utility services;

144 (k) the address associated with the individual's hunting or fishing license;

145 (l) the address associated with the individual's professional licenses; and

146 ~~[(i)]~~ (m) other relevant factors.

147 ~~[(5)]~~ (7) (a) ~~[A person has changed the person's]~~ An individual changes the
148 individual's principal place of residence if the [person] individual:

149 (i) acts affirmatively to move from the state or a precinct in the state; and

150 (ii) has the intent to remain in another state or precinct.

151 (b) ~~[A person]~~ An individual may not have more than one principal place of residence.

152 (c) ~~[A person does not lose the person's]~~ An individual does not lose the individual's
153 principal place of residence until the [person] individual establishes another principal place of
154 residence.

155 (d) An individual who moves from one county in Utah to another county in Utah
156 retains the right to vote in the county from which the individual moved for 30 days after the
157 day on which the individual moved from the county, unless the individual votes in the new
158 county for that election.

159 (e) An individual who is homeless may, in accordance with the other provisions of this
160 section, establish a nontraditional location, including a location without a structure, as the
161 individual's principal place of residence.

162 ~~[(6)]~~ (8) In computing the period that a person is a resident~~;~~ ~~[a person shall]~~ for a
163 purpose described in Subsection (2), the period:

164 (a) ~~[include]~~ begins on the day on which the ~~[person]~~ individual establishes the
165 ~~[person's]~~ individual's principal place of residence; and

166 (b) ~~[exclude]~~ ends on the day ~~[of]~~ before the day of the next applicable election.

167 ~~[(7)]~~ (9) (a) Except as provided in Subsection ~~[(10)]~~ (12), there is a rebuttable
168 presumption that ~~[a person's]~~ an individual's principal place of residence is in Utah and in the
169 voting precinct claimed by the ~~[person if the person]~~ individual, if the individual makes an oath

170 or affirmation upon a registration application form or declaration of candidacy that the
171 [person's] individual's principal place of residence is in Utah and in the voting precinct claimed
172 by the [person] individual.

173 (b) Except as provided in Subsection ~~[(10)]~~ (12), the election officers and election
174 officials shall allow ~~[a person]~~ an individual described in Subsection ~~[(7)(a)]~~ (9)(a) to register
175 and vote in the precinct for the residence claimed under Subsection (9)(a), or accept the
176 [person's] individual's declaration of candidacy in the district for the residence claimed under
177 Subsection (9)(a), unless, ~~[upon a challenge by a registrar or some other person]~~ in accordance
178 with Subsection (5), it is shown by law or by clear and convincing evidence that:

179 (i) the [person's] individual's principal place of residence is not in Utah or not in the
180 applicable precinct or district; or

181 (ii) the [person] individual is incarcerated in prison or jail and did not, before the
182 [person] individual was incarcerated in prison or jail, establish the [person's] individual's
183 principal place of residence in the voting precinct where the prison or jail is located.

184 ~~[(8)]~~ (10) (a) The criteria described in this section for establishing ~~[a person's]~~ an
185 individual's principal place of residence for voting purposes do not apply in relation to the
186 [person's] individual's location while the [person] individual is incarcerated in prison or jail.

187 (b) For voting registration purposes, the principal place of residence of ~~[a person]~~ an
188 individual incarcerated in prison or jail is the state and voting precinct where the [person's]
189 individual's principal place of residence was located before incarceration.

190 ~~[(9)]~~ (11) If ~~[a person's]~~ an individual's principal place of residence is a residential
191 parcel of one acre in size or smaller that is divided by the boundary line between two or more
192 counties, that [person] individual shall be considered a resident of the county in which a
193 majority of the residential parcel lies.

194 ~~[(10)]~~ (12) (a) If an individual seeking to become a candidate for a political office that
195 includes a durational residency requirement has been absent from the state for a period of more
196 than 180 consecutive days during the applicable residency period, the individual may, at the
197 time that the candidate files a declaration of candidacy, submit evidence to the filing officer to

198 show that the individual intended to return to the state during the time of the individual's
199 absence from the state.

