



HOUSE BILL 304: Election Day Integrity Act.

2023-2024 General Assembly

Committee:	House Election Law and Campaign Finance Reform. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 4, 2023
Introduced by:	Reps. Davis, Warren, Cleveland, Humphrey	Prepared by:	Jessica Sammons
Analysis of:	PCS to First Edition H304-CSBK-15		Staff Attorney

OVERVIEW: *The PCS for House Bill 304 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 by 7:30 P.M. on the day of the election, unless federal law requires otherwise.*
- *Require any marked mail-in absentee ballots to be delivered solely to the county board of elections office, whether delivered by mail or in person.*
- *Require county boards of elections and the State Board of Elections (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.*

[As introduced, this bill was identical to S88, as introduced by Sens. Daniel, P. Newton, Hise, which is currently in Senate Redistricting and Elections.]

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 to an election official at a one-stop voting site when that one-stop voting site is open for voting. 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 the day of 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 office by 7:30 P.M. on the day of the election, regardless of postmark. Any marked mail-in absentee ballots delivered in person must be delivered solely to the county board of elections office. Drop boxes for depositing marked mail-in absentee ballots would be prohibited.

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 for approval and counting 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.
- Provide that mail-in absentee ballots returned to the county board of elections between 5:00 P.M. and 7:30 P.M. on the day of the election are eligible to be challenged no earlier than noon on the day following the election and no later than 5:00 P.M. on the day following 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, including the total number of absentee ballots sent to date and the total number of absentee ballots received to date.
- On the day after the election:
 - The number of absentee ballots that have been counted.
 - The number of outstanding absentee ballots, including the total number of absentee ballots sent to date and the total number of absentee ballots received to date.
 - 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.