

REFERENCE TITLE: voter identification; ballots; delivery; process

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2577

Introduced by
Representatives Blackman: Payne

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 16-546 AND 16-553; AMENDING SECTION 16-579, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-579.01; AMENDING SECTION 16-1005, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 16, chapter 4, article 8, Arizona Revised
3 Statutes, is amended by adding sections 16-546 and 16-553, to read:

4 16-546. Ballot drop boxes; prohibition

5 NOTWITHSTANDING ANY OTHER LAW, A COUNTY RECORDER OR OTHER OFFICER IN
6 CHARGE OF ELECTIONS MAY NOT USE AN UNMONITORED DROP BOX FOR RECEIVING
7 VOTED EARLY BALLOTS.

8 16-553. Early voting; limitations

9 NOTWITHSTANDING ANY OTHER LAW:

10 1. A QUALIFIED ELECTOR MUST REQUEST ANY EARLY OR ABSENTEE BALLOT
11 AND A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY NOT
12 PROVIDE AN EARLY OR ABSENTEE BALLOT WITHOUT A SPECIFIC REQUEST FROM THE
13 VOTER FOR A SINGLE SPECIFIC ELECTION.

14 2. A QUALIFIED ELECTOR MUST VOTE IN A POLLING PLACE OR VOTING
15 CENTER, EXCEPT THAT AN ELECTOR WITH AN EARLY OR ABSENTEE BALLOT MAY RETURN
16 THE BALLOT BY MAIL OR DELIVER THE BALLOT IN PERSON TO A POLLING PLACE OR
17 VOTING CENTER. IN ORDER TO BE VALID AND COUNTED, A MAILED EARLY OR
18 ABSENTEE BALLOT MUST BE RECEIVED IN THE OFFICE OF THE COUNTY RECORDER NOT
19 LATER THAN 7:00 P.M. ON ELECTION DAY.

20 Sec. 2. Subject to the requirements of article IV, part 1,
21 section 1, Constitution of Arizona, section 16-579, Arizona Revised
22 Statutes, is amended to read:

23 16-579. Procedure for obtaining ballot by elector

24 A. Every qualified elector, before receiving a ballot, shall
25 announce the elector's name and place of residence in a clear, audible
26 tone of voice to the election official in charge of the signature roster
27 or present the elector's name and residence in writing. The election
28 official in charge of the signature roster shall comply with the following
29 and the qualified elector shall be allowed within the voting area:

30 1. The elector shall present ~~any of~~ the following:

31 ~~(a) A valid form of identification that bears the photograph, name~~
32 ~~and address of the elector that reasonably appear to be the same as the~~
33 ~~name and address in the precinct register, including an Arizona driver~~
34 ~~license, an Arizona nonoperating identification license, a tribal~~
35 ~~enrollment card or other form of tribal identification or a United States~~
36 ~~federal, state or local government issued identification. Identification~~
37 ~~is deemed valid unless it can be determined on its face that it has~~
38 ~~expired.~~

39 ~~(b) Two different items that contain the name and address of the~~
40 ~~elector that reasonably appear to be the same as the name and address in~~
41 ~~the precinct register, including a utility bill, a bank or credit union~~
42 ~~statement that is dated within ninety days of the date of the election, a~~
43 ~~valid Arizona vehicle registration, an Arizona vehicle insurance card, an~~
44 ~~Indian census card, tribal enrollment card or other form of tribal~~
45 ~~identification, a property tax statement, a recorder's certificate, a~~

1 ~~voter registration card, a valid United States federal, state or local~~
2 ~~government issued identification or any mailing that is labeled as~~
3 ~~"official election material". Identification is deemed valid unless it~~
4 ~~can be determined on its face that it has expired.~~

5 ~~(c) A valid form of identification that bears the photograph, name~~
6 ~~and address of the elector except that if the address on the~~
7 ~~identification does not reasonably appear to be the same as the address in~~
8 ~~the precinct register or the identification is a valid United States~~
9 ~~military identification card or a valid United States passport and does~~
10 ~~not bear an address, the identification must be accompanied by one of the~~
11 ~~items listed in subdivision (b) of this paragraph.~~

12 (a) A VOTER IDENTIFICATION CARD.