200 (b) There is a rebuttable presumption that an individual described in Subsection
201 ~~[(10)(a)]~~ (12)(a) intended to return to the state during the individual's absence if:

202 (i) the individual submits evidence of the individual's intent to the filing officer at the
203 time that the individual files a declaration of candidacy; or

204 (ii) the individual was absent from the state because the individual was:

205 (A) employed in the service of the United States or of Utah;

206 (B) a student at an institution of learning; or

207 (C) engaged solely in religious, missionary, philanthropic, or humanitarian activities.

208 (c) If a valid written objection to an individual's declaration of candidacy is filed, there
209 is a rebuttable presumption that an individual described in Subsection ~~[(10)(a)]~~ (12)(a) did not
210 intend to return to the state during the individual's absence if:

211 (i) the individual did not submit evidence of the individual's intent to the filing officer
212 at the time that the individual filed a declaration of candidacy; and

213 (ii) the individual's absence from the state was not for one of the reasons described in
214 Subsection ~~[(10)(b)(ii)]~~ (12)(b)(ii).

215 (d) An individual must rebut the presumption described in this Subsection ~~[(10)]~~ (12)
216 by clear and convincing evidence.

217 Section 2. Section **20A-16-102** is amended to read:

218 **20A-16-102. Definitions.**

219 As used in this chapter:

220 ~~[(1) "Covered voter" means:]~~

221 ~~[(a) a uniformed-service voter or an overseas voter who is registered to vote in the~~
222 ~~state; or]~~

223 ~~[(b) a uniformed-service voter whose voting residence is in the state and who otherwise~~
224 ~~satisfies the state's voter eligibility requirements.]~~

225 (1) "Covered voter" means an individual who:

- 226 (a) satisfies Utah's voter eligibility requirements that do not relate to residency;
- 227 (b) is not registered to vote in a state other than Utah;
- 228 (c) is absent from the United States on the day of the election; and
- 229 (d) (i) is a resident of Utah under Section [20A-2-105](#), but is absent from the United

230 States on election day because the individual:

- 231 (A) is a uniformed service voter; or
- 232 (B) temporarily resides outside the United States;
- 233 (ii) is a foreign United States citizen who:
 - 234 (A) before establishing a principal place of residence outside the United States,
 - 235 established a principal place of residence in Utah; and
 - 236 (B) did not, after leaving Utah, register to vote in a state other than Utah or establish a
 - 237 principal place of residence in a state other than Utah; or
 - 238 (iii) is a foreign United States citizen:
 - 239 (A) who has never registered to vote in a state other than Utah;
 - 240 (B) who has never established a principal place of residence in the United States; and
 - 241 (C) whose parent, legal guardian, spouse, or domestic partner established the parent's,
 - 242 legal guardian's, spouse's, or domestic partner's most recent United States principal place of
 - 243 residence in Utah.

244 (2) "Dependent" means an individual recognized as a dependent by a uniformed
245 service.

246 (3) "Federal postcard application" means the application prescribed under the
247 Uniformed and Overseas Citizens Absentee Voting Act, [~~Sec. 101(b)(2), 42 U.S.C. Sec.~~
248 ~~1973ff(b)(2)] 52 U.S.C. Sec. 20301(b)(2).~~

249 (4) "Federal write-in absentee ballot" means the ballot described in the Uniformed and
250 Overseas Citizens Absentee Voting Act, [~~Sec. 103, 42 U.S.C. Sec. 1973ff-2]~~ 52 U.S.C. Sec.
251 20303(a)(1).

252 (5) "Foreign United States citizen" means a citizen of the United States whose
253 principal place of residence is outside the United States.

254 [(5)] (6) "Military-overseas ballot" means:

255 (a) a federal write-in absentee ballot;

256 (b) a ballot specifically prepared or distributed for use by a covered voter in accordance
257 with this chapter; or

258 (c) a ballot cast by a covered voter in accordance with this chapter.

259 [(6)] (7) "Overseas voter" means a United States citizen who, on the day of the
260 applicable election, is:

261 (a) voting age; and

262 (b) [~~outside~~] absent from the United States.

263 [(7)] (8) "State" means a state of the United States, the District of Columbia, Puerto
264 Rico, Guam, the United States Virgin Islands, or [~~any territory or insular possession subject to~~
265 ~~the jurisdiction of the United States~~] American Samoa.

