

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. Section 16-549, Arizona Revised Statutes, is amended to
3 read:

4 16-549. Special election boards; expenses; voting procedure
5 for ill electors or electors with disabilities;
6 violation; classification; definition

7 A. The county recorder or other officer in charge of elections, for
8 the purpose of making it possible for qualified electors who are ill or
9 have a disability to vote, may appoint such number of special election
10 boards as needed. In a partisan election, each such board shall consist of
11 two members, one from each of the two political parties that cast the
12 highest number of votes in the state in the last preceding general
13 election. The county chairman of each such party shall furnish, within
14 sixty days before the election day, the county recorder or other officer in
15 charge of elections with a list of names of qualified electors within the
16 chairman's political party, and such additional lists as may be required,
17 from which the county recorder or other officer in charge of elections
18 shall appoint members to such special election boards. The county recorder
19 or other officer in charge of elections may refuse for cause to appoint or
20 may for cause remove a member of this board. A person who is a candidate
21 for an office other than precinct committeeman is not eligible to serve on
22 the special election board for that election.

23 B. Members of special election boards appointed under this section
24 shall be reimbursed for travel expenses in the manner provided by law and

1 shall also receive such compensation as the board of supervisors or the
2 governing body prescribes, all of which shall be paid by the county or
3 other political subdivision.

4 C. In lieu of the mailed early ballot procedure, any qualified
5 elector who is confined as the result of a continuing illness or physical
6 disability and WHO is, therefore, not able to go to the polls on the day of
7 the next election and who does not wish to vote by the mailed early ballot
8 procedure, may make a verbal or a signed written request to the county
9 recorder or other officer in charge of elections to have a ballot
10 personally delivered to the elector by the special election board at the
11 elector's place of confinement within the county or other political
12 subdivision. The ballot shall be delivered to the elector in person by a
13 special election board as provided in this section. Such requests must be
14 made by 5:00 p.m. on the second Friday before the election.

15 D. Qualified electors who become ill or become a person with a
16 disability after the second Friday before the election may nevertheless
17 request personal ballot delivery pursuant to this section, and the county
18 recorder or other officer in charge of elections shall when possible honor
19 such requests up to and including the last day before the election.
20 Qualified electors who are admitted to a hospital after 5:00 p.m. on the
21 second Friday preceding the election and before 5:00 p.m. on election day
22 may request the county recorder or other officer in charge of elections to
23 provide a special election board with a ballot at the elector's place of
24 confinement. If the county recorder or other officer in charge of
25 elections is able to accommodate the request, the voted ballot of the
26 elector shall be sealed in an envelope and shall be processed as a
27 provisional ballot pursuant to section 16-584. Before receiving a ballot
28 pursuant to this subsection, a qualified elector shall provide
29 identification as prescribed in section 16-579 and shall sign a statement
30 under penalty of perjury that states that the person is experiencing or
31 experienced an emergency after 5:00 p.m. on the second Friday preceding the
32 election and before 5:00 p.m. on the Monday immediately preceding the

1 election that would prevent the person from voting at the polls. Signed
2 statements received pursuant to this subsection are not subject to
3 inspection pursuant to title 39, chapter 1, article 2.

4 ~~E. The manner and procedure of voting shall be as provided in~~
5 ~~section 16-548, except that the marked ballot in the sealed envelope shall~~
6 ~~be handed by the elector to the special election board and shall be~~
7 ~~delivered by the board to the county recorder or other officer in charge of~~
8 ~~elections.~~

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

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

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

30 3. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL
31 NOTIFY THE COUNTY CHAIRPERSONS OF THE THREE LARGEST COUNTY POLITICAL
32 PARTIES IN THE STATE AND THE STATE CHAIRPERSONS OF THOSE PARTIES AT LEAST

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

22 4. BEFORE BEING GIVEN A BALLOT, THE PERSON VOTING MUST PRESENT TO
23 THE ELECTIONS OFFICIAL AND THE POLITICAL PARTY DESIGNEES IDENTIFICATION
24 THAT COMPLIES WITH SECTION 16-579, SUBSECTION A THAT IS SUFFICIENT TO VOTE
25 A COMPLETE, NON-FEDERAL ONLY BALLOT. THE ELECTIONS OFFICIAL AND THE
26 POLITICAL PARTY DESIGNEES SHALL VERIFY THAT THE PERSON IS A DULY QUALIFIED
27 ELECTOR BEFORE PROVIDING THE PERSON WITH A BALLOT AND SHALL BE ALLOWED TO
28 BRING INTO THE JAIL SUCH PAPERS AND EQUIPMENT AS ARE NEEDED TO SATISFY
29 THEMSELVES THAT THE PERSON VOTING IS A DULY QUALIFIED ELECTOR. FEDERAL
30 ONLY BALLOTS SHALL NOT BE PROVIDED TO PERSONS VOTING FROM JAIL.

