

BALLOT DROP BOX AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill increases the criminal penalty relating to taking, carrying away, concealing, removing, or destroying a ballot drop box or the contents of a ballot drop box.

Highlighted Provisions:

This bill:

► increases the criminal penalty relating to taking, carrying away, concealing, removing, or destroying a ballot drop box or the contents of a ballot drop box.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-603, as last amended by Laws of Utah 2022, Chapter 156

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

Section 1. Section **20A-1-603** is amended to read:

20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records -- Penalties.

(1) (a) An individual may not fraudulently vote on the individual's behalf or on behalf of another, by:

(i) voting more than once at any one election, regardless of whether one of the

elections is in a state or territory of the United States outside of Utah;

(ii) knowingly handing in two or more ballots folded together;

(iii) changing any ballot after the ballot is cast or deposited in the ballot box, or ballot drop box, or mailed;

(iv) adding or attempting to add any ballot or vote to those legally polled at any election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either before or after the ballots have been counted;

(v) adding to or mixing or attempting to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time; or

(vi) voting in a voting district or precinct when the individual knew or should have known that the individual was not eligible for voter registration in that district or precinct, unless the individual is legally entitled to vote the ballot under Section 20A-4-107 or another provision of this title.

(b) A person may not fraudulently interfere with an election by:

(i) willfully tampering with, detaining, mutilating, or destroying any election returns;

(ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;

(iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;

(iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;

(v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing;

(vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or the

58 contents of a ballot drop box; or

59 (vii) aiding, counseling, providing, procuring, advising, or assisting any person to do
60 any of the acts described in this section.

61 (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3)[,];

62 (a) a person who commits an offense under Subsection (1)(b)(vi), or who aids,
63 counsels, provides, procures, advises, or assists a person to commit an offense under
64 Subsection (1)(b)(vi), is guilty of a third degree felony; and

65 (b) a person who commits an offense under Subsection (1), other than an offense
66 described in Subsection (2)(a), is guilty of a class A misdemeanor.

67 (3) The lieutenant governor shall take, and store for at least 22 months, a static copy of
68 the official register made at the following times:

69 (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);

70 (b) the day of the election; and

71 (c) the last day of the canvass.