

REFERENCE TITLE: elections; voters' bill of rights

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HB 2061

Introduced by  
Representative Gallardo

AN ACT

REPEALING SECTION 16-513.01, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 16-513.01; AMENDING SECTIONS 16-563, 19-123 AND 41-121, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 16-513.01, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 16, chapter 4, article 6, Arizona Revised Statutes, is  
5 amended by adding a new section 16-513.01, to read:

6 16-513.01. Voters' bill of rights notice

7 THE BOARD OF SUPERVISORS OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL  
8 FURNISH TO THE INSPECTOR IN EACH ELECTION PRECINCT AT LEAST TWO "VOTERS' BILL  
9 OF RIGHTS" NOTICES AT THE TIME AND IN THE SAME MANNER AS THE PRINTED BALLOTS  
10 ARE FURNISHED. THE "VOTERS' BILL OF RIGHTS" NOTICE SHALL BE IN SUBSTANTIALLY  
11 THE FOLLOWING FORM:

12 ARIZONA VOTERS! KNOW YOUR RIGHTS!

13 1. VOTE EARLY IN PERSON AT YOUR LOCAL COUNTY RECORDER'S  
14 OFFICE AND OTHER SITES DESIGNATED FOR EARLY VOTING. FOR THE  
15 GENERAL ELECTION, EARLY VOTING BEGINS (INSERT DATE) AND  
16 ENDS FRIDAY, (INSERT DATE). CONTACT YOUR COUNTY  
17 RECORDER'S OFFICE FOR EARLY VOTING LOCATIONS. (ARIZONA REVISED  
18 STATUTES SECTION 16-542)

19 2. REQUEST A VOTE-BY-MAIL (EARLY BALLOT) FROM YOUR LOCAL  
20 COUNTY RECORDER'S OFFICE BETWEEN (INSERT DATE) AND  
21 (INSERT DATE). (ARIZONA REVISED STATUTES SECTION 16-542)

22 3. DELIVER YOUR VOTE-BY-MAIL (EARLY BALLOT) TO ANY  
23 POLLING PLACE IN THE COUNTY WHERE YOU ARE REGISTERED TO VOTE NO  
24 LATER THAN 7 P.M. ON THE DAY OF THE ELECTION. DON'T FORGET TO  
25 SEAL THE EARLY BALLOT IN AN ENVELOPE AND SIGN THE BACK OF THE  
26 ENVELOPE. (ARIZONA REVISED STATUTES SECTION 16-548)

27 4. VOTE BY EARLY BALLOT FOR PRESIDENT, VICE-PRESIDENT AND  
28 UNITED STATES SENATOR IF YOU HAVE MOVED OUT OF THE STATE OF  
29 ARIZONA WITHIN TWENTY-NINE DAYS BEFORE A PRESIDENTIAL ELECTION.  
30 YOU MAY CAST YOUR EARLY BALLOT BY MAIL OR IN PERSON AT THE  
31 COUNTY RECORDER'S OFFICE OR PRECINCT FOR YOUR OLD ADDRESS.  
32 (ARIZONA REVISED STATUTES SECTION 16-126)

33 5. TAKE UP TO THREE HOURS OF PAID TIME OFF FROM WORK IF  
34 YOU BEGIN WORK BEFORE 9:00 A.M. OR END WORK AFTER 4:00 P.M. ON  
35 ELECTION DAY. YOU MUST MAKE ARRANGEMENTS WITH YOUR EMPLOYER  
36 BEFORE ELECTION DAY. YOUR EMPLOYER MAY SPECIFY THE HOURS DURING  
37 WHICH YOU MAY BE ABSENT. (ARIZONA REVISED STATUTES SECTION  
38 16-402)

39 6. RECEIVE A DEMONSTRATION AND WRITTEN INSTRUCTIONS ON  
40 HOW TO USE A VOTING MACHINE BEFORE ELECTION DAY. (ARIZONA  
41 REVISED STATUTES SECTIONS 16-406 AND 16-427)

