

REFERENCE TITLE: **spoiled early ballots; election day**

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

# **SB 1135**

Introduced by  
Senator Kavanagh

AN ACT

AMENDING SECTIONS 16-411, 16-544, 16-547, 16-548, 16-551, 16-579.01 AND  
16-579.02, ARIZONA REVISED STATUTES; RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-411, Arizona Revised Statutes, is amended to  
3 read:

4 16-411. Designation of election precincts and polling places;  
5 voting centers; electioneering; wait times

6 A. The board of supervisors of each county, on or before October 1  
7 of each year preceding the year of a general election, by an order, shall  
8 establish a convenient number of election precincts in the county and  
9 define the boundaries of the precincts as follows:

10 1. The election precinct boundaries shall be established so as to  
11 be included within election districts prescribed by law for elected  
12 officers of the state and its political subdivisions, including community  
13 college district precincts, except those elected officers provided for in  
14 titles 30 and 48.

15 2. If after October 1 of the year preceding the year of a general  
16 election the board of supervisors must further adjust precinct boundaries  
17 due to the redistricting of election districts as prescribed by law and to  
18 comply with this subsection, the board of supervisors shall adjust these  
19 precinct boundaries as soon as is practicable.

20 B. At least twenty days before a general or primary election, and  
21 at least ten days before a special election, the board shall designate one  
22 polling place within each precinct where the election shall be held,  
23 except that:

24 1. On a specific finding of the board, included in the order or  
25 resolution designating polling places pursuant to this subsection, that no  
26 suitable polling place is available within a precinct, a polling place for  
27 that precinct may be designated within an adjacent precinct.

28 2. Adjacent precincts may be combined if boundaries so established  
29 are included in election districts prescribed by law for state elected  
30 officials and political subdivisions including community college districts  
31 but not including elected officials prescribed by titles 30 and 48. The  
32 officer in charge of elections may also split a precinct for  
33 administrative purposes. The polling places shall be listed in separate  
34 sections of the order or resolution.

35 3. On a specific finding of the board that the number of persons  
36 who are listed as early voters pursuant to section 16-544 and who are not  
37 expected to have their ballots tabulated at the polling place as  
38 prescribed in section 16-579.02 is likely to substantially reduce the  
39 number of voters appearing at one or more specific polling places at that  
40 election, adjacent precincts may be consolidated by combining polling  
41 places and precinct boards for that election. The board of supervisors  
42 shall ensure that a reasonable and adequate number of polling places will  
43 be designated for that election. Any consolidated polling places shall be  
44 listed in separate sections of the order or resolution of the board.

1           4. On a specific resolution of the board, the board may authorize  
2 the use of voting centers in place of or in addition to specifically  
3 designated polling places. A voting center shall allow any voter in that  
4 county to receive the appropriate ballot for that voter on election day  
5 after presenting identification as prescribed in section 16-579 and to  
6 lawfully cast the ballot. Voting centers may be established in  
7 coordination and consultation with the county recorder, at other county  
8 offices or at other locations in the county deemed appropriate.

9           ~~5. On a specific resolution of the board of supervisors that is  
10 limited to a specific election date and that is voted on by a recorded  
11 vote, the board may authorize the county recorder or other officer in  
12 charge of elections to use emergency voting centers as follows:~~

13           ~~(a) The board shall specify in the resolution the location and the  
14 hours of operation of the emergency voting centers.~~

15           ~~(b) A qualified elector voting at an emergency voting center shall  
16 provide identification as prescribed in section 16-579, except that  
17 notwithstanding section 16-579, subsection A, paragraph 2, for any voting  
18 at an emergency voting center, the county recorder or other officer in  
19 charge of elections may allow a qualified elector to update the elector's  
20 voter registration information as provided for in the secretary of state's  
21 instructions and procedures manual adopted pursuant to section 16-452.~~

22           ~~(c) If an emergency voting center established pursuant to this  
23 section becomes unavailable and there is not sufficient time for the board  
24 of supervisors to convene to approve an alternate location for that  
25 emergency voting center, the county recorder or other officer in charge of  
26 elections may make changes to the approved emergency voting center  
27 location and shall notify the public and the board of supervisors  
28 regarding that change as soon as practicable. The alternate emergency  
29 voting center shall be as close in proximity to the approved emergency  
30 voting center location as possible.~~

