

Senate Engrossed

spoiled early ballots; election day

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1135

AN ACT

AMENDING SECTIONS 16-166, 16-246, 16-502, 16-542, 16-547, 16-548, 16-551, 16-583, 16-584, 16-624 AND 45-415, 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 16-166, Arizona Revised Statutes, is amended to  
3 read:

4 16-166. Verification of registration

5 A. Except for the mailing of sample ballots, a county recorder who  
6 mails an item to any elector shall send the mailing by nonforwardable  
7 first class mail marked with the statement required by the postmaster to  
8 receive an address correction notification. If the item is returned  
9 undelivered, the county recorder shall send a follow-up notice to that  
10 elector within three weeks of receipt of the returned notice. The county  
11 recorder shall send the follow-up notice to the address that appears in  
12 the general county register or to the forwarding address provided by the  
13 United States postal service. The follow-up notice shall include an  
14 appropriate internet address for revising voter registration information  
15 or a registration form and the information prescribed by section 16-131,  
16 subsection C and shall state that if the elector does not complete and  
17 return a new registration form with current information to the county  
18 recorder or make changes to the elector's voter registration information  
19 that is maintained online within thirty-five days, the elector's  
20 registration status shall be changed from active to inactive.

21 B. If the elector provides the county recorder with a new  
22 registration form or otherwise revises the elector's information, the  
23 county recorder shall change the general register to reflect the changes  
24 indicated on the new registration. If the elector indicates a new  
25 residence address outside that county, the county recorder shall forward  
26 the voter registration form or revised information to the county recorder  
27 of the county in which the elector's address is located. If the elector  
28 provides a new residence address that is located outside this state, the  
29 county recorder shall cancel the elector's registration.

30 C. The county recorder shall maintain on the inactive voter list  
31 the names of electors who have been removed from the general register  
32 pursuant to subsection A or E of this section for a period of four years  
33 or through the date of the second general election for federal office  
34 following the date of the notice from the county recorder that is sent  
35 pursuant to subsection E of this section.

36 D. On notice that a government agency has changed the name of any  
37 street, route number, post office box number or other address designation,  
38 the county recorder shall revise the registration records and shall send a  
39 new verification of registration notice to the electors whose records were  
40 changed.

41 E. The county recorder on or before May 1 of each year preceding a  
42 state primary and general election or more frequently as the recorder  
43 deems necessary may use the change of address information supplied by the  
44 postal service through its licensees and the information provided by ~~an~~  
45 ~~electronic voter registration information center~~ A CONTRACTED THIRD PARTY

1 to identify registrants whose addresses may have changed. If it appears  
2 from information provided by the postal service or ~~an electronic voter~~  
3 ~~registration information center~~ A CONTRACTED THIRD PARTY that a registrant  
4 has moved to a different residence address, the county recorder shall send  
5 the registrant a notice of the change by forwardable mail and a postage  
6 prepaid preaddressed return form or an appropriate internet address for  
7 revising voter registration information by which the registrant may verify  
8 or correct the registration information. If the registrant fails to  
9 revise the information or return the form postmarked not later than  
10 thirty-five days after the mailing of the notice, the elector's  
11 registration status shall be changed from active to inactive. If the  
12 notice sent by the recorder is not returned, the registrant may be  
13 required to provide affirmation or confirmation of the registrant's  
14 address in order to vote. If the registrant does not vote in an election  
15 during the period after the date of the notice from the recorder through  
16 the date of the second general election for federal office following the  
17 date of that notice, the registrant's name shall be removed from the list  
18 of inactive voters. If the registrant has changed residence to a new  
19 county, the county recorder shall provide information on how the  
20 registrant can continue to be eligible to vote.

21 F. The county recorder shall reject any application for  
22 registration that is not accompanied by satisfactory evidence of United  
23 States citizenship. Satisfactory evidence of citizenship shall include  
24 any of the following:

25 1. The number of the applicant's driver license or nonoperating  
26 identification license issued after October 1, 1996 by the department of  
27 transportation or the equivalent governmental agency of another state  
28 within the United States if the agency indicates on the applicant's driver  
29 license or nonoperating identification license that the person has  
30 provided satisfactory proof of United States citizenship.

31 2. A legible photocopy of the applicant's birth certificate that  
32 verifies citizenship to the satisfaction of the county recorder.

33 3. A legible photocopy of pertinent pages of the applicant's United  
34 States passport identifying the applicant and the applicant's passport  
35 number or presentation to the county recorder of the applicant's United  
36 States passport.

37 4. A presentation to the county recorder of the applicant's United  
38 States naturalization documents or the number of the certificate of  
39 naturalization. If only the number of the certificate of naturalization  
40 is provided, the applicant shall not be included in the registration rolls  
41 until the number of the certificate of naturalization is verified with the  
42 United States immigration and naturalization service by the county  
43 recorder.

44 5. Other documents or methods of proof that are established  
45 pursuant to the immigration reform and control act of 1986.



1 registration records for that elector would confirm the identity of the  
2 elector.

