

REFERENCE TITLE: elections; early ballots; return deadline

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1274

Introduced by
Senators Crandell: Burges, Melvin; Representative Barton

AN ACT

AMENDING SECTIONS 16-547, 16-548 AND 16-558.01, 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 16-547, Arizona Revised Statutes, is amended to
3 read:

4 16-547. Ballot affidavit: form

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

9 I declare the following under penalty of perjury: I am a
10 registered voter in _____ county Arizona, I have not voted
11 and will not vote in this election in any other county or state,
12 I understand that knowingly voting more than once in any
13 election is a class 5 felony and I voted the enclosed ballot and
14 signed this affidavit personally unless noted below.

15 If the voter was assisted by another person in marking the
16 ballot, complete the following:

17 I declare the following under penalty of perjury: At the
18 registered voter's request I assisted the voter identified in
19 this affidavit with marking the voter's ballot, I marked the
20 ballot as directly instructed by the voter, I provided the
21 assistance because the voter was physically unable to mark the
22 ballot solely due to illness, injury or physical limitation and
23 I understand that there is no power of attorney for voting and
24 that the voter must be able to make ~~their~~ THE VOTER'S selection
25 even if ~~they~~ THE VOTER cannot physically mark the ballot.

26 Name of voter assistant: _____

27 Address of voter assistant: _____

28 B. The face of each envelope in which a ballot is sent to a federal
29 postcard applicant or in which a ballot is returned by such applicant to the
30 recorder or other officer in charge of elections shall be in the form
31 prescribed in accordance with the uniformed and overseas citizens absentee
32 voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff).
33 Otherwise, the envelopes shall be the same as those used to send ballots to,
34 or receive ballots from, other early voters.

35 C. The county recorder or other officer in charge of elections shall
36 supply printed instructions to early voters that direct them to sign the
37 affidavit, mark the ballot and return both in the enclosed self-addressed
38 envelope that complies with section 16-545. The instructions shall include
39 the following statement:

40 In order to be valid and counted, the ballot and affidavit must
41 be delivered to the office of the county recorder or other
42 officer in charge of elections ~~or may be deposited at any~~
43 ~~polling place in the county~~ no later than 7:00 p.m. on THE
44 TUESDAY BEFORE election day.

1 WARNING-It is a felony to offer or receive any compensation for
2 a ballot.

3 Sec. 2. Section 16-548, Arizona Revised Statutes, is amended to read:
4 16-548. Preparation and transmission of ballot

5 A. The early voter shall make and sign the affidavit and shall then
6 mark his ballot in such a manner that his vote cannot be seen. The early
7 voter shall fold the ballot, if a paper ballot, so as to conceal the vote and
8 deposit the voted ballot in the envelope provided for that purpose, which
9 shall be securely sealed and, together with the affidavit, delivered or
10 mailed to the county recorder or other officer in charge of elections of the
11 political subdivision in which the elector is registered or deposited by the
12 voter or the voter's agent at any polling place in the county. In order to
13 be counted and valid, the ballot must be received by the county recorder or
14 other officer in charge of elections ~~or deposited at any polling place in the~~
15 ~~county~~ no later than 7:00 p.m. on THE TUESDAY BEFORE election day.

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

23 Sec. 3. Section 16-558.01, Arizona Revised Statutes, is amended to
24 read:

25 16-558.01. Mailing of ballots

26 Not more than twenty-six days before the election and not fewer than
27 fifteen days before the election, the county recorder or other officer in
28 charge of elections for the special district shall send by nonforwardable
29 mail all official ballots with printed instructions and a return envelope
30 bearing a printed ballot affidavit as described in section 16-547 to each
31 qualified elector entitled to vote in the election. The envelope in which
32 the ballot is mailed shall be clearly marked with the statement required by
33 the postmaster to receive an address correction and notification. The
34 district governing board shall determine whether the voter or the district
35 governing board will pay for the postage for the return of electors' marked
36 ballots. An elector who votes in a special district mail ballot election
37 shall return the elector's marked ballot to the recorder or other officer in
38 charge of the election or to a designated depository site as provided in
39 section 16-411 no later than 7:00 p.m. on the TUESDAY BEFORE THE day of the
40 election.