

COMMITTEE ON MUNICIPAL OVERSIGHT & ELECTIONS
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2325
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 16, chapter 4, article 8, Arizona Revised
3 Statutes, is amended by adding section 16-549.01, to read:

4 16-549.01. Special election boards; detained voters;
5 violation; classification; definition

6 A. NOTWITHSTANDING ANY OTHER LAW, A QUALIFIED ELECTOR WHO IS IN
7 PRETRIAL DETENTION IN A JAIL SHALL BE ALLOWED TO MAKE A SIGNED WRITTEN
8 REQUEST TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS TO
9 HAVE A BALLOT PERSONALLY DELIVERED TO THE ELECTOR BY A SPECIAL ELECTION
10 BOARD AT THE ELECTOR'S PLACE OF PRETRIAL DETENTION WITHIN THE COUNTY OR
11 OTHER POLITICAL SUBDIVISION. THE SIGNED WRITTEN REQUEST MUST INCLUDE THE
12 ELECTOR'S FULL NAME, SIGNATURE AND PLACE OF DETENTION AND SHALL BE MADE NOT
13 LATER THAN ONE HUNDRED EIGHTY CALENDAR DAYS BEFORE THE ELECTION IN WHICH
14 THE ELECTOR WISHES TO VOTE OR IT IS INVALID. A JAIL OFFICIAL SHALL DELIVER
15 A COPY OF THE SIGNED WRITTEN REQUEST TO THE COUNTY RECORDER OR OTHER
16 OFFICER IN CHARGE OF ELECTIONS WITHIN FIVE CALENDAR DAYS AFTER RECEIVING
17 THE REQUEST. THE METHOD OF VOTING SHALL BE AS FOLLOWS:

18 1. THE JAIL SHALL MAKE PROVISIONS FOR A SECURED, RESTRICTED AND
19 PRIVATE AREA TO BE SET ASIDE FOR THE EXPRESS PURPOSE OF ALLOWING DETAINED
20 ELECTORS TO VOTE. CAMERAS SHALL NOT BE ALLOWED IN THE AREA, WITHOUT REGARD
21 TO WHETHER THEY ARE RECORDING, EXCEPT THAT THE ELECTIONS OFFICIAL AND
22 POLITICAL PARTY DESIGNEES SHALL BE ALLOWED TO BRING WITH THEM THEIR
23 CELLULAR PHONES.

1 2. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL
2 PROVIDE AND SEND A FULL-TIME DEPARTMENTAL EMPLOYEE TO JAILS TO FACILITATE
3 VOTING IN STRICT COMPLIANCE WITH THIS SECTION.

4 3. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL
5 NOTIFY THE COUNTY CHAIRPERSONS OF THE THREE LARGEST COUNTY POLITICAL
6 PARTIES IN THE STATE AND THE STATE CHAIRPERSONS OF THOSE PARTIES AT LEAST
7 SIXTY CALENDAR DAYS BEFORE THE ELECTIONS OFFICIAL'S VISIT TO THE JAIL AS
8 PRESCRIBED BY THIS SECTION TO ALLOW SUCH QUALIFIED ELECTORS TO VOTE AND
9 SHALL PROVIDE THE POLITICAL PARTY CHAIRPERSONS WITH COPIES OF ALL SIGNED
10 WRITTEN REQUESTS FROM QUALIFIED ELECTORS IN THEIR POSSESSION, THE DATE AND
11 TIME THAT THE VISIT WILL OCCUR AND INSTRUCTIONS TO FACILITATE THE
12 ATTENDANCE OF THE POLITICAL PARTY CHAIRPERSON'S DESIGNEES. THE COUNTY
13 CHAIRPERSON OF EACH POLITICAL PARTY AND OF EACH SUCH STATE PARTY SHALL BE
14 ALLOWED TO DESIGNATE ONE PERSON OF THEIR CHOOSING TO ACCOMPANY THE
15 ELECTIONS OFFICIAL VISITING THE JAIL. THE COUNTY RECORDER OR OTHER OFFICER
16 IN CHARGE OF ELECTIONS SHALL BE NOTIFIED OF THE NAMES OF THE DESIGNEES NOT
17 LATER THAN TEN CALENDAR DAYS BEFORE THE TIME SET FOR THE DETAINED QUALIFIED
18 ELECTOR TO VOTE. THE PARTY DESIGNEES SHALL BE ALLOWED THE SAME ACCESS TO
19 THE QUALIFIED ELECTORS AS THE ELECTIONS OFFICIAL. THE COUNTY RECORDER OR
20 OTHER OFFICER IN CHARGE OF ELECTIONS OR ANY OTHER OFFICIAL SHALL NOT REJECT
21 THE DESIGNEE OF A POLITICAL PARTY FOR ANY REASON OTHER THAN A FELONY
22 CONVICTION WITHIN THE PRECEDING TEN YEARS. A PERSON WHO IS IN PRETRIAL
23 DETENTION AND WHO IS NOT A QUALIFIED ELECTOR SHALL NOT BE PERMITTED TO
24 VOTE. A MAXIMUM OF THREE DATES FOR VOTING PER ELECTION CYCLE SHALL BE
25 PROVIDED FOR DETAINEES IN A GIVEN FACILITY. ALL NOTIFICATIONS REQUIRED BY
26 THIS PARAGRAPH AND PARAGRAPH 8 OF THIS SUBSECTION SHALL BE PROVIDED BY BOTH
27 CERTIFIED AND ELECTRONIC MAIL.

