

REFERENCE TITLE: **early voting; signature required; notice**

State of Arizona  
Senate  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **SB 1032**

Introduced by  
Senator Ugenti-Rita

### **AN ACT**

**AMENDING SECTIONS 16-547 AND 16-550, 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  
6 the front the name, official title and post office address of the recorder  
7 or 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  
10 a registered voter in \_\_\_\_\_ county Arizona, I have not  
11 voted and will not vote in this election in any other county  
12 or state, I understand that knowingly voting more than once in  
13 any election is a class 5 felony and I voted the enclosed  
14 ballot and signed this affidavit personally unless noted  
15 below.

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

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

27 Name of voter assistant: \_\_\_\_\_

28 Address of voter assistant: \_\_\_\_\_

29 B. The face of each envelope in which a ballot is sent to a federal  
30 postcard applicant or in which a ballot is returned by ~~such~~ THE applicant  
31 to the recorder or other officer in charge of elections shall be in the  
32 form prescribed in accordance with the uniformed and overseas citizens  
33 absentee voting act of 1986 (P.L. 99-410; ~~42~~ 52 United States Code section  
34 ~~1973ff~~ 20301). Otherwise, the envelopes shall be the same as those used  
35 to send ballots to, or receive ballots from, other early voters.

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

41 In order to be valid and counted, the ballot and  
42 affidavit must be delivered to the office of the county  
43 recorder or other officer in charge of elections or may be  
44 deposited at any polling place in the county no later than

1 7:00 p.m. on election day. THE BALLOT WILL NOT BE COUNTED  
2 WITHOUT THE VOTER'S SIGNATURE ON THE ENVELOPE.

3 WARNING-It is a felony to offer or receive any compensation  
4 for a ballot.

5 Sec. 2. Section 16-550, Arizona Revised Statutes, is amended to  
6 read:

7 16-550. Receipt of voter's ballot; cure period

8 A. On receipt of the envelope containing the early ballot and the  
9 ballot affidavit, the county recorder or other officer in charge of  
10 elections shall compare the signatures thereon with the signature of the  
11 elector on the elector's registration record. If the signature is  
12 inconsistent with the elector's signature on the elector's registration  
13 record, the county recorder or other officer in charge of elections shall  
14 make reasonable efforts to contact the voter, advise the voter of the  
15 inconsistent signature and allow the voter to correct or the county to  
16 confirm the inconsistent signature. The county recorder or other officer  
17 in charge of elections shall allow signatures to be corrected not later  
18 than the fifth business day after a primary, general or special election  
19 that includes a federal office or the third business day after any other  
20 election. IF THE SIGNATURE IS MISSING, THE COUNTY RECORDER OR OTHER  
21 OFFICER IN CHARGE OF ELECTIONS SHALL NOT ALLOW AN ELECTOR TO ADD THE  
22 ELECTOR'S SIGNATURE AND THE BALLOT SHALL NOT BE TABULATED. If satisfied  
23 that the signatures correspond, the recorder or other officer in charge of  
24 elections shall hold the envelope containing the early ballot and the  
25 completed affidavit unopened in accordance with the rules of the secretary  
26 of state.

27 B. The recorder or other officer in charge of elections shall  
28 thereafter safely keep the affidavits and early ballots in the recorder's  
29 or other officer's office until delivered pursuant to section 16-551 and  
30 tallying of ballots shall not begin any earlier than fourteen days before  
31 election day.

32 C. The county recorder shall send a list of all voters who were  
33 issued early ballots to the election board of the precinct in which the  
34 voter is registered.

35 D. This section does not apply to:

36 1. A special taxing district that is authorized pursuant to section  
37 16-191 to conduct its own elections.

38 2. A special district mail ballot election that is conducted  
39 pursuant to article 8.1 of this chapter.

40 Sec. 3. Legislative intent; missing ballot signature;  
41 clarifying language

42 The legislature intends that the amendments made by this act to  
43 sections 16-547 and 16-550, Arizona Revised Statutes, are clarifying  
44 changes only and do not provide for any substantive change in the law.