

REFERENCE TITLE: early voting; identification; signature

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

SB 1178

Introduced by
Senator Bennett

AN ACT

AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 271, SECTION 2; AMENDING SECTIONS 16-552 AND 16-579, 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 16-550, Arizona Revised Statutes, as amended by
3 Laws 2022, chapter 271, section 2, is amended to read:

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

5 A. Except for early ballots tabulated as prescribed in section
6 16-579.02 OR ISSUED AND VERIFIED AS PRESCRIBED BY SECTION 16-579,
7 SUBSECTION A, PARAGRAPH 4, on receipt of the envelope containing the early
8 ballot and the ballot affidavit, the county recorder or other officer in
9 charge of elections shall compare the ~~signatures thereon~~ SIGNATURE ON THE
10 ENVELOPE with the signature of the elector on the elector's registration
11 record. If the signature is inconsistent with the elector's signature on
12 the 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 recorder or other officer in charge of elections shall
28 thereafter safely keep the affidavits and early ballots in the recorder's
29 or other officer's office and may deliver them for tallying pursuant to
30 section 16-551. Tallying of ballots may begin immediately after the
31 envelope and completed affidavit are processed pursuant to this section
32 and delivered to the early election board.

33 C. The county recorder shall send a list of all voters who were
34 issued early ballots to the election board of the precinct in which the
35 voter is registered.

36 D. This section does not apply to:

37 1. A special taxing district that is authorized pursuant to section
38 16-191 to conduct its own elections.

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

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

43 16-552. Early ballots; processing; challenges

44 A. In a jurisdiction that uses optical scan ballots, the officer in
45 charge of elections may use the procedure prescribed by this section or
46 may request approval from the secretary of state for a different method

1 for processing early ballots. The request shall be made in writing at
2 least ninety days before the election for which the procedure is intended
3 to be used. After the election official has confirmed with the secretary
4 of state that all election equipment passes the logic and accuracy test,
5 the election official may begin to count early ballots. No early ballot
6 results may be released except as prescribed by section 16-551.

7 B. EXCEPT FOR AN EARLY BALLOT THAT IS ISSUED AND VERIFIED AS
8 PRESCRIBED BY SECTION 16-579, SUBSECTION A, PARAGRAPH 4, the early
9 election board shall check the voter's affidavit on the envelope
10 containing the early ballot. If it is found to be sufficient, the vote
11 shall be allowed. If the affidavit is insufficient, the vote shall not be
12 allowed.

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

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

34 E. Within twenty-four hours of receipt of a challenge, the early
35 election board or other officer in charge of early ballot processing shall
36 mail, by first class mail, a notice of the challenge including a copy of
37 the written challenge, and also including the time and place at which the
38 voter may appear to defend the challenge, to the voter at the mailing
39 address shown on the request for an early ballot or, if none was provided,
40 to the mailing address shown on the registration rolls. Notice shall also
41 be mailed to the challenger at the address listed on the written challenge
42 and provided to the county chairman of each political party represented on
43 the ballot. The board shall meet to determine the challenge at the time
44 specified by the notice but, in any event, not earlier than ninety-six
45 hours after the notice is mailed, or forty-eight hours if the notifying
46 party chooses to deliver the notice by overnight or hand delivery, and not

1 later than 5:00 p.m. on the Monday following the election. The board
 2 shall provide the voter with an informal opportunity to make, or to
 3 submit, brief statements regarding the challenge. The board may decline
 4 to permit comments, either in person or in writing, by anyone other than
 5 the voter, the challenger and the party representatives. The burden of
 6 proof is on the challenger to show why the voter should not be permitted
 7 to vote. The fact that the voter fails to appear shall not be deemed to
 8 be an admission of the validity of the challenge. The early election
 9 board or other officer in charge of early ballot processing is not
 10 required to provide the notices described in this subsection if the
 11 written challenge fails to set forth at least one of the grounds listed in
 12 section 16-591 as a basis for the challenge. In that event, the challenge
 13 will be summarily rejected at the meeting of the board. Except for
 14 election contests pursuant to section 16-672, the board's decision is
 15 final and may not be appealed.

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

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

31 H. Party representatives and alternates may be appointed as
 32 provided in subsection C of this section to be present and to challenge
 33 the verification of questioned ballots pursuant to section 16-584 on any
 34 grounds ~~permitted~~ ALLOWED by this section. Questioned ballots that are
 35 challenged shall be presented to the early election board for decision
 36 under the provisions of this section.