28 4. BEFORE BEING GIVEN A BALLOT, THE PERSON VOTING MUST PRESENT TO
29 THE ELECTIONS OFFICIAL AND THE POLITICAL PARTY DESIGNEES IDENTIFICATION
30 THAT COMPLIES WITH SECTION 16-579, SUBSECTION A THAT IS SUFFICIENT TO VOTE
31 A COMPLETE, NON-FEDERAL ONLY BALLOT. THE ELECTIONS OFFICIAL AND THE
32 POLITICAL PARTY DESIGNEES SHALL VERIFY THAT THE PERSON IS A DULY QUALIFIED

1 ELECTOR BEFORE PROVIDING THE PERSON WITH A BALLOT AND SHALL BE ALLOWED TO
2 BRING INTO THE JAIL SUCH PAPERS AND EQUIPMENT AS ARE NEEDED TO SATISFY
3 THEMSELVES THAT THE PERSON VOTING IS A DULY QUALIFIED ELECTOR. FEDERAL
4 ONLY BALLOTS SHALL NOT BE PROVIDED TO PERSONS VOTING FROM JAIL.

5 5. THE ELECTIONS OFFICIAL AND POLITICAL PARTY DESIGNEES SHALL BE
6 ALLOWED SUFFICIENT ACCESS TO TRUTHFULLY EXECUTE THE FOLLOWING DECLARATION:

7 I CERTIFY THAT THE AFFIANT EXHIBITED THE ENCLOSED BALLOT
8 TO ME UNMARKED. IN MY PRESENCE, THE AFFIANT PERSONALLY AND
9 PRIVATELY MARKED SUCH BALLOT IN SUCH MANNER THAT NEITHER I, NOR
10 ANY OTHER PERSON, WAS ABLE TO SEE THE AFFIANT VOTE (OR IT WAS
11 MARKED BY AN ELECTIONS OFFICIAL ACCORDING TO THE AFFIANT'S
12 INSTRUCTIONS) AND ENCLOSED OR SEALED IT IN THIS ENVELOPE. THE
13 AFFIANT WAS NOT SOLICITED OR ADVISED BY ANY PERSON TO VOTE FOR
14 OR AGAINST ANY CANDIDATE OR MEASURE.

15 _____
16 (SIGNATURE AND TITLE OF ELECTIONS OFFICIAL/POLITICAL
17 PARTY DESIGNEE AND POLITICAL PARTY OF THAT DESIGNEE.)
18

19 A BALLOT THAT LACKS THE SIGNED AND WRITTEN CERTIFICATIONS
20 OF THE ELECTIONS OFFICIAL AND ALL DESIGNEES IS PRESUMPTIVELY
21 INVALID. THE EXECUTED CERTIFICATIONS SHALL THEREAFTER
22 ACCOMPANY THE BALLOT ENVELOPE ALONG WITH THE NAMES OF THE
23 POLITICAL PARTY DESIGNEES. THE POLITICAL PARTY DESIGNEES SHALL
24 BE ALLOWED TO PHOTOGRAPH THEIR OWN CERTIFICATIONS ONCE THEY
25 HAVE LEFT THE JAIL.

26 6. THE PERSON VOTING SHALL BE REQUIRED TO SIGN THE FOLLOWING BALLOT
27 AFFIDAVIT:

28 I, _____, DO SOLEMNLY SWEAR THAT I AM A QUALIFIED
29 ELECTOR OF THE _____ PRECINCT OF THE COUNTY OF
30 _____, STATE OF ARIZONA. I FURTHER SWEAR
31 THAT I PERSONALLY VOTED THE ENCLOSED BALLOT OR THAT IT WAS

1 MARKED ACCORDING TO MY INSTRUCTIONS BECAUSE I WAS UNABLE TO DO
2 SO.

3 7. THE ELECTIONS OFFICIAL AND POLITICAL PARTY DESIGNEES SHALL NOT
4 SPEAK TO THE DETAINED PERSON AFTER THE DETAINED PERSON HAS BEEN GIVEN A
5 BALLOT UNTIL THE BALLOT IS SEALED IN THE ENVELOPE. DURING THIS TIME, JAIL
6 OFFICIALS SHALL SPEAK TO THE DETAINED PERSON ONLY TO GIVE COMMANDS
7 UNRELATED TO VOTING AND ONLY IF ABSOLUTELY NECESSARY.

