

REFERENCE TITLE: provisional ballots; residence; partial tabulation

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SB 1076

Introduced by
Senators Quezada, Farley, Hobbs; Representatives Andrade, Clark, Espinoza,
Velasquez; Senator Contreras

AN ACT

AMENDING SECTIONS 16-135 AND 16-584, 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 16-135, Arizona Revised Statutes, is amended to
3 read:

4 16-135. Change of residence from one address to another

5 A. An elector who is correcting the residence address shown on the
6 elector's voter registration record shall reregister with the new residence
7 address or correct the voter registration record as prescribed by this
8 section.

9 B. An elector who moves from the address at which ~~he~~ THE ELECTOR is
10 registered to another address within the same county and who fails to notify
11 the county recorder of the change of address before the date of an election
12 shall be permitted to correct the voter registration records at the
13 appropriate polling place for the voter's new address. The voter shall
14 present a form of identification that includes the voter's given name and
15 surname and the voter's complete residence address that is located within the
16 precinct for the voter's new residence address. The voter shall affirm in
17 writing the new residence address. ~~and~~ IF THE ELECTION BOARD VERIFIES THAT
18 THE ELECTOR'S RESIDENCE ADDRESS IS WITHIN THE PRECINCT, THE ELECTOR shall be
19 permitted to vote a provisional ballot. IF THE ELECTION BOARD VERIFIES THAT
20 THE ELECTOR'S RESIDENCE ADDRESS IS NOT WITHIN THE PRECINCT, THE ELECTOR SHALL
21 BE DIRECTED TO THE CORRECT PRECINCT. IF THE ELECTOR REFUSES TO GO TO THE
22 ELECTOR'S CORRECT PRECINCT, THE ELECTION BOARD SHALL PROVIDE A PROVISIONAL
23 BALLOT TO THAT ELECTOR WITH A WARNING THAT A PORTION OF THE ELECTOR'S BALLOT
24 WILL NOT BE COUNTED IF THE ELECTOR VOTES IN THE WRONG PRECINCT FOR THAT
25 RESIDENCE ADDRESS. THE SECRETARY OF STATE SHALL DESIGN A PROVISIONAL BALLOT
26 ENVELOPE TEMPLATE FOR USE WITH ANY ELECTOR WHO REFUSE TO GO TO THE ELECTOR'S
27 CORRECT PRECINCT THAT INCLUDES A SECTION ON WHICH TO RECORD THE PRECINCT THAT
28 THE ELECTOR WAS DIRECTED TO BY THE ELECTION BOARD AND SIGNATURE LINES FOR
29 BOTH THE ELECTOR AND THE ELECTION BOARD OFFICIAL TO AFFIRM THAT THE RECORDED
30 PRECINCT WAS COMMUNICATED AND THAT THE WARNING WAS COMMUNICATED.

31 C. When an elector completes voting a provisional ballot, the election
32 official shall place the ballot in an envelope for provisional ballots and
33 shall deposit the envelope in the ballot box designated for provisional
34 ballots.

35 D. Within ten calendar days after a general election that includes an
36 election for a federal office and within five business days after any other
37 election, a provisional ballot shall be compared to the signature roster for
38 the precinct in which the voter was listed and if the voter's signature does
39 not appear on the signature roster for that election and if there is no
40 record of that voter having voted early for that election, the provisional
41 ballot shall be counted. If the signature roster or early ballot information
42 indicates that the person did vote in that election, the provisional ballot
43 for that person shall remain unopened and shall not be counted.

1 E. An elector may also correct the residence address on the elector's
2 voter registration record by requesting the address change on a written
3 request for an early ballot that is submitted pursuant to section 16-542 and
4 that contains all of the following:

- 5 1. A request to change the voter registration record.
- 6 2. The elector's new residence address.
- 7 3. An affirmation that the information is true and correct.
- 8 4. The elector's signature.