31           C. If the board fails to designate the place for holding the  
32 election, or if it cannot be held at or about the place designated, the  
33 justice of the peace in the precinct, two days before the election, by an  
34 order, copies of which the justice of the peace shall immediately post in  
35 three public places in the precinct, shall designate the place within the  
36 precinct for holding the election. If there is no justice of the peace in  
37 the precinct, or if the justice of the peace fails to do so, the election  
38 board of the precinct shall designate and give notice of the place within  
39 the precinct of holding the election. For any election in which there are  
40 no candidates for elected office appearing on the ballot, the board may  
41 consolidate polling places and precinct boards and may consolidate the  
42 tabulation of results for that election if all of the following apply:

43           1. All affected voters are notified by mail of the change at least  
44 thirty-three days before the election.

1           2. Notice of the change in polling places includes notice of the  
2 new voting location, notice of the hours for voting on election day and  
3 notice of the telephone number to call for voter assistance.

4           3. All affected voters receive information on early voting that  
5 includes the application used to request an early voting ballot.

6           D. The board is not required to designate a polling place for  
7 special district mail ballot elections held pursuant to article 8.1 of  
8 this chapter, but the board may designate one or more sites for voters to  
9 deposit marked ballots until 7:00 p.m. on the day of the election.

10          E. Except as provided in subsection F of this section, a public  
11 school shall provide sufficient space for use as a polling place for any  
12 city, county or state election when requested by the officer in charge of  
13 elections.

14          F. The principal of the school may deny a request to provide space  
15 for use as a polling place for any city, county or state election if,  
16 within two weeks after a request has been made, the principal provides a  
17 written statement indicating a reason the election cannot be held in the  
18 school, including any of the following:

19           1. Space is not available at the school.

20           2. The safety or welfare of the children would be jeopardized.

21          G. The board shall make available to the public as a public record  
22 a list of the polling places for all precincts in which the election is to  
23 be held.

24          H. Except in the case of an emergency, any facility that is used as  
25 a polling place on election day or that is used as an early voting site  
26 during the period of early voting shall allow persons to electioneer and  
27 engage in other political activity outside of the seventy-five foot limit  
28 prescribed by section 16-515 in public areas and parking lots used by  
29 voters. This subsection does not allow the temporary or permanent  
30 construction of structures in public areas and parking lots or the  
31 blocking or other impairment of access to parking spaces for voters. The  
32 county recorder or other officer in charge of elections shall post on its  
33 website at least two weeks before election day a list of those polling  
34 places in which emergency conditions prevent electioneering and shall  
35 specify the reason the emergency designation was granted and the number of  
36 attempts that were made to find a polling place before granting an  
37 emergency designation. If the polling place is not on the website list of  
38 polling places with emergency designations, electioneering and other  
39 political activity shall be allowed outside of the seventy-five foot  
40 limit. If an emergency arises after the county recorder or other officer  
41 in charge of elections' initial website posting, the county recorder or  
42 other officer in charge of elections shall update the website as soon as  
43 is practicable to include any new polling places, shall highlight the  
44 polling place location on the website and shall specify the reason the

1 emergency designation was granted and the number of attempts that were  
2 made to find a polling place before granting an emergency designation.

3 I. For the purposes of this section, a county recorder or other  
4 officer in charge of elections shall designate a polling place as an  
5 emergency polling place and thus prohibit persons from electioneering and  
6 engaging in other political activity outside of the seventy-five foot  
7 limit prescribed by section 16-515 but inside the property of the facility  
8 that is hosting the polling place if any of the following occurs:

9 1. An act of God renders a previously set polling place as  
10 unusable.

11 2. A county recorder or other officer in charge of elections has  
12 exhausted all options and there are no suitable facilities in a precinct  
13 that are willing to be a polling place unless a facility can be given an  
14 emergency designation.

15 J. The secretary of state shall provide through the instructions  
16 and procedures manual adopted pursuant to section 16-452 the maximum  
17 allowable wait time for any election that is subject to section 16-204 and  
18 provide for a method to reduce voter wait time at the polls in the primary  
19 and general elections. The method shall consider at least all of the  
20 following for primary and general elections in each precinct:

21 1. The number of ballots voted in the prior primary and general  
22 elections.

23 2. The number of registered voters who voted early in the prior  
24 primary and general elections.

