

Ballot Counting and Ballot Drop Box Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

LONG TITLE**General Description:**

This bill modifies provisions related to mailed ballots and ballot drop boxes.

Highlighted Provisions:

This bill:

▸ provides that, for a ballot that is mailed to be valid, the election officer must receive the ballot before the polls close on election day;

▸ requires an election officer to ensure that at least one ballot drop box is located no more than a 60-minute drive from 95% of registered voters in the election officer's jurisdiction; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

20A-3a-204, as last amended by Laws of Utah 2022, Chapter 156

20A-5-403.5, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435

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

Section 1. Section **20A-3a-204** is amended to read:

20A-3a-204 . Marking and depositing ballots.

(1) To vote by mail:

(a) except as provided in Subsection (6), the voter shall prepare the voter's manual ballot by marking the appropriate space with a mark opposite the name of each candidate of the voter's choice for each office to be filled;

(b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the appropriate space with a mark opposite the answer the voter intends to make;

- 32 (c) except as provided in Subsection (6), the voter shall record a write-in vote in
33 accordance with Subsection 20A-3a-206(1);
- 34 (d) except as provided in Subsection (6), a mark is not required opposite the name of a
35 write-in candidate; and
- 36 (e) the voter shall:
- 37 (i) complete and sign the affidavit on the return envelope;
- 38 (ii) place the voted ballot in the return envelope;
- 39 (iii) if required, place a copy of the voter's valid voter identification in the return
40 envelope;
- 41 (iv) securely seal the return envelope; and
- 42 (v)(A) attach postage, if necessary, and deposit the return envelope in the mail; or
43 (B) place the return envelope in a ballot drop box, designated by the election
44 officer, for the precinct where the voter resides.
- 45 (2)(a) Except as otherwise provided in Section 20A-16-404, ~~[to be valid, a ballot that is~~
46 ~~mailed must be:]~~ for a ballot that is mailed to be valid, the election officer must
47 receive the ballot in the office of the election officer before the polls close on election
48 day.
- 49 ~~[(i) clearly postmarked before election day, or otherwise clearly marked by the post~~
50 ~~office as received by the post office before election day; and]~~
- 51 ~~[(ii) received in the office of the election officer before noon on the day of the~~
52 ~~official canvass following the election.]~~
- 53 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls
54 close on election day, be deposited in:
- 55 (i) a ballot box at a polling place; or
- 56 (ii) a ballot drop box designated by an election officer for the jurisdiction to which
57 the ballot relates.
- 58 (c) An election officer may, but is not required to, forward a ballot deposited in a ballot
59 drop box in the wrong jurisdiction to the correct jurisdiction.
- 60 (d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a
61 ballot drop box, with a sealed return envelope containing a ballot in the voter's
62 possession, to deposit the ballot in the ballot drop box.
- 63 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after
64 complying with Subsections (1)(a) through (d):
- 65 (a) sign the official register or pollbook; and

- 66 (b)(i) place the ballot in the ballot box; or
- 67 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
- 68 envelope, complete the information printed on the provisional ballot envelope, and
- 69 deposit the provisional ballot envelope in the provisional ballot box.
- 70 (4)(a) An individual with a disability may vote a mechanical ballot at a polling place.
- 71 (b) An individual other than an individual with a disability may vote a mechanical ballot
- 72 at a polling place if permitted by the election officer.
- 73 (5) To vote a mechanical ballot, the voter shall:
- 74 (a) make the selections according to the instructions provided for the voting device; and
- 75 (b) subject to Subsection (6), record a write-in vote by:
- 76 (i) selecting the appropriate position for entering a write-in candidate; and
- 77 (ii) using the voting device to enter the name of the valid write-in candidate for
- 78 whom the voter wishes to vote.
- 79 (6) To vote in an instant runoff voting race under [~~Title 20A, Chapter 4, Part 6, Municipal~~
- 80 ~~Alternate Voting Methods Pilot Project~~] Chapter 4, Part 6, Municipal Alternate Voting
- 81 Methods Pilot Project, a voter:
- 82 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
- 83 first preference for the office; and
- 84 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
- 85 order of the voter's preference.
- 86 (7) A voter who votes at a polling place:
- 87 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting area
- 88 after voting; and
- 89 (b) may not:
- 90 (i) occupy a voting booth occupied by another, except as provided in Section
- 91 20A-3a-208;
- 92 (ii) remain within the voting area more than 10 minutes; or
- 93 (iii) occupy a voting booth for more than five minutes if all booths are in use and
- 94 other voters are waiting to occupy a voting booth.
- 95 (8) If the official register shows any voter as having voted, that voter may not reenter the
- 96 voting area during that election unless that voter is an election official or watcher.
- 97 (9) A poll worker may not, at a polling place, allow more than four voters more than the
- 98 number of voting booths into the voting area at one time unless those excess voters are:
- 99 (a) election officials;

100 (b) watchers; or

101 (c) assisting voters with a disability.