9 Sec. 2. Section 16-584, Arizona Revised Statutes, is amended to read:

10 16-584. Qualified elector not on precinct register; recorder's
11 certificate; verified ballot; procedure

12 A. A qualified elector whose name is not on the precinct register and
13 who presents a certificate from the county recorder showing that the elector
14 is entitled by law to vote in the precinct shall be entered on the signature
15 roster on the blank following the last printed name and shall be given the
16 next consecutive register number, and the qualified elector shall sign in the
17 space provided.

18 B. A qualified elector whose name is not on the precinct register,
19 ~~upon~~ ON presentation of identification verifying the identity of the elector
20 that includes the voter's given name and surname and the complete residence
21 address that is verified by the election board to be in the precinct or on
22 signing an affirmation that states that the elector is a registered voter in
23 that jurisdiction and is eligible to vote in that jurisdiction, shall be
24 allowed to vote a provisional ballot.

25 C. If a voter IS REGISTERED TO VOTE ON OR BEFORE THE TWENTY-NINTH DAY
26 BEFORE THE ELECTION, has moved to a new address within the county and has not
27 notified the county recorder of the change of address before the date of an
28 election, the voter shall be permitted to correct the voting records ~~for~~
29 ~~purposes of voting in future elections~~ ON ELECTION DAY at the appropriate
30 polling place for the voter's new address. THE VOTER SHALL COMPLETE EITHER A
31 SWORN AFFIRMATION AS TO THE CHANGE OF ADDRESS OR A VOTER REGISTRATION FORM
32 AND SHALL PRESENT TO THE ELECTION BOARD ONE OF THE FORMS OF IDENTIFICATION
33 PRESCRIBED IN SECTION 16-579, SUBSECTION A THAT INCLUDES THE VOTER'S GIVEN
34 NAME AND SURNAME AND COMPLETE RESIDENCE ADDRESS. THE ELECTION BOARD SHALL
35 VERIFY THAT THE RESIDENCE ADDRESS THAT IS LISTED ON THE IDENTIFICATION IS
36 WITHIN THE PRECINCT IN WHICH THE VOTER IS ATTEMPTING TO VOTE. IF VERIFIED,
37 the voter shall be permitted to vote a provisional ballot. ~~The voter shall~~
38 ~~present a form of identification that includes the voter's given name and~~
39 ~~surname and the voter's complete residence address. The residence address~~
40 ~~must be within the precinct in which the voter is attempting to vote, and the~~
41 ~~voter shall affirm in writing that the voter is registered in that~~
42 ~~jurisdiction and is eligible to vote in that jurisdiction.~~ IF THE ELECTION
43 BOARD DETERMINES THAT THE VOTER'S RESIDENCE ADDRESS IS NOT WITHIN THE
44 PRECINCT, THE VOTER SHALL BE DIRECTED TO THE CORRECT PRECINCT FOR THE
45 RESIDENCE ADDRESS. IF THE VOTER REFUSES TO GO TO THE VOTER'S CORRECT

1 PRECINCT, THE ELECTION BOARD SHALL PROVIDE A PROVISIONAL BALLOT TO THAT VOTER
2 WITH A WARNING THAT A PORTION OF THE VOTER'S BALLOT WILL NOT BE COUNTED IF
3 THE VOTER VOTES IN THE WRONG PRECINCT FOR THAT RESIDENCE ADDRESS. THE
4 SECRETARY OF STATE SHALL DESIGN A PROVISIONAL BALLOT ENVELOPE TEMPLATE FOR
5 USE WITH ANY VOTER WHO REFUSE TO GO TO THE VOTER'S CORRECT PRECINCT THAT
6 INCLUDES A SECTION ON WHICH TO RECORD THE PRECINCT THAT THE VOTER WAS
7 DIRECTED TO BY THE ELECTION BOARD AND SIGNATURE LINES FOR BOTH THE VOTER AND
8 THE ELECTION BOARD OFFICIAL TO AFFIRM THAT THE RECORDED PRECINCT WAS
9 COMMUNICATED AND THAT THE WARNING WAS COMMUNICATED.

