

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2325

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 16, chapter 4, article 8, Arizona Revised  
3 Statutes, is amended by adding section 16-549.01, to read:

4 16-549.01. Special election boards; detained voters;  
5 violation; classification; definition

6 A. NOTWITHSTANDING ANY OTHER LAW, A QUALIFIED ELECTOR WHO IS IN  
7 PRETRIAL DETENTION IN A JAIL SHALL BE ALLOWED TO MAKE A SIGNED WRITTEN  
8 REQUEST TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS TO  
9 HAVE A BALLOT PERSONALLY DELIVERED TO THE ELECTOR BY A SPECIAL ELECTION  
10 BOARD AT THE ELECTOR'S PLACE OF PRETRIAL DETENTION WITHIN THE COUNTY OR  
11 OTHER POLITICAL SUBDIVISION. THE SIGNED WRITTEN REQUEST MUST INCLUDE THE  
12 ELECTOR'S FULL NAME, SIGNATURE AND PLACE OF DETENTION AND SHALL BE MADE NOT  
13 LATER THAN ONE HUNDRED EIGHTY CALENDAR DAYS BEFORE THE ELECTION IN WHICH  
14 THE ELECTOR WISHES TO VOTE OR IT IS INVALID. A JAIL OFFICIAL SHALL DELIVER  
15 A COPY OF THE SIGNED WRITTEN REQUEST TO THE COUNTY RECORDER OR OTHER  
16 OFFICER IN CHARGE OF ELECTIONS WITHIN FIVE CALENDAR DAYS AFTER RECEIVING  
17 THE REQUEST. THE METHOD OF VOTING SHALL BE AS FOLLOWS:

18 1. THE JAIL SHALL MAKE PROVISIONS FOR A SECURED, RESTRICTED AND  
19 PRIVATE AREA TO BE SET ASIDE FOR THE EXPRESS PURPOSE OF ALLOWING DETAINED  
20 ELECTORS TO VOTE. CAMERAS SHALL NOT BE ALLOWED IN THE AREA, WITHOUT REGARD  
21 TO WHETHER THEY ARE RECORDING, EXCEPT THAT THE ELECTIONS OFFICIAL AND  
22 POLITICAL PARTY DESIGNEES SHALL BE ALLOWED TO BRING WITH THEM THEIR  
23 CELLULAR PHONES.

1           2. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL  
2 PROVIDE AND SEND A FULL-TIME DEPARTMENTAL EMPLOYEE TO JAILS TO FACILITATE  
3 VOTING IN STRICT COMPLIANCE WITH THIS SECTION.

4           3. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL  
5 NOTIFY THE COUNTY CHAIRPERSONS OF THE THREE LARGEST COUNTY POLITICAL  
6 PARTIES IN THE STATE AND THE STATE CHAIRPERSONS OF THOSE PARTIES AT LEAST  
7 SIXTY CALENDAR DAYS BEFORE THE ELECTIONS OFFICIAL'S VISIT TO THE JAIL AS  
8 PRESCRIBED BY THIS SECTION TO ALLOW SUCH QUALIFIED ELECTORS TO VOTE AND  
9 SHALL PROVIDE THE POLITICAL PARTY CHAIRPERSONS WITH COPIES OF ALL SIGNED  
10 WRITTEN REQUESTS FROM QUALIFIED ELECTORS IN THEIR POSSESSION, THE DATE AND  
11 TIME THAT THE VISIT WILL OCCUR AND INSTRUCTIONS TO FACILITATE THE  
12 ATTENDANCE OF THE POLITICAL PARTY CHAIRPERSON'S DESIGNEES. THE COUNTY  
13 CHAIRPERSON OF EACH POLITICAL PARTY AND OF EACH SUCH STATE PARTY SHALL BE  
14 ALLOWED TO DESIGNATE ONE PERSON OF THEIR CHOOSING TO ACCOMPANY THE  
15 ELECTIONS OFFICIAL VISITING THE JAIL. THE COUNTY RECORDER OR OTHER OFFICER  
16 IN CHARGE OF ELECTIONS SHALL BE NOTIFIED OF THE NAMES OF THE DESIGNEES NOT  
17 LATER THAN TEN CALENDAR DAYS BEFORE THE TIME SET FOR THE DETAINED QUALIFIED  
18 ELECTOR TO VOTE. THE PARTY DESIGNEES SHALL BE ALLOWED THE SAME ACCESS TO  
19 THE QUALIFIED ELECTORS AS THE ELECTIONS OFFICIAL. THE COUNTY RECORDER OR  
20 OTHER OFFICER IN CHARGE OF ELECTIONS OR ANY OTHER OFFICIAL SHALL NOT REJECT  
21 THE DESIGNEE OF A POLITICAL PARTY FOR ANY REASON OTHER THAN A FELONY  
22 CONVICTION WITHIN THE PRECEDING TEN YEARS. A PERSON WHO IS IN PRETRIAL  
23 DETENTION AND WHO IS NOT A QUALIFIED ELECTOR SHALL NOT BE PERMITTED TO  
24 VOTE. A MAXIMUM OF THREE DATES FOR VOTING PER ELECTION CYCLE SHALL BE  
25 PROVIDED FOR DETAINEES IN A GIVEN FACILITY. ALL NOTIFICATIONS REQUIRED BY  
26 THIS PARAGRAPH AND PARAGRAPH 8 OF THIS SUBSECTION SHALL BE PROVIDED BY BOTH  
27 CERTIFIED AND ELECTRONIC MAIL.