3 B. Absent uniformed services voters or overseas voters who are  
4 otherwise eligible to vote in the election may vote as prescribed by  
5 sections 16-543 and 16-543.02.

6 C. The county recorder or other officer in charge of elections may  
7 establish on-site early voting locations at the office of the county  
8 recorder or at other locations in the county deemed necessary or  
9 appropriate by the recorder. Early voting shall begin within the time  
10 limits prescribed in section 16-542 unless otherwise prescribed by this  
11 section.

12 D. The county recorder or other officer in charge of elections  
13 shall send by nonforwardable mail that is marked with the statement  
14 required by the postmaster to receive an address correction notification  
15 any early ballots that are requested pursuant to subsections A and B of  
16 this section and shall include a preaddressed envelope for the elector to  
17 return the completed ballot.

18 ~~E. The county recorder or other officer in charge of elections~~  
19 ~~shall provide to each election board an appropriate alphabetized list of~~  
20 ~~voters who have requested and have been sent an early ballot. Any person~~  
21 ~~who is on that list of voters and who was sent an early ballot shall not~~  
22 ~~vote at the polling place for that election precinct except as prescribed~~  
23 ~~by section 16-579, subsection B.~~

24 ~~F.~~ E. The county recorder or other officer in charge of elections  
25 may provide for any of the following in the same manner prescribed by law  
26 for other elections:

27 1. Special election boards.

28 2. Emergency balloting for persons who experience an emergency  
29 after 5:00 p.m. on the Friday preceding the presidential preference  
30 election and before 5:00 p.m. on the Monday immediately preceding the  
31 presidential preference election. Before receiving a ballot pursuant to  
32 this paragraph, a person who experiences an emergency shall provide  
33 identification as prescribed in section 16-579 and shall sign a statement  
34 under penalty of perjury that states that the person is experiencing or  
35 experienced an emergency after 5:00 p.m. on the Friday immediately  
36 preceding the election and before 5:00 p.m. on the Monday immediately  
37 preceding the election that would prevent the person from voting at the  
38 polls. Signed statements received pursuant to this ~~subsection~~ PARAGRAPH  
39 are not subject to inspection pursuant to title 39, chapter 1, article 2.

40 ~~G.~~ F. Notwithstanding section 16-579, subsection A, paragraph 2,  
41 for emergency balloting pursuant to subsection ~~F~~ E, paragraph 2 of this  
42 section, the county recorder or other officer in charge of elections may  
43 allow a qualified elector to update the elector's voter registration  
44 information as provided for in the secretary of state's instructions and  
45 procedures manual adopted pursuant to section 16-452.



1           1. Presidential electors, which shall be in a list and next to the  
2 list shall be printed in bold type the surname of the presidential  
3 candidate, and the surname of the vice presidential candidate who is  
4 seeking election jointly with the presidential candidate shall be listed  
5 directly below the name of the presidential candidate. The indicator for  
6 the selection of the presidential and vice presidential candidates shall  
7 be directly next to the surname of the presidential candidate, and one  
8 mark directly next to a presidential candidate's surname shall be counted  
9 as a vote for each elector in the list next to the presidential and vice  
10 presidential candidates.

11           2. United States senator.

12           3. Representatives in Congress.

13           4. The several state offices.

14           5. The several county and precinct offices.

15           D. The names of candidates for the offices of state senator and  
16 state representative along with the district number shall be placed within  
17 the heading of each column to the right of the office name for state  
18 offices and immediately below the candidates for the office of governor.  
19 The number of the supervisorial district of which a candidate is a nominee  
20 shall be printed within the heading of each column to the right of the  
21 name of the office.

22           E. The lists of the candidates of the several parties shall be  
23 arranged with the names of the parties in descending order according to  
24 the votes cast for governor for that county in the most recent general  
25 election for the office of governor, commencing with the left-hand column.  
26 In the case of political parties that did not have candidates on the  
27 ballot in the last general election, such parties shall be listed in  
28 alphabetical order below the parties that did have candidates on the  
29 ballot in the last general election. The names of all candidates  
30 nominated under section 16-341 shall be placed in a single column below  
31 that of the recognized parties. Next to the name of each candidate, in  
32 parentheses, shall be printed a three-letter abbreviation that is taken  
33 from the three words prescribed in the candidate's certificate of  
34 nomination.

35           F. Immediately below the designation of the office to be voted for  
36 shall appear the words: "Vote for not more than \_\_\_\_\_" (insert the  
37 number to be elected).

38           G. In each column at the right or left of the name of each  
39 candidate and on the same line there shall be a place for the voter to put  
40 a mark. Below the name of the last named candidate for each office there  
41 shall be as many blank lines as there are offices of the same title to be  
42 filled, with a place for the voter to put a mark. On the blank line the  
43 voter may write the name of any person for whom the voter desires to vote  
44 whose name is not printed, and next to the name so written the voter shall  
45 designate his choice by a mark as in the case of printed names.

