

Senate Engrossed

early ballot delivery; instruction requirements

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 119

SENATE BILL 1273

AN ACT

AMENDING SECTIONS 16-513 AND 16-547, 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 16-513, Arizona Revised Statutes, is amended to
3 read:

4 16-513. Instructions for voters and election officers;
5 overvote notice; ballot delivery notice

6 A. The board of supervisors shall prepare instructions for the
7 guidance of voters and election officers at the election, according to
8 which the election shall be conducted and which shall govern the voters
9 and election officers as provided in the secretary of state's instructions
10 and procedures manual. The board of supervisors shall furnish to the
11 inspector in each election precinct at least two instruction cards, at the
12 time and in the same manner as the printed ballots are furnished.

13 B. If the voting equipment used for the election provides for the
14 rejection of overvoted ballots or ballots that contain other
15 irregularities, the board of supervisors shall provide for a written
16 notice advising the voter that if the voter chooses to override the
17 overvoted office or measure or override any other ballot irregularity, the
18 voter's vote for that office or measure will not be tallied. The notice
19 shall be posted on or near the voting equipment so that the voter has a
20 clear view of the notice.

21 C. THE INSTRUCTIONS PRESCRIBED BY SUBSECTION A OF THIS SECTION
22 SHALL ALSO INCLUDE THE FOLLOWING INFORMATION REGARDING SECTION 16-1005,
23 SUBSECTIONS H AND I IN SUBSTANTIALLY THE FOLLOWING FORM:

24 A PERSON MAY ONLY HANDLE OR RETURN THEIR OWN BALLOT OR
25 THE BALLOT OF FAMILY MEMBERS, HOUSEHOLD MEMBERS OR PERSONS FOR
26 WHOM THEY ARE A CAREGIVER. IT IS UNLAWFUL UNDER SECTION
27 16-1005 TO HANDLE OR RETURN THE BALLOT OF ANY OTHER PERSON.

28 Sec. 2. Section 16-547, Arizona Revised Statutes, is amended to
29 read:

30 16-547. Ballot affidavit; form

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

35 I declare the following under penalty of perjury: I am
36 a registered voter in _____ county Arizona, I have not
37 voted and will not vote in this election in any other county
38 or state, I understand that knowingly voting more than once in
39 any election is a class 5 felony and I voted the enclosed
40 ballot and signed this affidavit personally unless noted
41 below.

42 If the voter was assisted by another person in marking
43 the ballot, complete the following:

1 I declare the following under penalty of perjury: At
2 the registered voter's request I assisted the voter identified
3 in this affidavit with marking the voter's ballot, I marked
4 the ballot as directly instructed by the voter, I provided the
5 assistance because the voter was physically unable to mark the
6 ballot solely due to illness, injury or physical limitation
7 and I understand that there is no power of attorney for voting
8 and that the voter must be able to make the voter's selection
9 even if ~~they~~ THE VOTER cannot physically mark the ballot.

10 Name of voter assistant: _____

11 Address of voter assistant: _____

12 B. The face of each envelope in which a ballot is sent to a federal
13 postcard applicant or in which a ballot is returned by the applicant to
14 the recorder or other officer in charge of elections shall be in the form
15 prescribed in accordance with the uniformed and overseas citizens absentee
16 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20301).
17 Otherwise, the envelopes shall be the same as those used to send ballots
18 to, or receive ballots from, other early voters.

19 C. The officer charged by law with the duty of preparing ballots at
20 any election shall ensure that the early ballot is sent in an envelope
21 that states substantially the following:

22 If the addressee does not reside at this address, mark
23 the unopened envelope "return to sender" and deposit it in the
24 United States mail.

25 D. The county recorder or other officer in charge of elections
26 shall supply printed instructions to early voters that direct them to sign
27 the affidavit, mark the ballot and return both in the enclosed
28 self-addressed envelope that complies with section 16-545. The
29 instructions shall include the following statement:

30 In order to be valid and counted, the ballot and
31 affidavit must be delivered to the office of the county
32 recorder or other officer in charge of elections or may be
33 deposited at any polling place in the county ~~no~~ NOT later than
34 7:00 p.m. on election day. The ballot will not be counted
35 without the voter's signature on the envelope.

36 (WARNING – It is a felony to offer or receive any compensation
37 for a ballot.)

38 E. THE PRINTED INSTRUCTIONS PRESCRIBED BY SUBSECTION D OF THIS
39 SECTION SHALL ALSO INCLUDE THE FOLLOWING INFORMATION REGARDING SECTION
40 16-1005, SUBSECTIONS H AND I IN SUBSTANTIALLY THE FOLLOWING FORM:

41 A PERSON MAY ONLY HANDLE OR RETURN THEIR OWN BALLOT OR
42 THE BALLOT OF FAMILY MEMBERS, HOUSEHOLD MEMBERS OR PERSONS FOR
43 WHOM THEY ARE A CAREGIVER. IT IS UNLAWFUL UNDER SECTION
44 16-1005 TO HANDLE OR RETURN THE BALLOT OF ANY OTHER PERSON.

S.B. 1273

APPROVED BY THE GOVERNOR MAY 8, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2023.