266 [(8)] (9) "Uniformed service" means:

267 (a) active and reserve components of the armed forces as defined in Section [68-3-12.5](#);

268 (b) the Merchant Marine, the commissioned corps of the Public Health Service, or the
269 commissioned corps of the National Oceanic and Atmospheric Administration of the United
270 States; or

271 (c) the National Guard.

272 [(9)] (10) "Uniformed-service voter" means an individual who is qualified to vote and
273 is:

274 (a) a member of the active or reserve components of the armed forces who is on active
275 duty;

276 (b) a member of the Merchant Marine, the commissioned corps of the Public Health
277 Service, or the commissioned corps of the National Oceanic and Atmospheric Administration
278 of the United States;

279 (c) a member on activated status of the National Guard; or

280 (d) a spouse or dependent of a member referred to in Subsections [(9)(a) through (c)]
281 (10)(a) through (c).

282 ~~[(10)]~~ (11) "United States," when used in the territorial sense, means the several states,
283 the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, and ~~[any~~
284 ~~territory or insular possession subject to the jurisdiction of the United States]~~ American Samoa.

285 Section 3. Section **20A-16-103** is amended to read:

286 **20A-16-103. Application to elections -- Voting by foreign United States citizen.**

287 (1) The voting procedures in this chapter apply to an election authorized by this title.

288 (2) A covered voter who is a foreign United States citizen may only vote in a federal
289 election and may only vote for candidates for federal office.

290 (3) A covered voter described in Subsection 20A-16-102(1)(d)(ii) shall vote in the
291 congressional election for the district where the covered voter established the covered voter's
292 most recent principal place of residence in Utah.

293 (4) A covered voter described in Subsection 20A-16-102(1)(d)(iii) shall vote in the
294 congressional election for the district where the covered voter's parent, legal guardian, spouse,
295 or domestic partner established the parent's, legal guardian's, spouse's, or domestic partner's
296 most recent United States principal place of residence in Utah.

297 Section 4. Section **20A-16-201** is amended to read:

298 **20A-16-201. Duties of lieutenant governor.**

299 The lieutenant governor shall:

300 (1) implement this chapter and the state's responsibilities under the Uniformed and
301 Overseas Citizens Absentee Voting Act, ~~[42 U.S.C. Sec. 1973ff]~~ 52 U.S.C. 20301 et seq.;

302 (2) make available to covered voters information regarding voter registration
303 procedures for covered voters and procedures for casting military-overseas ballots;

304 (3) establish an electronic transmission system through which a covered voter may
305 apply for and receive voter registration materials, military-overseas ballots, and other
306 information under this chapter;

307 (4) (a) develop standardized absentee-voting materials, including privacy and
308 transmission envelopes and electronic equivalents of the envelopes, authentication materials,
309 and voting instructions, to be used with the military-overseas ballot of a voter authorized to

310 vote in any jurisdiction in the state; and

311 (b) to the extent reasonably possible, coordinate with other states on the development
312 required by Subsection (4)(a); and

313 (5) prescribe the form and content of a declaration:

314 (a) for use by a covered voter to swear or affirm specific representations pertaining to
315 the voter's identity, eligibility to vote, status as a covered voter, and timely and proper
316 completion of an overseas-military ballot;

317 (b) that is based on the declaration prescribed to accompany a federal write-in absentee
318 ballot, as modified to be consistent with this chapter; and

319 (c) that is a prominent part of all balloting materials for which the declaration is
320 required, including an indication of the date of execution of the declaration.

321 Section 5. Section **20A-16-301** is amended to read:

322 **20A-16-301. Overseas voter's registration address.**

323 ~~[In]~~ Subject to Section [20A-16-103](#), in registering to vote, an overseas voter who is
324 eligible to vote in the state shall:

325 (1) use and be assigned to the voting precinct of the address of the last place of
326 residence of the voter in the state; or

327 (2) if the address described in Subsection (1) is no longer a recognized residential
328 address, be assigned an address, for voting purposes, in the applicable voting precinct.

329 Section 6. Section **20A-16-302** is amended to read:

330 **20A-16-302. Methods of registering to vote.**

331 (1) To apply to register to vote, in addition to any other approved method, a covered
332 voter may use a federal postcard application or the application's electronic equivalent.