13 (b) ANY TWO OF THE FOLLOWING METHODS TO VERIFY THAT THE ELECTOR IS
14 THE PERSON NAMED ON THE VOTER IDENTIFICATION CARD:

15 (i) THE ELECTOR'S SIGNATURE.

16 (ii) THE ELECTOR'S FINGERPRINT.

17 (iii) A UNIQUE SECURITY CODE THAT IS ISSUED TO AN INDIVIDUAL
18 ELECTOR.

19 2. If the elector does not present identification that complies
20 with paragraph 1 of this subsection, the elector is only eligible to vote
21 a provisional ballot as prescribed by section 16-584 or a conditional
22 provisional ballot as provided for in the secretary of state's instruction
23 and procedures manual adopted pursuant to section 16-452.

24 B. Any qualified elector who is listed as having applied for an
25 early ballot but who states that the elector has not voted and will not
26 vote an early ballot for this election or surrenders the early ballot to
27 the precinct inspector on election day shall be allowed to vote pursuant
28 to the procedure set forth in section 16-584.

29 C. Each qualified elector's name shall be numbered consecutively by
30 the clerks and in the order of applications for ballots. The judge shall
31 give the qualified elector only one ballot and a ballot privacy folder,
32 and the elector's name shall be immediately checked on the precinct
33 register. Notwithstanding any provision of this ~~paragraph~~ SUBSECTION, ~~no~~
34 ~~voter~~ AN ELECTOR shall NOT be required to accept or use a ballot privacy
35 folder.

36 D. For precincts in which a paper signature roster is used, each
37 qualified elector shall sign the elector's name in the signature roster
38 before receiving a ballot, but an inspector or judge may sign the roster
39 for an elector who is unable to sign because of physical disability, and
40 in that event the name of the elector shall be written with red ink, and
41 no attestation or other proof shall be necessary. The provisions of this
42 subsection relating to signing the signature roster shall not apply to
43 electors casting a ballot using early voting procedures.

44 E. For precincts in which an electronic poll book system is used,
45 each qualified elector shall sign the elector's name as prescribed in the

1 instructions and procedures manual adopted by the secretary of state
2 pursuant to section 16-452 before receiving a ballot, but an inspector or
3 judge may sign the roster for an elector who is unable to sign because of
4 physical disability, and in that event the name of the elector shall be
5 written with the inspector's or judge's attestation on the same signature
6 line.

7 F. A person offering to vote at a special district election for
8 which no special district register has been supplied shall sign an
9 affidavit stating the person's address and that the person resides within
10 the district boundaries or proposed district boundaries and swearing that
11 the person is a qualified elector and has not already voted at the
12 election being held.

13 Sec. 3. Title 16, chapter 4, article 9, Arizona Revised Statutes,
14 is amended by adding section 16-579.01, to read:

15 16-579.01. Voter identification card

16 NOTWITHSTANDING ANY OTHER LAW, COUNTY RECORDERS SHALL ISSUE VOTER
17 IDENTIFICATION CARDS TO ALL REGISTERED VOTERS. A COUNTY RECORDER MAY
18 ISSUE A VOTER IDENTIFICATION CARD ONLY IF PRESENTED WITH THE FOLLOWING BY
19 A QUALIFIED ELECTOR:

20 1. PROOF OF CITIZENSHIP BY A UNITED STATES BIRTH CERTIFICATE, A
21 UNITED STATES NATURALIZED CITIZENSHIP DOCUMENT OR A CURRENT UNITED STATES
22 PASSPORT.

