

1 **VOTE BY MAIL CHANGES**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill makes changes to the process by which an absentee ballot is sent and received.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ makes changes to the process by which an absentee ballot is sent and received.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 **AMENDS:**

19 **20A-3-302**, as last amended by Laws of Utah 2015, Chapter 173

20 **20A-3-305**, as last amended by Laws of Utah 2012, Chapter 309

21 **20A-3-306**, as last amended by Laws of Utah 2015, Chapter 124

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

24 Section 1. Section **20A-3-302** is amended to read:

25 **20A-3-302. Conducting entire election by absentee ballot.**

26 (1) Notwithstanding Section **17B-1-306**, an election officer may administer an election
27 entirely by absentee ballot.



28 (2) If the election officer decides to administer an election entirely by absentee ballot,
29 the election officer shall mail to each registered voter within that voting precinct:

30 (a) an absentee ballot;

31 (b) a ballot secrecy sleeve;

32 [~~(b)~~] (c) for an election administered by a county clerk, information regarding the
33 location and hours of operation of any election day voting center at which the voter may vote;

34 [~~(c)~~] (d) a courtesy reply mail envelope that includes a flap or other device to conceal
35 the voter's signature on the envelope;

36 [~~(d)~~] (e) instructions for returning the ballot that include an express notice about any
37 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

38 [~~(e)~~] (f) for an election administered by an election officer other than a county clerk, if
39 the election officer does not operate a polling location or an election day voting center, a
40 warning, on a separate page of colored paper in bold face print, indicating that if the voter fails
41 to follow the instructions included with the absentee ballot, the voter will be unable to vote in
42 that election because there will be no polling place in the voting precinct on the day of the
43 election.

44 (3) A voter who votes by absentee ballot under this section is not required to apply for
45 an absentee ballot as required by this part.

46 (4) An election officer who administers an election entirely by absentee ballot shall:

47 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
48 the election; or

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

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

52 (5) (a) Upon receiving the returned absentee ballots, the election officer shall compare
53 the signature on each absentee ballot with the voter's signature that is maintained on file and
54 verify that the signatures are the same.

55 (b) If the election officer questions the authenticity of the signature on the absentee
56 ballot, the election officer shall immediately contact the voter to verify the signature.

57 (c) If the election official determines that the signature on the absentee ballot does not
58 match the voter's signature that is maintained on file, the election officer shall:

59 (i) unless the absentee ballot application deadline described in Section 20A-3-304 has
 60 passed, immediately send another absentee ballot and other voting materials as required by this
 61 section to the voter; and

62 (ii) disqualify the initial absentee ballot.

63 (6) A county that administers an election entirely by absentee ballot:

64 (a) shall provide at least one election day voting center in accordance with Title 20A,
 65 Chapter 3, Part 7, Election Day Voting Center;

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

69 (c) is not required to pay return postage for an absentee ballot.

70 Section 2. Section 20A-3-305 is amended to read:

71 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**

72 **Affidavit.**

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

75 (i) give the applicant an official absentee ballot and envelope to vote in the office; or

76 (ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an
 77 envelope printed as required in Subsection (2).

78 (b) Twenty-eight days before election day, the election officer shall mail an official
 79 absentee ballot, postage paid, to all absentee voters, other than to a uniformed-service voter or
 80 an overseas voter, who have submitted a properly filled out and signed absentee voter
 81 application before the day on which the ballots are mailed and enclose:

82 (i) an envelope ~~[printed as]~~ in the form required by Subsection (2)~~[:]~~; and

83 (ii) a ballot secrecy sleeve.

84 (2) The election officer shall ensure that:

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

87 (b) a printed affidavit in substantially the following form is printed on the back of the
 88 envelope:

89 "County of _____ State of _____

90 I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct
91 in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election.
92 I am not a convicted felon currently incarcerated for commission of a felony.

93 _____
94 Signature of Absentee Voter"; and

95 (c) the envelope has a flap or other device to conceal a voter's signature on the
96 envelope.

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

99 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

100 (b) instruct the voter to include a copy of the voter's valid voter identification with the
101 return ballot;

102 (c) provide the voter clear instructions on how to vote a provisional ballot; and

103 (d) comply with the requirements of Subsection (2).

104 Section 3. Section 20A-3-306 is amended to read:

105 **20A-3-306. Voting ballot -- Returning ballot.**

106 (1) (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the
107 absentee voter shall:

108 (i) complete and sign the affidavit on the envelope;

109 (ii) mark the votes on the absentee ballot;

110 (iii) place the voted absentee ballot in the [envelope] ballot secrecy sleeve;

111 (iv) place the ballot and the ballot secrecy sleeve in the envelope;

112 [~~(iv)~~] (v) securely seal the envelope; and

113 [~~(v)~~] (vi) attach postage, unless voting in accordance with Section 20A-3-302, and
114 deposit the envelope in the mail or deliver it in person to the election officer from whom the
115 ballot was obtained.

116 (b) Except as provided by Section 20A-1-308, to vote an absentee ballot in person at
117 the office of the election officer, the absent voter shall:

118 (i) complete and sign the affidavit on the envelope;

119 (ii) mark the votes on the absent-voter ballot;

120 (iii) place the voted absent-voter ballot in the [envelope] ballot secrecy sleeve;

- 121 (iv) place the ballot and the ballot secrecy sleeve in the envelope;
122 [~~(iv)~~] (v) securely seal the envelope; and
123 [~~(v)~~] (vi) give the ballot and envelope to the election officer.
- 124 (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:
125 (a) in the case of an absentee ballot that is voted in person, the ballot is:
126 (i) applied for and cast in person at the office of the appropriate election officer no later
127 than the Thursday before election day; or
128 (ii) submitted on election day at a polling location in the political subdivision where
129 the absentee voter resides;
130 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:
131 (i) clearly postmarked before election day, or otherwise clearly marked by the post
132 office as received by the post office before election day; and
133 (ii) received in the office of the election officer before noon on the day of the official
134 canvass following the election; or
135 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with
136 Section 20A-16-404.
- 137 (3) An absentee voter may submit a completed absentee ballot at a polling location in a
138 political subdivision holding the election, if the absentee voter resides in the political
139 subdivision.
- 140 (4) An absentee voter may submit an incomplete absentee ballot at a polling location
141 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and
142 vote in person.