

## SB0017S01 compared with SB0017

~~{deleted text}~~ shows text that was in SB0017 but was deleted in SB0017S01.

inserted text shows text that was not in SB0017 but was inserted into SB0017S01.

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Representative Calvin R. Musselman proposes the following substitute bill:

### VOTING AND VOTER RESIDENCY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: ~~{\_\_\_\_\_}~~ Calvin R. Musselman

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#### LONG TITLE

~~{Committee Note:~~

~~\_\_\_\_\_The Government Operations Interim Committee recommended this bill.~~

~~\_\_\_\_\_Legislative Vote: 12 voting for 0 voting against \_\_\_\_\_ 2 absent~~

~~{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;

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- ▶ 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
- 20A-16-103**, as enacted by Laws of Utah 2011, Chapter 327
- 20A-16-201**, as enacted by Laws of Utah 2011, Chapter 327
- 20A-16-301**, as enacted by Laws of Utah 2011, Chapter 327
- 20A-16-302**, as last amended by Laws of Utah 2013, Chapter 198
- 20A-16-401**, as last amended by Laws of Utah 2020, Chapter 31
- 20A-16-402**, as last amended by Laws of Utah 2013, Chapter 198
- 20A-16-403**, as last amended by Laws of Utah 2019, Chapter 255
- 20A-16-405**, as enacted by Laws of Utah 2011, Chapter 327
- 20A-16-501**, as last amended by Laws of Utah 2021, Chapter 100
- 20A-16-502**, as last amended by Laws of Utah 2012, Chapter 369
- 20A-16-503**, as enacted by Laws of Utah 2011, Chapter 327

#### REPEALS:

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

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

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

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

(1) As used in this section:

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

(i) the intent expressed by the individual; and

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

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

(2) Election officials and judges shall apply the standards and requirements of this section when determining whether ~~[a person]~~ an individual is a resident for purposes of interpreting this title or the Utah Constitution.

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

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

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

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

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

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

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

(ii) a student at an institution of learning;

(iii) incarcerated in prison or jail; or

(iv) residing upon an Indian or military reservation.

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

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

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

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

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

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

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

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

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

(b) If an election official or election judge has reasonable, articulable grounds to

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question the principal place of residence of an individual for a purpose described in Subsection (2), the election official or election judge may require the individual to provide information to resolve the question.

(c) ~~{The following create per se reasonable}~~ Reasonable, articulable grounds to question an individual's principal place of residence, and require additional information under Subsection (5)(b) include:

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

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

(iii) that the individual owns residential property outside the location claimed as the individual's principal place of residence ~~{,}~~ or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(+)~~ (m) other relevant factors.

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

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

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

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

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

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

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

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

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

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

~~(7)~~ (9) (a) Except as provided in Subsection ~~(10)~~ (12), there is a rebuttable presumption that ~~[a person's]~~ an individual's principal place of residence is in Utah and in the voting precinct claimed by the ~~[person if the person]~~ individual, if the individual makes an oath or affirmation upon a registration application form or declaration of candidacy that the

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[~~person's~~] individual's principal place of residence is in Utah and in the voting precinct claimed by the [~~person~~] individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As used in this chapter:

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

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

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

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

(a) satisfies Utah's voter eligibility requirements that do not relate to residency;

(b) is not registered to vote in a state other than Utah;

(c) is absent from the United States on the day of the election; and

(d) (i) is a resident of Utah under Section 20A-2-105, but is absent from the United States on election day because the individual:

(A) is a uniformed service voter; or

(B) temporarily resides outside the United States;



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(ii) is a foreign United States citizen who:

(A) before establishing a principal place of residence outside the United States, established a principal place of residence in Utah; and

(B) did not, after leaving Utah, register to vote in a state other than Utah or establish a principal place of residence in a state other than Utah; or

(iii) is a foreign United States citizen:

(A) who has never registered to vote in a state other than Utah;

(B) who has never established a principal place of residence in the United States; and

(C) whose parent, legal guardian, spouse, or domestic partner established the parent's, legal guardian's, spouse's, or domestic partner's most recent United States principal place of residence in Utah.

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

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

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

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

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

(a) a federal write-in absentee ballot;

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

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

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

(a) voting age; and

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

~~[(7)]~~ (8) "State" means a state of the United States, the District of Columbia, Puerto

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Rico, Guam, the United States Virgin Islands, or [~~any territory or insular possession subject to the jurisdiction of the United States~~] American Samoa.

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

- (a) active and reserve components of the armed forces as defined in Section 68-3-12.5;
- (b) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
- (c) the National Guard.

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

- (a) a member of the active or reserve components of the armed forces who is on active duty;
- (b) a member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;
- (c) a member on activated status of the National Guard; or
- (d) a spouse or dependent of a member referred to in Subsections ~~[(9)(a) through (c)]~~ (10)(a) through (c).

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

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

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

(1) The voting procedures in this chapter apply to an election authorized by this title.  
(2) A covered voter who is a foreign United States citizen may only vote in a federal election and may only vote for candidates for federal office.

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

(4) A covered voter described in Subsection 20A-16-102(1)(d)(iii) shall vote in the congressional election for the district where the covered voter's parent, legal guardian, spouse,

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or domestic partner established the parent's, legal guardian's, spouse's, or domestic partner's most recent United States principal place of residence in Utah.

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

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

The lieutenant governor shall:

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

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

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

(4) (a) develop standardized absentee-voting materials, including privacy and transmission envelopes and electronic equivalents of the envelopes, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in the state; and

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

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

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

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

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

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

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

[~~It is~~] Subject to Section 20A-16-103, in registering to vote, an overseas voter who is eligible to vote in the state shall:

(1) use and be assigned to the voting precinct of the address of the last place of

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residence of the voter in the state; or

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

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

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

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

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

(b) If the declaration is received on or after the [~~Thursday immediately before~~] day of the election, the declaration shall be treated as an application to register to vote for subsequent elections.

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

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

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

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

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

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

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

(3) (a) The lieutenant governor shall ensure that the electronic transmission system

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described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official.

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

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

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

(a) the use of a federal postcard application or federal write-in absentee ballot;

(b) the use of an overseas address on an approved voter registration application or ballot application; or

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

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

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

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

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

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

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

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

(1) For an election for which the state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act, [~~Sec. 579, 42 U.S.C. 1973ff-1(g)(2)~~] 52 U.S.C. Sec. 20302(g)(2), not later than 45 days before the election or, notwithstanding Section 20A-1-104, if the 45th day before the election is a weekend or holiday, not later than the

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business day preceding the 45th day, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.

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

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

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

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

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

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

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

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

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

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

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

(a) is a private record under Section 63G-2-302; and

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

(3) The request for an email address shall:

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- (a) describe the purposes for which the email address may be used;
- (b) include a statement that any other use or disclosure of the email address is prohibited; and
- (c) describe how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

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

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

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

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

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

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

(2) The election notice must contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 14. **Repealer.**

This bill repeals:

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