25 3. The number of registered voters and the number of registered  
26 voters who cast an early ballot for the current primary or general  
27 election.

28 4. The number of registered voters whose early ballots were  
29 tabulated on-site as prescribed in section 16-579.02 in the prior primary  
30 and general elections.

31 5. The number of election board members and clerks and the number  
32 of rosters that will reduce voter wait time at the polls.

33 Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to  
34 read:

35 16-544. Active early voting list; civil penalty; violation;  
36 classification; definition

37 A. Any voter may request to be included on a list of voters to  
38 receive an early ballot by mail for any election for which the county  
39 voter registration roll is used to prepare the election register. The  
40 county recorder of each county shall maintain the active early voting list  
41 as part of the voter registration roll.

42 B. In order to be included on the active early voting list, the  
43 voter shall make a written request specifically requesting that the  
44 voter's name be added to the active early voting list for all elections in  
45 which the applicant is eligible to vote. An early voter request form

1 shall conform to requirements prescribed in the instructions and  
2 procedures manual issued pursuant to section 16-452. The application  
3 shall allow for the voter to provide the voter's name, residence address,  
4 mailing address in the voter's county of residence, date of birth and  
5 signature and shall state that the voter is attesting that the voter is a  
6 registered voter who is eligible to vote in the county of residence. The  
7 voter shall not list a mailing address that is outside of this state for  
8 the purpose of the active early voting list unless the voter is an absent  
9 uniformed services voter or overseas voter as defined in the uniformed and  
10 overseas citizens absentee voting act (P.L. 99-410; 52 United States Code  
11 section 20310). In lieu of the application, the applicant may submit a  
12 written request that contains the required information.

13 C. On receipt of a request to be included on the active early  
14 voting list, the county recorder or other officer in charge of elections  
15 shall compare the signature on the request form with the voter's signature  
16 on the voter's registration form and, if the request is from the voter,  
17 shall mark the voter's registration file as an active early ballot  
18 request.

19 D. Not less than ninety days before any polling place election  
20 scheduled in March or August, the county recorder or other officer in  
21 charge of elections shall mail to all voters who are eligible for the  
22 election and who are included on the active early voting list an election  
23 notice by nonforwardable mail that is marked with the statement required  
24 by the postmaster to receive an address correction notification. If an  
25 election is not formally called by a jurisdiction by the one hundred  
26 eightieth day before the election, the recorder or other officer in charge  
27 of elections is not required to send the election notice. The notice  
28 shall include the dates of the elections that are the subject of the  
29 notice, the dates that the voter's ballot is expected to be mailed and the  
30 address where the ballot will be mailed. If the upcoming election is a  
31 partisan open primary election and the voter is not registered as a member  
32 of one of the political parties that is recognized for purposes of that  
33 primary, the notice shall include information on the procedure for the  
34 voter to designate a political party ballot. The notice shall be  
35 delivered with return postage prepaid and shall also include a means for  
36 the voter to do any of the following:

37 1. Change the mailing address for the voter's ballot to another  
38 location in the voter's county of residence.

39 2. Update the voter's residence address in the voter's county of  
40 residence.

41 3. Request that the voter not be sent a ballot for the upcoming  
42 election or elections indicated on the notice.

43 E. If the notice that is mailed to the voter is returned  
44 undeliverable by the postal service, the county recorder or other officer  
45 in charge of elections shall take the necessary steps to contact the voter

1 at the voter's new residence address in order to update that voter's  
2 address or to move the voter to inactive status as prescribed in section  
3 16-166, subsection A. If a voter is moved to inactive status, the voter  
4 shall be removed from the active early voting list. If the voter is  
5 removed from the active early voting list, the voter shall only be added  
6 to the active early voting list again if the voter submits a new request  
7 pursuant to this section.

8 F. Not later than the first day of early voting, the county  
9 recorder or other officer in charge of elections shall mail an early  
10 ballot to all eligible voters included on the active early voting list in  
11 the same manner prescribed in section 16-542, subsection C. If the voter  
12 has not returned the notice or otherwise notified the election officer  
13 within forty-five days before the election that the voter does not wish to  
14 receive an early ballot by mail for the election or elections indicated,  
15 the ballot shall automatically be scheduled for mailing.