28           4. BEFORE BEING GIVEN A BALLOT, THE PERSON VOTING MUST PRESENT TO  
29 THE ELECTIONS OFFICIAL AND THE POLITICAL PARTY DESIGNEES IDENTIFICATION  
30 THAT COMPLIES WITH SECTION 16-579, SUBSECTION A THAT IS SUFFICIENT TO VOTE  
31 A COMPLETE, NON-FEDERAL ONLY BALLOT. THE ELECTIONS OFFICIAL AND THE  
32 POLITICAL PARTY DESIGNEES SHALL VERIFY THAT THE PERSON IS A DULY QUALIFIED

1 ELECTOR BEFORE PROVIDING THE PERSON WITH A BALLOT AND SHALL BE ALLOWED TO  
2 BRING INTO THE JAIL SUCH PAPERS AND EQUIPMENT AS ARE NEEDED TO SATISFY  
3 THEMSELVES THAT THE PERSON VOTING IS A DULY QUALIFIED ELECTOR. FEDERAL  
4 ONLY BALLOTS SHALL NOT BE PROVIDED TO PERSONS VOTING FROM JAIL.

5 5. THE ELECTIONS OFFICIAL AND POLITICAL PARTY DESIGNEES SHALL BE  
6 ALLOWED SUFFICIENT ACCESS TO TRUTHFULLY EXECUTE THE FOLLOWING DECLARATION:

7 I CERTIFY THAT THE AFFIANT EXHIBITED THE ENCLOSED BALLOT  
8 TO ME UNMARKED. IN MY PRESENCE, THE AFFIANT PERSONALLY AND  
9 PRIVATELY MARKED SUCH BALLOT IN SUCH MANNER THAT NEITHER I, NOR  
10 ANY OTHER PERSON, WAS ABLE TO SEE THE AFFIANT VOTE (OR IT WAS  
11 MARKED BY AN ELECTIONS OFFICIAL ACCORDING TO THE AFFIANT'S  
12 INSTRUCTIONS) AND ENCLOSED OR SEALED IT IN THIS ENVELOPE. THE  
13 AFFIANT WAS NOT SOLICITED OR ADVISED BY ANY PERSON TO VOTE FOR  
14 OR AGAINST ANY CANDIDATE OR MEASURE.

15 \_\_\_\_\_  
16 (SIGNATURE AND TITLE OF ELECTIONS OFFICIAL/POLITICAL  
17 PARTY DESIGNEE AND POLITICAL PARTY OF THAT DESIGNEE.)  
18

19 A BALLOT THAT LACKS THE SIGNED AND WRITTEN CERTIFICATIONS  
20 OF THE ELECTIONS OFFICIAL AND ALL DESIGNEES IS PRESUMPTIVELY  
21 INVALID. THE EXECUTED CERTIFICATIONS SHALL THEREAFTER  
22 ACCOMPANY THE BALLOT ENVELOPE ALONG WITH THE NAMES OF THE  
23 POLITICAL PARTY DESIGNEES. THE POLITICAL PARTY DESIGNEES SHALL  
24 BE ALLOWED TO PHOTOGRAPH THEIR OWN CERTIFICATIONS ONCE THEY  
25 HAVE LEFT THE JAIL.

26 6. THE PERSON VOTING SHALL BE REQUIRED TO SIGN THE FOLLOWING BALLOT  
27 AFFIDAVIT:

28 I, \_\_\_\_\_, DO SOLEMNLY SWEAR THAT I AM A QUALIFIED  
29 ELECTOR OF THE \_\_\_\_\_ PRECINCT OF THE COUNTY OF  
30 \_\_\_\_\_, STATE OF ARIZONA. I FURTHER SWEAR  
31 THAT I PERSONALLY VOTED THE ENCLOSED BALLOT OR THAT IT WAS

1 MARKED ACCORDING TO MY INSTRUCTIONS BECAUSE I WAS UNABLE TO DO  
2 SO.

3 7. THE ELECTIONS OFFICIAL AND POLITICAL PARTY DESIGNEES SHALL NOT  
4 SPEAK TO THE DETAINED PERSON AFTER THE DETAINED PERSON HAS BEEN GIVEN A  
5 BALLOT UNTIL THE BALLOT IS SEALED IN THE ENVELOPE. DURING THIS TIME, JAIL  
6 OFFICIALS SHALL SPEAK TO THE DETAINED PERSON ONLY TO GIVE COMMANDS  
7 UNRELATED TO VOTING AND ONLY IF ABSOLUTELY NECESSARY.

