

VOTING CHANGES

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael S. Kennedy

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to voting and elections.

Highlighted Provisions:

This bill:

▶ permits an election officer to determine whether to conduct an election primarily by mail or primarily by in-person voting;

▶ establishes procedures and requirements for conducting an election primarily by in-person voting, including:

- notice requirements; and
- a procedure for an individual to request a mailed ballot for an election conducted primarily by in-person voting;

▶ requires an election officer who conducts elections primarily by mail to annually request that an active voter verify the voter's current address; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **20A-3a-202**, as last amended by Laws of Utah 2022, Chapters 18, 121 and 156

29 ENACTS:

30 **20A-3a-202.1**, Utah Code Annotated 1953



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

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

33 **20A-3a-202. Conducting election primarily by mail or primarily by in-person**
34 **voting.**

35 (1) (a) Except as otherwise provided for an election conducted entirely by mail under
36 Section **20A-7-609.5**, an election officer [~~shall~~] may administer an election [~~primarily by mail,~~]
37 in accordance with this section[-]:

38 (i) primarily by mail; or

39 (ii) primarily by in-person voting if:

40 (A) at least 90 days before the election date, the election officer submits to the
41 lieutenant governor a written statement indicating that the election officer will conduct the
42 election primarily by in-person voting and specifying the plan for conducting the election,
43 including the number and location of each polling place, the number of voting booths that will
44 be available at each polling place, and the equipment that will be present at each polling place
45 to enable a voter with a disability to vote;

46 (B) in accordance with Subsection (1)(b), the lieutenant governor approves the plan
47 described in Subsection (1)(a)(ii)(A), including any modification to the plan required by the
48 lieutenant governor; and

49 (C) the election officer complies with the plan described in Subsection (1)(a)(ii)(A),
50 including any modification to the plan required by the lieutenant governor.

51 (b) Within 10 days after the day on which the lieutenant governor timely receives a
52 written statement described in Subsection (1)(a)(ii)(A):

53 (i) the lieutenant governor shall approve the plan described in the statement if the
54 lieutenant governor finds that the plan will provide reasonable access and capacity for the
55 election; or

56 (ii) if the lieutenant governor finds that the plan described in the statement will not
57 provide reasonable access and capacity for the election, the lieutenant governor shall, after
58

59 consulting with the election officer who submitted the plan, modify the plan to the extent
60 necessary, as determined by the lieutenant governor, to provide reasonable access and capacity
61 for the election.

62 (c) An election officer shall, at least 28 days before the date of the election, publish
63 notice for the jurisdiction where the election will be held regarding whether the election will be
64 conducted primarily by mail or primarily by in-person voting:

65 (i) (A) by publishing notice in at least one issue of a newspaper of general circulation
66 in the jurisdiction;

67 (B) by posting one notice, and at least one additional notice per 2,000 population of the
68 jurisdiction, in places that are most likely to give notice to the residents in the jurisdiction,
69 subject to a maximum of 10 notices; or

70 (C) by mailing notice to each registered voter in the jurisdiction;

71 (ii) by posting notice on the Utah Public Notice Website, created in Section
72 [63A-16-601](#), for 28 days before the day of the election; and

73 (iii) by posting notice on the jurisdiction's website for 28 days before the day of the
74 election.

75 (d) If an election officer decides to conduct an election primarily by in-person voting,
76 the election officer shall include, in the notice described in Subsection (1)(c), the following
77 statement: "A voter may request to receive a ballot by mail if, at least 11 days before the day of
78 the election, the voter provides a mail-in ballot request form to the election officer in
79 accordance with Utah Code Section [20A-3a-202.1](#). The mail-in ballot request form must be
80 received by the election officer no later than [indicate the date that is 11 days before the date of
81 the election] at [indicate the physical and mailing address]. If the election officer receives a
82 mail-in ballot request form after [indicate the date that is 11 days before the date of the
83 election], the election officer is not required to comply with the request, unless otherwise
84 required by law for a uniformed service voter or an overseas voter. You may obtain a copy of
85 the mail-in ballot request form at [indicate a physical address and a website address where an
86 individual may obtain a copy of the form]."

87 [~~(b)~~] (e) An individual who did not provide valid voter identification at the time the
88 voter registered to vote shall provide valid voter identification before voting.