16 G. If a voter who is on the active early voting list is not  
17 registered as a member of a recognized political party and fails to notify  
18 the county recorder of the voter's choice for political party ballot  
19 within forty-five days before a partisan open primary election, the  
20 following apply:

21 1. The voter shall not automatically be sent a ballot for that  
22 partisan open primary election only and the voter's name shall remain on  
23 the active early voting list for future elections.

24 2. To receive an early ballot for the primary election, the voter  
25 shall submit the voter's choice for political party ballot to the county  
26 recorder.

27 H. After a voter has requested to be included on the active early  
28 voting list, the voter shall be sent an early ballot by mail automatically  
29 for any election at which a voter at that residence address is eligible to  
30 vote until any of the following occurs:

31 1. The voter requests in writing to be removed from the active  
32 early voting list.

33 2. The voter's registration or eligibility for registration is  
34 moved to inactive status or canceled as otherwise provided by law.

35 3. The notice sent by the county recorder or other officer in  
36 charge of elections is returned undeliverable and the county recorder or  
37 officer in charge of elections is unable to contact the voter to determine  
38 the voter's continued desire to remain on the list.

39 4. The voter fails to vote an early ballot in all elections for two  
40 consecutive election cycles. For the purposes of this paragraph,  
41 "election" means any regular primary or regular general election for which  
42 there was a federal race on the ballot or for which a city or town  
43 candidate primary or first election or city or town candidate second,  
44 general or runoff election was on the ballot. This paragraph does not  
45 apply to:

1 (a) A special taxing district that is authorized pursuant to  
2 section 16-191 to conduct its own elections.

3 (b) A special district mail ballot election that is conducted  
4 pursuant to article 8.1 of this chapter.

5 5. AFTER THE VOTER BRINGS THE VOTER'S EARLY BALLOT TO A POLLING  
6 PLACE OR OTHER VOTING LOCATION ON ELECTION DAY.

7 I. A voter may make a written request at any time to be removed  
8 from the active early voting list. The request shall include the voter's  
9 name, residence address, date of birth and signature. On receipt of a  
10 completed request to remove a voter from the active early voting list, the  
11 county recorder or other officer in charge of elections shall remove the  
12 voter's name from the list as soon as practicable.

13 J. An absent uniformed services voter or overseas voter as defined  
14 in the uniformed and overseas citizens absentee voting act (P.L. 99-410;  
15 52 United States Code section 20310) is eligible to be placed on the  
16 active early voting list pursuant to this section.

17 K. A voter's failure to vote an early ballot once received does not  
18 constitute grounds to remove the voter from the active early voting list,  
19 except that a county recorder shall remove a voter from the active early  
20 voting list ~~if~~ UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

21 1. IF both of the following apply:

22 ~~1-~~ (a) The county recorder or other officer in charge of elections  
23 complies with subsection M of this section.

24 ~~2-~~ (b) The voter fails to vote using an early ballot in all of the  
25 following elections for two consecutive election cycles:

26 ~~(a)~~ (i) A regular primary and regular general election for which  
27 there was a federal race on the ballot.

28 ~~(b)~~ (ii) A city or town candidate primary or first election and a  
29 city or town candidate second, general or runoff election.

30 2. THE VOTER BRINGS THE VOTER'S VOTED EARLY BALLOT TO A POLLING  
31 PLACE OR OTHER VOTING LOCATION ON ELECTION DAY.

32 L. On or before January 15 of each odd-numbered year, the county  
33 recorder or other officer in charge of elections shall send a notice to  
34 each voter who is on the active early voting list and who did not vote an  
35 early ballot in all elections for two consecutive election cycles as  
36 prescribed by subsection K of this section. If the voter has provided the  
37 voter's telephone or mobile phone number or email address to the county  
38 recorder, the county recorder may additionally provide the notice to the  
39 voter by telephone call, text message or email. The notice shall inform  
40 the voter that if the voter wishes to remain on the active early voting  
41 list, the voter shall do both of the following with the notice received:

42 1. Confirm in writing the voter's desire to remain on the active  
43 early voting list.

44 2. Return the completed notice to the county recorder or other  
45 officer in charge of elections within ninety days after the notice is sent



1 to the voter. The notice shall be signed by the voter and shall contain  
2 the voter's address and date of birth.

3 M. If a voter receives a notice as prescribed by subsection L of  
4 this section and the voter fails to respond within the ninety-day period,  
5 the county recorder or other officer in charge of elections shall remove  
6 the voter's name from the active early voting list.

