



651506

LEGISLATIVE ACTION

Senate

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House

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The Committee on Ethics and Elections (Rodriguez) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 532 and 533

insert:

101.68 Canvassing of vote-by-mail ballot.-

(2)

(c)1. The canvassing board must, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate or on the vote-by-mail ballot cure affidavit as provided in subsection (4) with the signature of the elector



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11 in the registration books or the precinct register to see that  
12 the elector is duly registered in the county and to determine  
13 the legality of that vote-by-mail ballot. A vote-by-mail ballot  
14 may only be counted if:

15 a. The signature on the voter's certificate or the cure  
16 affidavit matches the elector's signature in the registration  
17 books or precinct register; however, in the case of a cure  
18 affidavit, the supporting identification listed in subsection  
19 (4) must also confirm the identity of the elector; or

20 b. The cure affidavit contains a signature that does not  
21 match the elector's signature in the registration books or  
22 precinct register, but the elector has submitted a current and  
23 valid Tier 1 identification pursuant to subsection (4) which  
24 confirms the identity of the elector.

25  
26 For purposes of this paragraph, any canvassing board finding  
27 that signatures do not match must be beyond a reasonable doubt.

28 2. The ballot of an elector who casts a vote-by-mail ballot  
29 shall be counted even if the elector dies on or before election  
30 day, as long as, before the death of the voter, the ballot was  
31 postmarked by the United States Postal Service, date-stamped  
32 with a verifiable tracking number by a common carrier, or  
33 already in the possession of the supervisor of elections.

34 3. A vote-by-mail ballot is not considered illegal if the  
35 signature of the elector does not cross the seal of the mailing  
36 envelope.

37 4. If any elector or candidate present believes that a  
38 vote-by-mail ballot is illegal due to a defect apparent on the  
39 voter's certificate or the cure affidavit, he or she may, at any



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40 time before the ballot is removed from the envelope, file with  
41 the canvassing board a protest against the canvass of that  
42 ballot, specifying the precinct, the ballot, and the reason he  
43 or she believes the ballot to be illegal. A challenge based upon  
44 a defect in the voter's certificate or cure affidavit may not be  
45 accepted after the ballot has been removed from the mailing  
46 envelope.

47 5. If the canvassing board determines that a ballot is  
48 illegal, a member of the board must, without opening the  
49 envelope, mark across the face of the envelope: "rejected as  
50 illegal." The cure affidavit, if applicable, the envelope, and  
51 the ballot therein shall be preserved in the manner that  
52 official ballots are preserved.

53  
54 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

55 And the directory clause is amended as follows:

56 Delete line 495

57 and insert:

58 Section 9. Subsection (1), paragraphs (a) and (c) of  
59 subsection (2),

60  
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Between lines 30 and 31

64 insert:

65 revising requirements related to the canvassing and  
66 counting of vote-by-mail ballots;