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

90 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
91 and no later than seven days before election day[~~7~~];

92 (i) for an election conducted primarily by mail, mail to each active voter within a
93 voting precinct:

94 ~~[(i)]~~ (A) a manual ballot;

95 ~~[(ii)]~~ (B) a return envelope;

96 ~~[(iii)]~~ (C) instructions for returning the ballot that include an express notice about any
97 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

98 ~~[(iv)]~~ (D) for an election administered by a county clerk, information regarding the
99 location and hours of operation of any election day voting center at which the voter may vote or
100 a website address where the voter may view this information;

101 ~~[(v)]~~ (E) for an election administered by an election officer other than a county clerk, if
102 the election officer does not operate a polling place or an election day voting center, a warning,
103 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
104 the instructions included with the ballot, the voter will be unable to vote in that election
105 because there will be no polling place for the voting precinct on the day of the election; and

106 ~~[(vi)]~~ (F) ~~[after May 1, 2022,]~~ instructions on how a voter may sign up to receive
107 electronic ballot status notifications via the ballot tracking system described in Section
108 [20A-3a-401.5](#); or

109 (ii) for an election conducted primarily by in-person voting, mail the items and
110 information described in Subsection (2)(a)(i)(A), (B), (C), (D), and (F) to:

111 (A) each registered voter who timely requests a mail-in ballot in accordance with
112 Section [20A-3a-202.1](#); and

113 (B) each individual to whom the election officer is required to provide a mail-in ballot
114 under Chapter 16, Uniform Military and Overseas Voters Act, for whom the election officer
115 has a mailing address;

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

117 (i) an inactive voter, unless the inactive voter requests a ~~[manual]~~ mail-in ballot; or

118 (ii) a voter whom the election officer is prohibited from sending a ballot under
119 Subsection (10)(c)(ii); and

120 (c) shall, on the outside of the envelope in which the election officer mails the ballot,

121 include instructions for returning the ballot if the individual to whom the election officer mails
122 the ballot does not live at the address to which the ballot is sent.

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

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

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

128 (b) The lieutenant governor shall make available to voters an alternate address request
129 form that permits a voter to request that the election officer mail the voter's ballot to a location
130 other than the voter's residence.

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

133 (4) ~~[The]~~ A return envelope shall include:

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

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

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

139 "County of ____ State of ____

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

143 _____
144 Signature of Voter"; and

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

148 (5) If the election officer determines that the voter to whom the election officer mails a
149 ballot is required to show valid voter identification, the election officer ~~[may]~~ shall:

150 ~~[(a) mail a ballot to the voter;]~~

151 ~~[(b)]~~ (a) instruct the voter to include a copy of the voter's valid voter identification with

152 the return ballot; and

153 ~~[(e)]~~ (b) provide instructions to the voter on how the voter may sign up to receive
154 electronic ballot status notifications via the ballot tracking system described in Section
155 [20A-3a-401.5](#).

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

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

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

160 and

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

162 (7) Upon receipt of a ~~[returned]~~ ballot returned by mail or deposited in a ballot drop
163 box, the election officer shall review and process the ballot under Section [20A-3a-401](#).

164 (8) A county that administers an election primarily by mail:

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

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

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

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

173 (ii) the early voting days are within the period ~~[beginning on the date that is 14 days~~
174 ~~before the date of the election and ending on the day before the election]~~ described in

175 Subsection [20A-3a-601\(2\)](#); and

176 (iii) the county clerk provides notice of the reduced early voting period in accordance
177 with Section [20A-3a-604](#);

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

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

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

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

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

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

188 (10) For an election conducted primarily by mail:

189 (a) ~~An~~ an individual may request that the election officer not send the individual a
 190 ballot by mail in the next and subsequent elections by submitting a written request to the
 191 election officer[?];

192 (b) ~~An~~ an individual shall submit the request described in Subsection (10)(a) to the
 193 election officer before 5 p.m. no later than 60 days before an election if the individual does not
 194 wish to receive a ballot by mail in that election[?];

195 (c) ~~An~~ an election officer who receives a request from an individual under Subsection
 196 (10)(a):

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

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

200 (A) the next election, if the individual submits the request described in Subsection
 201 (10)(a) before the deadline described in Subsection (10)(b); or

202 (B) an election after the election described in Subsection (10)(c)(ii)(A)[?]; and

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

205 (11) An election officer who conducts elections primarily by mail shall, each
 206 December, mail a form to each active voter in the election officer's jurisdiction asking the voter
 207 to:

208 (a) verify that the address on record for the voter is the voter's current address; or

209 (b) provide the voter's current address.

210 Section 2. Section **20A-3a-202.1** is enacted to read:

211 **20A-3a-202.1. Request for mail-in ballot for election conducted primarily by**
 212 **in-person voting.**

213 (1) As used in this section, "form" means the mail-in ballot request form described in

214 Subsection (2).

215 (2) The lieutenant governor shall design, and provide to election officers in the state, an
216 electronic copy of a mail-in ballot request form that an individual may use to request a mail-in
217 ballot for an election conducted primarily by in-person voting.

218 (3) An election officer shall make the form available:

219 (a) at the election officer's office; and

220 (b) on the website for the jurisdiction for which the election is held.

221 (4) If, at least 11 days before the date of the election, an election officer receives a form
222 completed by a voter who is eligible to vote in the election, the election officer shall, no later
223 than seven days before the date of the election, mail to the voter the items and information
224 described in Subsections [20A-3a-202\(2\)\(a\)\(i\)\(A\), \(B\), \(C\), \(D\), and \(F\).](#)