23 2. TWO DOCUMENTS THAT VALIDATE THE VOTER AS A LEGAL ARIZONA
24 RESIDENT, WHICH MAY INCLUDE A DOCUMENT WITH A RESIDENTIAL ADDRESS, A
25 RECENT UTILITY BILL OR ANY OTHER PROOF OF RESIDENCE IN THIS STATE.

26 Sec. 4. Section 16-1005, Arizona Revised Statutes, is amended to
27 read:

28 16-1005. Ballot abuse; violation; classification

29 A. ~~Any~~ A person who knowingly marks a voted or unvoted ballot or
30 ballot envelope with the intent to fix an election for that person's own
31 benefit or for that of another person is guilty of a class 5 felony.

32 B. It is unlawful to offer or provide any consideration to acquire
33 a voted or unvoted early ballot. A person who violates this subsection is
34 guilty of a class 5 felony.

35 C. It is unlawful to receive or agree to receive any consideration
36 in exchange for a voted or unvoted ballot. A person who violates this
37 subsection is guilty of a class 5 felony.

38 D. It is unlawful to possess a voted or unvoted ballot with the
39 intent to sell the voted or unvoted ballot of another person. A person
40 who violates this subsection is guilty of a class 5 felony.

41 E. A person or entity that knowingly solicits the collection of
42 voted or unvoted ballots by misrepresenting itself as an election official
43 or as an official ballot repository or is found to be serving as a ballot
44 drop off site, other than those established and staffed by election
45 officials, is guilty of a class 5 felony.

1 ~~F. A person who knowingly collects voted or unvoted ballots and who~~
2 ~~does not turn those ballots in to an election official, the United States~~
3 ~~postal service or any other entity permitted by law to transmit post is~~
4 ~~guilty of a class 5 felony.~~

5 ~~G.~~ F. A person who engages or participates in a pattern of ballot
6 fraud is guilty of a class 4 felony. For the purposes of this subsection,
7 "pattern of ballot fraud" means the person has offered or provided any
8 consideration to three or more persons to acquire the voted or unvoted
9 ballot of a person.

10 ~~H.~~ G. A person who knowingly collects voted or unvoted early
11 ballots from another person is guilty of a class 6 felony. An election
12 official, a United States postal service worker or any other person who is
13 allowed by law to transmit United States mail is deemed not to have
14 collected an early ballot if the official, worker or other person is
15 engaged in official duties.

16 ~~I.~~ H. Subsection ~~H~~ G of this section does not apply to:
17 ~~I.~~ an election held by a special taxing district **THAT IS** formed
18 pursuant to title 48 for the purpose of protecting or providing services
19 to agricultural lands or crops and that is authorized to conduct elections
20 pursuant to title 48.

21 ~~2. A family member, household member or caregiver of the voter.~~
22 ~~For the purposes of this paragraph:~~

23 ~~(a) "Caregiver" means a person who provides medical or health care~~
24 ~~assistance to the voter in a residence, nursing care institution, hospice~~
25 ~~facility, assisted living center, assisted living facility, assisted~~
26 ~~living home, residential care institution, adult day health care facility~~
27 ~~or adult foster care home.~~

28 ~~(b) "Collects" means to gain possession or control of an early~~
29 ~~ballot.~~

30 ~~(c) "Family member" means a person who is related to the voter by~~
31 ~~blood, marriage, adoption or legal guardianship.~~

32 ~~(d) "Household member" means a person who resides at the same~~
33 ~~residence as the voter.~~

34 Sec. 5. Conforming legislation

35 The legislative council staff shall prepare proposed legislation
36 conforming the Arizona Revised Statutes to the provisions of this act for
37 consideration in the fifty-sixth legislature, first regular session.

38 Sec. 6. Requirements for enactment; three-fourths vote

39 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
40 section 16-579, Arizona Revised Statutes, as amended by this act, is
41 effective only on the affirmative vote of at least three-fourths of the
42 members of each house of the legislature.