

Utah June Primaries Could Be Conducted Almost Entirely Through Mail-In Ballots And Drive-Up Voting

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Utah's primary elections in June could be held entirely through mail-in ballots, unless counties create drive-up polling options, under a bill passed by the Legislature Thursday.

The bill is intended to limit the spread of COVID-19 by eliminating in-person voting.

"The Senate sponsor on this bill has been working on ways to address obviously wanting to make sure we're keeping people safe, as well as looking for some ways to expand and get as many people to be able to vote as possible," said Rep. Jefferson Moss, R-Saratoga Springs, the bill's sponsor.

Utah is already a vote by mail state, which means every registered active voter should get mailed a ballot. Roughly 90% of voters here already cast their ballots by mail, and the switch has correlated with higher turnout, according to the state elections director.

Under this bill, county clerks could create drive-up polling locations, although the details for how exactly that would work are still being decided. Counties would also have to create options for people with disabilities and inform all voters about them.

People would not be able to cast provisional ballots, vote early in person, or register to vote on the same day as the election. The registration deadline would be 11 days before the election.

Sen. Wayne Harper, R-Taylorsville, said, after discussions with county clerks, he believes most counties will not provide drive-up options, but some had requested they be allowed to.

While many mail-in ballots have a space designated for a stamp, the U.S. Postal Service's official policy is to deliver the ballot even if it doesn't have a stamp. The USPS will then charge the voter's local elections office for the postage later on.

Some counties in Utah, like Salt Lake and Davis, prepay postage for its ballots.

"I wish all 29 counties would do that," said Sen. Todd Weiler, R-Woods Cross. "Even though we now know the Post Office will deliver those anyway, I'm sure that that is suppressing thousands and thousands of votes because people think 'Oh I have to go get a stamp.' Maybe they can't afford a stamp, maybe they just don't have a stamp."

Marina Lowe, Legislative and Policy Counsel for the ACLU of Utah, said this bill makes sense given the current circumstance, but she is glad it only applies to one election.

"There are certainly benefits that come with vote by mail," Lowe said, adding that it's easier and more convenient. "But there are also problems that we have seen in terms of whether that broadens access to voting or makes it more difficult. Low income voters are less likely to have a current address on file in which to receive a ballot, we know that rural indigenous voters in our state even lack a physical street address."

The bill includes an exemption for San Juan County, which is the only county in Utah covered by Section 203 of the Voting Rights Act. The federal law applies to areas where over 5% of the

population speak a language other than English — such as Navajo in San Juan County — and requires governments to provide voting notices and assistance in that language.

The state bill clarifies that San Juan County is still bound by a settlement agreement it entered into in 2018, as the result of a lawsuit filed by the American Civil Liberties Union of Utah. Under the agreement, San Juan County must provide voting locations on or near the Navajo Nation for early voting as well as on election day and must provide a Navajo interpreter at each location.

“Navajo is a historically unwritten language,” said Niki Venugopal, voting outreach coordinator with the ACLU of Utah. “So when the county seeks to fulfill its duty to provide translation services in Navajo, their only option is to do it in person, because there isn’t a standardized way to reach Navajo voters with a written ballot.”

Venugopal said the clarification will make it easier for the ACLU to work with the county to determine ways that in-person voting can be conducted safely for the state primaries in June.

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