7 N. A candidate, political committee or other organization may  
8 distribute active early voting list request forms to voters. If the  
9 active early voting list request forms include a printed address for  
10 return, that address shall be the political subdivision that will conduct  
11 the election. Failure to use the political subdivision as the return  
12 addressee is punishable by a civil penalty of up to three times the cost  
13 of the production and distribution of the active early voting list  
14 request.

15 O. All original and completed active early voting list request  
16 forms that are received by a candidate, political committee or other  
17 organization shall be submitted within six business days after receipt by  
18 a candidate or political committee or eleven days before the election day,  
19 whichever is earlier, to the political subdivision that will conduct the  
20 election. Any person, political committee or other organization that  
21 fails to submit a completed active early voting list request form within  
22 the prescribed time is subject to a civil penalty of up to \$25 per day for  
23 each completed form withheld from submittal. Any person who knowingly  
24 fails to submit a completed active early voting list request form before  
25 the submission deadline for the election immediately following the  
26 completion of the form is guilty of a class 6 felony.

27 P. A person who receives an early ballot at an address at which  
28 another person formerly resided, without voting the ballot or signing the  
29 envelope, shall write "not at this address" on the envelope and place the  
30 mail piece in a United States postal service collection box or other mail  
31 receptacle. On receipt, the county recorder or other officer in charge of  
32 elections shall proceed in the manner prescribed in subsection E of this  
33 section.

34 Q. When the county recorder receives confirmation from another  
35 county that a person registered has registered to vote in that other  
36 county, the county recorder shall remove that person from the active early  
37 voting list.

38 R. If the county recorder receives credible information that a  
39 person has registered to vote in a different county, the county recorder  
40 shall confirm the person's voter registration with that other county and,  
41 on confirmation, shall remove that person from the county's active early  
42 voting list pursuant to subsection Q of this section.

43 S. For the purposes of this section, "election cycle" means the  
44 two-year period beginning on January 1 in the year after a statewide  
45 general election or, for cities and towns, the two-year period beginning

1 on the first day of the calendar quarter after the calendar quarter in  
2 which the city's or town's second, runoff or general election is scheduled  
3 and ending on the last day of the calendar quarter in which the city's or  
4 town's immediately following second, runoff or general election is  
5 scheduled, however that election is designated by the city or town.

6 Sec. 3. Section 16-547, Arizona Revised Statutes, is amended to  
7 read:

8 16-547. Ballot affidavit; form

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

13 I declare the following under penalty of perjury: I am  
14 a registered voter in \_\_\_\_\_ county Arizona, I have not  
15 voted and will not vote in this election in any other county  
16 or state, I understand that knowingly voting more than once in  
17 any election is a class 5 felony and I voted the enclosed  
18 ballot and signed this affidavit personally unless noted  
19 below.

20 If the voter was assisted by another person in marking  
21 the ballot, complete the following:

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

31 Name of voter assistant: \_\_\_\_\_

32 Address of voter assistant: \_\_\_\_\_

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

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

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

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

6 In order to be valid and counted, the ballot and  
7 affidavit must be delivered to the office of the county  
8 recorder or other officer in charge of elections or may be  
9 ~~deposited~~ EXCHANGED FOR A REGULAR BALLOT ON ELECTION DAY at  
10 any polling place in the county ~~no~~ NOT later than 7:00 p.m. on  
11 election day. The EARLY ballot will not be counted without  
12 the voter's signature on the envelope.

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

15 Sec. 4. Section 16-548, Arizona Revised Statutes, is amended to  
16 read:

17 16-548. Preparation and transmission of ballot

18 A. The early voter shall make and sign the affidavit and shall then  
19 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S vote  
20 cannot be seen. The early voter shall fold the ballot, if a paper ballot,  
21 so as to conceal the vote and deposit the voted ballot in the envelope  
22 provided for that purpose, which shall be securely sealed and, together  
23 with the affidavit, delivered or mailed to the county recorder or other  
24 officer in charge of elections of the political subdivision in which the  
25 elector is registered or ~~deposited~~ EXCHANGED by the voter ~~or the voter's~~  
26 ~~agent~~ FOR A REGULAR BALLOT at ~~any~~ THE VOTER'S polling place OR A VOTING  
27 CENTER in the county. In order to be counted and valid, the ballot must  
28 be received by the county recorder or other officer in charge of elections  
29 ~~or deposited at any polling place in the county no~~ NOT later than  
30 7:00 p.m. on election day OR EXCHANGED BY THE VOTER FOR A REGULAR BALLOT  
31 AT THE VOTER'S POLLING PLACE OR AT A VOTING CENTER IN THE COUNTY NOT LATER  
32 THAN 7:00 P.M. ON ELECTION DAY.

