

U.S. ELECTION ASSISTANCE COMMISSION



2010 Election Administration & Voting Survey

Arizona

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

 X No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

 X Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin definition (a) below this line.]

An overvote occurs when a voter votes on the official ballot for more candidates than the number to be elected for the specific office or when a voter selects the correct number of candidates on the official ballot and also writes in a candidate's name for the same office. [2010 Arizona Secretary of State Election Procedures Manual; *see* A.R.S. § 16-452]

[End definition (a) above this line.]

b. Under-vote

☐ **No Change Since 2008** ☒ **Changed Since 2008**

2008 Response:

[Begin definition (b) below this line.]

An undervote is defined in the Arizona Secretary of State Election Procedures Manual as when the number of choices selected by a voter in a contest is less than the maximum number allowed for that contest or when no selection is made for a single choice contest. [2010 Arizona Secretary of State Election Procedures Manual; *see* A.R.S. § 16-452]

[End definition (b) above this line.]

c. Blank ballot

☐ **No Change Since 2008** ☒ **Changed Since 2008**

2008 Response:

[Begin definition (c) below this line.]

A blank ballot is defined in the Arizona Secretary of State Election Procedures Manual as a ballot that is cast by a voter who chose not to vote for any races on the complete ballot. [2010 Arizona Secretary of State Election Procedures Manual; *see* A.R.S. § 16-452]

[End definition (c) above this line.]

d. Void/Spoiled ballot

 No Change Since 2008 **X** Changed Since 2008

2008 Response:

[Begin definition (d) below this line.]

A Spoiled ballot is mentioned in Arizona Revised Statutes, but is not defined. Nor is it defined in the Arizona Secretary of State Election Procedures Manual. It is widely understood that a spoiled ballot is a ballot that a voter has made an error on and wishes to correct that error using a new unspoiled ballot. To do so, the Arizona Secretary of State Election Procedures Manual gives the following instructions:

“Spoiled Ballots

If an elector spoils a ballot, the elector shall return the ballot and receive another ballot:

- the word "SPOILED" shall be written on the ballot in ink by the voter or by the inspector and one of the judges
- the inspector or judge shall mark the spoiled ballot in a manner to assure that it cannot be counted by any electronic voting system
- the spoiled ballot shall be placed in the official returns envelope

Up to two additional ballots may be issued.”

[End definition (d) above this line.]

e. Provisional/Challenged ballot

 X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin definition (e) below this line.]

Provisional Ballot is defined in the Secretary of State Election Procedures Manual as a ballot that is cast by a voter whose name does not appear on the signature roster or inactive list and the voter has not moved; the voter has moved within the precinct; the voter has moved to a new precinct within the county and failed to notify the County Recorder of the change of address; the voter was issued an early ballot and did not vote his/her early ballot; or the voter has changed his/her name and did not notify the County Recorder of the name change. A Conditional Provisional Ballot is defined in the Manual as a ballot issued to a voter who does

not present sufficient identification at the polling place pursuant to A.R.S. § 16-579(A), but who is entitled to vote a ballot that is conditioned on subsequently providing sufficient identification.

[End definition (e) above this line.]

f. Absentee

____ No Change Since 2008 **X** Changed Since 2008

2008 Response:

[Begin definition (f) below this line.]

The heading of Arizona Revised Statutes Title 16, Chapter 4, Article 8 was changed from “Absentee Voting” to “Early Voting” by laws 1997, 2nd S.S., Chapter 5, § 16, effective January 1, 1980.

[End definition (f) above this line.]

g. Early voting

____ No Change Since 2008 **X** Changed Since 2008

2008 Response:

[Begin definition (g) below this line.]

Beginning ~~33-26~~ days before ~~the an~~ election ~~or 26 days before the presidential preference election~~, voters may vote by mail or at places designated by the County Recorder. Early voting does not require a reason or a witnessed signature. [See A.R.S. § 16-542]

[End definition (g) above this line.]

h. Active Voter

X No Change Since 2008 ____ Changed Since 2008

2008 Response:

[Begin definition (h) below this line.]

[See A.R.S. § 16-166]

[End definition (h) above this line.]

i. Inactive Voter

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin definition (i) below this line.]

[See A.R.S. § 16-166]

[End definition (i) above this line.]

j. Other terms (please specify) unused ballot; unvoted ballot

☐ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Identify each TERM and definition separately and begin below this line.]

These terms were not defined in 2008 and have been added to the Secretary of State Election Procedures Manual in 2010.