42 7. TAKE UP TO FIVE MINUTES TO CAST YOUR BALLOT. IF YOU  
43 NEED MORE TIME, YOU HAVE A RIGHT TO ASK AN ELECTION OFFICIAL FOR  
44 ADDITIONAL TIME. (ARIZONA REVISED STATUTES SECTION 16-580)

- 1           8. RECEIVE VOTING INFORMATION, INCLUDING BALLOTS, IN  
2 ENGLISH AND SPANISH (STATEWIDE) AND AMERICAN INDIAN LANGUAGES IN  
3 CERTAIN COUNTIES. (42 UNITED STATES CODE SECTION 1973b(f)(4);  
4 28 CODE OF FEDERAL REGULATIONS PART 55 APPENDIX)
- 5           9. VOTE WITHOUT BEING DISCRIMINATED AGAINST OR  
6 INTIMIDATED. (ARIZONA REVISED STATUTES SECTION 16-1013)
- 7           10. GET A REPLACEMENT BALLOT IF YOU MAKE A MISTAKE.  
8 (ARIZONA REVISED STATUTES SECTION 16-585)
- 9           11. VOTE AT THE POLLING PLACE FOR YOUR OLD ADDRESS IF YOU  
10 HAVE MOVED TO A DIFFERENT COUNTY IN ARIZONA WITHIN TWENTY-NINE  
11 DAYS BEFORE THE ELECTION. (ARIZONA REVISED STATUTES SECTION  
12 16-125)
- 13           12. USE ALTERNATIVE VOTING PROCEDURES IF THE POLLING PLACE  
14 IS INACCESSIBLE AND YOU ARE AT LEAST SIXTY-FIVE YEARS OF AGE OR  
15 HAVE A TEMPORARY OR PERMANENT DISABILITY. (ARIZONA REVISED  
16 STATUTES SECTION 16-581)
- 17           13. VOTE BY A PROVISIONAL BALLOT IF:
- 18           (a) YOUR NAME IS NOT ON THE PRECINCT REGISTER AND YOU  
19 BELIEVE YOU ARE QUALIFIED TO VOTE.
- 20           (b) YOU HAVE MOVED WITHIN A COUNTY BUT HAVE NOT NOTIFIED  
21 THE COUNTY RECORDER'S OFFICE OF YOUR NEW ADDRESS.
- 22           (c) YOU REQUESTED AN EARLY BALLOT BUT YOU HAVE NOT VOTED  
23 AND WILL SURRENDER THE BALLOT AT THE POLLING PLACE ON ELECTION  
24 DAY.
- 25           (d) YOU HAVE CHANGED YOUR NAME.
- 26           (e) YOUR ELIGIBILITY TO VOTE IS CHALLENGED AT THE POLLS.  
27 BEFORE VOTING BY PROVISIONAL BALLOT YOU MUST SHOW IDENTIFICATION  
28 WITH YOUR NAME AND CURRENT ADDRESS OR SIGN AN AFFIRMATION  
29 STATING THAT YOU ARE ELIGIBLE AND REGISTERED TO VOTE IN THE  
30 PRECINCT.
- 31 MAKE SURE YOU ARE IN THE CORRECT PRECINCT FOR YOUR CURRENT  
32 ADDRESS BEFORE YOU CAST A PROVISIONAL BALLOT. IF YOU ARE IN THE  
33 WRONG PRECINCT, THE POLL WORKER MUST DIRECT YOU TO THE CORRECT  
34 ONE.
- 35 (ARIZONA REVISED STATUTES SECTIONS 16-137, 16-583, 16-584 AND  
36 16-592)
- 37           14. TAKE YOUR MINOR CHILD INTO THE VOTING BOOTH WITH YOU  
38 WHILE YOU VOTE. (ARIZONA REVISED STATUTES SECTION 16-580)
- 39           15. RECEIVE ASSISTANCE WITH CASTING A BALLOT IF YOU ARE  
40 UNABLE TO READ OR WRITE OR HAVE A DISABILITY. YOU MAY RECEIVE  
41 ASSISTANCE FROM ANYONE YOU CHOOSE OR FROM TWO ELECTION  
42 OFFICIALS, ONE FROM EACH MAJOR POLITICAL PARTY. YOU MAY NOT  
43 RECEIVE ASSISTANCE FROM A CANDIDATE FOR THAT ELECTION, YOUR  
44 EMPLOYER OR AN AGENT OF YOUR EMPLOYER. (ARIZONA REVISED  
45 STATUTES SECTIONS 16-580 AND 16-1012)

