

REFERENCE TITLE: **early ballots; identification; tabulation**

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

## **SB 1595**

Introduced by  
Senators Mesnard: Bennett, Carroll, Hoffman, Kavanagh, Rogers

**AN ACT**

**AMENDING SECTIONS 16-548 AND 16-579.02, 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 16-548, Arizona Revised Statutes, is amended to  
3 read:

4 16-548. Preparation and transmission of ballot; definition

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 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~~ THEY SHALL BE:

11 1. Mailed to the county recorder or other officer in charge of  
12 elections of the political subdivision in which the ~~elector~~ VOTER is  
13 registered ~~or deposited by the voter or the voter's agent at any polling~~  
14 ~~place in the county~~. In order to be counted and valid, the ballot must be  
15 received by the county recorder or other officer in charge of elections ~~or~~  
16 ~~deposited at any polling place in the county~~ ~~no~~ NOT later than 7:00 p.m.  
17 on election day.

18 2. DELIVERED TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
19 ELECTIONS OF THE POLITICAL SUBDIVISION IN WHICH THE VOTER IS REGISTERED.  
20 IN ORDER TO BE COUNTED AND VALID, THE BALLOT MUST BE RECEIVED BY THE  
21 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS NOT LATER THAN  
22 7:00 P.M. ON THE FRIDAY PRECEDING ELECTION DAY.

23 3. DEPOSITED BY THE VOTER AT ANY POLLING PLACE IN THE COUNTY.  
24 BEGINNING AFTER 7:00 P.M. ON THE FRIDAY PRECEDING ELECTION DAY, THE EARLY  
25 VOTER MUST PRESENT IDENTIFICATION THAT COMPLIES WITH SECTION 16-579,  
26 SUBSECTION A, PARAGRAPH 1 AND SIGN THE SIGNATURE ROSTER OR ELECTRONIC  
27 POLLBOOK BEFORE DEPOSITING THE BALLOT AT THE POLLING PLACE.

28 4. TABULATED BY USE OF THE ON-SITE TABULATION PROCEDURE PRESCRIBED  
29 BY SECTION 16-579.02.

30 B. IF A VOTER'S AGENT DELIVERS A VOTER'S BALLOT TO ANY POLLING  
31 PLACE IN THE COUNTY, THE VOTER'S BALLOT WILL BE COUNTED AND VALID ONLY IF  
32 THE VOTER PRESENTS IDENTIFICATION THAT COMPLIES WITH SECTION 16-579,  
33 SUBSECTION A, PARAGRAPH 1 TO THE COUNTY RECORDER OR OTHER OFFICER IN  
34 CHARGE OF ELECTIONS NOT LATER THAN THE FIFTH BUSINESS DAY AFTER A PRIMARY,  
35 GENERAL OR SPECIAL ELECTION THAT INCLUDES A FEDERAL OFFICE OR THE THIRD  
36 BUSINESS DAY AFTER ANY OTHER ELECTION.

37 ~~B.~~ C. If the early voter is an overseas citizen, a qualified  
38 elector absent from the United States or in the United States service, a  
39 spouse or dependent residing with the early voter or a qualified elector  
40 of a special district mail ballot election as provided in article 8.1 of  
41 this chapter, the early voter may subscribe to the affidavit before and  
42 obtain the signature and military identification number or passport  
43 number, if available, of any person who is a United States citizen  
44 eighteen years of age or older.

1 D. FOR THE PURPOSES OF THIS SECTION, "VOTER'S AGENT" MEANS THE  
2 VOTER'S FAMILY MEMBER, HOUSEHOLD MEMBER OR CAREGIVER AS DEFINED IN SECTION  
3 16-1005.

4 Sec. 2. Section 16-579.02, Arizona Revised Statutes, is amended to  
5 read:

6 16-579.02. Election day early ballot on-site tabulation  
7 procedure; fund

8 A. A qualified elector who appears at a voting center or at the  
9 elector's designated polling place that allows for the on-site tabulation  
10 of early ballots with the elector's voted early ballot shall present  
11 identification as prescribed in section 16-579, subsection A, paragraph 1  
12 and proceed as follows:

13 1. If the elector does not present identification that complies  
14 with section 16-579, subsection A, paragraph 1, the elector shall ~~either~~  
15 ~~deposit the elector's voted early ballot in its affidavit envelope in an~~  
16 ~~official drop box or proceed to the area designated for election day~~  
17 ~~voting to~~ surrender the early ballot to the election board for retention  
18 and not for tabulating. The elector shall then be allowed to vote a  
19 provisional ballot as prescribed in section 16-584. An election official  
20 may not allow for the on-site tabulation of an early ballot if the elector  
21 does not present identification that complies with section 16-579,  
22 subsection A, paragraph 1.

23 2. If the elector presents sufficient identification to comply with  
24 section 16-579, subsection A, paragraph 1, the elector shall present the  
25 elector's early ballot affidavit to the election official in charge of the  
26 signature roster, and the election official shall confirm that the name  
27 and address on the completed affidavit reasonably appear to be the same as  
28 the name and address on the precinct register.

29 3. If the elector's affidavit is not complete, the election  
30 official in charge of the signature roster shall allow the elector to  
31 complete the affidavit. The election official may not allow for the  
32 on-site tabulation of an early ballot until the elector presents a  
33 completed early ballot affidavit.

34 B. If the elector's affidavit is complete, the elector's name shall  
35 be numbered consecutively by the clerk and in the order of application for  
36 early ballot tabulation.

37 C. For precincts in which a paper signature roster is used, each  
38 qualified elector shall sign the elector's name in the signature roster as  
39 prescribed in section 16-579, subsection D before proceeding to the  
40 tabulating equipment.

41 D. For precincts in which an electronic pollbook is used, each  
42 qualified elector shall sign the elector's name as prescribed in section  
43 16-579, subsection E before proceeding to the tabulating equipment.

44 E. After signing the signature roster or electronic pollbook, the  
45 elector shall proceed to the tabulating equipment and while under the

1 observation of an election official, remove the early ballot from the  
2 completed affidavit envelope, deposit the empty completed affidavit  
3 envelope in the secured ~~and labeled drop box~~ CONTAINER FOR THAT PURPOSE  
4 and insert the early ballot into a tabulating machine. An early ballot  
5 that has been separated from the elector's completed affidavit envelope  
6 may not be removed from the on-site early ballot tabulation area.

7 F. The ~~drop box~~ SECURED CONTAINER prescribed in subsection E of  
8 this section shall be clearly labeled to indicate that the completed  
9 affidavits are from ballots tabulated pursuant to this section and shall  
10 be secured in a manner substantially similar to ~~other~~ ballot boxes at that  
11 location.

12 G. Any qualified elector who lawfully brings to a polling place or  
13 voting center another elector's voted early ballot that is sealed in its  
14 affidavit envelope shall deposit the other elector's voted early ballot in  
15 the appropriate SECURED ballot ~~drop~~ box before entering the on-site early  
16 ballot tabulation area for purposes of tabulating the elector's own early  
17 ballot. The county recorder or other officer in charge of elections shall  
18 ensure that a voter is not in possession of another voter's ballot within  
19 the on-site early ballot tabulation area.