37 Sec. 3. Section 16-579, Arizona Revised Statutes, is amended to
 38 read:

39 16-579. Procedure for obtaining ballot by elector

40 A. Every qualified elector, before receiving a ballot, shall
 41 announce the elector's name and place of residence in a clear, audible
 42 tone of voice to the election official in charge of the signature roster
 43 or present the elector's name and residence in writing. The election
 44 official in charge of the signature roster shall comply with the following
 45 and the qualified elector shall be allowed within the voting area:

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

2 (a) A valid form of identification that bears the photograph, name
3 and address of the elector that reasonably appear to be the same as the
4 name and address in the precinct register, including an Arizona driver
5 license, an Arizona nonoperating identification license, a tribal
6 enrollment card or other form of tribal identification or a United States
7 federal, state or local government issued identification. Identification
8 is deemed valid unless it can be determined on its face that it has
9 expired.

10 (b) Two different items that contain the name and address of the
11 elector that reasonably appear to be the same as the name and address in
12 the precinct register, including a utility bill, a bank or credit union
13 statement that is dated within ninety days of the date of the election, a
14 valid Arizona vehicle registration, an Arizona vehicle insurance card, an
15 Indian census card, tribal enrollment card or other form of tribal
16 identification, a property tax statement, a recorder's certificate, a
17 voter registration card, a valid United States federal, state or local
18 government issued identification or any mailing that is labeled as
19 "official election material". Identification is deemed valid unless it
20 can be determined on its face that it has expired.

21 (c) A valid form of identification that bears the photograph, name
22 and address of the elector except that if the address on the
23 identification does not reasonably appear to be the same as the address in
24 the precinct register or the identification is a valid United States
25 military identification card or a valid United States passport and does
26 not bear an address, the identification must be accompanied by one of the
27 items listed in subdivision (b) of this paragraph.

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

33 3. If the voter surrenders the early ballot to the precinct
34 inspector and the voter is not otherwise required to be issued a
35 provisional ballot, the voter shall be issued a standard ballot after
36 presenting identification pursuant to this subsection. The precinct
37 inspector shall retain the surrendered early ballot, unopened in its
38 affidavit envelope.

39 4. IF A VOTER IS ISSUED AN EARLY BALLOT AT ANY VOTING LOCATION
40 DURING THE PERIOD OF EARLY VOTING AFTER PRESENTING AND CONFIRMING
41 IDENTIFICATION THAT COMPLIES WITH PARAGRAPH 1 OF THIS SUBSECTION, THE
42 VOTER'S EARLY BALLOT IS DEEMED READY FOR TABULATING, AND ADDITIONAL
43 SIGNATURE VERIFICATION OF THE COMPLETED AFFIDAVIT ENVELOPE AS PRESCRIBED
44 BY SECTION 16-550 IS NOT REQUIRED.

1 B. Any qualified elector who is listed as having applied for an
2 early ballot but who states that the elector has not voted and will not
3 vote an early ballot for this election or surrenders the early ballot to
4 the precinct inspector on election day shall be allowed to vote pursuant
5 to the procedure set forth in section 16-584, except that for elections
6 conducted using an electronic pollbook or similar system with continuous
7 voter usage updates, the following apply:

8 1. If the electronic pollbook or other system indicates that the
9 voter's early ballot has not been returned or accepted by the county
10 recorder and the voter is not otherwise required to be issued a
11 provisional ballot, the voter may be issued a standard ballot after
12 presenting identification pursuant to subsection A of this section.

13 2. If the electronic pollbook or other system indicates that the
14 voter's early ballot has been received or accepted by the county recorder,
15 the voter may not be issued a standard ballot and may only be issued a
16 provisional ballot as prescribed in section 16-584.

17 C. Each qualified elector's name shall be numbered consecutively by
18 the clerks and in the order of applications for ballots. The judge shall
19 give the qualified elector only one ballot and a ballot privacy folder,
20 and the elector's name shall be immediately checked on the precinct
21 register. Notwithstanding any provision of this subsection, an elector
22 shall not be required to accept or use a ballot privacy folder.

23 D. For precincts in which a paper signature roster is used, each
24 qualified elector shall sign the elector's name in the signature roster
25 before receiving a ballot, but an inspector or judge may sign the roster
26 for an elector who is unable to sign because of physical disability, and
27 in that event the name of the elector shall be written with red ink, and
28 no attestation or other proof shall be necessary. The provisions of this
29 subsection relating to signing the signature roster ~~shall~~ DO not apply to
30 electors casting a ballot using early voting procedures.

31 E. For precincts in which an electronic poll book system is used,
32 each qualified elector shall sign the elector's name as prescribed in the
33 instructions and procedures manual adopted by the secretary of state
34 pursuant to section 16-452 before receiving a ballot, but an inspector or
35 judge may sign the roster for an elector who is unable to sign because of
36 physical disability, and in that event the name of the elector shall be
37 written with the inspector's or judge's attestation on the same signature
38 line.

39 F. A person offering to vote at a special district election for
40 which no special district register has been supplied shall sign an
41 affidavit stating the person's address and that the person resides within
42 the district boundaries or proposed district boundaries and swearing that
43 the person is a qualified elector and has not already voted at the
44 election being held.