1 H. When there are two or more candidates of the same political  
2 party for the same office, or more than one candidate for a judicial  
3 office, the names of all such candidates shall be so alternated on the  
4 ballots used in each election district that the name of each candidate  
5 shall appear substantially an equal number of times in each possible  
6 location. If there are fewer or the same number of candidates seeking  
7 office than the number to be elected, the rotation of names is not  
8 required and the names shall be placed in alphabetical order.

9 I. Immediately below section one of the ballot shall be placed the  
10 following:

11 Section Two  
12 Nonpartisan Ballot

13 J. Immediately below the heading for section two shall be placed  
14 the names of the candidates for justices of the supreme court, judges of  
15 the court of appeals, judges of the superior court standing for retention  
16 or rejection pursuant to article VI, section 38, Constitution of Arizona,  
17 judges of the superior court standing for election pursuant to article VI,  
18 section 12, Constitution of Arizona, school district officials and other  
19 nonpartisan officials in a column or in columns without partisan or other  
20 designation except the title of office in an order determined by the  
21 officer in charge of the election.

22 K. Immediately below the offices listed in subsection J of this  
23 section, the ballot shall contain a separate heading of any nonpartisan  
24 office for a vacant unexpired term and shall include the expiration date  
25 of the term of the vacated office.

26 L. All proposed constitutional amendments and other propositions or  
27 questions to be submitted to the voters shall be printed immediately below  
28 the names of candidates for nonpartisan positions in such order as the  
29 secretary of state, or if a city or town election, the city or town clerk,  
30 designates. Placement of county and local charter amendments,  
31 propositions or questions shall be determined by the officer in charge of  
32 the election. Except as provided by section 19-125, each proposition or  
33 question shall be followed by the words "yes" and "no" or "for \_\_\_\_\_" and  
34 "against \_\_\_\_\_" as the nature of the proposition or question requires,  
35 and at the right or left of and next to each of such words shall be a  
36 place for the voter to put a mark according to the instructions that is  
37 similar in size to those places appearing opposite the names of the  
38 candidates, in which the voter may indicate his vote for or against such  
39 proposition or question by a mark as defined in section 16-400.

40 M. Instead of printing the official and descriptive titles or the  
41 full text of each measure or question on the official ballot, the officer  
42 in charge of elections may print phrases on the official ballot that  
43 contain all of the following:

44 1. The number of the measure in reverse type and at least ~~twelve~~  
45 ~~point~~ TWELVE-POINT type.



1           2. The designation of the measure as prescribed by section 19-125,  
2 subsection C or as a question, proposition or charter amendment, followed  
3 by the words "relating to..." and inserting the subject.

4           3. Either the statement prescribed by section 19-125, subsection D  
5 that describes the effects of a "yes" vote and a "no" vote or, for other  
6 measures, the text of the question or proposition.

7           4. The words "yes" and "no" or "for" and "against", as may be  
8 appropriate and a place for the voter to put a mark.

9           N. For any ballot printed pursuant to subsection M of this section,  
10 the instructions on the official ballot shall direct the voter to the full  
11 text of the official and descriptive titles and the questions and  
12 propositions as printed on the sample ballot and posted in the polling  
13 place.

14           Sec. 4. Section 16-542, Arizona Revised Statutes, is amended to  
15 read:

16           16-542. Request for ballot; civil penalties; violation;  
17                                   classification

18           A. Within ninety-three days before any election called pursuant to  
19 the laws of this state, an elector may make a verbal or signed request to  
20 the county recorder, or other officer in charge of elections for the  
21 applicable political subdivision of this state in whose jurisdiction the  
22 elector is registered to vote, for an official early ballot. In addition  
23 to name and address, the requesting elector shall provide the date of  
24 birth and state or country of birth or other information that if compared  
25 to the voter registration information on file would confirm the identity  
26 of the elector. If the request indicates that the elector needs a primary  
27 election ballot and a general election ballot, the county recorder or  
28 other officer in charge of elections shall honor the request. For any  
29 partisan primary election, if the elector is not registered as a member of  
30 a political party that is entitled to continued representation on the  
31 ballot pursuant to section 16-804, the elector shall designate the ballot  
32 of only one of the political parties that is entitled to continued  
33 representation on the ballot and the elector may receive and vote the  
34 ballot of only that one political party, which also shall include any  
35 nonpartisan offices and ballot questions, or the elector shall designate  
36 the ballot for nonpartisan offices and ballot questions only and the  
37 elector may receive and vote the ballot that contains only nonpartisan  
38 offices and ballot questions. The county recorder or other officer in  
39 charge of elections shall process any request for an early ballot for a  
40 municipal election pursuant to this subsection. The county recorder may  
41 establish on-site early voting locations at the recorder's office, which  
42 shall be open and available for use beginning the same day that a county  
43 begins to send out the early ballots. The county recorder may also  
44 establish any other early voting locations in the county the recorder  
45 deems necessary. Any on-site early voting location or other early voting

1 location shall require each elector to present identification as  
2 prescribed in section 16-579 before receiving a ballot. Notwithstanding  
3 section 16-579, subsection A, paragraph 2, at any on-site early voting  
4 location or other early voting location the county recorder or other  
5 officer in charge of elections may provide for a qualified elector to  
6 update the elector's voter registration information as provided for in the  
7 secretary of state's instructions and procedures manual adopted pursuant  
8 to section 16-452.

