

ELECTION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses mailed ballots.

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; and

▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

⤵→ [~~None~~] 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

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

H.B. 214



28 ballot by marking the appropriate space with a mark opposite the name of each candidate of the
29 voter's choice for each office to be filled;

30 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the
31 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 officer,
44 for the precinct where the voter resides.

45 (2) (a) Except as otherwise provided in Section 20A-16-404, ~~[to be]~~ for a ballot that is
46 mailed to be valid, [a ballot that is mailed must be:] the election officer must receive the ballot
47 in the office of the election officer before the polls close on election day.

48 ~~[(i) clearly postmarked before election day, or otherwise clearly marked by the post~~
49 ~~office as received by the post office before election day; and]~~

50 ~~[(ii) received in the office of the election officer before noon on the day of the official~~
51 ~~canvass following the election.]~~

52 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls
53 close on election day, be deposited in:

54 (i) a ballot box at a polling place; or

55 (ii) a ballot drop box designated by an election officer for the jurisdiction to which the
56 ballot relates.

57 (c) An election officer may, but is not required to, forward a ballot deposited in a ballot
58 drop box in the wrong jurisdiction to the correct jurisdiction.

59 (d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a
60 ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to
61 deposit the ballot in the ballot drop box.

62 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after
63 complying with Subsections (1)(a) through (d):

64 (a) sign the official register or pollbook; and

65 (b) (i) place the ballot in the ballot box; or

66 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
67 envelope, complete the information printed on the provisional ballot envelope, and deposit the
68 provisional ballot envelope in the provisional ballot box.

69 (4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

70 (b) An individual other than an individual with a disability may vote a mechanical
71 ballot at a polling place if permitted by the election officer.

72 (5) To vote a mechanical ballot, the voter shall:

73 (a) make the selections according to the instructions provided for the voting device;

74 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 whom
78 the voter wishes to vote.

79 (6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,
80 Municipal Alternate Voting Methods Pilot Project, a voter:

81 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
82 first preference for the office; and

83 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
84 order of the voter's preference.

85 (7) A voter who votes at a polling place:

86 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting
87 area after voting; and

88 (b) may not:

89 (i) occupy a voting booth occupied by another, except as provided in Section

90 20A-3a-208;

91 (ii) remain within the voting area more than 10 minutes; or

92 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
93 voters are waiting to occupy a voting booth.

94 (8) If the official register shows any voter as having voted, that voter may not reenter
95 the voting area during that election unless that voter is an election official or watcher.

96 (9) A poll worker may not, at a polling place, allow more than four voters more than
97 the number of voting booths into the voting area at one time unless those excess voters are:

98 (a) election officials;

99 (b) watchers; or

100 (c) assisting voters with a disability.

101 Section 2. **Effective date.**

102 This bill takes effect on ~~May 1, 2024.~~ January 1, 2025.