



# SENATE BILL 326: Election Day Integrity Act.

2021-2022 General Assembly

**Committee:**

**Introduced by:** Sens. Daniel, Newton, Hise

**Analysis of:** Ratified

**Date:**

February 7, 2022

**Prepared by:**

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**OVERVIEW:** *Senate Bill 326 would do the following:*

- *Provide that all marked mail-in absentee ballots other than military-overseas ballots must be returned to the county board of elections no later than one of the following, unless federal law requires otherwise:*
  - *7:30 P.M. on the date of the election.*
  - *By the close of polls in the county, if the State Board of Elections (State Board) extends the closing time of the polls for every poll in the county.*
- *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 for that election.*
- *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.*

*Senate Bill 326 was ratified by the General Assembly on November 22, 2021, and vetoed by the Governor on December 2, 2021.*

**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 of elections 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 of elections 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 of elections no later than the end of business on the business day before canvass and may be transmitted electronically.

For those voters properly requesting an absentee application and ballots for mail-in absentee, applications and ballots are mailed or issued no earlier than 60 days prior to the statewide general election in an even-numbered year, or 50 days prior to any other election.

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## **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 mail-in absentee ballots be returned to the county board of elections by 7:30 P.M. on the day of the election, regardless of postmark. However, if the State Board extends the closing time of the polls for every poll in a county, marked mail-in ballots must be received by that closing time in order to be counted.

Section 1 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 of elections must include only ballots that have been received by the county board of elections no later than 7:30 P.M. on the day of the election or by the time of the close of the polls for every poll in the county, if so extended by the State Board.
- Remove language regarding absentee ballots received by the county board of elections no later than three days after the election by 7:30 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 of elections 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 of elections 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 for that election and the date that completed absentee ballot request forms must be received by a county board of elections for that election.

***Ballot Reporting:*** Section 3 would require the county boards of elections 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:** Senate Bill 326 was ratified by the General Assembly on November 22, 2021, and vetoed by the Governor on December 2, 2021.