1           16. VOTE IF YOU ARE IN LINE WHEN THE POLLS CLOSE AT  
2           7:00 P.M., BUT HAVE NOT REACHED THE VOTING MACHINE. (ARIZONA  
3           REVISED STATUTES SECTION 16-565)

4           Sec. 3. Section 16-563, Arizona Revised Statutes, is amended to read:  
5           16-563. Posting sample ballots, instruction cards and notices  
6           to voters before opening polls

7           Before opening the polls the inspector of election shall direct the  
8           following postings:

9           1. One of the sample ballots provided for in section 16-510, one of  
10          the cards of instructions provided for in section 16-513, and one of the  
11          ~~"Right to vote a provisional ballot"~~ "VOTERS' BILL OF RIGHTS" notices  
12          provided for in section 16-513.01 in plain view in the room where the ballots  
13          are cast. At least one other sample ballot, card of instruction, and ~~"Right~~  
14          ~~to vote a provisional ballot"~~ "VOTERS' BILL OF RIGHTS" notice shall be posted  
15          in a conspicuous place in and around the polling place.

16          2. Three seventy-five foot limit notices approximately seventy-five  
17          feet in different directions from the main outside entrance being used by  
18          voters to enter the building in which the election is being held.

19          3. In each voting booth, a notice to voters provided in section 16-514  
20          at general elections only.

21          Sec. 4. Section 19-123, Arizona Revised Statutes, is amended to read:  
22          19-123. Publicity pamphlet; printing; distribution; public  
23          hearings

24          A. When the secretary of state is ordered by the legislature, or by  
25          petition under the initiative and referendum provisions of the constitution,  
26          to submit to the people a measure or proposed amendment to the constitution,  
27          the secretary of state shall cause to be printed, at the expense of the  
28          state, except as otherwise provided in this article, a publicity pamphlet,  
29          which shall contain:

30          1. A true copy of the title and text of the measure or proposed  
31          amendment. Such text shall indicate material deleted, if any, by printing  
32          such material with a line drawn through the center of the letters of such  
33          material and shall indicate material added or new material by printing the  
34          letters of such material in capital letters.

35          2. The form in which the measure or proposed amendment will appear on  
36          the ballot, the official title, the descriptive title prepared by the  
37          secretary of state and the number by which it will be designated.

38          3. The arguments for and against the measure or amendment.

39          4. For any measure or proposed amendment, a legislative council  
40          analysis of the ballot proposal as prescribed by section 19-124.

41          5. The report of the commission on judicial performance review for any  
42          justices of the supreme court, judges of the court of appeals and judges of  
43          the superior court who are subject to retention.

44          6. The summary of a fiscal impact statement prepared by the joint  
45          legislative budget committee staff pursuant to subsection D of this section.

1           7. A COPY OF THE "VOTERS' BILL OF RIGHTS" NOTICE PRESCRIBED IN SECTION  
2 16-513.01.

3           B. The secretary of state shall mail one copy of the publicity  
4 pamphlet to every household that contains a registered voter. The mailings  
5 may be made over a period of days but shall be mailed in order to be  
6 delivered to households before the earliest date for receipt by registered  
7 voters of any requested early ballots for the general election.

8           C. Sample ballots for both the primary and general elections shall  
9 include a statement that information on how to obtain a publicity pamphlet  
10 for the general election ballot propositions is available by calling the  
11 secretary of state. The statement shall include a telephone number and  
12 mailing address of the secretary of state.