8 8. THE ELECTIONS OFFICIAL SHALL TAKE THE ENVELOPES FOR ALL BALLOTS  
9 RECEIVED FROM DETAINED VOTERS DIRECTLY TO THE ELECTIONS OFFICE. THE  
10 POLITICAL PARTY DESIGNEES SHALL BE ALLOWED TO ACCOMPANY THE ELECTIONS  
11 OFFICIAL. IF A VOTER RESIDES OUTSIDE OF THE COUNTY, THE BALLOT SHALL BE  
12 HAND DELIVERED TO THE ELECTIONS OFFICE OF THE APPROPRIATE COUNTY BY A  
13 FULL-TIME EMPLOYEE OF THE RECORDER OR OTHER OFFICER IN CHARGE OF  
14 ELECTIONS. THE POLITICAL PARTY CHAIRPERSONS SHALL BE PROVIDED NOTICE AT  
15 LEAST TEN DAYS IN ADVANCE OF ANY BALLOTS BEING TRANSPORTED TO THE  
16 APPROPRIATE COUNTY ELECTIONS OFFICE AND SHALL BE ALLOWED TO DESIGNATE  
17 PERSONS OF THEIR CHOOSING TO ACCOMPANY THE BALLOTS ACCORDING TO PARAGRAPH 3  
18 OF THIS SUBSECTION. THE RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS  
19 SHALL BE ALLOWED TO MAKE ONLY ONE DELIVERY EACH ELECTION CYCLE TO ELECTION  
20 OFFICES OUTSIDE OF THE COUNTY.

21 9. THE ELECTIONS OFFICIAL SHALL MAKE AND MAINTAIN CHAIN OF CUSTODY  
22 DOCUMENTATION SUFFICIENT TO ACCOUNT FOR EVERY MOVEMENT OF EVERY BALLOT BY  
23 EVERY PERSON HANDLING THE BALLOT PRESCRIBED BY THIS SUBSECTION FROM THE  
24 TIME IT LEAVES THE OFFICE OF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE  
25 OF ELECTIONS UNTIL IT IS RECEIVED BY THE APPROPRIATE COUNTY RECORDER OR  
26 OTHER OFFICER IN CHARGE OF ELECTIONS.

27 B. JAIL OFFICIALS SHALL TAKE THE STEPS NECESSARY TO FACILITATE  
28 STRICT COMPLIANCE WITH THIS SECTION. JAIL OFFICIALS SHALL PROVIDE THE  
29 SECURITY REASONABLY NECESSARY TO FACILITATE SAFE COMPLIANCE WITH THIS  
30 SECTION TO THE EXTENT THAT DOING SO DOES NOT CONFLICT WITH STRICT  
31 COMPLIANCE WITH THIS SECTION.

1 C. STRICT COMPLIANCE WITH EVERY PORTION OF THIS SECTION IS REQUIRED  
2 AND BALLOTS CAST IN VIOLATION OF ANY PART OF THIS SECTION ARE INVALID.

3 D. A GOVERNMENT EMPLOYEE OR CONTRACTOR WHO VIOLATES THIS SECTION IS  
4 GUILTY OF A CLASS 3 FELONY. THIS SUBSECTION IS NOT INTENDED TO AFFECT ANY  
5 OTHER RELIEF THAT MAY EXIST FOR A VIOLATION OF THIS SECTION. ANY QUALIFIED  
6 ELECTOR IN THIS STATE MAY BRING A SPECIAL ACTION TO ENFORCE STRICT  
7 COMPLIANCE WITH THIS SECTION.

8 E. NO PORTION OF THIS SECTION IS SEVERABLE FROM ANY OTHER PORTION OF  
9 THIS SECTION. IF ANY PART OF THIS SECTION IS FOUND TO BE INVALID BY A  
10 COURT OF COMPETENT JURISDICTION, THE REMAINDER OF THIS SECTION SHALL BE  
11 NULL AND VOID AND PERSONS IN DETENTION SHALL NOT BE PERMITTED TO VOTE.

12 F. FEDERAL DETENTION FACILITIES MAY ALLOW VOTING IN STRICT  
13 COMPLIANCE WITH THIS SECTION. IF THEY DECLINE TO DO SO, INDIVIDUALS  
14 DETAINED AT FEDERAL FACILITIES SHALL NOT BE PERMITTED TO VOTE.

15 G. FOR THE PURPOSES OF THIS SECTION, "JAIL" MEANS ANY FACILITY OF A  
16 STATE, COUNTY OR MUNICIPALITY IN WHICH PERSONS WHO HAVE NOT BEEN CONVICTED  
17 OF A CRIME ARE DETAINED."

18 Amend title to conform

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