An unused ballot is defined in the Manual as an early ballot not mailed to the voters and polling place ballots that are not handed to any voters at the polling place. [2010 Arizona Secretary of State Election Procedures Manual, *see* A.R.S. § 16-452]

An unvoted ballot is defined in the Manual as a ballot that has not been voted, for example a ballot that is sent to an early voter and not returned for processing.

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change Since 2008** ☒ **Changed Since 2008**

2008 Response:

[Begin response to above question (A2) below this line.]

In 2008, the Arizona Legislature passed HB2213 allowing the military and overseas voter to return the ballot by fax "OR OTHER ELECTRONIC FORMAT". The Secretary of State implemented a secured internet application to allow the military and overseas voter to return the voted ballot in time for the 2008 General Election.

In our 2008 Response we failed to provide information on early voting. In 2007, the Arizona Legislature passed HB2106 implementing permanent early voting. Here is the new law:

16-544. Permanent early voting list

A. Any voter may request to be included on a permanent list of voters to receive an early ballot for any election for which the county voter registration roll is used to prepare the election register. The county recorder of each county shall maintain the permanent early voting list as part of the voter registration roll.

B. In order to be included on the permanent early voting list, the voter shall make a written request specifically requesting that the voter's name be added to the permanent early voting list for all elections in which the applicant is eligible to vote. A permanent early voter request form shall conform to requirements prescribed in the instructions and procedures manual issued pursuant to section 16-452. The application shall allow for the voter to provide the voter's name, residence address, mailing address in the voter's county of residence, date of birth and signature. The voter shall not list a mailing address that is outside of the voter's county of residence for the purpose of the permanent early voting list unless the voter is an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6). In lieu of the application, the applicant may submit a written request that contains the required information.

C. On receipt of a request to be included on the permanent early voting list, the county recorder or other officer in charge of elections shall compare the signature on the request form with the voter's signature on the voter's registration form and, if the request is from the voter, shall mark the voter's registration file as a permanent early ballot request.

D. Not less than ninety days before any polling place election scheduled in March or August, the county recorder or other officer in charge of elections shall mail to all voters who are eligible for the election and who are included on the permanent early voting list an election notice by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. If an election is not formally called by a jurisdiction by the one hundred twentieth day before the election, the recorder or other officer in charge of elections is not required to send the election notice. The notice shall include the dates of the elections that are the subject of the notice, the dates that the voter's ballot is expected to be mailed and the address where the ballot will be mailed. If the upcoming election is a partisan open primary election and the voter is not registered as a member of one of the political parties that is recognized for purposes of that primary, the notice shall include information on the procedure for the voter to designate a political party ballot. The notice shall be delivered with return postage prepaid and shall also include a means for the voter to do any of the following:

1. Change the mailing address for the voter's ballot to another location in the voter's county of residence.

2. Update the voter's residence address in the voter's county of residence.

3. Request that the voter not be sent a ballot for the upcoming election or elections indicated on the notice.

E. If the notice that is mailed to the voter is returned undeliverable by the postal service, the county recorder or other officer in charge of elections shall take the necessary steps to contact the voter at the voter's new residence address in order to update that voter's address or to move the voter to inactive status as prescribed in section 16-166, subsection A. If a voter is moved to inactive status, the voter shall be removed from the permanent early voting list. If the voter is removed from the permanent early voting list, the voter shall only be added to the permanent early voting list again if the voter submits a new request pursuant to this section.

F. Not later than the first day of early voting, the county recorder or other officer in charge of elections shall mail an early ballot to all eligible voters included on the permanent early voting list in the same manner prescribed in section 16-542, subsection C. If the voter has not returned the notice or otherwise notified the election officer within forty-five days before the election that the voter does not wish to receive an early ballot by mail for the election or elections indicated, the ballot shall automatically be scheduled for mailing.

G. If a voter who is on the permanent early voting list is not registered as a member of a recognized political party and fails to notify the county recorder of the voter's choice for political party ballot within forty-five days before a partisan open primary election, the following apply:

1. The voter shall not automatically be sent a ballot for that partisan open primary election only and the voter's name shall remain on the permanent early voting list for future elections.

2. To receive an early ballot for the primary election, the voter shall submit the voter's choice for political party ballot to the county recorder.

H. After a voter has requested to be included on the permanent early voting list, the voter shall be sent an early ballot by mail automatically for any election at which a voter at that residence address is eligible to vote until any of the following occurs:

1. The voter requests in writing to be removed from the permanent early voting list.

2. The voter's registration or eligibility for registration is moved to inactive status or canceled as otherwise provided by law.

3. The notice sent by the county recorder or other officer in charge of elections is returned undeliverable and the county recorder or officer in charge of elections is unable to contact the voter to determine the voter's continued desire to remain on the list.

