

REFERENCE TITLE: **provisional ballots; residence; partial tabulation**

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1362

Introduced by
Senator Quezada; Representatives Andrade, Velasquez

AN ACT

AMENDING SECTIONS 16-135 AND 16-584, 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 16-135, Arizona Revised Statutes, is amended to read:

16-135. Change of residence from one address to another

A. An elector who is correcting the residence address shown on the elector's voter registration record shall reregister with the new residence address or correct the voter registration record as prescribed by this section.

B. An elector who moves from the address at which ~~he~~ **THE ELECTOR** is registered to another address within the same county and who fails to notify the county recorder of the change of address before the date of an election shall be permitted to correct the voter registration records at the appropriate polling place for the voter's new address. The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address that is located within the precinct for the voter's new residence address. The voter shall affirm in writing the new residence address. **and IF THE ELECTION BOARD VERIFIES THAT THE ELECTOR'S RESIDENCE ADDRESS IS WITHIN THE PRECINCT, THE ELECTOR shall be permitted to vote a provisional ballot. IF THE ELECTION BOARD VERIFIES THAT THE ELECTOR'S RESIDENCE ADDRESS IS NOT WITHIN THE PRECINCT, THE ELECTOR SHALL BE DIRECTED TO THE CORRECT PRECINCT. IF THE ELECTOR REFUSES TO GO TO THE ELECTOR'S CORRECT PRECINCT, THE ELECTION BOARD SHALL PROVIDE A PROVISIONAL BALLOT TO THAT ELECTOR WITH A WARNING THAT A PORTION OF THE ELECTOR'S BALLOT WILL NOT BE COUNTED IF THE ELECTOR VOTES IN THE WRONG PRECINCT FOR THAT RESIDENCE ADDRESS. THE SECRETARY OF STATE SHALL DESIGN A PROVISIONAL BALLOT ENVELOPE TEMPLATE FOR USE WITH ELECTORS WHO REFUSE TO GO TO THE ELECTOR'S CORRECT PRECINCT THAT INCLUDES A SECTION ON WHICH TO RECORD THE PRECINCT THAT THE ELECTOR WAS DIRECTED TO BY THE ELECTION BOARD AND SIGNATURE LINES FOR BOTH THE ELECTOR AND THE ELECTION BOARD OFFICIAL TO AFFIRM THAT THE RECORDED PRECINCT WAS COMMUNICATED AND THAT THE WARNING WAS COMMUNICATED.**

C. When an elector completes voting a provisional ballot, the election official shall place the ballot in an envelope for provisional ballots and shall deposit the envelope in the ballot box designated for provisional ballots.

D. Within ten calendar days after a general election that includes an election for a federal office and within five

business days after any other election, a provisional ballot shall be compared to the signature roster for the precinct in which the voter was listed and if the voter's signature does not appear on the signature roster for that election and if there is no record of that voter having voted early for that election, the provisional ballot shall be counted. If the signature roster or early ballot information indicates that the person did vote in that election, the provisional ballot for that person shall remain unopened and shall not be counted.

E. An elector may also correct the residence address on the elector's voter registration record by requesting the address change on a written request for an early ballot that is submitted pursuant to section 16-542 and that contains all of the following:

1. A request to change the voter registration record.
2. The elector's new residence address.
3. An affirmation that the information is true and correct.
4. The elector's signature.

Sec. 2. Section 16-584, Arizona Revised Statutes, is amended to read:

16-584. Qualified elector not on precinct register; recorder's certificate; verified ballot; procedure

A. A qualified elector whose name is not on the precinct register and who presents a certificate from the county recorder showing that the elector is entitled by law to vote in the precinct shall be entered on the signature roster on the blank following the last printed name and shall be given the next consecutive register number, and the qualified elector shall sign in the space provided.

B. A qualified elector whose name is not on the precinct register, ~~upon~~ **ON** presentation of identification verifying the identity of the elector that includes the voter's given name and surname and the complete residence address that is verified by the election board to be in the precinct or on signing an affirmation that states that the elector is a registered voter in that jurisdiction and is eligible to vote in that jurisdiction, shall be allowed to vote a provisional ballot.