9 B. Notwithstanding subsection A of this section, a request for an  
10 official early ballot from an absent uniformed services voter or overseas  
11 voter as defined in the uniformed and overseas citizens absentee voting  
12 act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) or a voter  
13 whose information is protected pursuant to section 16-153 that is received  
14 by the county recorder or other officer in charge of elections more than  
15 ninety-three days before the election is valid. If requested by the  
16 absent uniformed services or overseas voter, or a voter whose information  
17 is protected pursuant to section 16-153, the county recorder or other  
18 officer in charge of elections shall provide to the requesting voter early  
19 ballot materials through the next regularly scheduled general election for  
20 federal office immediately following receipt of the request unless a  
21 different period of time, which does not exceed the next two regularly  
22 scheduled general elections for federal office, is designated by the  
23 voter.

24 C. The county recorder or other officer in charge of elections  
25 shall mail the early ballot and the envelope for its return postage  
26 prepaid to the address provided by the requesting elector within five days  
27 after receipt of the official early ballots from the officer charged by  
28 law with the duty of preparing ballots pursuant to section 16-545, except  
29 that early ballot distribution shall not begin more than twenty-seven days  
30 before the election. If an early ballot request is received on or before  
31 the thirty-first day before the election, the early ballot shall be  
32 distributed not earlier than the twenty-seventh day before the election  
33 and not later than the twenty-fourth day before the election.

34 D. Only the elector may be in possession of that elector's unvoted  
35 early ballot. If a complete and correct request is made by the elector  
36 within twenty-seven days before the election, the mailing must be made  
37 within forty-eight hours after receipt of the request. Saturdays, Sundays  
38 and other legal holidays are excluded from the computation of the  
39 ~~forty-eight hour~~ FORTY-EIGHT-HOUR period prescribed by this subsection.  
40 If a complete and correct request is made by an absent uniformed services  
41 voter or an overseas voter before the election, the regular early ballot  
42 shall be transmitted by mail, by fax or by other electronic format  
43 approved by the secretary of state within twenty-four hours after the  
44 early ballots are delivered pursuant to section 16-545, subsection B,  
45 excluding Sundays.

1 E. In order to be complete and correct and to receive an early  
2 ballot by mail, an elector's request that an early ballot be mailed to the  
3 elector's residence or temporary address must include all of the  
4 information prescribed by subsection A of this section and must be  
5 received by the county recorder or other officer in charge of elections ~~no~~  
6 NOT later than 5:00 p.m. on the eleventh day preceding the election. An  
7 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the Friday  
8 preceding the election at an on-site early voting location that is  
9 established by the county recorder or other officer in charge of elections  
10 shall be given a ballot after presenting identification as prescribed in  
11 section 16-579 and shall be permitted to vote at the on-site location.  
12 Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site  
13 early voting location the county recorder or other officer in charge of  
14 elections may provide for a qualified elector to update the elector's  
15 voter registration information as provided for in the secretary of state's  
16 instructions and procedures manual adopted pursuant to section 16-452. If  
17 an elector's request to receive an early ballot is not complete and  
18 correct but complies with all other requirements of this section, the  
19 county recorder or other officer in charge of elections shall attempt to  
20 notify the elector of the deficiency of the request.

21 F. Unless an elector specifies that the address to which an early  
22 ballot is to be sent is a temporary address, the recorder may use the  
23 information from an early ballot request form to update voter registration  
24 records.

25 ~~G. The county recorder or other officer in charge of early~~  
26 ~~balloting shall provide an alphabetized list of all voters in the precinct~~  
27 ~~who have requested and have been sent an early ballot to the election~~  
28 ~~board of the precinct in which the voter is registered not later than the~~  
29 ~~day before the election.~~

30 ~~H:~~ G. As a result of experiencing an emergency between 5:00 p.m.  
31 on the Friday preceding the election and 5:00 p.m. on the Monday preceding  
32 the election, qualified electors may request to vote in the manner  
33 prescribed by the board of supervisors of their respective county. Before  
34 voting pursuant to this subsection, an elector who experiences an  
35 emergency shall provide identification as prescribed in section 16-579 and  
36 shall sign a statement under penalty of perjury that states that the  
37 person is experiencing or experienced an emergency after 5:00 p.m. on the  
38 Friday immediately preceding the election and before 5:00 p.m. on the  
39 Monday immediately preceding the election that would prevent the person  
40 from voting at the polls. Signed statements received pursuant to this  
41 subsection are not subject to inspection pursuant to title 39, chapter 1,  
42 article 2. For the purposes of this subsection, "emergency" means any  
43 unforeseen circumstances that would prevent the elector from voting at the  
44 polls.