I. A voter may make a written request at any time to be removed from the permanent early voting list. The request shall include the voter's name, residence address, date of birth and signature. On receipt of a completed request to remove a voter from the permanent early voting list, the county recorder or other officer in charge of elections shall remove the voter's name from the list as soon as practicable.

J. An absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) is eligible to be placed on the permanent early voting list pursuant to this section.

K. A voter's failure to vote an early ballot once received does not constitute grounds to remove the voter from the permanent early voting list.

In the Forty-ninth Legislature, First Regular Session in 2009 the Arizona Legislature passed HB2627 which amended the procedure for obtaining a ballot by an elector. The Bill

repealed A.R.S. § 16-579 as passed in the previous legislation and replaced it with the following:

16-579. Procedure for obtaining ballot by elector

(Caution: 1998 Prop. 105 applies)

A. Every qualified elector, before receiving a ballot, shall announce the elector's name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present the elector's name and residence in writing. The election official in charge of the signature roster shall comply with the following and the qualified elector shall be allowed within the voting area:

1. The elector shall present any of the following:

(a) A valid form of identification that bears the photograph, name and address of the elector that reasonably appears to be the same as the name and address in the precinct register, including an Arizona driver license, an Arizona nonoperating identification license, a tribal enrollment card or other form of tribal identification or a United States federal, state or local government issued identification. Identification is deemed valid unless it can be determined on its face that it has expired.

(b) Two different items that contain the name and address of the elector that reasonably appears to be the same as the name and address in the precinct register, including 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, Indian census card, tribal enrollment card or other form of tribal identification, a property tax statement, a recorder's certificate, a voter registration card, a valid United States federal, state or local government issued identification or any mailing that is "official election material". Identification is deemed valid unless it can be determined on its face that it has expired.

(c) A valid form of identification that bears the photograph, name and address of the elector except that if the address on the identification does not reasonably appear to be the same as the address in the precinct register or the identification is a valid United States military identification card or a valid United States passport and does not bear an address, the identification must be accompanied by one of the items listed in subdivision (b) of this paragraph.

2. If the elector does not present identification that complies with paragraph 1 of this subsection, the elector is only eligible to vote a provisional ballot as prescribed by section 16-584 or a conditional provisional ballot as provided for in the secretary of state's instruction and procedures manual adopted pursuant to section 16-452.

B. Any qualified elector who is listed as having applied for an early ballot but who states that the elector has not voted and will not vote an early ballot for this election or surrenders the early ballot to the precinct inspector on election day shall be allowed to vote pursuant to the procedure set forth in section 16-584.

C. Each qualified elector's name shall be numbered consecutively by the clerks, with the number on the stub of the ballot delivered to the elector, and in the order of applications for ballots. The election judge having charge of the ballots shall also write the elector's initials on the stub and the number of the qualified elector as it appears on the precinct register. The judge shall give the qualified elector only one ballot, and the elector's name shall be immediately checked on the precinct register.

D. Each qualified elector shall sign the elector's name in the signature roster prior to receiving a ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with red ink, and no attestation or other proof shall be necessary. The provisions of this subsection relating to signing the signature roster shall not apply to electors casting a ballot using early voting procedures.

E. A person offering to vote at a special district election for which no special district register has been supplied shall sign an affidavit stating the person's address and that the person resides within the district boundaries or proposed district boundaries and swearing that the person is a qualified elector and has not already voted at the election being held.

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B1) below this line.]

Hybrid

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

| No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above clarification question to B1 below this line.]

Real time.

In 2008, data entered at the county level was matched to the statewide voter registration database in real time. As of February 2010, agency matching (Motor Vehicle Division, Department of Health Services, Courts, Duplications) the matching is done in real time instead of daily files and Arizona's online registration (EZVoter) began real time in June, 2010.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B2) below this line.]

A.R.S. § 16-166. Verification of registration (*in pertinent part*)

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(A) Except for the mailing of sample ballots, a county recorder who mails an item to any elector shall send the mailing by nonforwardable first class mail marked with the statement required by the postmaster to receive an address correction notification. If the item is returned undelivered, the county recorder shall send a follow-up notice to that elector within three weeks of receipt of the returned notice. The county recorder shall send the follow-up notice to the address that appears on the general county register or to the forwarding address provided by the United States postal service. The follow-up notice shall include a registration form and the information prescribed by section 16-131, subsection C and shall state that if the elector does not complete and return a new registration form with current information to the county recorder within thirty-five days, the name of the elector will be removed from the general register and transferred to the inactive voter list.