10 D. On completion of the ballot, the election official shall remove the
11 ballot stub, shall place the ballot in a provisional ballot envelope and
12 shall deposit the envelope in the ballot box. Within ten calendar days after
13 a general election that includes an election for a federal office and within
14 five business days after any other election or no later than the time at
15 which challenged early voting ballots are resolved, the signature shall be
16 compared to the precinct signature roster of the former precinct where the
17 voter was registered. If the voter's name is not signed on the roster and if
18 there is no indication that the voter voted an early ballot, the provisional
19 ballot envelope shall be opened and the ballot shall be counted. If there is
20 information showing the person did vote, the provisional ballot shall remain
21 unopened and shall not be counted. When provisional ballots are confirmed
22 for counting, the county recorder shall use the information supplied on the
23 provisional ballot envelope to correct the address record of the voter.

24 E. When a voter is allowed to vote a provisional ballot, the elector's
25 name shall be entered on a separate signature roster page at the end of the
26 signature roster. Voters' names shall be numbered consecutively beginning
27 with the number V-1. The elector shall sign in the space provided. The
28 ballot stub shall be removed and the ballot shall be placed in a separate
29 envelope, the outside of which shall contain the precinct name or number, a
30 sworn or attested statement of the elector that the elector resides ~~in the~~
31 ~~precinct~~ AT THE RESIDENCE ADDRESS PROVIDED, is eligible to vote in the
32 election and has not previously voted in the election, THE PRECINCT TO WHICH
33 THE ELECTION BOARD DIRECTED THE VOTER, the ~~signature~~ SIGNATURES of the
34 elector AND THE ELECTION BOARD OFFICIAL and the voter registration number of
35 the elector, if available. The ballot shall be verified for proper
36 registration of the elector by the county recorder before being counted. The
37 verification shall be made by the county recorder within ten calendar days
38 after a general election that includes an election for a federal office and
39 within five business days following any other election, and the voter receipt
40 card, notification or identification card, if any, from the county recorder
41 used therefor, if valid, shall be returned to the elector within a reasonable
42 time thereafter. Verified ballots shall be counted by depositing the ballot
43 in the ballot box and showing on the records of the election that the elector
44 has voted. If registration is not verified the ballot shall remain unopened
45 and shall be retained in the same manner as voted ballots.

1 F. IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
2 DETERMINES AFTER RECEIPT OF THE PROVISIONAL BALLOT THAT THE VOTER RESIDES IN
3 THE PRECINCT IN WHICH THE PROVISIONAL BALLOT WAS CAST, EVERY VOTE ON THE
4 PROVISIONAL BALLOT SHALL BE COUNTED AS OTHERWISE PROVIDED BY LAW. IF THE
5 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS DETERMINES THAT THE
6 VOTER CAST THE PROVISIONAL BALLOT IN THE CORRECT COUNTY FOR THE VOTER'S
7 RESIDENCE ADDRESS BUT DID NOT CAST IT IN THE CORRECT PRECINCT, THE
8 PROVISIONAL BALLOT SHALL BE OPENED AND THE COUNTY RECORDER OR OTHER OFFICER
9 IN CHARGE OF ELECTIONS SHALL COUNT THE VOTES THAT THE VOTER WOULD HAVE BEEN
10 ELIGIBLE TO CAST IF THE VOTER HAD VOTED IN THE PRECINCT IN WHICH THE VOTER
11 RESIDES. ANY VOTES ON THAT PROVISIONAL BALLOT THAT THE VOTER WOULD NOT HAVE
12 BEEN ELIGIBLE TO CAST IF THE VOTER HAD VOTED IN THE PRECINCT IN WHICH THE
13 VOTER RESIDES SHALL BE REJECTED. IF THE COUNTY RECORDER OR OTHER OFFICER IN
14 CHARGE OF ELECTIONS DETERMINES THAT THE VOTER CAST THE PROVISIONAL BALLOT
15 OUTSIDE THE VOTER'S COUNTY OF RESIDENCE, THE PROVISIONAL BALLOT SHALL NOT BE
16 OPENED AND SHALL NOT BE COUNTED.

