

Senate Engrossed

early voting; signature required; notice

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

SENATE BILL 1003

AN ACT

**AMENDING SECTIONS 16-547 AND 16-550, ARIZONA REVISED STATUTES; RELATING TO
CONDUCT OF ELECTIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot affidavit; form

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

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

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

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

Name of voter assistant: _____

Address of voter assistant: _____

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

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

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. **THE BALLOT WILL NOT BE COUNTED WITHOUT THE VOTER'S SIGNATURE ON THE ENVELOPE.**

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

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

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

A. On receipt of the envelope containing the early ballot and the ballot affidavit, the county recorder or other officer in charge of elections shall compare the signatures thereon with the signature of the elector on the elector's registration record. If the signature is inconsistent with the elector's signature on the elector's registration record, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the voter, advise the voter of the inconsistent signature and allow the voter to correct or the county to confirm the inconsistent signature. The county recorder or other officer in charge of elections shall allow signatures to be corrected not 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. **IF THE SIGNATURE IS MISSING, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAKE REASONABLE EFFORTS TO CONTACT THE ELECTOR, ADVISE THE ELECTOR OF THE MISSING SIGNATURE AND ALLOW THE ELECTOR TO ADD THE ELECTOR'S SIGNATURE NOT LATER THAN 7:00 P.M. ON ELECTION DAY.** If satisfied that the signatures correspond, the recorder or other officer in charge of elections shall hold the envelope containing the early ballot and the completed affidavit unopened in accordance with the rules of the secretary of state.

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

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

D. This section does not apply to:

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

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

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

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