

REFERENCE TITLE: ballots; election day; identification

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

SB 1518

Introduced by
Senator Bennett

AN ACT

AMENDING SECTION 16-548, ARIZONA REVISED STATUTES; AMENDING SECTION 16-550, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 271, SECTION 2; AMENDING SECTIONS 16-552, 16-579 AND 16-1005, 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 16-548, Arizona Revised Statutes, is amended to
3 read:

4 16-548. Preparation and transmission of ballot

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

17 B. A VOTER WITH AN UNVOTED EARLY BALLOT WHO HAS NOT OTHERWISE CAST
18 A BALLOT IS ELIGIBLE TO VOTE A PROVISIONAL BALLOT AS PRESCRIBED BY SECTION
19 16-579.

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

28 Sec. 2. Section 16-550, Arizona Revised Statutes, as amended by
29 Laws 2022, chapter 271, section 2, is amended to read:

30 16-550. Receipt of voter's ballot; cure period

31 A. Except for early ballots tabulated as prescribed in section
32 16-579.02 OR RECEIVED AFTER A VOTER'S IDENTIFICATION IS CONFIRMED AS
33 PRESCRIBED BY SECTION 16-579, SUBSECTION A, PARAGRAPHS 4 AND 5, on receipt
34 of the envelope containing the early ballot and the ballot affidavit, the
35 county recorder or other officer in charge of elections shall compare the
36 ~~signatures thereon~~ SIGNATURE ON THE ENVELOPE with the signature of the
37 elector on the elector's registration record. If the signature is
38 inconsistent with the elector's signature on the elector's registration
39 record, the county recorder or other officer in charge of elections shall
40 make reasonable efforts to contact the voter, advise the voter of the
41 inconsistent signature and allow the voter to correct or the county to
42 confirm the inconsistent signature. The county recorder or other officer
43 in charge of elections shall allow signatures to be corrected not later
44 than the fifth business day after a primary, general or special election
45 that includes a federal office or the third business day after any other

1 election. If the signature is missing, the county recorder or other
2 officer in charge of elections shall make reasonable efforts to contact
3 the elector, advise the elector of the missing signature and allow the
4 elector to add the elector's signature not later than 7:00 p.m. on
5 election day. If satisfied that the signatures correspond, the recorder
6 or other officer in charge of elections shall hold the envelope containing
7 the early ballot and the completed affidavit unopened in accordance with
8 the rules of the secretary of state.

9 B. The recorder or other officer in charge of elections shall
10 thereafter safely keep the affidavits and early ballots in the recorder's
11 or other officer's office and may deliver them for tallying pursuant to
12 section 16-551. Tallying of ballots may begin immediately after the
13 envelope and completed affidavit are processed pursuant to this section
14 and delivered to the early election board.

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

18 D. This section does not apply to:

19 1. A special taxing district that is authorized pursuant to section
20 16-191 to conduct its own elections.

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

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

25 16-552. Early ballots; processing; challenges

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

35 B. EXCEPT FOR AN EARLY BALLOT THAT IS RECEIVED AFTER A VOTER'S
36 IDENTIFICATION IS CONFIRMED AS PRESCRIBED BY SECTION 16-579, SUBSECTION A,
37 PARAGRAPHS 4 AND 5, the early election board shall check the voter's
38 affidavit on the envelope containing the early ballot. If it is found to
39 be sufficient, the vote shall be allowed. If the affidavit is
40 insufficient, the vote shall not be allowed.

41 C. The county chairman of each political party represented on the
42 ballot, by written appointment addressed to the early election board, may
43 designate party representatives and alternates to act as early ballot
44 challengers for the party. No party may have more than the number of such
45 representatives or alternates that were mutually agreed on by each

1 political party to be present at one time. If such agreement cannot be
2 reached, the number of representatives shall be limited to one for each
3 political party.

4 D. An early ballot may be challenged on any grounds set forth in
5 section 16-591. All challenges shall be made in writing with a brief
6 statement of the grounds before the early ballot is placed in the ballot
7 box. A record of all challenges and resulting proceedings shall be kept
8 in substantially the same manner as provided in section 16-594. If an
9 early ballot is challenged, it shall be set aside and retained in the
10 possession of the early election board or other officer in charge of early
11 ballot processing until a time that the early election board sets for
12 determination of the challenge, subject to the procedure in subsection E
13 of this section, at which time the early election board shall hear the
14 grounds for the challenge and shall decide what disposition shall be made
15 of the early ballot by majority vote. If the early ballot is not allowed,
16 it shall be handled pursuant to subsection G of this section.

