

REFERENCE TITLE: federal office ballots; voter assistance

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2049

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTIONS 16-579 AND 16-580, 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 16-579, Arizona Revised Statutes, is amended to
3 read:

4 16-579. Procedure for obtaining ballot by elector; violation;
5 classification

6 A. Every qualified elector, before receiving a ballot, shall
7 announce the elector's name and place of residence in a clear, audible
8 tone of voice to the election official in charge of the signature roster
9 or present the elector's name and residence in writing. The election
10 official in charge of the signature roster shall comply with the following
11 and the qualified elector shall be allowed within the voting area:

12 1. The elector shall present any of the following:

13 (a) A valid form of identification that bears the photograph, name
14 and address of the elector that reasonably appear to be the same as the
15 name and address in the precinct register, including an Arizona driver
16 license, an Arizona nonoperating identification license, a tribal
17 enrollment card or other form of tribal identification or a United States
18 federal, state or local government issued identification. Identification
19 is deemed valid unless it can be determined on its face that it has
20 expired.

21 (b) Two different items that contain the name and address of the
22 elector that reasonably appear to be the same as the name and address in
23 the precinct register, including a utility bill, a bank or credit union
24 statement that is dated within ninety days of the date of the election, a
25 valid Arizona vehicle registration, an Arizona vehicle insurance card, an
26 Indian census card, tribal enrollment card or other form of tribal
27 identification, a property tax statement, a recorder's certificate, a
28 voter registration card, a valid United States federal, state or local
29 government issued identification or any mailing that is labeled as
30 "official election material". Identification is deemed valid unless it
31 can be determined on its face that it has expired.

32 (c) A valid form of identification that bears the photograph, name
33 and address of the elector except that if the address on the
34 identification does not reasonably appear to be the same as the address in
35 the precinct register or the identification is a valid United States
36 military identification card or a valid United States passport and does
37 not bear an address, the identification must be accompanied by one of the
38 items listed in subdivision (b) of this paragraph.

39 2. If the elector does not present identification that complies
40 with paragraph 1 of this subsection, the elector is only eligible to vote
41 a provisional ballot as prescribed by section 16-584 or a conditional
42 provisional ballot as provided for in the secretary of state's instruction
43 and procedures manual adopted pursuant to section 16-452.

1 B. Any qualified elector who is listed as having applied for an
2 early ballot but who states that the elector has not voted and will not
3 vote an early ballot for this election or surrenders the early ballot to
4 the precinct inspector on election day shall be allowed to vote pursuant
5 to the procedure set forth in section 16-584.

6 C. Each qualified elector's name shall be numbered consecutively by
7 the clerks and in the order of applications for ballots. The judge shall
8 give the qualified elector only one ballot, and the elector's name shall
9 be immediately checked on the precinct register. A JUDGE OR OTHER
10 ELECTION OFFICIAL WHO GIVES A BALLOT CONTAINING ALL OFFICES AND BALLOT
11 QUESTIONS FOR THAT PRECINCT TO AN ELECTOR WHO IS ONLY ELIGIBLE TO RECEIVE
12 A BALLOT THAT CONTAINS ONLY FEDERAL OFFICES IS GUILTY OF A CLASS 3
13 MISDEMEANOR.

14 D. For precincts in which a paper signature roster is used, each
15 qualified elector shall sign the elector's name in the signature roster
16 ~~prior to~~ BEFORE receiving a ballot, but an inspector or judge may sign the
17 roster for an elector who is unable to sign because of physical
18 disability, and in that event the name of the elector shall be written
19 with red ink, and no attestation or other proof shall be necessary. The
20 provisions of this subsection relating to signing the signature roster
21 ~~shall~~ DO not apply to electors casting a ballot using early voting
22 procedures.

23 E. For precincts in which an electronic poll book system is used,
24 each qualified elector shall sign the elector's name as prescribed in the
25 instructions and procedures manual adopted by the secretary of state
26 pursuant to section 16-452 before receiving a ballot, but an inspector or
27 judge may sign the roster for an elector who is unable to sign because of
28 physical disability, and in that event the name of the elector shall be
29 written with the inspector's or judge's attestation on the same signature
30 line.

31 F. A person offering to vote at a special district election for
32 which no special district register has been supplied shall sign an
33 affidavit stating the person's address and that the person resides within
34 the district boundaries or proposed district boundaries and swearing that
35 the person is a qualified elector and has not already voted at the
36 election being held.

37 Sec. 2. Section 16-580, Arizona Revised Statutes, is amended to
38 read:

39 16-580. Manner of voting; assistance for certain electors

40 A. Except as prescribed by subsection E of this section, only one
41 person per voting booth shall be permitted at any one time to sign for the
42 receipt of a ballot and to wait for an opportunity to vote.

43 B. On receiving a ballot the voter shall promptly and without
44 leaving the voting area retire alone, except as provided in subsection E
45 of this section, to one of the voting booths that is not occupied, prepare

1 the ballot in secret and vote in the manner and substantial form as
2 required by the instruction to voters.

3 C. The voter shall deposit the ballot in the ballot box, or if the
4 voter so requests, hand the ballot to the election board official and
5 permit the election board official to deposit the ballot in the ballot
6 box.

7 D. After the ballot is deposited, the voter shall then proceed
8 outside the voting area and shall not again enter the voting area unless
9 the voter is an authorized election official or an official observer or is
10 assisting another voter.

11 E. Any registered voter, at the voter's option, may be accompanied
12 by a minor who is permitted in the voting booth pursuant to section
13 16-515, subsection E, be accompanied and assisted by a person of the
14 voter's own choice IF THAT PERSON IS A UNITED STATES CITIZEN or be
15 assisted by two election officials, one from each major political party,
16 during any process relating to voting or during the actual process of
17 voting on a paper ballot, machine or electronic voting system. A person
18 who is a candidate for an office in that election other than the office of
19 precinct committeeman is not eligible to assist any voter.