33 B. If the early voter is an overseas citizen, a qualified elector  
34 absent from the United States or in the United States service, a spouse or  
35 dependent residing with the early voter or a qualified elector of a  
36 special district mail ballot election as provided in article 8.1 of this  
37 chapter, the early voter may subscribe to the affidavit before and obtain  
38 the signature and military identification number or passport number, if  
39 available, of any person who is a United States citizen eighteen years of  
40 age or older.

41 Sec. 5. Section 16-551, Arizona Revised Statutes, is amended to  
42 read:

43 16-551. Early election board; violation; classification

44 A. The board of supervisors or the governing body of the political  
45 subdivision shall appoint one or more early election boards to serve at

1 places to be designated by the board of supervisors or the governing body  
2 to canvass and tally early election ballots. Members of early election  
3 boards shall be selected in accordance with the provisions for selecting  
4 members of regular election boards as provided in section 16-531.

5 B. If an electronic voting system is in use for early voting, the  
6 early election board shall consist of at least one inspector and two  
7 judges who shall perform the processing requirements in accordance with  
8 the rules issued by the secretary of state. The inspector and judges  
9 shall be appointed in the same manner by party as provided in section  
10 16-531.

11 C. All early ballots received by the county recorder or other  
12 officer in charge of elections before 7:00 p.m. on election day and the  
13 original affidavit of the voter shall be delivered to the early election  
14 boards for processing as provided in the rules of the secretary of state.  
15 The office of the county recorder or other officer in charge of elections  
16 shall remain open until 7:00 p.m. on election day for the purpose of  
17 receiving early ballots. Partial or complete tallies of the early  
18 election board shall not be released or divulged before all precincts have  
19 reported or one hour after the closing of the polls on election day,  
20 whichever occurs first. Any person who unlawfully releases information  
21 regarding vote tallies or who possesses a tally sheet or summary without  
22 authorization from the recorder or officer in charge of elections is  
23 guilty of a class 6 felony.

24 D. If practicable, the county recorder or other officer in charge  
25 of elections shall count the number of early ballots that are ~~returned~~  
26 ~~SPOILED AND EXCHANGED FOR A REGULAR BALLOT~~ at voting locations on election  
27 day and shall post on its website those totals with the last unofficial  
28 results that are released on election night pursuant to section 16-622.  
29 Beginning with the day following the election, the county recorder or  
30 other officer in charge of elections shall enter into the county's ballot  
31 tracking system, if established, early ballots that were returned ~~at the~~  
32 ~~voting location~~ ~~TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF~~  
33 ~~ELECTIONS~~ on election day.

34 E. The necessary printed blanks for poll lists, tally lists, lists  
35 of voters, ballots, oaths and returns, together with envelopes in which to  
36 enclose the returns, shall be furnished by the board of supervisors or the  
37 governing body of the political subdivision to the early election board  
38 for each election precinct at the expense of the county or the political  
39 subdivision.

40 Sec. 6. Section 16-579.01, Arizona Revised Statutes, is amended to  
41 read:

42 16-579.01. Early ballots; on-site tabulation

43 A. Every county recorder or other officer in charge of elections  
44 ~~may~~ **SHALL** provide for a qualified elector who appears at that elector's  
45 designated polling location or at a voting center on election day with the

1 elector's voted early ballot to have the elector's voted early ballot  
2 tabulated as prescribed in section 16-579.02.

3 B. The county recorder or other officer in charge of elections  
4 shall do all of the following ~~if~~ FOR the on-site tabulation of early  
5 ballots ~~is allowed~~:

6 1. Designate an area within a precinct or voting center for  
7 processing electors with their voted early ballots that is physically  
8 separate from the area for voters who are voting pursuant to section  
9 16-579.

10 2. Provide adequate poll workers, election officials and equipment  
11 necessary to conduct voting pursuant to this section and section  
12 16-579.02.

