

REFERENCE TITLE: early ballots; signatures; guidelines; challenges

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2322**

Introduced by  
Representatives Kolodin: Bliss, Chaplik, Livingston, Marshall, McGarr,  
Montenegro, Parker B, Wilmeth

AN ACT

AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS  
2022, CHAPTER 271, SECTION 2; AMENDING SECTION 16-552, 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. Section 16-550, Arizona Revised Status, as amended by  
3 Laws 2022, chapter 271, section 2, is amended to read:

4 16-550. Receipt of voter's ballot; cure period; signature  
5 verification

6 A. Except for early ballots tabulated as prescribed in section  
7 16-579.02, on receipt of the envelope containing the early ballot and the  
8 ballot affidavit, the county recorder or other officer in charge of  
9 elections shall compare the ~~signatures thereon~~ SIGNATURE ON THE ENVELOPE  
10 with the signature of the elector on the elector's registration record.  
11 If the signature is inconsistent with the elector's signature on the  
12 elector's registration record, the county recorder or other officer in  
13 charge of elections shall make reasonable efforts to contact the voter,  
14 advise the voter of the inconsistent signature and allow the voter to  
15 correct or the county to confirm the inconsistent signature. The county  
16 recorder or other officer in charge of elections shall allow signatures to  
17 be corrected not later than the fifth business day after a primary,  
18 general or special election that includes a federal office or the third  
19 business day after any other election. If the signature is missing, the  
20 county recorder or other officer in charge of elections shall make  
21 reasonable efforts to contact the elector, advise the elector of the  
22 missing signature and allow the elector to add the elector's signature not  
23 later than 7:00 p.m. on election day. If satisfied that the signatures  
24 correspond, the recorder or other officer in charge of elections shall  
25 hold the envelope containing the early ballot and the completed affidavit  
26 unopened in accordance with the rules of the secretary of state.

27 B. THE SECRETARY OF STATE'S JULY 2020 SIGNATURE VERIFICATION GUIDE  
28 CONSTITUTES THE MINIMUM REQUIREMENTS FOR COMPARISON OF SIGNATURES.  
29 SIGNATURES THAT CANNOT BE VERIFIED SHALL BE REJECTED EXCEPT AS PRESCRIBED  
30 IN SUBSECTION A OF THIS SECTION.

31 ~~B.~~ C. The recorder or other officer in charge of elections shall  
32 thereafter safely keep the affidavits and early ballots in the recorder's  
33 or other officer's office and may deliver them for tallying pursuant to  
34 section 16-551. Tallying of ballots may begin immediately after the  
35 envelope and completed affidavit are processed pursuant to this section  
36 and delivered to the early election board.

37 ~~C.~~ D. The county recorder shall send a list of all voters who were  
38 issued early ballots to the election board of the precinct in which the  
39 voter is registered.

40 ~~D.~~ E. This section does not apply to:

- 41 1. A special taxing district that is authorized pursuant to section  
42 16-191 to conduct its own elections.

1           2. A special district mail ballot election that is conducted  
2 pursuant to article 8.1 of this chapter.

3           Sec. 2. Section 16-552, Arizona Revised Statutes, is amended to  
4 read:

5           16-552. Early ballots; processing; challenges

6           A. In a jurisdiction that uses optical scan ballots, the officer in  
7 charge of elections may use the procedure prescribed by this section or  
8 may request approval from the secretary of state for a different method  
9 for processing early ballots. The request shall be made in writing at  
10 least ninety days before the election for which the procedure is intended  
11 to be used. After the election official has confirmed with the secretary  
12 of state that all election equipment passes the logic and accuracy test,  
13 the election official may begin to count early ballots. No early ballot  
14 results may be released except as prescribed by section 16-551.

15           B. The early election board shall check the voter's affidavit on  
16 the envelope containing the early ballot. If it is found to be  
17 sufficient, the vote shall be allowed. If the affidavit is insufficient,  
18 the vote shall not be allowed.

19           C. The county chairman of each political party represented on the  
20 ballot, by written appointment addressed to the early election board, may  
21 designate party representatives and alternates to act as early ballot  
22 challengers for the party. No party may have more than the number of such  
23 representatives or alternates that were mutually agreed on by each  
24 political party to be present at one time. If such agreement cannot be  
25 reached, the number of representatives shall be limited to one for each  
26 political party.