1           ~~F~~ H. Notwithstanding section 16-579, subsection A, paragraph 2,  
2 for any voting pursuant to subsection ~~H~~ G of this section, the county  
3 recorder or other officer in charge of elections may allow a qualified  
4 elector to update the elector's voter registration information as provided  
5 for in the secretary of state's instructions and procedures manual adopted  
6 pursuant to section 16-452.

7           ~~F~~ I. A candidate, political committee or other organization may  
8 distribute early ballot request forms to voters. If the early ballot  
9 request forms include a printed address for return, the addressee shall be  
10 the political subdivision that will conduct the election. Failure to use  
11 the political subdivision as the return addressee is punishable by a civil  
12 penalty of up to three times the cost of the production and distribution  
13 of the request.

14           ~~K~~ J. All original and completed early ballot request forms that  
15 are received by a candidate, political committee or other organization  
16 shall be submitted within six business days after receipt by a candidate,  
17 political committee or other organization or eleven days before the  
18 election day, whichever is earlier, to the political subdivision that will  
19 conduct the election. Any person, political committee or other  
20 organization that fails to submit a completed early ballot request form  
21 within the prescribed time is subject to a civil penalty of up to \$25 per  
22 day for each completed form withheld from submittal. Any person who  
23 knowingly fails to submit a completed early ballot request form before the  
24 submission deadline for the election immediately following the completion  
25 of the form is guilty of a class 6 felony.

26           ~~F~~ K. Except for a voter who is on the active early voting list  
27 prescribed by section 16-544, a voter who requests a onetime early ballot  
28 pursuant to THIS section ~~16-542~~ or for an election conducted pursuant to  
29 section 16-409 or article 8.1 of this chapter, a county recorder, city or  
30 town clerk or other election officer may not deliver or mail an early  
31 ballot to a person who has not requested an early ballot for that  
32 election. An election officer who knowingly violates this subsection is  
33 guilty of a class 5 felony.

34           Sec. 5. Section 16-547, Arizona Revised Statutes, is amended to  
35 read:

36           16-547. Ballot affidavit; form

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

41                   I declare the following under penalty of perjury: I am  
42                   a registered voter in \_\_\_\_\_ county Arizona, I have not  
43                   voted and will not vote in this election in any other county  
44                   or state, I understand that knowingly voting more than once in  
45                   any election is a class 5 felony and I voted the enclosed

1 ballot and signed this affidavit personally unless noted  
2 below.

3 If the voter was assisted by another person in marking  
4 the ballot, complete the following:

5 I declare the following under penalty of perjury: At  
6 the registered voter's request I assisted the voter identified  
7 in this affidavit with marking the voter's ballot, I marked  
8 the ballot as directly instructed by the voter, I provided the  
9 assistance because the voter was physically unable to mark the  
10 ballot solely due to illness, injury or physical limitation  
11 and I understand that there is no power of attorney for voting  
12 and that the voter must be able to make the voter's selection  
13 even if they cannot physically mark the ballot.

14 Name of voter assistant: \_\_\_\_\_

15 Address of voter assistant: \_\_\_\_\_

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

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

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

29 D. The county recorder or other officer in charge of elections  
30 shall supply printed instructions to early voters that direct them to sign  
31 the affidavit, mark the ballot and return both in the enclosed  
32 self-addressed envelope that complies with section 16-545. The  
33 instructions shall include the following statement:

34 In order to be valid and counted, the ballot and  
35 affidavit must be delivered to the office of the county  
36 recorder or other officer in charge of elections or may be  
37 deposited **AT ANY POLLING PLACE IN THE COUNTY NOT LATER THAN**  
38 **7:00 P.M. OR EXCHANGED FOR A REGULAR BALLOT ON ELECTION DAY** at  
39 any polling place in the county ~~no~~ **NOT** later than 7:00 p.m. on  
40 election day. The **EARLY** ballot will not be counted without  
41 the voter's signature on the envelope.

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

1           Sec. 6. Section 16-548, Arizona Revised Statutes, is amended to  
2 read:

3           16-548. Preparation and transmission of ballot

4           A. The early voter shall make and sign the affidavit and shall then  
5 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S vote  
6 cannot be seen. The early voter shall fold the ballot, if a paper ballot,  
7 so as to conceal the vote and deposit the voted ballot in the envelope  
8 provided for that purpose, which shall be securely sealed and, together  
9 with the affidavit, delivered or mailed to the county recorder or other  
10 officer in charge of elections of the political subdivision in which the  
11 elector is registered or deposited by the voter or the voter's agent at  
12 any polling place OR VOTING CENTER in the county OR EXCHANGED BY THE VOTER  
13 FOR A REGULAR BALLOT AT THE VOTER'S POLLING PLACE OR A VOTING CENTER IN  
14 THE COUNTY. In order to be counted and valid, the ballot must be received  
15 by the county recorder or other officer in charge of elections or  
16 deposited at any polling place OR VOTING CENTER in the county ~~no~~ NOT later  
17 than 7:00 p.m. on election day OR EXCHANGED BY THE VOTER FOR A REGULAR  
18 BALLOT AT THE VOTER'S POLLING PLACE OR AT A VOTING CENTER IN THE COUNTY  
19 NOT LATER THAN 7:00 P.M. ON ELECTION DAY.