.....

(E) The county recorder on or before May 1 of each year preceding a state primary and general election or more frequently as the recorder deems necessary may use the change of address information supplied by the postal service through its licensees to identify registrants whose addresses may have changed. If it appears from information provided by the postal service that a registrant has moved to a different residence address in the same county, the county recorder shall change the registration records to reflect the new address and shall send the registrant a notice of the change by forwardable mail and a postage prepaid preaddressed return form by which the registrant may verify or correct the registration information. If the registrant fails to return the form postmarked not later than thirty-five days after the mailing of the notice, the elector shall be removed from the general register and transferred to the inactive voter list. If the notice sent by the recorder is not returned, the registrant may be required to provide affirmation or confirmation of the registrant's address in order to vote. If the registrant does not vote in an election during the period after the date of the notice from the recorder through the date of the second general election for federal office following the date of that notice, the registrant's name shall be removed from the list of inactive voters. If the registrant has changed residence to a new county, the county recorder shall provide information on how the registrant can continue to be eligible to vote.

.....

A.R.S. § 16-583. Voter not on precinct register; inactive voter list; procedure

A. On or before election day, the county recorder shall provide to each precinct the names of electors on the inactive voter list. If a person whose name is not on the precinct register appears at a polling place, an election official shall determine whether the person is on the inactive voter list. If the person is on the inactive voter list, The registrant, on affirmation by the registrant before an election official at the polling place that the registrant continues to reside at the address indicated on the inactive voter list, shall be permitted to vote at that polling place. The elector's name shall be entered on a separate signature roster page at the end of the signature roster, and voters' names shall be numbered consecutively. If the

registrant indicates that he lives at a new residence, the election official shall direct the registrant to the polling place for the new address.

B. Following the election, the county recorder shall remove from the inactive voter list the names of all electors who voted pursuant to subsection A and shall place the electors' names back on the general register.

These procedures are the same for UOCAVA voters.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B3) below this line.]

A.R.S. § 16-165. Causes for cancellation

A. The county recorder shall cancel a registration:

1. At the request of the person registered.
2. When the county recorder knows of the death of the person registered.
3. If the person has been adjudicated an incapacitated person as defined in section 14-5101.
4. When the person registered has been convicted of a felony, and the judgment of conviction has not been reversed or set aside. The county recorder shall cancel the registration on receipt of notice of a felony conviction from the court or from the secretary of state or when reported by the elector on a signed juror questionnaire that is completed pursuant to section 21-314.
5. Upon production of a certified copy of a judgment directing a cancellation to be made.
6. Promptly after the election if the person registered has applied for a ballot pursuant to section 16-126.
7. When a person has been on the inactive voter list and has not voted during the time periods prescribed in section 16-166, subsection C.
8. When the county recorder receives written information from the person registered that the person has a change of residence within the county and the person does not complete and return a new registration form within twenty-nine days after the county recorder mails notification of the need to complete and return a new registration form with current information.
9. When the county recorder receives written information from the person registered that the person has a change of address outside the county.

B. If the county recorder cancels a registration pursuant to subsection A, paragraph 8 of this section, the county recorder shall send the person notice that the registration has been cancelled and a registration form with the information described in section 16-131, subsection C attached to the form.

C. When proceedings in the superior court or the district court result in a person being declared incapable of taking care of himself and managing his property, and for whom a guardian of the person and estate is appointed, result in such person being committed as an insane person or result in a person being convicted of a felony, the clerk of the superior court in the county in which those proceedings occurred shall file with the secretary of state an official notice of that fact. The secretary of state shall notify the appropriate county recorder and the recorder shall cancel the name of the person upon the register. Such notice shall name the person covered, shall give the person's date and place of birth if available, the person's social security number, if available, the person's usual place of residence, the person's address and the date of the notice, and shall be filed with the recorder of the county where the person last resided.

D. Each month the department of health services shall transmit to the secretary of state without charge a record of the death of every resident of the state sixteen years of age and older reported to the department within the preceding month. This record shall include only the name of the decedent, the decedent's date of birth, the decedent's social security number, if available, the decedent's usual legal residence at the time of death and, if available, the decedent's father's name or mother's maiden name. The record shall be used by the secretary of state for the sole purpose of canceling the names of deceased persons from the statewide voter registration database. Public access to the records is prohibited. Use of information from the records for purposes other than those required by this section is prohibited. The name of each deceased person shall promptly be canceled from the statewide voter registration database and the secretary of state shall notify the appropriate county recorder and the recorder shall cancel the name of the person from the register.

These procedures are the same for UOCAVA voters.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B4) below this line.]

