

REFERENCE TITLE: early ballot delivery; instruction requirements

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

SB 1273

Introduced by
Senator Bennett

AN ACT

AMENDING SECTIONS 16-513 AND 16-547, 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 16-513, Arizona Revised Statutes, is amended to
3 read:

4 16-513. Instructions for voters and election officers;
5 overvote notice; ballot delivery notice

6 A. The board of supervisors shall prepare instructions for the
7 guidance of voters and election officers at the election, according to
8 which the election shall be conducted and which shall govern the voters
9 and election officers as provided in the secretary of state's instructions
10 and procedures manual. The board of supervisors shall furnish to the
11 inspector in each election precinct at least two instruction cards, at the
12 time and in the same manner as the printed ballots are furnished.

13 B. If the voting equipment used for the election provides for the
14 rejection of overvoted ballots or ballots that contain other
15 irregularities, the board of supervisors shall provide for a written
16 notice advising the voter that if the voter chooses to override the
17 overvoted office or measure or override any other ballot irregularity, the
18 voter's vote for that office or measure will not be tallied. The notice
19 shall be posted on or near the voting equipment so that the voter has a
20 clear view of the notice.

21 C. THE INSTRUCTIONS PRESCRIBED BY SUBSECTION A OF THIS SECTION
22 SHALL ALSO INCLUDE INFORMATION REGARDING SECTION 16-1005, SUBSECTIONS H
23 AND I.

24 Sec. 2. Section 16-547, Arizona Revised Statutes, is amended to
25 read:

26 16-547. Ballot affidavit; form

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

31 I declare the following under penalty of perjury: I am
32 a registered voter in _____ county Arizona, I have not
33 voted and will not vote in this election in any other county
34 or state, I understand that knowingly voting more than once in
35 any election is a class 5 felony and I voted the enclosed
36 ballot and signed this affidavit personally unless noted
37 below.

38 If the voter was assisted by another person in marking
39 the ballot, complete the following:

40 I declare the following under penalty of perjury: At
41 the registered voter's request I assisted the voter identified
42 in this affidavit with marking the voter's ballot, I marked
43 the ballot as directly instructed by the voter, I provided the
44 assistance because the voter was physically unable to mark the
45 ballot solely due to illness, injury or physical limitation

1 and I understand that there is no power of attorney for voting
2 and that the voter must be able to make the voter's selection
3 even if ~~they~~ THE VOTER cannot physically mark the ballot.

4 Name of voter assistant: _____

5 Address of voter assistant: _____

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

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

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

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

24 In order to be valid and counted, the ballot and
25 affidavit must be delivered to the office of the county
26 recorder or other officer in charge of elections or may be
27 deposited at any polling place in the county ~~no~~ NOT later than
28 7:00 p.m. on election day. The ballot will not be counted
29 without the voter's signature on the envelope.

30 (WARNING - It is a felony to offer or receive any compensation
31 for a ballot.)

32 E. THE PRINTED INSTRUCTIONS PRESCRIBED BY SUBSECTION D OF THIS
33 SECTION SHALL ALSO INCLUDE INFORMATION REGARDING SECTION 16-1005,
34 SUBSECTIONS H AND I.