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

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

11 _____
12 (SIGNATURE AND TITLE OF ELECTIONS OFFICIAL/POLITICAL
13 PARTY DESIGNEE AND POLITICAL PARTY OF THAT DESIGNEE.)

14
15 A BALLOT THAT LACKS THE SIGNED AND WRITTEN CERTIFICATIONS
16 OF THE ELECTIONS OFFICIAL AND ALL DESIGNEES IS PRESUMPTIVELY
17 INVALID. THE EXECUTED CERTIFICATIONS SHALL THEREAFTER
18 ACCOMPANY THE BALLOT ENVELOPE ALONG WITH THE NAMES OF THE
19 POLITICAL PARTY DESIGNEES. THE POLITICAL PARTY DESIGNEES SHALL
20 BE ALLOWED TO PHOTOGRAPH THEIR OWN CERTIFICATIONS ONCE THEY
21 HAVE LEFT THE JAIL.

22 6. THE PERSON VOTING SHALL BE REQUIRED TO SIGN THE FOLLOWING BALLOT
23 AFFIDAVIT:

24 I, _____, DO SOLEMNLY SWEAR THAT I AM A QUALIFIED
25 ELECTOR OF THE _____ PRECINCT OF THE COUNTY OF
26 _____, STATE OF ARIZONA. I FURTHER SWEAR
27 THAT I PERSONALLY VOTED THE ENCLOSED BALLOT OR THAT IT WAS
28 MARKED ACCORDING TO MY INSTRUCTIONS BECAUSE I WAS UNABLE TO DO
29 SO.

30 7. THE ELECTIONS OFFICIAL AND POLITICAL PARTY DESIGNEES SHALL NOT
31 SPEAK TO THE DETAINED PERSON AFTER THE DETAINED PERSON HAS BEEN GIVEN A
32 BALLOT UNTIL THE BALLOT IS SEALED IN THE ENVELOPE. DURING THIS TIME, JAIL

1 OFFICIALS SHALL SPEAK TO THE DETAINED PERSON ONLY TO GIVE COMMANDS
2 UNRELATED TO VOTING AND ONLY IF ABSOLUTELY NECESSARY.

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

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

22 F. JAIL OFFICIALS SHALL TAKE THE STEPS NECESSARY TO FACILITATE
23 STRICT COMPLIANCE WITH THIS SECTION. JAIL OFFICIALS SHALL PROVIDE THE
24 SECURITY REASONABLY NECESSARY TO FACILITATE SAFE COMPLIANCE WITH THIS
25 SECTION TO THE EXTENT THAT DOING SO DOES NOT CONFLICT WITH STRICT
26 COMPLIANCE WITH THIS SECTION.

27 G. STRICT COMPLIANCE WITH EVERY PORTION OF THIS SECTION IS REQUIRED
28 AND BALLOTS CAST IN VIOLATION OF ANY PART OF THIS SECTION ARE INVALID.

29 H. A GOVERNMENT EMPLOYEE OR CONTRACTOR WHO VIOLATES THIS SECTION IS
30 GUILTY OF A CLASS 3 FELONY. THIS SUBSECTION IS NOT INTENDED TO AFFECT ANY
31 OTHER RELIEF THAT MAY EXIST FOR A VIOLATION OF THIS SECTION. ANY QUALIFIED

1 ELECTOR IN THIS STATE MAY BRING A SPECIAL ACTION TO ENFORCE STRICT
2 COMPLIANCE WITH THIS SECTION.

3 I. NO PORTION OF THIS SECTION IS SEVERABLE FROM ANY OTHER PORTION OF
4 THIS SECTION. IF ANY PART OF THIS SECTION IS FOUND TO BE INVALID BY A
5 COURT OF COMPETENT JURISDICTION, THE REMAINDER OF THIS SECTION SHALL BE
6 NULL AND VOID AND PERSONS IN DETENTION SHALL NOT BE PERMITTED TO VOTE.

7 J. FEDERAL DETENTION FACILITIES MAY ALLOW VOTING IN STRICT
8 COMPLIANCE WITH THIS SECTION. IF THEY DECLINE TO DO SO, INDIVIDUALS
9 DETAINED AT FEDERAL FACILITIES SHALL NOT BE PERMITTED TO VOTE.

10 K. FOR THE PURPOSES OF THIS SECTION, "JAIL" MEANS ANY FACILITY OF A
11 STATE, COUNTY OR MUNICIPALITY IN WHICH PERSONS WHO HAVE NOT BEEN CONVICTED
12 OF A CRIME ARE DETAINED."

13 Amend title to conform

ALEXANDER KOLODIN

2325K0LODIN2.docx
02/13/2023
04:22 PM
C: MR