

Senate Engrossed

early ballots; identification; mailing

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

SENATE BILL 1713

AN ACT

AMENDING SECTIONS 16-547 AND 16-548, ARIZONA REVISED STATUTES; RELATING TO 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 **THAT IS DESIGNED TO FIT INSIDE THE RETURN ENVELOPE** 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 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 **COMPLETE AND** sign the affidavit, mark the ballot and return ~~both~~ **THEM** 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, **COMPLETE WITH REQUIRED VOTER INFORMATION AND SIGNATURE**, 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~~ **NOT** later than 7:00 p.m. on election day.

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

D. NOTWITHSTANDING SUBSECTIONS A AND C OF THIS SECTION, A SPECIAL DISTRICT THAT IS NOT PRIMARILY SUPPORTED BY TAXES MAY PROVIDE AN EARLY BALLOT AFFIDAVIT THAT IS NOT DESIGNED TO FIT INSIDE THE RETURN ENVELOPE.

Sec. 2. Section 16-548, Arizona Revised Statutes, is amended to read:

16-548. Preparation and transmission of ballot

A. The early voter shall make and sign the affidavit and shall then mark ~~his~~ **THE** ballot in ~~such~~ a manner that ~~his~~ **THE VOTER'S** vote cannot be seen.◆ The early voter shall fold the ballot, if a paper ballot, so as to conceal the vote and deposit the voted ballot in the envelope provided for that purpose, ~~which~~ **ALONG WITH THE AFFIDAVIT PROVIDED BY THE COUNTY RECORDER AND COMPLETED BY THE VOTER THAT CONTAINS THE VOTER'S DATE OF BIRTH AND EITHER OF THE FOLLOWING VOTER INFORMATION:**

1. THE NUMBER FROM THE VOTER'S ARIZONA DRIVER LICENSE, ARIZONA NONOPERATING IDENTIFICATION LICENSE, TRIBAL ENROLLMENT CARD OR OTHER FORM OF TRIBAL IDENTIFICATION OR A COPY OF A UNITED STATES FEDERAL, STATE OR LOCAL GOVERNMENT ISSUED IDENTIFICATION.◆

2. THE VOTER'S VOTER REGISTRATION NUMBER AND AN ITEM THAT CONTAINS THE NAME AND ADDRESS OF THE VOTER THAT REASONABLY APPEARS TO BE THE SAME AS THE VOTER'S VOTER REGISTRATION ADDRESS, INCLUDING A COPY OF A UTILITY BILL, A BANK OR CREDIT UNION STATEMENT THAT IS DATED WITHIN NINETY DAYS OF THE DATE OF THE ELECTION, A VALID ARIZONA VEHICLE REGISTRATION, AN

ARIZONA VEHICLE INSURANCE CARD, AN INDIAN CENSUS CARD, TRIBAL ENROLLMENT CARD OR OTHER FORM OF TRIBAL IDENTIFICATION, A PROPERTY TAX STATEMENT, A RECORDER'S CERTIFICATE, A VOTER REGISTRATION CARD OR ANY OTHER MAILING THAT IS LABELED AS "OFFICIAL ELECTION MATERIAL".

B. THE VOTER'S COMPLETED AFFIDAVIT THAT INCLUDES THE VOTER'S SIGNATURE AND IDENTIFICATION AS PRESCRIBED IN SUBSECTION A OF THIS SECTION AND THE VOTED BALLOT shall be securely sealed and ~~together with the affidavit~~, delivered or mailed to the county recorder or other officer in charge of elections of the political subdivision in which the elector is registered or deposited by the voter or the voter's agent at any polling place in the county. In order to be counted and valid, the ballot AND COMPLETED AFFIDAVIT must be received by the county recorder or other officer in charge of elections or deposited at any polling place in the county ~~no~~ NOT later than 7:00 p.m. on election day.

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

D. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A SPECIAL DISTRICT THAT IS NOT PRIMARILY SUPPORTED BY TAXES MAY PROVIDE AN EARLY BALLOT AFFIDAVIT IN A FORMAT THAT DOES NOT INCLUDE THE VOTER'S DATE OF BIRTH AND THE VOTER INFORMATION PRESCRIBED BY SUBSECTION A OF THIS SECTION.