SENATE BILL 326:
Election Day Integrity Act.

Committee:	Senate Rules and Operations of the Senate	**Date:**	June 10, 2021
Introduced by:	Sens. Daniel, Newton, Hise	**Prepared by:**	Jessica Sammons
Analysis of:	Second Edition		Committee Co-Counsel

OVERVIEW: Senate Bill 326 would do the following:

- *Require completed applications and marked mail-in absentee ballots to be returned to the county board of elections by 5:00 P.M. on the day of the election, regardless of postmark.*

- *Require county boards of elections and the State Board to publish the date mail-in absentee ballots are available for voting and the date completed request forms for mail-in absentee ballots must be received by a county board of elections.*

- *Require county boards of elections to submit reports on the number of spoiled absentee ballots, outstanding absentee ballots, counted absentee ballots, and voted provisional ballots to the State Board, and require the State Board to publish the reports on its website.*

CURRENT LAW: Requests for mail-in absentee ballots must be fully completed and received by the county board of elections no later than 5:00 P.M. on the Tuesday before the election. Completed applications and marked ballots must be sent to the county board of elections by mail or commercial courier service or delivered in person. For a mail-in absentee ballot to be counted, the ballot must either:

- Be received by the county board by 5:00 P.M. on the day of the election.

- Be postmarked on or before the day of the election, and received by the county board by 5:00 P.M. on the third day after the election.

For military and overseas voters, the ballots must be received by the county board no later than the end of business on the business day before canvass and may be transmitted electronically.

BILL ANALYSIS:

Return of Executed Mail-In Absentee Ballot: Section 1 would require that, except for military and overseas voters, all completed applications and marked absentee ballots be returned to the county board by 5:00 P.M. on the day of the election, regardless of postmark.

The bill would also make the following conforming changes:

- Provide that after the initial certified list is prepared, the list of all absentee ballots returned to the county boards to be counted and approved by the county board must include only ballots that have been received by the county board no later than 5:00 P.M. on the day of the election.

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- Remove language regarding absentee ballots received by the county board no later than three days after the election by 5:00 P.M. but postmarked on or before the day of the election from the process for counting absentee ballots.

- Remove language for challenges to mail-in absentee ballots returned to the county board no later than three days after the election by 5:00 P.M. but postmarked on or before the day of the election.

Publishing of Dates for Absentee Ballot Availability & Request Form: Section 2 would require county boards and the State Board to publish on its website and on any materials sent to voters the date that absentee ballots are available for voting and the date that completed absentee ballot request forms must be received by a county board.

Ballot Reporting: Section 3 would require the county boards to submit the following reports to the State Board:

- During each day of early "one-stop" voting:
  - The number of absentee ballots spoiled due to the voter voting in person at a voting site.
  - The number of outstanding absentee ballots.

- By 5:00 P.M. each day from the day after the election through the day after the receipt deadline for absentee ballots:
  - The number of absentee ballots that have been counted.
  - The number of outstanding absentee ballots.
  - The number of voted provisional ballots.

The State Board must publish these reports on its website each day in a readable and usable format.

EFFECTIVE DATE: Effective when it becomes law and applies to elections held on or after that date.