

REFERENCE TITLE: elections; voters' bill of rights.

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1298

Introduced by
Senators Miranda, Garcia

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3 Section 16-513.01, Arizona Revised Statutes, is repealed.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