Yes, Arizona's voter registration data base shares information electronically with the Arizona Motor Vehicle Division Database. The statewide voter registration database is also compared to data from the Arizona Department of Health (death records) and the federal and state court systems (felony and incapacitated records).

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B5) below this line.]

As set forth in the Arizona Secretary of State Election Procedures Manual [A.R.S. § 16-452], the County Recorder on or before **May 1** of each year preceding a state primary and general election, or more frequently as the Recorder deems necessary, may use the change of address information supplied by the postal service through its licensees to identify registrants whose addresses may have changed.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B6) below this line.]

Every resident of the state is qualified to register to vote if he has not been convicted of treason or a felony, unless restored to civil rights. [16-101(A) (5)] Any person who has not previously been convicted of any other felony shall automatically be restored any civil rights that were lost or suspended by the conviction if the person both completes a term of probation or receives an absolute discharge from imprisonment and pays any fine of restitution imposed. [A.R.S. § 13-912] An individual who signs a voter registration form declares by his/her signature the following: "By signing below, I swear or affirm that the above information is true, that I am a RESIDENT of Arizona, I am NOT a convicted FELON or my civil rights are restored, and I have NOT been adjudicated INCOMPETENT". No documentation is required by statute.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

| No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above question (B7) below this line.]

Yes, Arizona Secretary of State in cooperation with the Arizona Motor Vehicle Division, allows a voter to complete an entire registration online. In addition, the Arizona Secretary of State's office has Voter View which allows a voter to see if they are registered, find their polling place, and find out the status of their provisional ballot.

Arizona also modified its voter registration process with the Motor Vehicle Division in June, 2010, to include an option to sign up for the Permanent Early Voting List while completing a driver license or identification card application whether in person or online through EZVoter.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (a) below this line.]

All votes cast at a place other than the voter's precinct of registration are tabulated centrally.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (b) below this line.]

Yes.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (c) below this line.]

Votes are reported with the precinct results as a single number.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

| ☒ **X** No Change Since 2008 ☐ Changed Since 2008

2008 Response:

[Begin response to above question (d) below this line.]

UOCAVA ballots are counted and reported in the same manner as early ballots.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

| ☒ **X** No Change Since 2008 ☐ Changed Since 2008

2008 Response:

[Begin response to above question (C2) below this line.]

| Arizona does not require a reason to vote early. [[See](#) A.R.S. § 16-541]

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

| ☐ No Change Since 2008 ☒ **X** Changed Since 2008

2008 Response:

[Begin response to above question (C3) below this line.]

The county recorder may establish on-site early voting locations at the recorder's office or any other locations in the county the recorder deems necessary. [A.R.S. § 16-541(A)]

| Early voting is defined as beginning ~~33-26~~ days before the election ~~or 26 days before the presidential preference election~~, voters may vote by mail or at places designated by the County Recorder. Early voting does not require a reason or a witnessed signature. [A.R.S. § 16-542]

| Early ballots may be dropped off at the County Recorder's office or any polling location within a county by 7:00 p.m. on election day, but are counted at the central location.

The votes are reported with the precinct results as a single number.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

| ☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (C4) below this line.]

| Yes. [[See](#) A.R.S. §§ 16-248(H), 16-409 & 16-558]

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

| ☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (C5) below this line.]

| Proof of identification [[See](#) A.R.S. § 16-579]

| Name does not appear on signature roster or voter has changed name [[See](#) A.R.S. § 16-584(A) & (B)]

| Voter has moved to a new precinct within the county [[See](#) A.R.S. §§ 16-135 & 16-584(C)]

| Change of residence from one address to another within the same county [[See](#) A.R.S. §§ 16-135 & 16-584(C)]

| The voter has been issued an early ballot [[See](#) A.R.S. §§ 16-550, 16-579 & 16-584]

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

| ☐ **No Change Since 2008** ☒ **Changed Since 2008**

2008 Response:

[Begin response to above question (C6) below this line.]

No, Arizona does not count provisional ballots of voters who are registered in different precincts unless they moved into a new precinct within the same county. Arizona voters are required to vote in their new precinct and would have to vote provisionally. The provisional

ballot would not be counted until the county recorder could determine that the voter did not vote in their old precinct where they were currently registered.

VERIFICATION OF PROVISIONAL BALLOTS

Time for Verification

Verify all provisional ballots for proper registration within 10 calendar days after a general election that includes an election for a federal office and within five business days for all other elections.

The provisional ballot shall be counted if:

- the registration of the voter is verified and the voter is eligible to vote in the precinct and,
- the voter's signature does not appear on any other signature roster for that election, *and*
- there is no record that the voter voted early for that election.

