

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

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1003

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~~ THE VOTER'S
26 selection even 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 MAKE REASONABLE EFFORTS TO CONTACT**
22 **THE ELECTOR, ADVISE THE ELECTOR OF THE MISSING SIGNATURE AND ALLOW THE**
23 **ELECTOR TO ADD THE ELECTOR'S SIGNATURE NOT LATER THAN 7:00 P.M. ON**
24 **ELECTION DAY.** If satisfied that the signatures correspond, the recorder
25 or other officer in charge of elections shall hold the envelope containing
26 the early ballot and the completed affidavit unopened in accordance with
27 the rules of the secretary of state.

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

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

36 D. This section does not apply to:

37 1. A special taxing district that is authorized pursuant to section
38 16-191 to conduct its own elections.

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

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

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