



ARIZONA STATE SENATE
Fifty-Fourth Legislature, First Regular Session

AMENDED

FACT SHEET FOR S.B. 1054

early ballots; deficiencies; cure period

Purpose

Requires a county recorder or other officer in charge of elections to confirm or allow a voter to correct an early ballot envelope submitted with an inconsistent signature no later than the fifth business day after a primary, general or special election that includes a federal office or the third business day after any other election. Extends the timeframe to begin counting early ballots prior to an election.

Background

On an early ballot affidavit, an early voter signs a declaration under penalty of perjury that states: 1) the county the voter is registered in; 2) the voter has not voted and will not vote in the election in any other county or state; 3) the voter marked the ballot and signed the affidavit personally; and 4) the voter acknowledges that knowingly voting more than once in any election is a class 5 felony. In order to be valid and counted, the ballot and affidavit must be delivered to the office of the county recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on election day ([A.R.S. § 16-547](#)).

The county recorder or other officer in charge of elections must compare the signatures on completed early ballot affidavits with the signature on the elector's registration form. If the signatures match, the ballot is tallied. If the signatures do not match, the county recorder or other officer in charge of elections must make a reasonable attempt to contact the early voter. The tallying of ballots begins no earlier than 7 days before election day ([A.R.S. § 16-550](#)).

Counting center means one or more locations selected by the county Board of Supervisors for the automatic counting of ballots ([A.R.S. § 16-444](#)). Representatives of each political party and the public may observe counting center proceedings. Additionally, up to three persons representing a candidate for nonpartisan office or a political committee in support of or opposition to a ballot measure, proposition or question (representatives) may observe counting center proceedings. A *draw* by lot must determine which three representatives will observe counting center proceedings. No later than 10 days before the election, interested representatives must notify the county recorder or other officer in charge of elections of their desire to be included in the draw. After the deadline to receive submissions from interested representatives, but prior to 7 days before the election, the county recorder or other officer in charge of elections must draw by lot, from the list of representatives who expressed interest, three representatives. Selected representatives must be notified and allowed to observe counting center proceedings ([A.R.S. § 16-621](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires the county recorder or other officer in charge of elections to determine whether a voter's signature on a submitted early ballot envelope is consistent with the signature on a voter's registration record.
2. Requires, if the signature on a voter's early ballot envelope is inconsistent with the signature on a voter's registration record, the county recorder or other officer in charge of elections to:
 - a) make reasonable efforts to contact the voter;
 - b) advise the voter of the inconsistent signature; and
 - c) allow the voter to correct the signature.
3. Requires the county recorder or other officer in charge of elections to confirm or allow the elector to correct an inconsistent signature no later than the fifth business day after a primary, general or special election that includes a federal office or the third business day after any other election.
4. Increases, from 7 days to 14 days before election day, the time a county may begin tallying ballots.
5. Exempts a special taxing district authorized to conduct its own election and a special district mail ballot election from cure period and ballot tallying requirements.
6. Moves, from 10 days to 17 days before the date of an election, the date by which a copy of each computer program for each election must be filed with the Secretary of State.
7. Moves, from 10 days to 17 days before an election, the date by which representatives must notify the county recorder or other officer in charge of elections of their desire to be included in a draw.
8. Moves, from 7 days to 14 days before an election, the date by which the county recorder or other officer in charge of elections must complete a draw for counting center observation.
9. Makes technical changes.
10. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Changes the standard for a deficiency from a missing or illegible signature to a signature inconsistent with the signature on an elector's registration record.
2. Allows the county to confirm an inconsistent signature.
3. Decreases, from the fifth business day after the election to the third business day after the election, the number of days a voter may cure his or her ballot after election day for any election other than a primary, general or special election that includes a federal office.

4. Allows counties to begin counting ballots 14 days before election day instead of 7 days before election day.
5. Exempts a special taxing district authorized to conduct its own election and a special district mail ballot election from cure period and ballot tallying requirements.

Amendments Adopted by the House of Representatives

1. Moves, from 10 days to 17 days before the date of an election, the date by which a copy of each computer program for each election must be filed with the Secretary of State.
2. Moves, from 10 days to 17 days before an election, the date by which representatives must notify the county recorder or other officer in charge of elections of their desire to be included in a draw.
3. Moves, from 7 days to 14 days before an election, the date by which the county recorder or other officer in charge of elections must complete a draw for counting center observation.
4. Makes technical changes.

Senate Action

JUD 1/24/19 DP 7-0-0
3rd Read 2/11/19 30-0-0

House Action

ELECT 3/5/19 DPA 10-0-0-0
3rd Read 3/21/19 59-0-1

Prepared by Senate Research

March 22, 2019

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