If a signature roster or early ballot information indicates that the person already voted in that election the provisional ballot for that person shall:

- remain unopened,
- not be counted, *and*
- be retained in the same manner as voted ballots.

The ballot shall remain unopened and shall **not be counted** if:

- the voter is not registered to vote, or
- the voter is in the wrong precinct/voting area, or
- the voter has not produced sufficient identification, or
- the voter's signature does not match the signature on his/her voter registration form.

The County Recorder's office shall create a provisional ballot record for the voter that contains the following information:

- provisional ballot receipt number
- name of voter
- precinct where provisional ballot was voted
- provisional ballot status
- provisional ballot status reason
- address (optional)
- date of birth (optional)
- political party (optional)

This information will be used for online verification of a voter's provisional ballot. All provisional ballots for the election must be processed before posting this data on the internet. The information shall be available to the public online for one month after posting.

Rejection Reason Code

The rejection reason code is determined at the County Recorder's office. The rejection reasons are:

- not registered
- no ballot in envelope
- registered after 29-day cut-off
- no signature
- insufficient/illegible information
- signature does not match
- wrong party
- outside jurisdiction ballot
- voter challenge upheld
- voted in wrong precinct
- voted and returned an early ballot
- proper identification not provided by deadline

| [[See](#) A.R.S. § 16-584(E)]

As soon as possible after verification of the provisional ballots is complete a notice informing the voter whether his/her vote was counted or not counted and the reason for not counting the ballot shall be provided to the voter. This may be in the form of a notice mailed to the voter, or the voter may access the information pursuant to the instructions on the receipt that was issued to the voter at the time he/she voted the provisional ballot. The receipt will provide the voter with clear instructions on how to determine the status of his/her vote.

The County Recorder or officer in charge of the election shall provide to the voters of provisional ballots a toll free number or other method of verifying the status of their vote. Reasonable restrictions will be employed to limit transmittal of the information only to the voter, such as verifying the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the voter. The County Recorder or officer in charge of elections will request verification of identity with information from the voter's registration record or provisional ballot envelope.

| [[See](#) A.R.S. §§ 16-135(D) & 16-584]

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

| ☐ **No Change Since 2008** ☒ **Changed Since 2008**

2008 Response:

[Begin response to above question (C7) below this line.]

| In addition to the abstract vote, the counties may perform a precinct hand count ([See 2010 Arizona Secretary of State Election Procedures Manual, pp.173-200](#)) and early ballot audit

within 24 hours after the closing of the polls. For each countywide primary, general, and presidential preference election, the county officer shall:

1. conduct a hand count ~~at the central counting center~~ one or more secure facilities of at least two per cent of the polling locations in that county or two polling locations, whichever is greater;
2. conduct a manual audit of early ballots equal to one per cent of the total number of early ballots cast or 5,000 early ballots, whichever is less, and
3. in the event of a recount, conduct a hand count of at least five per cent of the precincts for the recounted race in that county.

[See A.R.S. §§ 16-602(~~EB~~), (G), & 16-663(B)]

Pursuant to the Arizona Secretary of State Election Procedures Manual counties are also required to submit additional reports. These include an accessibility report, a voter education report, a poll worker training report, and a provisional ballot report. [See A.R.S. § 16-452]

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

| X **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (C8) below this line.]

Instruction of Election Board Workers

Except as indicated in A.R.S. § 16-532(D), within 45 days before an election the Board of Supervisors or other officer in charge of elections shall conduct training for

- inspectors,
- judges, and
- deputized counting place officers

to instruct them in their duties and related election law. The following shall be covered in election board worker training:

- delivery of ballots/supplies to precinct
- election board officer duties
- election board political party representation
- pre-election responsibilities
- pre-election meeting
- building access
- time and location of meeting
- checking supplies
- equipment and furniture arrangement
- voting device check
- official ballot count/precinct ballot account
- early voters

- election day
- opening polls (synchronize watches to precinct tabulator)
- hours the polls are open
- working hours (come prepared to stay)
- 75-foot limitation (electioneering)
- sharing polling places (tribal elections)
- procedures for Proof of Identification and Provisional Ballot Processing at the Polls
- voting equipment
- accessible voting equipment
- troubleshooting
- voter registration
- who may vote (open primary, etc.)
- standard voting procedures
- Recorder's Certificates
- spoiled ballot procedures
- procedure for early ballot drop off
- political observers/challengers
- challenges
- Kids Voting/Youth in the Booth (when applicable)
- closing polls (transmitting results, delivery of ballots)
- Certificate of Performance (signature rosters)
- official/unofficial envelope contents
- customer service
- assisting the voter
- assisting the disabled voter
- language accessibility/interpreters
- compensation of election workers

Premium Board Worker Training

The Board of Supervisors or officer in charge of elections may approve an alternate method of instruction and testing for election board members. The course of instruction should include:

- at least eight hours of training, and
- a written examination on election law and procedures.