C. If a voter **IS REGISTERED TO VOTE ON OR BEFORE THE TWENTY-NINTH DAY BEFORE THE ELECTION**, has moved to a new address within the county and has not notified the county recorder of the change of address before the date of an election, the voter shall be permitted to correct the voting records ~~for purposes of voting in future elections~~ **ON ELECTION DAY** at the appropriate polling place for the voter's new address. **THE VOTER SHALL COMPLETE EITHER A SWORN AFFIRMATION AS TO THE CHANGE OF ADDRESS OR A VOTER REGISTRATION FORM AND SHALL PRESENT TO THE ELECTION BOARD ONE OF THE FORMS OF IDENTIFICATION PRESCRIBED IN SECTION 16-579, SUBSECTION A THAT INCLUDES THE VOTER'S GIVEN NAME AND SURNAME AND COMPLETE RESIDENCE ADDRESS. THE ELECTION BOARD SHALL VERIFY THAT THE RESIDENCE ADDRESS THAT IS LISTED ON THE IDENTIFICATION IS WITHIN THE PRECINCT IN WHICH THE VOTER IS ATTEMPTING TO VOTE. IF VERIFIED, the voter shall be permitted to vote a provisional ballot. ~~The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address. The residence address must be within the precinct in which the voter is attempting to vote, and the voter shall affirm in writing that the voter is registered in that jurisdiction and is eligible to vote in that jurisdiction.~~ IF THE ELECTION BOARD DETERMINES THAT THE VOTER'S RESIDENCE ADDRESS IS NOT WITHIN THE PRECINCT, THE VOTER SHALL BE DIRECTED TO THE CORRECT PRECINCT FOR THE RESIDENCE ADDRESS. IF THE VOTER REFUSES TO GO TO THE VOTER'S CORRECT PRECINCT, THE ELECTION BOARD SHALL PROVIDE A PROVISIONAL BALLOT TO THAT VOTER WITH A WARNING THAT A PORTION OF THE VOTER'S BALLOT WILL NOT BE COUNTED IF THE VOTER VOTES IN THE WRONG PRECINCT FOR THAT RESIDENCE ADDRESS. THE SECRETARY OF STATE SHALL DESIGN A PROVISIONAL BALLOT ENVELOPE TEMPLATE FOR USE WITH VOTERS WHO REFUSE TO GO TO THE VOTER'S CORRECT PRECINCT THAT INCLUDES A SECTION ON WHICH TO RECORD THE PRECINCT THAT THE VOTER WAS DIRECTED TO BY THE ELECTION BOARD AND SIGNATURE LINES FOR BOTH THE VOTER AND THE ELECTION BOARD OFFICIAL TO AFFIRM THAT THE RECORDED PRECINCT WAS COMMUNICATED AND THAT THE WARNING WAS COMMUNICATED.**

D. On completion of the ballot, the election official shall remove the ballot stub, shall place the ballot in a provisional ballot envelope and shall deposit the envelope in the ballot box. Within ten calendar days after a general election that includes an election for a federal office and within five business days after any other election or no later than the time at which challenged early voting ballots are resolved, the signature shall be compared to the precinct signature roster of the former precinct where the voter was registered. If the voter's name is not signed on the roster and if there is no indication that the voter voted an early ballot, the provisional ballot envelope shall be opened and the ballot shall be counted. If there is information showing the person did vote, the provisional ballot shall remain unopened and shall not be counted. When provisional ballots are confirmed for counting, the county recorder shall use the information supplied on the provisional ballot envelope to correct the address record of the voter.

E. When a voter is allowed to vote a provisional ballot, the elector's name shall be entered on a separate

signature roster page at the end of the signature roster. Voters' names shall be numbered consecutively beginning with the number V-1. The elector shall sign in the space provided. The ballot stub shall be removed and the ballot shall be placed in a separate envelope, the outside of which shall contain the precinct name or number, a sworn or attested statement of the elector that the elector resides ~~in the precinct~~ **AT THE RESIDENCE ADDRESS PROVIDED**, is eligible to vote in the election and has not previously voted in the election, **THE PRECINCT TO WHICH THE ELECTION BOARD DIRECTED THE VOTER**, the signature of the elector **AND THE ELECTION BOARD OFFICIAL** and the voter registration number of the elector, if available. The ballot shall be verified for proper registration of the elector by the county recorder before being counted. The verification shall be made by the county recorder within ten calendar days after a general election that includes an election for a federal office and within five business days following any other election, and the voter receipt card, notification or identification card, if any, from the county recorder used therefor, if valid, shall be returned to the elector within a reasonable time thereafter. Verified ballots shall be counted by depositing the ballot in the ballot box and showing on the records of the election that the elector has voted. If registration is not verified the ballot shall remain unopened and shall be retained in the same manner as voted ballots.

F. IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS DETERMINES AFTER RECEIPT OF THE PROVISIONAL BALLOT THAT THE VOTER RESIDES IN THE PRECINCT IN WHICH THE PROVISIONAL BALLOT WAS CAST, EVERY VOTE ON THE PROVISIONAL BALLOT SHALL BE COUNTED AS OTHERWISE PROVIDED BY LAW. IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS DETERMINES THAT THE VOTER CAST THE PROVISIONAL BALLOT IN THE CORRECT COUNTY FOR THE VOTER'S RESIDENCE ADDRESS BUT DID NOT CAST IT IN THE CORRECT PRECINCT, THE PROVISIONAL BALLOT SHALL BE OPENED AND THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL COUNT THE VOTES THAT THE VOTER WOULD HAVE BEEN ELIGIBLE TO CAST IF THE VOTER HAD VOTED IN THE PRECINCT IN WHICH THE VOTER RESIDES. ANY VOTES ON THAT PROVISIONAL BALLOT THAT THE VOTER WOULD NOT HAVE BEEN ELIGIBLE TO CAST IF THE VOTER HAD VOTED IN THE PRECINCT IN WHICH THE VOTER RESIDES SHALL BE REJECTED. IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS DETERMINES THAT THE VOTER CAST THE PROVISIONAL BALLOT OUTSIDE THE VOTER'S COUNTY OF RESIDENCE, THE PROVISIONAL BALLOT SHALL NOT BE OPENED AND SHALL NOT BE COUNTED.

G. ALL PROVISIONAL BALLOT ENVELOPES SHALL BEAR PRINTED WARNINGS THAT CASTING A PROVISIONAL BALLOT OUTSIDE THE PRECINCT IN WHICH THE VOTER RESIDES WILL RESULT IN THE REJECTION OF THOSE VOTES ON THE BALLOT THAT THE VOTER IS NOT ELIGIBLE TO CAST AND THAT CASTING A PROVISIONAL BALLOT OUTSIDE OF THE VOTER'S COUNTY OF RESIDENCE WILL RESULT IN THE FULL REJECTION OF THAT BALLOT. BEFORE PROVIDING A PROVISIONAL BALLOT TO A VOTER, THE ELECTION BOARD OFFICIAL SHALL PROVIDE THESE SAME WARNINGS VERBALLY AND SHALL MARK THE PROVISIONAL BALLOT ENVELOPE TO CONFIRM THAT THE WARNINGS WERE GIVEN. IF THE ELECTION BOARD OFFICIAL DETERMINES BEFORE ISSUING THE PROVISIONAL BALLOT THAT THE VOTER RESIDES IN A PRECINCT OTHER THAN THE PRECINCT IN WHICH THE VOTER IS ATTEMPTING TO VOTE, THE ELECTION BOARD OFFICIAL SHALL INFORM THE VOTER OF THE VOTER'S CORRECT PRECINCT AND SHALL RECORD THAT PRECINCT ON THE PROVISIONAL BALLOT ENVELOPE. THE ELECTION BOARD OFFICIAL SHALL NOT REFUSE A PROVISIONAL BALLOT TO A VOTER WHO RESIDES IN ANOTHER PRECINCT OR COUNTY IF THE VOTER REFUSES TO GO TO THE CORRECT LOCATION BUT SHALL PROVIDE THE VOTER WITH A PROVISIONAL BALLOT AND A WARNING THAT A PORTION OF THE VOTER'S BALLOT WILL NOT BE COUNTED IF THE VOTER VOTES IN THE WRONG PRECINCT FOR THAT RESIDENCE ADDRESS. THE SECRETARY OF STATE SHALL DESIGN A PROVISIONAL BALLOT ENVELOPE TEMPLATE FOR USE WITH VOTERS WHO REFUSE TO GO TO THE VOTER'S CORRECT PRECINCT THAT INCLUDES A SECTION ON WHICH TO RECORD THE PRECINCT THAT THE VOTER WAS DIRECTED TO BY THE ELECTION BOARD AND SIGNATURE LINES FOR BOTH THE VOTER AND THE ELECTION BOARD OFFICIAL TO AFFIRM THAT THE RECORDED PRECINCT WAS COMMUNICATED AND THAT THE WARNING WAS COMMUNICATED.

F. H. For any person who votes a provisional ballot, the county recorder or other officer in charge of elections shall provide for a method of notifying the provisional ballot voter at no cost to the voter whether the voter's ballot was verified and counted and, if not counted, the reason for not counting the ballot. The notification may be in the form of notice by mail to the voter, establishment of a toll free telephone number, internet access or other similar method to allow the voter to have access to this information. The method of notification shall provide reasonable restrictions that are designed to limit transmittal of the information only to the voter.