17 G. ALL PROVISIONAL BALLOT ENVELOPES SHALL BEAR PRINTED WARNINGS THAT
18 CASTING A PROVISIONAL BALLOT OUTSIDE THE PRECINCT IN WHICH THE VOTER RESIDES
19 WILL RESULT IN THE REJECTION OF THOSE VOTES ON THE BALLOT THAT THE VOTER IS
20 NOT ELIGIBLE TO CAST AND THAT CASTING A PROVISIONAL BALLOT OUTSIDE OF THE
21 VOTER'S COUNTY OF RESIDENCE WILL RESULT IN THE FULL REJECTION OF THAT BALLOT.
22 BEFORE PROVIDING A PROVISIONAL BALLOT TO A VOTER, THE ELECTION BOARD OFFICIAL
23 SHALL PROVIDE THESE SAME WARNINGS VERBALLY AND SHALL MARK THE PROVISIONAL
24 BALLOT ENVELOPE TO CONFIRM THAT THE WARNINGS WERE GIVEN. IF THE ELECTION
25 BOARD OFFICIAL DETERMINES BEFORE ISSUING THE PROVISIONAL BALLOT THAT THE
26 VOTER RESIDES IN A PRECINCT OTHER THAN THE PRECINCT IN WHICH THE VOTER IS
27 ATTEMPTING TO VOTE, THE ELECTION BOARD OFFICIAL SHALL INFORM THE VOTER OF THE
28 VOTER'S CORRECT PRECINCT AND SHALL RECORD THAT PRECINCT ON THE PROVISIONAL
29 BALLOT ENVELOPE. THE ELECTION BOARD OFFICIAL SHALL NOT REFUSE A PROVISIONAL
30 BALLOT TO A VOTER WHO RESIDES IN ANOTHER PRECINCT OR COUNTY IF THE VOTER
31 REFUSES TO GO TO THE CORRECT LOCATION BUT SHALL PROVIDE THE VOTER WITH A
32 PROVISIONAL BALLOT AND A WARNING THAT A PORTION OF THE VOTER'S BALLOT WILL
33 NOT BE COUNTED IF THE VOTER VOTES IN THE WRONG PRECINCT FOR THAT RESIDENCE
34 ADDRESS. THE SECRETARY OF STATE SHALL DESIGN A PROVISIONAL BALLOT ENVELOPE
35 TEMPLATE FOR USE WITH ANY VOTER WHO REFUSE TO GO TO THE VOTER'S CORRECT
36 PRECINCT THAT INCLUDES A SECTION ON WHICH TO RECORD THE PRECINCT THAT THE
37 VOTER WAS DIRECTED TO BY THE ELECTION BOARD AND SIGNATURE LINES FOR BOTH THE
38 VOTER AND THE ELECTION BOARD OFFICIAL TO AFFIRM THAT THE RECORDED PRECINCT
39 WAS COMMUNICATED AND THAT THE WARNING WAS COMMUNICATED.

40 ~~F.~~ H. For any person who votes a provisional ballot, the county
41 recorder or other officer in charge of elections shall provide for a method
42 of notifying the provisional ballot voter at no cost to the voter whether the
43 voter's ballot was verified and counted and, if not counted, the reason for
44 not counting the ballot. The notification may be in the form of notice by
45 mail to the voter, establishment of a toll free telephone number, internet

1 access or other similar method to allow the voter to have access to this
2 information. The method of notification shall provide reasonable
3 restrictions that are designed to limit transmittal of the information only
4 to the voter.