

REFERENCE TITLE: **provisional ballots; tally; verification.**

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

SB 1364

Introduced by
Senator Quezada; Representative Velasquez; Senator Cajero Bedford; Representatives Clark, Fernandez,
Mendez, Rios

AN ACT

AMENDING SECTION 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 16-584, 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 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 at the appropriate polling place for the voter's new address. 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.

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, is eligible to vote in the election and has not previously voted in the election, the signature of the elector 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. FOR ANY VOTER WHO CASTS A PROVISIONAL BALLOT IN A PRECINCT THAT IS NOT THE CORRECT PRECINCT FOR THAT VOTER'S RESIDENCE, THE COUNTY RECORDER SHALL COUNT THAT PERSON'S VOTES THAT WERE CAST FOR CANDIDATES AND BALLOT MEASURES FOR WHICH THE PERSON WAS ENTITLED TO VOTE BUT MAY NOT COUNT THE VOTES CAST BY THAT PERSON FOR CANDIDATES AND BALLOT MEASURES FOR WHICH THAT PERSON WAS NOT ENTITLED TO VOTE, AS DETERMINED BY THAT VOTER'S RESIDENCE. THE OFFICER IN CHARGE OF ELECTIONS SHALL PREPARE A TRUE DUPLICATE BALLOT CONTAINING ONLY THOSE VOTES CAST BY THAT PERSON IN THOSE RACES IN WHICH THAT PERSON WAS ENTITLED TO VOTE. THE DUPLICATE BALLOT SHALL BE PREPARED FOR PROCESSING BY THE AUTOMATIC TABULATING EQUIPMENT AND SHALL BE MADE IN THE PRESENCE OF WITNESSES AND SUBSTITUTED FOR THE ORIGINAL BALLOT. THE DUPLICATE BALLOT SHALL BE CLEARLY LABELED "DUPLICATE" AND SHALL BEAR A SERIAL NUMBER THAT SHALL BE RECORDED ON THE ORIGINAL BALLOT. THE OFFICER IN CHARGE OF ELECTIONS SHALL RETAIN THE ORIGINAL BALLOT.

F. G. 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.