20           B. If the early voter is an overseas citizen, a qualified elector  
21 absent from the United States or in the United States service, a spouse or  
22 dependent residing with the early voter or a qualified elector of a  
23 special district mail ballot election as provided in article 8.1 of this  
24 chapter, the early voter may subscribe to the affidavit before and obtain  
25 the signature and military identification number or passport number, if  
26 available, of any person who is a United States citizen eighteen years of  
27 age or older.

28           Sec. 7. Section 16-551, Arizona Revised Statutes, is amended to  
29 read:

30           16-551. Early election board; violation; classification

31           A. The board of supervisors or the governing body of the political  
32 subdivision shall appoint one or more early election boards to serve at  
33 places to be designated by the board of supervisors or the governing body  
34 to canvass and tally early election ballots. Members of early election  
35 boards shall be selected in accordance with the provisions for selecting  
36 members of regular election boards as provided in section 16-531.

37           B. If an electronic voting system is in use for early voting, the  
38 early election board shall consist of at least one inspector and two  
39 judges who shall perform the processing requirements in accordance with  
40 the rules issued by the secretary of state. The inspector and judges  
41 shall be appointed in the same manner by party as provided in section  
42 16-531.

43           C. All early ballots received by the county recorder or other  
44 officer in charge of elections before 7:00 p.m. on election day and the  
45 original affidavit of the voter shall be delivered to the early election

1 boards for processing as provided in the rules of the secretary of state.  
2 The office of the county recorder or other officer in charge of elections  
3 shall remain open until 7:00 p.m. on election day for the purpose of  
4 receiving early ballots. Partial or complete tallies of the early  
5 election board shall not be released or divulged before all precincts have  
6 reported or one hour after the closing of the polls on election day,  
7 whichever occurs first. Any person who unlawfully releases information  
8 regarding vote tallies or who possesses a tally sheet or summary without  
9 authorization from the recorder or officer in charge of elections is  
10 guilty of a class 6 felony.

11 D. If practicable, the county recorder or other officer in charge  
12 of elections shall count the number of early ballots that are returned **OR**  
13 **SPOILED AND EXCHANGED FOR A REGULAR BALLOT** at voting locations on election  
14 day and shall post on its website those totals with the last unofficial  
15 results that are released on election night pursuant to section 16-622.  
16 Beginning with the day following the election, the county recorder or  
17 other officer in charge of elections shall enter into the county's ballot  
18 tracking system, if established, early ballots that were returned ~~at the~~  
19 ~~voting location~~ **TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF**  
20 **ELECTIONS** on election day.

21 E. The necessary printed blanks for poll lists, tally lists, lists  
22 of voters, ballots, oaths and returns, together with envelopes in which to  
23 enclose the returns, shall be furnished by the board of supervisors or the  
24 governing body of the political subdivision to the early election board  
25 for each election precinct at the expense of the county or the political  
26 subdivision.

27 Sec. 8. Section 16-583, Arizona Revised Statutes, is amended to  
28 read:

29 **16-583. Inactive electors; procedures**

30 A. On or before election day, the county recorder shall provide to  
31 each ~~precinct~~ **ELECTION BOARD** the names of **INACTIVE** electors ~~on the~~  
32 ~~inactive voter list. If a person whose name is not on the precinct~~  
33 ~~register appears at a polling place, an election official shall determine~~  
34 ~~whether the person is on the inactive voter list. If the~~ **A** person **WHO**  
35 **APPEARS AT A POLLING PLACE** is **LISTED** on the **PRECINCT REGISTER OR**  
36 **ELECTRONIC POLLBOOK AS** inactive ~~voter list~~, the registrant, on affirmation  
37 by the registrant before an election official at the polling place that  
38 the registrant continues to reside at the address indicated on the  
39 ~~inactive voter list~~ **PRECINCT REGISTER OR ELECTRONIC POLLBOOK**, shall be  
40 ~~permitted~~ **ALLOWED** to vote at that **PRECINCT** polling place. ~~The elector's~~  
41 ~~name shall be entered on a separate signature roster page at the end of~~  
42 ~~the signature roster, and voters' names shall be numbered consecutively.~~  
43 If the registrant indicates that the registrant lives at a new residence,  
44 the election official shall **EITHER** direct the registrant to the **PRECINCT**



1 polling place for the new address OR ALLOW THE REGISTRANT TO CAST A VOTE  
2 PURSUANT TO SECTION 16-584, SUBSECTION C AT A VOTING CENTER.

3 B. Following the election, the county recorder shall remove from  
4 inactive status all electors who voted pursuant to subsection A OF THIS  
5 SECTION, shall place the electors' names back on the general register and  
6 shall return the electors' status to active.