13           D. On certification of an initiative measure as qualified for the  
14 ballot, the secretary of state shall hold or cause to be held at least three  
15 public meetings on the ballot measure. Hearings shall be held in at least  
16 three different counties and shall be held before the date of the election on  
17 the measure. The hearings shall provide an opportunity for proponents,  
18 opponents and the general public to provide testimony and request  
19 information. Hearings may be scheduled to include more than one qualified  
20 ballot measure and shall include a fiscal impact presentation on the measure  
21 by the joint legislative budget committee staff. The joint legislative  
22 budget committee staff shall prepare a summary of the fiscal impact for each  
23 ballot measure, not to exceed three hundred words, for publication in the  
24 publicity pamphlet.

25           Sec. 5. Section 41-121, Arizona Revised Statutes, is amended to read:  
26 41-121. Duties

27           The secretary of state shall:

28           1. Receive bills and resolutions from the legislature, and perform  
29 such other duties as devolve upon the secretary of state by resolution of the  
30 two houses or either of them.

31           2. Keep a register of and attest the official acts of the governor.

32           3. Act as custodian of the great seal of this state.

33           4. Affix the great seal, with the secretary of state's attestation, to  
34 public instruments to which the official signature of the governor is  
35 attached.

36           5. File in the secretary of state's office receipts for all books  
37 distributed by the secretary of state and direct the county recorder of each  
38 county to do the same.

39           6. Certify to the governor the names of those persons who have  
40 received at any election the highest number of votes for any office, the  
41 incumbent of which is commissioned by the governor.

42           7. Publish slip laws of each act of the legislature promptly upon  
43 passage and approval of such act, make such acts available to interested  
44 persons for a reasonable fee to compensate for the cost of printing and  
45 provide each house of the legislature and the legislative council with a

1 certified copy of each bill or resolution, showing the chapter or resolution  
2 number of each, as each is filed in the secretary of state's office.

3 8. Keep a fee book of fees and compensation of whatever kind and  
4 nature earned, collected or charged by the secretary of state, with the date,  
5 the name of the payer and the nature of the service in each case. The fee  
6 book shall be verified annually by the secretary of state's affidavit entered  
7 in the fee book.

8 9. Perform other duties imposed on the secretary of state by law.

9 10. Report to the governor on January 2 each year, and at such other  
10 times as provided by law, a detailed account of the secretary of state's  
11 official actions taken since the secretary of state's previous report  
12 together with a detailed statement of the manner in which all appropriations  
13 for the secretary of state's office have been expended.

14 11. Transfer all noncurrent or inactive books, records, deeds and other  
15 papers otherwise required to be filed with or retained by the secretary of  
16 state to the custody of the Arizona state library, archives and public  
17 records.

18 12. Make available to the public, without charge, title 33, chapter 11  
19 on the secretary of state's ~~web-site~~ WEBSITE.

20 13. Accept, and approve for use, electronic and digital signatures that  
21 comply with section 41-132, for documents filed with and by all state  
22 agencies, boards and commissions. In consultation with the government  
23 information technology agency, the department of administration and the state  
24 treasurer, the secretary of state shall adopt rules pursuant to chapter 6 of  
25 this title establishing policies and procedures for the use of electronic and  
26 digital signatures by all state agencies, boards and commissions for  
27 documents filed with and by all state agencies, boards and commissions.

28 14. Meet at least annually with personnel from the federal voting  
29 assistance office of the United States department of defense and with county  
30 recorders and other county election officials in this state to coordinate the  
31 delivery and return of registrations, ballot requests, voted ballots and  
32 other election materials to and from absent uniformed and overseas citizens.

33 15. POST IN A PROMINENT PLACE ON THE SECRETARY OF STATE'S WEBSITE THE  
34 "VOTERS' BILL OF RIGHTS" NOTICE PRESCRIBED IN SECTION 16-513.01.