27           D. An early ballot may be challenged on any grounds set forth in  
28 section 16-591. All challenges shall be made in writing with a brief  
29 statement of the grounds before the early ballot is placed in the ballot  
30 box. A record of all challenges and resulting proceedings shall be kept  
31 in substantially the same manner as provided in section 16-594. If an  
32 early ballot is challenged, it shall be set aside and retained in the  
33 possession of the early election board or other officer in charge of early  
34 ballot processing until a time that the early election board sets for  
35 determination of the challenge, subject to the procedure in subsection E  
36 of this section, at which time the early election board shall hear the  
37 grounds for the challenge and shall decide what disposition shall be made  
38 of the early ballot by majority vote. If the early ballot is not allowed,  
39 it shall be handled pursuant to subsection G of this section.

40           E. Within twenty-four hours of receipt of a challenge, the early  
41 election board or other officer in charge of early ballot processing shall  
42 mail, by first class mail, a notice of the challenge including a copy of  
43 the written challenge, and also including the time and place at which the  
44 voter may appear to defend the challenge, to the voter at the mailing

1 address shown on the request for an early ballot or, if none was provided,  
 2 to the mailing address shown on the registration rolls. Notice shall also  
 3 be mailed to the challenger at the address listed on the written challenge  
 4 and provided to the county chairman of each political party represented on  
 5 the ballot. The board shall meet to determine the challenge at the time  
 6 specified by the notice but, in any event, not earlier than ninety-six  
 7 hours after the notice is mailed, or forty-eight hours if the notifying  
 8 party chooses to deliver the notice by overnight or hand delivery, and not  
 9 later than 5:00 p.m. on the Monday following the election. The board  
 10 shall provide the voter with an informal opportunity to make, or to  
 11 submit, brief statements regarding the challenge. The board may decline  
 12 to permit comments, either in person or in writing, by anyone other than  
 13 the voter, the challenger and the party representatives. The burden of  
 14 proof is on the challenger to show why the voter should not be permitted  
 15 to vote. The fact that the voter fails to appear shall not be deemed to  
 16 be an admission of the validity of the challenge. The early election  
 17 board or other officer in charge of early ballot processing is not  
 18 required to provide the notices described in this subsection if the  
 19 written challenge fails to set forth at least one of the grounds listed in  
 20 section 16-591 as a basis for the challenge. In that event, the challenge  
 21 will be summarily rejected at the meeting of the board. Except for  
 22 election contests pursuant to section 16-672, the board's decision is  
 23 final and may not be appealed.

24 F. If the vote is allowed, the board shall open the envelope  
 25 containing the ballot in such a manner that the affidavit thereon is not  
 26 destroyed, take out the ballot without unfolding it or permitting it to be  
 27 opened or examined and show by the records of the election that the  
 28 elector has voted.

29 G. If the vote is not allowed, the affidavit envelope containing  
 30 the early ballot shall not be opened and the board shall mark across the  
 31 face of such envelope the grounds for rejection. The affidavit envelope  
 32 and its contents shall then be deposited with the opened affidavit  
 33 envelopes and shall be preserved with official returns. If the voter does  
 34 not enter an appearance, the board shall send the voter a notice stating  
 35 whether the early ballot was disallowed and, if disallowed, providing the  
 36 grounds for the determination. The notice shall be mailed by first class  
 37 mail to the voter's mailing address as shown on the registration rolls  
 38 within three days after the board's determination.

39 H. Party representatives and alternates may be appointed as  
 40 provided in subsection C of this section to be present and to challenge  
 41 the verification of questioned ballots pursuant to section 16-584 on any  
 42 grounds ~~permitted~~ ALLOWED by this section. CHALLENGERS SHALL BE ALLOWED  
 43 TO BE PRESENT AND TO MAKE CHALLENGES DURING THE VERIFICATION OF SIGNATURES  
 44 PRESCRIBED BY THIS SECTION WITHOUT REGARD TO WHETHER A CHALLENGE IS MADE

1 AT A POLLING PLACE, A VOTING CENTER OR AN EARLY ELECTION BOARD OR OTHER  
2 COUNTING FACILITY. Questioned ballots that are challenged shall be  
3 presented to the early election board for decision under the provisions of  
4 this section.

5 Sec. 3. Legislative intent; clarifying changes

6 The legislature intends that the amendments made to section 16-552,  
7 Arizona Revised Statutes, as amended by this act, are clarifying changes  
8 to confirm existing law and do not constitute substantive changes in the  
9 law.