

REFERENCE TITLE: early ballots; verification; cure

State of Arizona
Senate
Fifty-second Legislature
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SB 1081

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

AN ACT

AMENDING SECTIONS 16-552 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 16-552, Arizona Revised Statutes, is amended to
3 read:

4 16-552. Early ballots; processing; challenges

5 A. In a jurisdiction that uses punch card ballots, the early election
6 board, immediately ~~upon~~ ON receipt of the early ballots, ~~shall~~, as provided
7 by this section, SHALL cast separately for each precinct the early ballots
8 ~~which~~ THAT have been received. In a jurisdiction that uses optical scan
9 ballots, the officer in charge of elections may use the procedure prescribed
10 by this section or may request approval from the secretary of state for a
11 different method for processing early ballots. The request shall be made in
12 writing at least ninety days before the election for which the procedure is
13 intended to be used. After the election official has confirmed with the
14 secretary of state that all election equipment passes the logic and accuracy
15 test, the election official may begin to count early ballots. No early
16 ballot results may be released except as prescribed by section 16-551.

17 B. The early election board shall check the voter's affidavit on the
18 envelope containing the early ballot. If it is found to be sufficient, the
19 vote shall be allowed. If the affidavit is insufficient, ~~the vote shall not~~
20 ~~be allowed~~ THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL
21 PROVIDE FOR A METHOD OF NOTIFYING THE EARLY BALLOT VOTER AT NO COST TO THE
22 VOTER THAT THERE IS A DEFECT IN THE VOTER'S BALLOT MATERIALS THAT WILL RESULT
23 IN THE REJECTION OF THE VOTER'S BALLOT FROM BEING COUNTED AND THAT THE VOTER
24 MAY ATTEMPT TO CURE THE DEFECT IN THE VOTING MATERIALS WITHIN THE TEN DAYS
25 IMMEDIATELY FOLLOWING THE ELECTION. THE COUNTY RECORDER OR OTHER OFFICER IN
26 CHARGE OF ELECTIONS SHALL PERMIT THE VOTER TO CURE THOSE DEFECTS THAT RESULT
27 FROM INCOMPLETE OR INCORRECT INFORMATION, SHALL TABULATE THE BALLOT AS
28 OTHERWISE PROVIDED BY LAW AND SHALL FURTHER NOTIFY THE VOTER WHETHER THE
29 VOTER'S BALLOT WAS VERIFIED AND COUNTED AND, IF NOT COUNTED, THE REASON FOR
30 NOT COUNTING THE BALLOT. THE METHOD OF NOTIFICATION SHALL INCLUDE REASONABLE
31 RESTRICTIONS THAT ARE DESIGNED TO LIMIT TRANSMITTAL OF THE INFORMATION ONLY
32 TO THE VOTER.

33 C. The county chairman of each political party represented on the
34 ballot ~~may~~, by written appointment addressed to the early election board, MAY
35 designate party representatives and alternates to act as early ballot
36 challengers for the party. No party may have more than the number of such
37 representatives or alternates ~~which~~ THAT were mutually agreed ~~upon~~ ON by each
38 political party to be present at one time. If such agreement cannot be
39 reached, the number of representatives shall be limited to one for each
40 political party.

41 D. An early ballot may be challenged on any grounds set forth in
42 section 16-591. All challenges shall be made in writing with a brief
43 statement of the grounds ~~prior to~~ BEFORE the early ballot ~~being~~ IS placed in
44 the ballot box. A record of all challenges and resulting proceedings shall
45 be kept in substantially the same manner as provided in section 16-594. If

1 an early ballot is challenged, it shall be set aside and retained in the
2 possession of the early election board or other officer in charge of early
3 ballot processing until a time that the early election board sets for
4 determination of the challenge, subject to the procedure in subsection E of
5 this section, at which time the early election board shall hear the grounds
6 for the challenge and shall decide what disposition shall be made of the
7 early ballot by majority vote. If the early ballot is not allowed, it shall
8 be handled pursuant to subsection G of this section.

9 E. Within twenty-four hours of receipt of a challenge, the early
10 election board or other officer in charge of early ballot processing shall
11 mail, by first class mail, a notice of the challenge including a copy of the
12 written challenge, and also including the time and place at which the voter
13 may appear to defend the challenge, to the voter at the mailing address shown
14 on the request for an early ballot or, if none was provided, to the mailing
15 address shown on the registration rolls. Notice shall also be mailed to the
16 challenger at the address listed on the written challenge and provided to the
17 county chairman of each political party represented on the ballot. The board
18 shall meet to determine the challenge at the time specified by the notice
19 but, in any event, not earlier than ninety-six hours after the notice is
20 mailed, or forty-eight hours if the notifying party chooses to deliver the
21 notice by overnight or hand delivery, and not later than 5:00 p.m. on the
22 Monday following the election. The board shall provide the voter with an
23 informal opportunity to make, or to submit, brief statements regarding the
24 challenge. The board may decline to permit comments, either in person or in
25 writing, by anyone other than the voter, the challenger and the party
26 representatives. The burden of proof is on the challenger to show why the
27 voter should not be permitted to vote. The fact that the voter fails to
28 appear shall not be deemed to be an admission of the validity of the
29 challenge. The early election board or other officer in charge of early
30 ballot processing is not required to provide the notices described in this
31 subsection if the written challenge fails to set forth at least one of the
32 grounds listed in section 16-591 as a basis for the challenge. In that
33 event, the challenge will be summarily rejected at the meeting of the board.
34 Except for election contests pursuant to section 16-672, the board's decision
35 is final and may not be appealed.

