

REFERENCE TITLE: early ballots; postmark date; receipt

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

HB 2071

Introduced by
Representative Cook

AN ACT

AMENDING SECTIONS 16-547, 16-548 AND 16-551, ARIZONA REVISED STATUTES;
RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-547, Arizona Revised Statutes, is amended to
3 read:

4 16-547. Ballot affidavit; form

5 A. The early ballot shall be accompanied by an envelope bearing on
6 the front the name, official title and post office address of the recorder
7 or other officer in charge of elections and on the other side a printed
8 affidavit in substantially the following form:

9 I declare the following under penalty of perjury: I am
10 a registered voter in _____ county Arizona, I have not
11 voted and will not vote in this election in any other county
12 or state, I understand that knowingly voting more than once in
13 any election is a class 5 felony and I voted the enclosed
14 ballot and signed this affidavit personally unless noted
15 below.

16 If the voter was assisted by another person in marking
17 the ballot, complete the following:

18 I declare the following under penalty of perjury: At
19 the registered voter's request I assisted the voter identified
20 in this affidavit with marking the voter's ballot, I marked
21 the ballot as directly instructed by the voter, I provided the
22 assistance because the voter was physically unable to mark the
23 ballot solely due to illness, injury or physical limitation
24 and I understand that there is no power of attorney for voting
25 and that the voter must be able to make the voter's selection
26 even if ~~they~~ THE VOTER cannot physically mark the ballot.

27 Name of voter assistant: _____

28 Address of voter assistant: _____

29 B. The face of each envelope in which a ballot is sent to a federal
30 postcard applicant or in which a ballot is returned by the applicant to
31 the recorder or other officer in charge of elections shall be in the form
32 prescribed in accordance with the uniformed and overseas citizens absentee
33 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20301).
34 Otherwise, the envelopes shall be the same as those used to send ballots
35 to, or receive ballots from, other early voters.

36 C. The officer charged by law with the duty of preparing ballots at
37 any election shall ensure that the early ballot is sent in an envelope
38 that states substantially the following:

39 If the addressee does not reside at this address, mark
40 the unopened envelope "return to sender" and deposit it in the
41 United States mail.

42 D. The county recorder or other officer in charge of elections
43 shall supply printed instructions to early voters that direct them to sign
44 the affidavit, mark the ballot and return both in the enclosed

1 self-addressed envelope that complies with section 16-545. The
2 instructions shall include the following statement:

3 In order to be valid and counted, the ballot and
4 affidavit must be delivered to the office of the county
5 recorder or other officer in charge of elections or may be
6 deposited at any polling place in the county ~~no~~ NOT later than
7 7:00 p.m. on election day. IF THE BALLOT AND AFFIDAVIT ARE
8 MAILED TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
9 ELECTIONS AND POSTMARKED ON OR BEFORE THE SIXTH DAY BEFORE
10 ELECTION DAY, THE BALLOT IS VALID IF RECEIVED NOT LATER THAN
11 FIVE DAYS AFTER ELECTION DAY. The ballot will not be counted
12 without the voter's signature on the envelope.

13 (WARNING – It is a felony to offer or receive any compensation
14 for a ballot.)

15 Sec. 2. Section 16-548, Arizona Revised Statutes, is amended to
16 read:

17 16-548. Preparation and transmission of ballot

18 A. The early voter shall make and sign the affidavit and shall then
19 mark ~~his~~ THE ballot in such a manner that ~~his~~ THE EARLY VOTER'S vote
20 cannot be seen. The early voter shall fold the ballot, if a paper ballot,
21 so as to conceal the vote and deposit the voted ballot in the envelope
22 provided for that purpose, which shall be securely sealed and, together
23 with the affidavit, delivered or mailed to the county recorder or other
24 officer in charge of elections of the political subdivision in which the
25 elector is registered or deposited by the voter or the voter's agent at
26 any polling place in the county. In order to be counted and valid, the
27 ballot must COMPLY WITH ONE OF THE FOLLOWING:

28 1. Be received by the county recorder or other officer in charge of
29 elections ~~or~~ NOT LATER THAN 7:00 P.M. ON ELECTION DAY.

30 2. BE deposited at any polling place in the county ~~no~~ NOT later
31 than 7:00 p.m. on election day.

32 3. IF POSTMARKED NOT LATER THAN THE SIXTH DAY BEFORE ELECTION DAY,
33 BE RECEIVED BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
34 NOT LATER THAN FIVE DAYS AFTER ELECTION DAY.

35 B. If the early voter is an overseas citizen, a qualified elector
36 absent from the United States or in the United States service, a spouse or
37 dependent residing with the early voter or a qualified elector of a
38 special district mail ballot election as provided in article 8.1 of this
39 chapter, the early voter may subscribe to the affidavit before and obtain
40 the signature and military identification number or passport number, if
41 available, of any person who is a United States citizen eighteen years of
42 age or older.

1 Sec. 3. Section 16-551, Arizona Revised Statutes, is amended to
2 read:

3 16-551. Early election board; violation; classification

4 A. The board of supervisors or the governing body of the political
5 subdivision shall appoint one or more early election boards to serve at
6 places to be designated by the board of supervisors or the governing body
7 to canvass and tally early election ballots. Members of early election
8 boards shall be selected in accordance with the provisions for selecting
9 members of regular election boards as provided in section 16-531.

10 B. If an electronic voting system is in use for early voting, the
11 early election board shall consist of at least one inspector and two
12 judges who shall perform the processing requirements in accordance with
13 the rules issued by the secretary of state. The inspector and judges
14 shall be appointed in the same manner by party as provided in section
15 16-531.

16 C. All early ballots received by the county recorder or other
17 officer in charge of elections before 7:00 p.m. on election day and the
18 original affidavit of the voter shall be delivered to the early election
19 boards for processing as provided in the rules of the secretary of
20 state. MAILED EARLY BALLOTS THAT ARE POSTMARKED NOT LATER THAN THE SIXTH
21 DAY BEFORE ELECTION DAY AND THAT ARE RECEIVED NOT LATER THAN FIVE DAYS
22 AFTER ELECTION DAY ARE ELIGIBLE TO BE PROCESSED. The office of the county
23 recorder or other officer in charge of elections shall remain open until
24 7:00 p.m. on election day for the purpose of receiving early ballots. ~~in~~
25 ~~no event shall~~ Partial or complete tallies of the early election board
26 SHALL NOT be released or divulged before all precincts have reported or
27 one hour after the closing of the polls on election day, whichever occurs
28 first. ~~, and~~ Any person who unlawfully releases information regarding vote
29 tallies or who possesses a tally sheet or summary without authorization
30 from the recorder or officer in charge of elections is guilty of a class 6
31 felony.

32 D. The necessary printed blanks for poll lists, tally lists, lists
33 of voters, ballots, oaths and returns, together with envelopes in which to
34 enclose the returns, shall be furnished by the board of supervisors or the
35 governing body of the political subdivision to the early election board
36 for each election precinct at the expense of the county or the political
37 subdivision.

38 Sec. 4. Effective date

39 This act is effective from and after December 31, 2022.