333 (2) (a) A covered voter may use the declaration accompanying a federal write-in
334 absentee ballot to apply to register to vote simultaneously with the submission of the federal
335 write-in absentee ballot, if the declaration is received ~~[by the Thursday immediately]~~ before the
336 day of the election.

337 (b) If the declaration is received on or after the ~~[Thursday immediately before]~~ day of

338 the election, the declaration shall be treated as an application to register to vote for subsequent
339 elections.

340 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
341 described in Subsection 20A-16-201(3) is capable of accepting both a federal postcard
342 application and any other approved electronic registration application sent to the appropriate
343 election official.

344 (b) The voter may use the electronic transmission system or any other approved
345 method to register to vote.

346 Section 7. Section 20A-16-401 is amended to read:

347 **20A-16-401. Methods of applying for military-overseas ballots.**

348 (1) A covered voter who is registered to vote in the state may apply for a
349 military-overseas ballot:

- 350 (a) via the federal postcard application;
- 351 (b) via the federal postcard application's electronic equivalent; or
- 352 (c) by otherwise making a request in writing.

353 (2) A covered voter who is not registered to vote in this state may use a federal
354 postcard application or the federal postcard application's electronic equivalent to apply
355 simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

356 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
357 described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal
358 postcard application and any other approved electronic military-overseas ballot application sent
359 to the appropriate election official.

360 (b) The voter may use the electronic transmission system or any other approved
361 method to apply for a military-overseas ballot.

362 (4) A covered voter may use the declaration accompanying a federal write-in absentee
363 ballot as an application for a military-overseas ballot simultaneously with the submission of the
364 federal write-in absentee ballot, if the declaration is received by the appropriate election official
365 [~~by the Thursday immediately~~] before the day of the election.

366 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
367 election official that the voter is a covered voter by:

- 368 (a) the use of a federal postcard application or federal write-in absentee ballot;
- 369 (b) the use of an overseas address on an approved voter registration application or
370 ballot application; or

371 (c) the inclusion on an approved voter registration application or ballot application of
372 other information sufficient to identify the voter as a covered voter.

373 (6) This chapter does not preclude a covered voter from voting via a manual ballot by
374 mail.

375 Section 8. Section **20A-16-402** is amended to read:

376 **20A-16-402. Timeliness and scope of application for military-overseas ballot.**

377 (1) An application for a military-overseas ballot is timely if received [~~by the Thursday~~
378 ~~immediately~~] before the day of the election.

379 (2) An application for a military-overseas ballot for a regular primary election or
380 municipal primary election, whether or not timely, is effective as an application for a
381 military-overseas ballot for the regular general election or municipal general election.

382 Section 9. Section **20A-16-403** is amended to read:

383 **20A-16-403. Transmission of unvoted ballots.**

384 (1) For an election for which the state has not received a waiver pursuant to the
385 Military and Overseas Voter Empowerment Act, [~~Sec. 579, 42 U.S.C. 1973ff-1(g)(2)~~] 52
386 U.S.C. Sec. 20302(g)(2), not later than 45 days before the election or, notwithstanding Section
387 20A-1-104, if the 45th day before the election is a weekend or holiday, not later than the
388 business day preceding the 45th day, the election official in each jurisdiction charged with
389 distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all
390 covered voters who by that date submit a valid military-overseas ballot application.

391 (2) (a) A covered voter who requests that a ballot and balloting materials be sent to the
392 voter by electronic transmission may choose:

- 393 (i) facsimile transmission;

- 394 (ii) email delivery; or
- 395 (iii) if offered by the voter's jurisdiction, Internet delivery.

396 (b) The election official in each jurisdiction charged with distributing a ballot and
397 balloting materials shall transmit the ballot and balloting materials to the voter using the means
398 of transmission chosen by the voter.

399 (3) If a ballot application from a covered voter arrives after the jurisdiction begins
400 transmitting ballots and balloting materials to voters, the official charged with distributing a
401 ballot and balloting materials shall transmit ~~[them]~~ the ballot and balloting materials to the
402 voter ~~[not]~~ no later than two business days after the day on which the application arrives.