7 Sec. 9. Section 16-584, Arizona Revised Statutes, is amended to  
8 read:

9 16-584. Qualified elector not on precinct register or  
10 electronic pollbook; recorder's certificate;  
11 verified ballot; procedure

12 A. A qualified elector whose name is not on the precinct register  
13 OR ELECTRONIC POLLBOOK and who presents a certificate from the county  
14 recorder showing that the elector is entitled by law to vote in the  
15 precinct shall be entered on the signature roster on the blank following  
16 the last printed name ~~and shall be given the next consecutive register~~  
17 ~~number~~, and the qualified elector shall sign in the space provided.

18 B. A qualified elector whose name is not on the precinct register  
19 OR ELECTRONIC POLLBOOK, on presentation of identification verifying the  
20 identity of the elector that includes the voter's given name and surname  
21 and the complete residence address that is verified by the election board  
22 to be in the precinct or on signing an affirmation that states that the  
23 elector is a registered voter in that jurisdiction and is eligible to vote  
24 in that jurisdiction, shall be allowed to vote a provisional ballot.

25 C. If a voter has moved to a new address within the county and has  
26 not notified the county recorder of the change of address before the date  
27 of an election, the voter shall be ~~permitted~~ ALLOWED to correct the voting  
28 records for purposes of voting in future elections at the appropriate  
29 polling place for the voter's new address. The voter shall be ~~permitted~~  
30 ALLOWED to vote a provisional ballot. The voter shall present a form of  
31 identification that includes the voter's given name and surname and the  
32 voter's complete residence address. The residence address must be within  
33 the precinct in which the voter is attempting to vote, and the voter shall  
34 affirm in writing that the voter is registered in that jurisdiction and is  
35 eligible to vote in that jurisdiction.

36 D. On completion of the ballot, the election official shall place  
37 the ballot in a provisional ballot envelope and shall deposit the envelope  
38 in the ballot box. Within ten calendar days after a general election that  
39 includes an election for a federal office and within five business days  
40 after any other election or ~~no~~ NOT later than the time at which challenged  
41 early voting ballots are resolved, the signature shall be compared to the  
42 precinct signature roster of the former precinct where the voter was  
43 registered. If the voter's name is not signed on the roster and if there  
44 is no indication that the voter voted an early ballot, the provisional  
45 ballot envelope shall be opened and the ballot shall be counted. If there



1 is information showing the person did vote, the provisional ballot shall  
2 remain unopened and shall not be counted. When provisional ballots are  
3 confirmed for counting, the county recorder shall use the information  
4 supplied on the provisional ballot envelope to correct the address record  
5 of the voter.

6 E. When a voter is allowed to vote a provisional ballot, the  
7 elector's name shall be entered on a separate signature roster ~~page at the~~  
8 ~~end of the signature roster. Voters' names shall be numbered~~  
9 ~~consecutively beginning with the number V-1~~ OR NOTED IN THE ELECTRONIC  
10 POLLBOOK. The elector shall sign in the space provided. The ballot shall  
11 be placed in a separate envelope, the outside of which shall contain the  
12 precinct name or number, a sworn or attested statement of the elector that  
13 the elector resides in the precinct, is eligible to vote in the election  
14 and has not previously voted in the election, the signature of the elector  
15 and the voter registration number of the elector, if available. The  
16 ballot shall be verified for proper registration of the elector by the  
17 county recorder before being counted. The verification shall be made by  
18 the county recorder within ten calendar days after a general election that  
19 includes an election for a federal office and within five business days  
20 following any other election. Verified ballots shall be counted by  
21 ~~depositing the ballot in the ballot box~~ THE OFFICER IN CHARGE OF ELECTIONS  
22 and ~~showing~~ SHOWN on the records of the election that the elector has  
23 voted. If registration is not verified, the ballot shall remain unopened  
24 and shall be retained ~~in the same manner as voted ballots~~ AS PRESCRIBED BY  
25 SECTION 16-624, SUBSECTION B.

26 F. For any person who votes a provisional ballot, the county  
27 recorder or other officer in charge of elections shall provide for a  
28 method of notifying the provisional ballot voter at no cost to the voter  
29 whether the voter's ballot was verified and counted and, if not counted,  
30 the reason for not counting the ballot. The notification may be in the  
31 form of notice by mail to the voter, establishment of a ~~toll-free~~  
32 TOLL-FREE telephone number, internet access or other similar method to  
33 allow the voter to have access to this information. The method of  
34 notification shall provide reasonable restrictions that are designed to  
35 limit transmittal of the information only to the voter.

36 Sec. 10. Section 16-624, Arizona Revised Statutes, is amended to  
37 read:

38 16-624. Disposition of official returns and ballots

39 A. After the canvass has been completed, the officer in charge of  
40 elections shall deposit the package or envelope containing the TABULATED  
41 ballots in a secure facility managed by the county treasurer, who shall  
42 keep it unopened and unaltered for twenty-four months for elections for a  
43 federal office or for six months for all other elections, at which time ~~he~~  
44 THE COUNTY TREASURER shall destroy it without opening or examining the  
45 contents.