8 8. THE ELECTIONS OFFICIAL SHALL TAKE THE ENVELOPES FOR ALL BALLOTS
9 RECEIVED FROM DETAINED VOTERS DIRECTLY TO THE ELECTIONS OFFICE. THE
10 POLITICAL PARTY DESIGNEES SHALL BE ALLOWED TO ACCOMPANY THE ELECTIONS
11 OFFICIAL. IF A VOTER RESIDES OUTSIDE OF THE COUNTY, THE BALLOT SHALL BE
12 HAND DELIVERED TO THE ELECTIONS OFFICE OF THE APPROPRIATE COUNTY BY A
13 FULL-TIME EMPLOYEE OF THE RECORDER OR OTHER OFFICER IN CHARGE OF
14 ELECTIONS. THE POLITICAL PARTY CHAIRPERSONS SHALL BE PROVIDED NOTICE AT
15 LEAST TEN DAYS IN ADVANCE OF ANY BALLOTS BEING TRANSPORTED TO THE
16 APPROPRIATE COUNTY ELECTIONS OFFICE AND SHALL BE ALLOWED TO DESIGNATE
17 PERSONS OF THEIR CHOOSING TO ACCOMPANY THE BALLOTS ACCORDING TO PARAGRAPH 3
18 OF THIS SUBSECTION. THE RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
19 SHALL BE ALLOWED TO MAKE ONLY ONE DELIVERY EACH ELECTION CYCLE TO ELECTION
20 OFFICES OUTSIDE OF THE COUNTY.

21 9. THE ELECTIONS OFFICIAL SHALL MAKE AND MAINTAIN CHAIN OF CUSTODY
22 DOCUMENTATION SUFFICIENT TO ACCOUNT FOR EVERY MOVEMENT OF EVERY BALLOT BY
23 EVERY PERSON HANDLING THE BALLOT PRESCRIBED BY THIS SUBSECTION FROM THE
24 TIME IT LEAVES THE OFFICE OF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE
25 OF ELECTIONS UNTIL IT IS RECEIVED BY THE APPROPRIATE COUNTY RECORDER OR
26 OTHER OFFICER IN CHARGE OF ELECTIONS.

27 B. JAIL OFFICIALS SHALL TAKE THE STEPS NECESSARY TO FACILITATE
28 STRICT COMPLIANCE WITH THIS SECTION. JAIL OFFICIALS SHALL PROVIDE THE
29 SECURITY REASONABLY NECESSARY TO FACILITATE SAFE COMPLIANCE WITH THIS
30 SECTION TO THE EXTENT THAT DOING SO DOES NOT CONFLICT WITH STRICT
31 COMPLIANCE WITH THIS SECTION.

1 C. STRICT COMPLIANCE WITH EVERY PORTION OF THIS SECTION IS REQUIRED
2 AND BALLOTS CAST IN VIOLATION OF ANY PART OF THIS SECTION ARE INVALID.

3 D. A GOVERNMENT EMPLOYEE OR CONTRACTOR WHO VIOLATES THIS SECTION IS
4 GUILTY OF A CLASS 3 FELONY. THIS SUBSECTION IS NOT INTENDED TO AFFECT ANY
5 OTHER RELIEF THAT MAY EXIST FOR A VIOLATION OF THIS SECTION. ANY QUALIFIED
6 ELECTOR IN THIS STATE MAY BRING A SPECIAL ACTION TO ENFORCE STRICT
7 COMPLIANCE WITH THIS SECTION.

8 E. NO PORTION OF THIS SECTION IS SEVERABLE FROM ANY OTHER PORTION OF
9 THIS SECTION. IF ANY PART OF THIS SECTION IS FOUND TO BE INVALID BY A
10 COURT OF COMPETENT JURISDICTION, THE REMAINDER OF THIS SECTION SHALL BE
11 NULL AND VOID AND PERSONS IN DETENTION SHALL NOT BE PERMITTED TO VOTE.

12 F. FEDERAL DETENTION FACILITIES MAY ALLOW VOTING IN STRICT
13 COMPLIANCE WITH THIS SECTION. IF THEY DECLINE TO DO SO, INDIVIDUALS
14 DETAINED AT FEDERAL FACILITIES SHALL NOT BE PERMITTED TO VOTE.

15 G. FOR THE PURPOSES OF THIS SECTION, "JAIL" MEANS ANY FACILITY OF A
16 STATE, COUNTY OR MUNICIPALITY IN WHICH PERSONS WHO HAVE NOT BEEN CONVICTED
17 OF A CRIME ARE DETAINED."

18 Amend title to conform

And, as so amended, it do pass

JACQUELINE PARKER
CHAIRMAN

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