

REFERENCE TITLE: early ballots; notarized signature; delivery

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1330

Introduced by
Senator Antenori

AN ACT

AMENDING SECTIONS 16-547 AND 16-548, ARIZONA REVISED STATUTES; RELATING TO
EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot affidavit; form

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

State of Arizona

County of _____

I, _____, do solemnly swear that I am the identical person whose name is signed to this affidavit and that this name and signature are my true name and signature, or if I did not personally sign, it was because of physical disability and that I requested _____ (name of person signing affidavit) to sign for me, that I have not voted and will not vote in this election in any other state during the calendar year of this affidavit and that I personally voted the enclosed ballot or that it was marked according to my instructions because I was unable to do so. I understand that knowingly voting more than once in any election is a class 5 felony. I declare that I am more than eighteen years of age, that I am a qualified elector of the state of Arizona and the county of _____ and that I reside at _____. If a challenge is filed against my early ballot, I understand that a copy of the challenge will be sent to me by first class mail and that I may have as little as forty-eight hours' notice of an opportunity to appear. For purposes of notifying me of a ballot challenge between the time I return my ballot and seven days after election day, please use the following address: _____. (If no address is provided, notice will be mailed to the mailing address listed on the registration rolls.)

Elector

B. THE AFFIDAVIT ON THE ENVELOPE SHALL REQUIRE THAT THE VOTER'S SIGNATURE BE NOTARIZED, OR THAT THE SIGNATURE OF THE PERSON SIGNING THE AFFIDAVIT ON BEHALF OF AND AT THE DIRECTION OF THE VOTER BE NOTARIZED, OR, IN THE ALTERNATIVE, THE AFFIDAVIT SHALL REQUIRE THE USE OF AN INKLESS FINGERPRINT RECORDING SYSTEM ON THE ENVELOPE, AND THE VOTER SHALL COMPLY WITH THE NOTARIZED SIGNATURE REQUIREMENT OR THE INKLESS FINGERPRINT RECORDING SYSTEM.

~~B.~~ **C.** The face of each envelope in which a ballot is sent to a federal postcard applicant or in which a ballot is returned by such applicant to the recorder or other officer in charge of elections shall be in the form prescribed in accordance with the uniformed and overseas citizens absentee

1 voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff).
 2 Otherwise, the envelopes shall be the same as those used to send ballots to,
 3 or receive ballots from, other early voters.

4 ~~C.~~ D. The county recorder or other officer in charge of elections
 5 shall supply printed instructions to early voters that direct them to sign
 6 the affidavit, mark the ballot and return both in the enclosed self-addressed
 7 envelope. The instructions shall include the following statement:

8 In order to be valid and counted, the ballot and affidavit must
 9 be delivered to the office of the county recorder or other
 10 officer in charge of elections or may be deposited at any
 11 polling place in the county no later than 7:00 p.m. on election
 12 day.

13 Sec. 2. Section 16-548, Arizona Revised Statutes, is amended to read:

14 16-548. Preparation and transmission of ballot

15 A. The early voter shall make and sign the affidavit and shall then
 16 mark his ballot in such a manner that his vote cannot be seen. The early
 17 voter shall fold the ballot, if a paper ballot, so as to conceal the vote and
 18 deposit the voted ballot in the envelope provided for that purpose, which
 19 shall be securely sealed and, together with the affidavit, delivered or
 20 mailed to the county recorder or other officer in charge of elections of the
 21 political subdivision in which the elector is registered or deposited by the
 22 voter or ~~the voter's agent~~ A MEMBER OF THE VOTER'S HOUSEHOLD at any polling
 23 place in the county, AND IF A MEMBER OF THE VOTER'S HOUSEHOLD DEPOSITS THE
 24 VOTED EARLY BALLOT, THE MEMBER OF THE VOTER'S HOUSEHOLD SHALL COMPLETE A
 25 BALLOT DELIVERY FORM THAT INCLUDES THE PERSON'S PRINTED NAME, ADDRESS AND
 26 SIGNATURE. In order to be counted and valid, the ballot must be received by
 27 the county recorder or other officer in charge of elections or deposited at
 28 any polling place in the county no later than 7:00 p.m. on election day WITH
 29 A PROPER ACCOUNTING OF THE METHOD OF DELIVERY.

30 B. If the early voter is an overseas citizen, a qualified elector
 31 absent from the United States or in the United States service, a spouse or
 32 dependent residing with the early voter or a qualified elector of a special
 33 district mail ballot election as provided in article 8.1 of this chapter, the
 34 early voter may subscribe to the affidavit before and obtain the signature
 35 and military identification number or passport number, if available, of any
 36 person who is a United States citizen eighteen years of age or older.