17 E. Within twenty-four hours ~~of receipt of~~ AFTER RECEIVING a
18 challenge, the early election board or other officer in charge of early
19 ballot processing shall mail, by first class mail, a notice of the
20 challenge including a copy of the written challenge, and also including
21 the time and place at which the voter may appear to defend the challenge,
22 to the voter at the mailing address shown on the request for an early
23 ballot or, if none was provided, to the mailing address shown on the
24 registration rolls. Notice shall also be mailed to the challenger at the
25 address listed on the written challenge and provided to the county
26 chairman of each political party represented on the ballot. The board
27 shall meet to determine the challenge at the time specified by the notice
28 but, in any event, not earlier than ninety-six hours after the notice is
29 mailed, or forty-eight hours if the notifying party chooses to deliver the
30 notice by overnight or hand delivery, and not later than 5:00 p.m. on the
31 Monday following the election. The board shall provide the voter with an
32 informal opportunity to make, or to submit, brief statements regarding the
33 challenge. The board may decline to ~~permit~~ ALLOW comments, either in
34 person or in writing, by anyone other than the voter, the challenger and
35 the party representatives. The burden of proof is on the challenger to
36 show why the voter should not be ~~permitted~~ ALLOWED to vote. The fact that
37 the voter fails to appear shall not be deemed to be an admission of the
38 validity of the challenge. The early election board or other officer in
39 charge of early ballot processing is not required to provide the notices
40 described in this subsection if the written challenge fails to set forth
41 at least one of the grounds listed in section 16-591 as a basis for the
42 challenge. In that event, the challenge will be summarily rejected at the
43 meeting of the board. Except for election contests pursuant to section
44 16-672, the board's decision is final and may not be appealed.

1 F. If the vote is allowed, the board shall open the envelope
2 containing the ballot in such a manner that the affidavit thereon is not
3 destroyed, take out the ballot without unfolding it or ~~permitting~~ ALLOWING
4 it to be opened or examined and show by the records of the election that
5 the elector has voted.

6 G. If the vote is not allowed, the affidavit envelope containing
7 the early ballot shall not be opened and the board shall mark across the
8 face of such envelope the grounds for rejection. The affidavit envelope
9 and its contents shall then be deposited with the opened affidavit
10 envelopes and shall be preserved with official returns. If the voter does
11 not enter an appearance, the board shall send the voter a notice stating
12 whether the early ballot was disallowed and, if disallowed, providing the
13 grounds for the determination. The notice shall be mailed by first class
14 mail to the voter's mailing address as shown on the registration rolls
15 within three days after the board's determination.

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

22 Sec. 4. Section 16-579, Arizona Revised Statutes, is amended to
23 read:

24 16-579. Procedure for obtaining ballot by elector

25 A. Every qualified elector, before receiving a ballot, shall
26 announce the elector's name and place of residence in a clear, audible
27 tone of voice to the election official in charge of the signature roster
28 or present the elector's name and residence in writing. The election
29 official in charge of the signature roster shall comply with the following
30 and the qualified elector shall be allowed within the voting area:

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

32 (a) A valid form of identification that bears the photograph, name
33 and address of the elector that reasonably appear to be the same as the
34 name and address in the precinct register, including an Arizona driver
35 license, an Arizona nonoperating identification license, a tribal
36 enrollment card or other form of tribal identification or a United States
37 federal, state or local government issued identification. Identification
38 is deemed valid unless it can be determined on its face that it has
39 expired.

40 (b) Two different items that contain the name and address of the
41 elector that reasonably appear to be the same as the name and address in
42 the precinct register, including a utility bill, a bank or credit union
43 statement that is dated within ninety days of the date of the election, a
44 valid Arizona vehicle registration, an Arizona vehicle insurance card, an
45 Indian census card, tribal enrollment card or other form of tribal

1 identification, a property tax statement, a recorder's certificate, a
2 voter registration card, a valid United States federal, state or local
3 government issued identification or any mailing that is labeled as
4 "official election material". Identification is deemed valid unless it
5 can be determined on its face that it has expired.

6 (c) A valid form of identification that bears the photograph, name
7 and address of the elector except that if the address on the
8 identification does not reasonably appear to be the same as the address in
9 the precinct register or the identification is a valid United States
10 military identification card or a valid United States passport and does
11 not bear an address, the identification must be accompanied by one of the
12 items listed in subdivision (b) of this paragraph.

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

18 3. If the voter surrenders the early ballot to the precinct
19 inspector and the voter is not otherwise required to be issued a
20 provisional ballot, the voter shall be issued a standard ballot after
21 presenting identification pursuant to this subsection. The precinct
22 inspector shall retain the surrendered early ballot, unopened in its
23 affidavit envelope.