Each election board member who completes this training and passes the test shall be certified as a "premium board worker." Premium board workers will be certified for a period of 30 months. Changes in procedure or new laws affecting the election process will either be forwarded to the premium board worker or additional training may be required. A special rate for compensation of premium board workers may be approved by the Board of Supervisors.

The training sessions held for the election board workers shall be taught by personnel:

- deemed by the Board of Supervisors or officer in charge of elections to be qualified in the area of the election process they teach, who have had practical experience in the area of the election process they teach
- under the supervision of an individual who holds an election officer's certificate issued by the Secretary of State in accordance with A.R.S. § 16-407

Certificate of Qualification

Each worker, upon successful completion of the attended course of instruction, shall receive a certificate of qualification from the Board of Supervisors or officer in charge of elections stating the worker's name, and the course of instruction completed. No inspector or judge, except those appointed under the provisions of A.R.S. §§ 16-533 and 16-534, shall serve at any election unless the inspector or judge has received the required instruction and a certificate of qualification.

[A.R.S. § 16-532(A)]

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (D1) below this line.]

Arizona does not require capturing under-votes. For over-votes, the following applies:

A.R.S. § 16-446. Specifications of electronic voting system

A. An electronic voting system consisting of a voting or marking device in combination with vote tabulating equipment shall provide facilities for voting for candidates at both primary and general elections.

B. An electronic voting system shall:

1. Provide for voting in secrecy when used with voting booths.
2. Permit each elector to vote at any election for any person for any office whether or not nominated as a candidate, to vote for as many persons for an office as he is entitled to vote for and to vote for or against any question on which he is entitled to vote, and the vote tabulating equipment shall reject choices recorded on his ballot card or paper ballot if the number of choices exceeds the number that he is entitled to vote for the office or on the measure.
3. Prevent the elector from voting for the same person more than once for the same office.
4. Be suitably designed for the purpose used and be of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and counting ballots.
5. Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted.
6. When properly operated, record correctly and count accurately every vote cast.
7. Provide a durable paper document that visually indicates the voter's selections, that the voter may use to verify the voter's choices, that may be spoiled by the voter if it fails to reflect the voter's choices and that permits the voter to cast a new ballot. This paper document shall be used in manual audits and recounts.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (a) below this line.]

The county recorder shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship. Satisfactory evidence of citizenship shall include any of the following:

1. The number of the applicant's driver license or nonoperating identification license issued after October 1, 1996 by the department of transportation or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver license or nonoperating identification license that the person has provided satisfactory proof of United States citizenship.
2. A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the county recorder.
3. A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the county recorder of the applicant's United States passport.
4. A presentation to the county recorder of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States immigration and naturalization service by the county recorder.
5. Other documents or methods of proof that are established pursuant to the immigration reform and control act of 1986.
6. The applicant's bureau of Indian affairs card number, tribal treaty card number or tribal enrollment number. [[See](#) A.R.S. § 16-166(F)]

[End response to above question (a) above this line.]

b. casting an in-person ballot;

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (b) below this line.]

A. Every qualified elector, before receiving his ballot, shall announce his name and place of residence in a clear, audible tone of voice to the election official in charge of the signature roster or present his name and residence in writing and shall present one form of

identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector. If the name is found upon the precinct register by the election officer having charge thereof, or the qualified elector presents a certificate from the county recorder showing that he is entitled by law to vote in the precinct, the election official in charge of the signature roster shall repeat the name and the qualified elector shall be allowed within the voting area. [[See](#) A.R.S. § 16-579]

In addition, Arizona's Procedures Manual [[See](#) A.R.S. § 16-452] gives the following forms of identification:

List 1 - Acceptable forms of identification with photograph, name, and address of the elector

- Valid Arizona driver license
- Valid Arizona nonoperating identification license
- Tribal enrollment card or other form of tribal identification
- Valid United States federal, state, or local government issued identification

An identification is "valid" unless it can be determined on its face that it has expired.

