

**DISPOSITION OF BALLOTS AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

**General Description:**

This bill amends provisions of the Election Code relating to a rejected absentee ballot.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions relating to absentee ballot envelopes; and
- ▶ modifies the duties of an election officer in relation to notification of, and an opportunity to correct, a rejected absentee ballot.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-3-305**, as last amended by Laws of Utah 2016, Chapter 24

**20A-3-308**, as last amended by Laws of Utah 2012, Chapter 309

---

---

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

Section 1. Section **20A-3-305** is amended to read:



28           **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**  
29 **Affidavit.**

30           (1) (a) Upon timely receipt of an absentee voter application properly filled out and  
31 signed less than 30 days before the election, the election officer shall either:

- 32           (i) give the applicant an official absentee ballot and envelope to vote in the office; or
- 33           (ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an  
34 envelope printed as required in Subsection (2).

35           (b) No later than 21 days before election day, the election officer shall mail an official  
36 absentee ballot, postage paid, to all absentee voters, other than to a uniformed-service voter or  
37 an overseas voter, who have submitted a properly filled out and signed absentee voter  
38 application before the day on which the ballots are mailed and enclose an envelope printed as  
39 required by Subsection (2).

40           (2) The election officer shall ensure that:

41           (a) the name, official title, and post office address of the election officer is printed on  
42 the front of the envelope; [~~and~~]

43           **(b) the return envelope includes a space where a voter may write an email address and**  
44 **phone number by which the election officer may contact the voter if the voter's ballot is**  
45 **rejected; and**

46           [~~(b)~~] (c) a printed affidavit in substantially the following form is printed on the back of  
47 the envelope:

48 "County of \_\_\_\_ State of \_\_\_\_

49 I, \_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_ voting precinct  
50 in \_\_\_\_ County, Utah and that I am entitled to vote in that voting precinct at the next election.  
51 I am not a convicted felon currently incarcerated for commission of a felony.

52 \_\_\_\_\_  
53 Signature of Absentee Voter"

54           (3) If the election officer determines that the absentee voter is required to show valid  
55 voter identification, the election officer shall:

- 56           (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;
- 57           (b) instruct the voter to include a copy of the voter's valid voter identification with the  
58 return ballot;

- 59 (c) provide the voter clear instructions on how to vote a provisional ballot; and
- 60 (d) comply with the requirements of Subsection (2).

61 Section 2. Section **20A-3-308** is amended to read:

62 **20A-3-308. Absentee ballots in the custody of poll workers -- Disposition --**

63 **Notice.**

64 (1) (a) Voting precinct poll workers shall open envelopes containing absentee ballots  
65 that are in their custody on election day at the polling places during the time the polls are open  
66 as provided in this Subsection (1).

67 (b) The poll workers shall:

68 (i) first, open the outer envelope only; and

69 (ii) compare the signature of the voter on the application with the signature on the  
70 affidavit.

71 (2) (a) The poll workers shall carefully open and remove the absentee voter envelope  
72 so as not to destroy the affidavit on the envelope if they find that:

73 (i) the affidavit is sufficient;

74 (ii) the signatures correspond; and

75 (iii) the applicant is registered to vote in that voting precinct and has not voted in that  
76 election.

77 (b) If, after opening the absentee voter envelope, the poll worker finds that a  
78 provisional ballot envelope is enclosed, the poll worker shall:

79 (i) record, in the official register, whether:

80 (A) the voter included valid voter identification; or

81 (B) a covered voter, as defined in Section **20A-16-102**, did not provide valid voter  
82 identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;

83 (ii) if any type of identification was included, record the type of identification provided  
84 by the voter in the appropriate space in the official register;

85 (iii) record the provisional ballot number on the official register; and

86 (iv) place the provisional ballot envelope with the other provisional ballot envelopes to  
87 be transmitted to the county clerk.

88 (c) If the absentee ballot is not a provisional ballot, the poll workers shall:

89 (i) remove the absentee ballot from the envelope without unfolding it or permitting it to

90 be opened or examined;

91 (ii) initial the stub in the same manner as for other ballots;

92 (iii) remove the stub from the ballot;

93 (iv) deposit the ballot in the ballot box; and

94 (v) mark the official register and pollbook to show that the voter has voted.

95 (3) If the poll workers determine that the affidavit is insufficient, or that the signatures  
96 do not correspond, or that the applicant is not a registered voter in the voting precinct, they  
97 shall:

98 (a) disallow the vote; and

99 (b) without opening the absentee voter envelope, mark across the face of the envelope:

100 (i) "Rejected as defective"; or

101 (ii) "Rejected as not a registered voter."

102 (4) The poll workers shall deposit the absentee voter envelope, when the absentee  
103 ballot is voted, and the absentee voter envelope with its contents unopened when the absent  
104 vote is rejected, in the ballot box containing the ballots.

105 (5) ~~[(a)]~~ An election officer shall:

106 (a) notify a voter if a poll worker rejects the voter's absentee ballot and specify the  
107 reason for the rejection[-];

108 ~~(b) [An election officer shall]~~ give the notice described in Subsection (5)(a) to a voter  
109 no later than ~~[seven days after]:~~

110 (i) if the poll worker rejects the absentee ballot before election day:

111 (A) one business day after the day on which the poll worker rejects the ballot, if the  
112 election officer gives the notice by email or text message; or

113 (B) two business days after the day on which the poll worker rejects the ballot, if the  
114 election officer gives the notice by postal mail or phone;

115 ~~[(i)]~~ (ii) seven days after election day if the election officer [receives the] rejects the  
116 absentee ballot [before or] on election day; [and] or

117 ~~[(i)]~~ (iii) seven days after the canvass if the election officer [receives the] rejects the  
118 absentee ballot after election day and before the end of the canvass[-]; and

119 (c) before the polls close, permit a voter whose absentee ballot is rejected to correct the  
120 voter's absentee ballot.

121           (6) The election officer shall retain and preserve the absentee voter envelopes in the  
122 manner provided by law for the retention and preservation of official ballots voted at that  
123 election.

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**