102 Section 2. Section **20A-5-403.5** is amended to read:

103 **20A-5-403.5 . Ballot drop boxes -- Notice.**

104 (1)(a) An election officer:

105 (i) shall designate at least one ballot drop box in each municipality and reservation
106 located in the jurisdiction to which the election relates;

107 (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;

108 (iii) shall ensure that at least 95% of the election officer's jurisdiction's registered
109 voters reside no farther than a 60-minute drive, by conventional motor vehicle,
110 from a ballot drop box;

111 [~~(iii)~~] (iv) shall clearly mark each ballot drop box as an official ballot drop box for the
112 election officer's jurisdiction;

113 [~~(iv)~~] (v) shall provide 24-hour recorded video surveillance, without audio, of each
114 unattended ballot drop box;

115 [~~(v)~~] (vi) shall post a sign on or near each unattended ballot drop box indicating that
116 the ballot drop box is under 24-hour video surveillance; and

117 [~~(vi)~~] (vii) shall ensure that a camera, a video, or a recording of a video described in
118 Subsection [~~(1)(a)(iv)~~] (1)(a)(v) may only be accessed:

119 (A) by the election officer;

120 (B) by a custodian of the camera, video, or recording;

121 (C) by the lieutenant governor;

122 (D) by the legislative auditor general, when performing an audit; or

123 (E) by, or pursuant to an order of, a court of competent jurisdiction.

124 (b) An individual may not view a video, or a recording of a video, described in
125 Subsection [~~(1)(a)(iv)~~] (1)(a)(v), unless the individual:

126 (i) is an individual described in Subsection [~~(1)(a)(vi)~~] (1)(a)(vii); and

127 (ii) views the video to the extent necessary to:

128 (A) ensure compliance with Subsection [~~(1)(a)(iv)~~,~~(1)(a)(vi)~~] (1)(a)(v), (1)(a)(vii),
129 or (1)(c); or

130 (B) investigate a concern relating to ballots or the ballot box.

131 (c) The election officer, or the custodian of the recording, shall keep a recording
132 described in Subsection [~~(1)(a)(iv)~~] (1)(a)(v) until the later of:

133 (i) the end of the calendar year in which the election was held; or

- 134 (ii) if the election is contested, when the contest is resolved.
- 135 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at
136 least 28 days before the date of the election, provide notice of the location of each ballot
137 drop box designated under Subsection (1), by publishing notice for the jurisdiction
138 holding the election, as a class A notice under Section 63G-30-102, for at least 28 days
139 before the day of the election.
- 140 (3) Instead of including the location of ballot drop boxes, a notice required under
141 Subsection (2) may specify the following sources where a voter may view or obtain a
142 copy of all ballot drop box locations:
- 143 (a) the jurisdiction's website;
- 144 (b) the physical address of the jurisdiction's offices; and
- 145 (c) a mailing address and telephone number.
- 146 (4) The election officer shall include in the notice described in Subsection (2):
- 147 (a) the address of the Statewide Electronic Voter Information Website and, if available,
148 the address of the election officer's website, with a statement indicating that the
149 election officer will post on the website the location of each ballot drop box,
150 including any changes to the location of a ballot drop box and the location of
151 additional ballot drop boxes; and
- 152 (b) a phone number that a voter may call to obtain information regarding the location of
153 a ballot drop box.
- 154 (5)(a) Except as provided in Section 20A-1-308, the election officer may, after the
155 deadline described in Subsection (2):
- 156 (i) if necessary, change the location of a ballot drop box; or
- 157 (ii) if the election officer determines that the number of ballot drop boxes is
158 insufficient due to the number of registered voters who are voting, designate
159 additional ballot drop boxes.
- 160 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
161 of a ballot box or designates an additional ballot drop box location, the election
162 officer shall, as soon as is reasonably possible, give notice of the changed ballot drop
163 box location or the additional ballot drop box location:
- 164 (i) to the lieutenant governor, for posting on the Statewide Voter Information
165 Website;
- 166 (ii) by posting the information on the website of the election officer, if available; and
167 (iii) by posting notice:

168 (A) for a change in the location of a ballot drop box, at the new location and, if
169 possible, the old location; and

170 (B) for an additional ballot drop box location, at the additional ballot drop box
171 location.

172 (6) An election officer may, at any time, authorize two or more poll workers to remove a
173 ballot drop box from a location, or to remove ballots from a ballot drop box for
174 processing.

175 (7)(a) At least two poll workers must be present when a poll worker collects ballots
176 from a ballot drop box and delivers the ballots to the location where the ballots will
177 be opened and counted.

178 (b) An election officer shall ensure that the chain of custody of ballots placed in a ballot
179 box are recorded and tracked from the time the ballots are removed from the ballot
180 box until the ballots are delivered to the location where the ballots will be opened and
181 counted.

182 Section 3. **Effective Date.**

183 This bill takes effect on January 1, 2026.