24 4. DURING THE PERIOD OF EARLY VOTING OR ON ELECTION DAY, IF A VOTER
25 IS ISSUED AN EARLY BALLOT AT ANY VOTING LOCATION OR PRESENTS AT ANY VOTING
26 LOCATION THE VOTER'S MAILED EARLY BALLOT AND THE VOTER PRESENTS AND
27 CONFIRMS IDENTIFICATION THAT COMPLIES WITH PARAGRAPH 1 OF THIS SUBSECTION,
28 THE VOTER'S EARLY BALLOT IS DEEMED READY FOR TABULATING, AND ADDITIONAL
29 SIGNATURE VERIFICATION OF THE COMPLETED AFFIDAVIT ENVELOPE AS PRESCRIBED
30 BY SECTION 16-550 IS NOT REQUIRED.

31 5. AFTER THE PERIOD OF EARLY VOTING, A VOTER WHO DELIVERS THE
32 VOTER'S OWN VOTED EARLY BALLOT TO THE COUNTY RECORDER OR OTHER OFFICER IN
33 CHARGE OF ELECTIONS OR TO A POLLING LOCATION SHALL PRESENT AND CONFIRM
34 IDENTIFICATION THAT COMPLIES WITH PARAGRAPH 1 OF THIS SUBSECTION BEFORE
35 DEPOSITING THE VOTED EARLY BALLOT IN A SECURE BALLOT BOX THAT IS SEPARATE
36 FROM BALLOT TABULATORS. ONLY THE VOTER MAY DELIVER THE VOTER'S OWN VOTED
37 EARLY BALLOT.

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

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

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

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

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

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

32 F. A person offering to vote at a special district election for
33 which no special district register has been supplied shall sign an
34 affidavit stating the person's address and that the person resides within
35 the district boundaries or proposed district boundaries and swearing that
36 the person is a qualified elector and has not already voted at the
37 election being held.

38 Sec. 5. Section 16-1005, Arizona Revised Statutes, is amended to
39 read:

40 16-1005. Ballot abuse; violation; classification

41 A. ~~Any~~ A person who knowingly marks a voted or unvoted ballot or
42 ballot envelope with the intent to fix an election for that person's own
43 benefit or for that of another person is guilty of a class 5 felony.

1 B. It is unlawful to offer or provide any consideration to acquire
2 a voted or unvoted early ballot. A person who violates this subsection is
3 guilty of a class 5 felony.

4 C. It is unlawful to receive or agree to receive any consideration
5 in exchange for a voted or unvoted ballot. A person who violates this
6 subsection is guilty of a class 5 felony.

7 D. It is unlawful to possess a voted or unvoted ballot with the
8 intent to sell the voted or unvoted ballot of another person. A person
9 who violates this subsection is guilty of a class 5 felony.

10 E. A person or entity that knowingly solicits the collection of
11 voted or unvoted ballots by misrepresenting itself as an election official
12 or as an official ballot repository or is found to be serving as a ballot
13 drop off site, other than those established and staffed by election
14 officials, is guilty of a class 5 felony.

15 F. A person who knowingly collects voted or unvoted ballots and who
16 does not turn those ballots in to an election official, the United States
17 postal service or any other entity ~~permitted~~ ALLOWED by law to transmit
18 post is guilty of a class 5 felony.

19 G. A person who engages or participates in a pattern of ballot
20 fraud is guilty of a class 4 felony. For the purposes of this subsection,
21 "pattern of ballot fraud" means the person has offered or provided any
22 consideration to three or more persons to acquire the voted or unvoted
23 ballot of a person.

24 H. A person who knowingly collects voted or unvoted early ballots
25 from another person is guilty of a class 6 felony. An election official,
26 a United States postal service worker or any other person who is allowed
27 by law to transmit United States mail is deemed not to have collected an
28 early ballot if the official, worker or other person is engaged in
29 official duties.

30 I. Subsection H of this section does not apply to:
31 ~~±~~ an election held by a special taxing district THAT IS formed
32 pursuant to title 48 for the purpose of protecting or providing services
33 to agricultural lands or crops and that is authorized to conduct elections
34 pursuant to title 48.

35 ~~2. A family member, household member or caregiver of the voter.
36 For the purposes of this paragraph:~~

37 ~~(a) "Caregiver" means a person who provides medical or health care
38 assistance to the voter in a residence, nursing care institution, hospice
39 facility, assisted living center, assisted living facility, assisted
40 living home, residential care institution, adult day health care facility
41 or adult foster care home.~~

1 ~~(b) "Collects" means to gain possession or control of an early~~
2 ~~ballot.~~

3 ~~(c) "Family member" means a person who is related to the voter by~~
4 ~~blood, marriage, adoption or legal guardianship.~~

5 ~~(d) "Household member" means a person who resides at the same~~
6 ~~residence as the voter.~~