36 F. If the vote is allowed, the board shall open the envelope
37 containing the ballot in such a manner that the affidavit thereon is not
38 destroyed, take out the ballot without unfolding it or permitting it to be
39 opened or examined and show by the records of the election that the elector
40 has voted.

41 G. If the vote is not allowed, the affidavit envelope containing the
42 early ballot shall not be opened and the board shall mark across the face of
43 such envelope the grounds for rejection. The affidavit envelope and its
44 contents shall then be deposited with the opened affidavit envelopes and
45 shall be preserved with official returns. If the voter does not enter an

1 appearance, the board shall send the voter a notice stating whether
2 the early ballot was disallowed and, if disallowed, providing the grounds
3 for the determination. The notice shall be mailed by first class mail to the
4 voter's mailing address as shown on the registration rolls within three days
5 after the board's determination.

6 H. Party representatives and alternates may be appointed as provided
7 in subsection C of this section to be present and to challenge the
8 verification of questioned ballots pursuant to section 16-584 on any grounds
9 permitted by this section. Questioned ballots ~~which~~ THAT are challenged
10 shall be presented to the early election board for decision under the
11 provisions of this section.

12 Sec. 2. Section 16-584, Arizona Revised Statutes, is amended to read:
13 16-584. Qualified elector not on precinct register; recorder's
14 certificate; verified ballot; procedure

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

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

28 C. If a voter has moved to a new address within the county and has not
29 notified the county recorder of the change of address before the date of an
30 election, the voter shall be permitted to correct the voting records for
31 purposes of voting in future elections at the appropriate polling place for
32 the voter's new address. The voter shall be permitted to vote a provisional
33 ballot. The voter shall present a form of identification that includes the
34 voter's given name and surname and the voter's complete residence address.
35 The residence address must be within the precinct in which the voter is
36 attempting to vote, and the voter shall affirm in writing that the voter is
37 registered in that jurisdiction and is eligible to vote in that jurisdiction.

38 D. On completion of the ballot, the election official shall remove the
39 ballot stub, shall place the ballot in a provisional ballot envelope and
40 shall deposit the envelope in the ballot box. Within ten calendar days after
41 a general election that includes an election for a federal office and within
42 five business days after any other election or no later than the time at
43 which challenged early voting ballots are resolved, the signature shall be
44 compared to the precinct signature roster of the former precinct where the
45 voter was registered. If the voter's name is not signed on the roster and if

1 there is no indication that the voter voted an early ballot, the provisional
2 ballot envelope shall be opened and the ballot shall be counted. If there is
3 information showing the person did vote, the provisional ballot shall remain
4 unopened and shall not be counted. When provisional ballots are confirmed
5 for counting, the county recorder shall use the information supplied on the
6 provisional ballot envelope to correct the address record of the voter.

7 E. When a voter is allowed to vote a provisional ballot, the elector's
8 name shall be entered on a separate signature roster page at the end of the
9 signature roster. Voters' names shall be numbered consecutively beginning
10 with the number V-1. The elector shall sign in the space provided. The
11 ballot stub shall be removed and the ballot shall be placed in a separate
12 envelope, the outside of which shall contain the precinct name or number, a
13 sworn or attested statement of the elector that the elector resides in the
14 precinct, is eligible to vote in the election and has not previously voted in
15 the election, the signature of the elector and the voter registration number
16 of the elector, if available. The ballot shall be verified for proper
17 registration of the elector by the county recorder before being counted. The
18 verification shall be made by the county recorder within ten calendar days
19 after a general election that includes an election for a federal office and
20 within five business days following any other election, and the voter receipt
21 card, notification or identification card, if any, from the county recorder
22 used therefor, if valid, shall be returned to the elector within a reasonable
23 time thereafter. Verified ballots shall be counted by depositing the ballot
24 in the ballot box and showing on the records of the election that the elector
25 has voted. If registration is not verified the ballot shall remain unopened
26 and shall be retained in the same manner as voted ballots.

27 F. For any person who votes a provisional ballot, the county recorder
28 or other officer in charge of elections shall provide for a method of
29 notifying the provisional ballot voter at no cost to the voter IF THERE IS A
30 DEFECT IN THE VOTER'S PROVISIONAL BALLOT MATERIALS THAT WILL RESULT IN THE
31 REJECTION OF THE PROVISIONAL BALLOT FROM BEING COUNTED AND THAT THE VOTER MAY
32 ATTEMPT TO CURE THE DEFECT IN THE PROVISIONAL BALLOT MATERIALS WITHIN THE TEN
33 DAYS IMMEDIATELY FOLLOWING THE ELECTION. THE COUNTY RECORDER OR OTHER
34 OFFICER IN CHARGE OF ELECTIONS SHALL PERMIT THE VOTER TO CURE THOSE DEFECTS
35 THAT RESULT FROM INCOMPLETE OR INCORRECT INFORMATION, SHALL TABULATE THE
36 BALLOT AS OTHERWISE PROVIDED BY LAW AND SHALL FURTHER NOTIFY THE VOTER
37 whether the voter's ballot was verified and counted and, if not counted, the
38 reason for not counting the ballot. ~~The notification may be in the form of~~
39 ~~notice by mail to the voter, establishment of a toll free telephone number,~~
40 ~~internet access or other similar method to allow the voter to have access to~~
41 ~~this information.~~ The method of notification shall provide INCLUDE
42 reasonable restrictions that are designed to limit transmittal of the
43 information only to the voter.