List 2 - Acceptable forms of identification without a photograph that bear the name and address of the elector (two required)

- Utility bill of the elector that is dated within 90 days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television
- Bank or credit union statement that is dated within 90 days of the date of the election
- Valid Arizona Vehicle Registration
- Indian census card
- Property tax statement of the elector's residence
- Tribal enrollment card or other form of tribal identification
- [Arizona](#) Vehicle insurance card
- Recorder's Certificate
- Valid United States federal, state, or local government issued identification, including a voter registration card issued by the County Recorder
- [Any mailing to the elector marked "Official Election Material"](#)

An identification is "valid" unless it can be determined on its face that it has expired.

List 3 - Acceptable Forms of Identification, one identification with name and photo of the elector accompanied by one non-photo identification with name and address

- [Any valid photo identification from List 1 in which the address does not reasonably match the precinct register accompanied by a non-photo identification from List 2 in which the address does reasonably match the precinct register](#)
- [U.S. Passport without address and one valid item from List 2](#)
- [U.S. military identification without address and one valid item from List 2](#)

| An identification is “valid” unless it can be determined on its face that it has expired.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

| No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above question (c) below this line.]

| While identification is not required, every early ballot affidavit is signed by the voter and that signature is verified against the voter registration form on record before the ballot is counted.

~~None.~~

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

| No Change Since 2008 X Changed Since 2008

2008 Response:

[Begin response to above question (d) below this line.]

| While identification is not required, every early ballot affidavit is signed by the voter and that signature is verified against the voter registration form on record before the ballot is counted.

~~None.~~

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

| X No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (e) below this line.]

N/A

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☐ No Change Since 2008 ☒ Changed Since 2008

2008 Response:

[Begin response to above question (D3) below this line.]

Except as prescribed in this section and section 16-580, a person shall not be allowed to remain inside the seventy-five foot limit while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairman of that political party and the challengers allowed by law, and no political or electioneering materials may be displayed within the seventy-five foot limit. Voters having cast their ballots shall promptly move outside the seventy-five foot limit. [See A.R.S. § 16-515(A)] In addition, Arizona's Procedures Manual allows Department of Justice observers, if any. [See A.R.S. § 16-452]

The 2010 Procedures Manual added the following guidelines for observers:

Political Observers Guidelines

Each county officer in charge of elections shall share the following general guidelines with political observers:

1. Under no circumstances should a political party observer ever place a mark or any type of material on a ballot or touch a voted ballot during observation of any of these election processes.
2. Observers may not interfere with or impede the election procedures or staff. If a political party observer has a question about the proceedings, the political party observer should communicate the question to the officer in charge of the election or procedure and the officer in charge of the election or procedure should respond in a timely and reasonable manner.
3. If a political party observer is asked by the officer in charge of the election or procedure to cease an activity that interferes with the election process, the political party observer must comply or the political party observer may be ejected.
4. Political party observers may take notes but must use a writing implement of a color designated by the officer in charge of the election or procedure.
5. All political party observers must check in with the county recorder or officer in charge of elections prior to being admitted as a political party observer, and log in and out of the facility each time they enter or leave.
6. The county recorder or officer in charge of elections must ensure that political party observers are given identifying badges to ensure that political party observers are

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clearly identifiable to county recorder or elections staff who may not otherwise know the participants are there in a limited capacity as political party observers.

7. Political party observers must be appointed in writing by their respective county political party chairman in a document that contains the chairman's original signature. The Chairman must also specify the scope of the political party observer's duties (i.e. polling place observer, central count observer, etc.).

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (E1) below this line.]

No, Arizona has not revised its administrative complaint procedure since it was first implemented.

[End response to above question (E1) above this line.]

E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.

Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:

- **Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)**
- **Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)**
- **Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))**

Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).

This question was not asked in 2008. Please provide your answer below.

[Begin response to above question (E2) below this line.]

Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)

Since 2008, Arizona has used an online, secure ballot upload system that protects the privacy and personal information of the voter. This system is only available to UOCAVA voters. Please see attached Military & Overseas Voter System Overview for details and examples of communications sent to the voter and county, including confirmation that a voter's ballot was received by the county.

Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)

Also provided since 2008 via the secure ballot upload system.

Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))

Currently we provide a toll-free number to our office, local phone numbers for county recorders, fax numbers, and e-mails to be used for ballot tracking. Our system enhancement which includes the ability to check this via Internet will be implemented for all future elections after the November 2010 General Election.

Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) and the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).

We are in communication with our counties regarding how many UOCAVA ballots are issued, how many ballots are returned, and how many of these are tabulated, just as we did in 2008.

In 2010, the legislature changed portions of Arizona Revised Statute § 16-5423 to accommodate the forty-five day requirement.

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[End response to above question (E2) above this line.]

E3. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (E3) below this line.]

[End response to above question (E3) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.