1 ~~B. Irregular ballots shall be preserved for six months after the~~  
2 ~~election and the packages containing them may be opened and the contents~~  
3 ~~examined only upon an order of court. At the expiration of such time, the~~  
4 ~~ballots may be disposed of in the discretion of the officer or board~~  
5 ~~having charge of them.~~

6 B. AFTER THE CANVASS IS COMPLETED, THE COUNTY RECORDER SHALL  
7 DEPOSIT ALL REJECTED PROVISIONAL AND EARLY BALLOTS IN A SECURE FACILITY  
8 THAT IS MANAGED BY THE COUNTY TREASURER AS PRESCRIBED BY SUBSECTION A OF  
9 THIS SECTION.

10 C. The officer in charge of elections shall produce the other  
11 packages or envelopes before the COUNTY board of supervisors when it is in  
12 session for the purpose of canvassing the returns.

13 D. If a recount is ordered or a contest begun within six months,  
14 the COURT MAY ORDER THE county treasurer ~~may be ordered by the court~~ to  
15 deliver to ~~it~~ the COURT THE packages or envelopes containing the ballots,  
16 ~~and thereupon~~ AT WHICH TIME they shall be in the custody and control of  
17 the court.

18 Sec. 11. Section 45-415, Arizona Revised Statutes, is amended to  
19 read:

20 45-415. Local initiation for active management area;  
21 procedures

22 A. A groundwater basin that is not included within an initial  
23 active management area may be designated an active management area on  
24 petition by ten percent of the registered voters residing within the  
25 boundaries of the proposed active management area, as of the most recent  
26 report compiled by the county recorder in compliance with section 16-168,  
27 subsection G, and a subsequent election held pursuant to the general  
28 election laws of this state. The form of the petition shall be the same  
29 as for initiative petitions, and the applicant for the petition shall  
30 comply with section 19-111.

31 B. On application for a petition number with the clerk of the board  
32 of supervisors or county election officer, the director shall transmit a  
33 map of the groundwater basin to the county recorder of each county in  
34 which the proposed active management area is located. The map shall be on  
35 a scale adequate to show with substantial accuracy where the boundaries of  
36 the groundwater basin cross the boundaries of county voting  
37 precincts. The director shall also transmit to the county recorder all  
38 other factual data concerning the boundaries of the groundwater basin that  
39 may aid the county recorder in the determination of which registered  
40 voters of the county are residents of the groundwater basin.

41 C. Any registered voter of a county whose residency in the  
42 groundwater basin is in question shall be allowed to vote. The ballot  
43 shall be ~~placed in a separate envelope, the outside of which shall contain~~  
44 ~~the precinct name and number, the signature of the voter, the residence~~  
45 ~~address of the voter and the voter registration number of the voter, if~~

1 ~~available. The voter receipt card shall be attached to the envelope. The~~  
2 ~~county recorder shall verify the ballot for proper residency of the voter~~  
3 ~~before counting. Such verification shall be made within five business~~  
4 ~~days following the election, and the voter receipt card shall be returned~~  
5 ~~to the voter. Verified ballots shall be counted using the procedure~~  
6 ~~outlined for counting early ballots. If residency in the groundwater~~  
7 ~~basin is not verified, the ballot shall remain unopened and shall be~~  
8 ~~destroyed~~ CREATED, VALIDATED AND COUNTED IN ACCORDANCE WITH TITLE 16,  
9 CHAPTER 4, ARTICLE 8.

10 D. Except as provided in subsection E of this section, all election  
11 expenses incurred pursuant to this section are the responsibility of the  
12 county involved.

13 E. If a groundwater basin is located in two or more counties, the  
14 following procedures apply:

15 1. The petition shall be filed with the clerk of the board of  
16 supervisors or county election officer of the county in which the  
17 plurality of the registered voters in the groundwater basin resides.

18 2. The number of registered voters required to sign the petition  
19 shall be ten percent of the registered voters residing within the  
20 boundaries of the proposed active management area, as of the most recent  
21 report compiled by the county recorder in compliance with section 16-168,  
22 subsection G, within the county in which the plurality of the registered  
23 voters in the groundwater basin resides.

24 3. The election shall be called by the board of supervisors of the  
25 county in which the petition is filed, and the board shall immediately  
26 notify the board of supervisors of any other county included in the  
27 groundwater basin of the date of the election. The election shall be held  
28 not less than sixty days or more than ninety days from the date of the  
29 call. The board of supervisors so notified shall then call the election  
30 in that county for the same date and follow the procedures for conducting  
31 the general elections in this state.

32 4. All election expenses incurred pursuant to this subsection are  
33 the responsibilities of the counties involved on a proportional basis  
34 considering the number of registered voters of each county that are  
35 residents of the groundwater basin.

36 F. The ballot shall be worded, "should the (insert name of basin)  
37 groundwater basin be designated an active management area?" followed by  
38 the words "yes" and "no".