13 3. Categorize and tally separately in the official canvass and  
14 other reports electors whose voted early ballots are tabulated at the  
15 precinct or voting center. The tally shall be reported by precinct in the  
16 official canvass and other voting reports.

17 4. Reconcile for that polling place or voting center the number of  
18 electors who appear on the signature roster or ~~e-pollbook~~ ELECTRONIC  
19 POLLBOOK with the number of completed early ballot affidavits and the  
20 voted early ballots tabulated on-site.

21 Sec. 7. Section 16-579.02, Arizona Revised Statutes, is amended to  
22 read:

23 16-579.02. Election day early ballot on-site tabulation  
24 procedure; fund

25 A. A qualified elector who appears at a voting center or at the  
26 elector's designated polling place ~~that allows for the on-site tabulation~~  
27 ~~of early ballots~~ with the elector's voted early ballot shall present  
28 identification as prescribed in section 16-579, subsection A, paragraph 1  
29 and proceed as follows:

30 1. If the elector does not present identification that complies  
31 with section 16-579, subsection A, paragraph 1, the elector shall ~~either~~  
32 ~~deposit the elector's voted early ballot in its affidavit envelope in an~~  
33 ~~official drop box or~~ proceed to the area designated for election day  
34 voting to SPOIL AND surrender the early ballot to the election board for  
35 retention and not for tabulating. The elector shall then be allowed to  
36 vote a provisional ballot as prescribed in section 16-584. An election  
37 official may not allow for the on-site tabulation of an early ballot if  
38 the elector does not present identification that complies with section  
39 16-579, subsection A, paragraph 1.

40 2. If the elector presents sufficient identification to comply with  
41 section 16-579, subsection A, paragraph 1, the elector shall present the  
42 elector's early ballot affidavit to the election official in charge of the  
43 signature roster, and the election official shall confirm that the name  
44 and address on the completed affidavit reasonably appear to be the same as  
45 the name and address on the precinct register.

1           3. If the elector's affidavit is not complete, the election  
2 official in charge of the signature roster shall allow the elector to  
3 complete the affidavit. The election official may not allow for the  
4 on-site tabulation of an early ballot until the elector presents a  
5 completed early ballot affidavit.

6           B. If the elector's affidavit is complete, the elector's name shall  
7 be numbered consecutively by the clerk and in the order of application for  
8 early ballot tabulation.

9           C. For precincts in which a paper signature roster is used, each  
10 qualified elector shall sign the elector's name in the signature roster as  
11 prescribed in section 16-579, subsection D before proceeding to the  
12 tabulating equipment.

13           D. For precincts in which an electronic pollbook is used, each  
14 qualified elector shall sign the elector's name as prescribed in section  
15 16-579, subsection E before proceeding to the tabulating equipment.

16           E. After signing the signature roster or electronic pollbook, the  
17 elector, ~~shall proceed to the tabulating equipment and~~ while under the  
18 observation of an election official, SHALL remove the early ballot from  
19 the completed affidavit envelope, deposit the empty completed affidavit  
20 envelope in the secured and labeled drop box, ~~and~~ SPOIL THE EARLY BALLOT  
21 AND RECEIVE A REGULAR BALLOT FROM THE ELECTION OFFICIAL AND insert the  
22 ~~early~~ REGULAR ballot into a tabulating machine. An early ballot that has  
23 been separated from the elector's completed affidavit envelope SHALL BE  
24 SPOILED AND may not be removed from the on-site early ballot tabulation  
25 area.

26           F. The drop box prescribed in subsection E of this section shall be  
27 clearly labeled to indicate that the completed affidavits are from ballots  
28 tabulated pursuant to this section and shall be secured in a manner  
29 substantially similar to other ballot boxes at that location.

30           G. Any qualified elector who lawfully brings to a polling place or  
31 voting center another elector's voted early ballot that is sealed in its  
32 affidavit envelope shall deposit the other elector's voted early ballot in  
33 the appropriate ballot drop box before entering the on-site early ballot  
34 tabulation area for purposes of ~~tabulating~~ SPOILING the elector's own  
35 early ballot AND VOTING A REGULAR BALLOT. The county recorder or other  
36 officer in charge of elections shall ensure that a voter is not in  
37 possession of another voter's ballot within the on-site early ballot  
38 tabulation area.