403 Section 10. Section **20A-16-405** is amended to read:

404 **20A-16-405. Federal write-in absentee ballot.**

405 A covered voter may use a federal write-in absentee ballot to vote for all applicable
406 offices and ballot propositions in an election.

407 Section 11. Section **20A-16-501** is amended to read:

408 **20A-16-501. Use of voter's email address.**

409 (1) An election officer shall request an email address from each covered voter who
410 registers to vote [~~after January 1, 2012~~].

411 (2) An email address provided by a covered voter:

412 (a) is a private record under Section [63G-2-302](#); and

413 (b) may be used only for official communication with the covered voter about the
414 voting process, including transmitting military-overseas ballots and election materials if the
415 voter has requested electronic transmission, verifying the voter's mailing address and physical
416 location, and informing the voter of the status of the voter's ballot in accordance with Section
417 [20A-3a-401.5](#).

418 (3) The request for an email address shall:

419 (a) describe the purposes for which the email address may be used;

420 (b) include a statement that any other use or disclosure of the email address is
421 prohibited; and

422 (c) describe how a voter may sign up to receive ballot status notifications via the ballot
423 tracking system described in Section 20A-3a-401.5.

424 (4) (a) A covered voter who provides an email address may request that the covered
425 voter's application for a military-overseas ballot be considered a standing request for electronic
426 delivery of a ballot for all elections held through December 31 of the year following the
427 calendar year of the date of the application or another shorter period the covered voter
428 specifies.

429 (b) An election official shall provide a military-overseas ballot to a covered voter who
430 makes a standing request for each election to which the request is applicable.

431 (c) A covered voter who is entitled to receive a military-overseas ballot for a primary
432 election under this Subsection (4) is entitled to receive a military-overseas ballot for the general
433 election.

434 Section 12. Section **20A-16-502** is amended to read:

435 **20A-16-502. Publication of election notice.**

436 (1) At least 100 days before the day of an election, other than a statewide special
437 election or local special election, and as soon as practicable before a statewide special election
438 or local special election, the election officer shall prepare an election notice for the election
439 officer's jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

440 (2) The election notice must contain:

441 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
442 that date the election officer expects to be on the ballot on the date of the election; and

443 (b) specific instructions for how a covered voter is to indicate on the federal write-in
444 absentee ballot the covered voter's choice for each office to be filled and for each ballot
445 proposition to be contested.

446 (3) (a) A covered voter may request a copy of an election notice.

447 (b) The election officer shall send the notice to the covered voter by facsimile, email,
448 or regular mail, as the covered voter requests.

449 (4) As soon as the ballot is certified, and not later than the date ballots are required to

450 be transmitted to voters under Chapter 3a, Voting, the election officer charged with preparing
451 the election notice under Subsection (1) shall update the notice with the certified candidates for
452 each office and ballot propositions and make the updated notice publicly available.

453 (5) A political subdivision that maintains a website shall make the election notice
454 prepared under this section and updated versions of the election notice regularly available on
455 the website.

456 Section 13. Section **20A-16-503** is amended to read:

457 **20A-16-503. Prohibition of nonsubstantive requirements.**

458 (1) (a) If a covered voter's mistake or omission in the completion of a document under
459 this chapter does not prevent determining whether a covered voter is eligible to vote, the
460 mistake or omission does not invalidate the document.

461 (b) Failure to satisfy a nonsubstantive requirement, [~~such as using~~] including
462 requirements to use paper or envelopes of a specified size or weight, does not invalidate a
463 document submitted under this chapter.

464 (c) In a write-in ballot authorized by this chapter or in a vote for a write-in candidate on
465 a regular ballot, if the intention of the covered voter is discernable under this state's uniform
466 definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in
467 the form of the name of a candidate or a political party is a valid vote.

468 (2) (a) Notarization is not required for the execution of a document under this chapter.

469 (b) (i) An authentication, other than the declaration [~~specified~~] described in Section
470 **20A-16-409** or the declaration on the federal postcard application and federal write-in absentee
471 ballot, is not required for execution of a document under this chapter.

472 (ii) The declaration and any information in the declaration may be compared with
473 information on file to ascertain the validity of the document.

474 Section 14. **Repealer.**

475 This bill repeals:

476 Section **20A-16-101, Title.**