



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR S.B. 1135

spoiled early ballots; election day

Purpose

Requires an early ballot not delivered or mailed to the county recorder or other officer in charge of elections to be exchanged by the voter at a polling place or voting center by 7:00 p.m. on election day in order to be counted and valid. Removes a voter who exchanges the voter's early ballot for a regular ballot from the Active Early Voter List (AEVL). Repeals a county board of supervisors' (county BOS) authority to establish the use of emergency voting centers.

Background

A county BOS must establish a convenient number of election precincts in the county and define the boundaries of the precincts. A county BOS, on a specific resolution, may authorize the use of voting centers in place of, or in addition to, specifically designated polling places. A voting center must allow any voter in the county to receive the appropriate ballot for the voter on election day after presenting identification. A county BOS may pass a resolution authorizing the county recorder or other officer in charge of elections to establish emergency voting centers ([A.R.S. § 16-411](#)). As a result of an emergency between 5:00 p.m. on the Friday preceding an election and 5:00 p.m. on the Monday preceding an election, an elector may request to vote at an emergency voting center established by the county BOS ([A.R.S. § 16-542](#)).

A county recorder or officer in charge of elections may allow a qualified elector who appears with the elector's voted early ballot and required identification at the elector's designated voting location on election day to have the voted early ballot tabulated on site. For a voting location that offers the on-site tabulation of early ballots, a county recorder or officer in charge of elections must: 1) designate an area within a precinct or voting center for processing electors with voted early ballots that is physically separate from the area for voters who are voting standard ballots on site; 2) provide adequate poll workers, election officials and equipment necessary to conduct early ballot on-site tabulation; 3) categorize and separately tally by precinct, in the official canvass and other reports, electors whose voted early ballots are tabulated on site at the precinct or voting center; and 4) reconcile the number of electors who appear on the signature roster or electronic pollbook with the number of completed early ballot affidavits and early ballots tabulated on site for a polling place or voting center ([A.R.S. § 16-579.01](#)).

If a ballot is spoiled at a polling place and a voter must obtain a new ballot, the inspector and one of the judges must write the words *spoiled* on the back of the ballot and return it to the county BOS or the person from whom the ballot was originally received ([A.R.S. § 16-585](#)).

Any voter may request to be included on the AEVL to receive an early ballot for any election for which the county voter registration roll is used to prepare the election register. If the voter's registration information is not revised or an updated form is not returned within 35 days, the voter's registration status is changed to inactive and the voter must be removed from the AEVL ([A.R.S. §§ 16-166](#) and [16-544](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires an early ballot that is not delivered or mailed to the county recorder or other officer in charge of elections to be exchanged by the voter for a regular ballot at the voter's polling place or voting center by 7:00 p.m. on election day in order to be counted and valid.
2. Requires an elector who exchanges the elector's early ballot for a regular ballot, after signing the signature roster or electronic pollbook, to spoil the early ballot and receive a regular ballot from the election official.
3. Requires, rather than allows, every county recorder or other officer in charge of elections to provide for a method for an elector who appears with the elector's voted early ballot at the elector's designated voting location on election day to have the early ballot tabulated on site.
4. Requires an elector who fails to present identification as outlined by statute, to spoil the elector's early ballot and surrender the early ballot to the election board for retention and not tabulating.
5. Repeals a county BOS's authority to, upon a specific resolution, establish the use of emergency voting centers.
6. Removes, from the AEVL, a voter who brings the voter's early ballot to a polling place or other voting location on election day.
7. Requires, beginning the day after election day, the county recorder or officer in charge of elections to enter into the county's ballot tracking system early ballots that were returned on election day to the county recorder or other officer in charge of elections.
8. Requires the early voter ballot affidavit to include instruction relating to the exchange of an early ballot for a regular ballot on election day.
9. Makes technical and conforming changes.
10. Becomes effective on the general effective date.

Prepared by Senate Research

January 26, 2023

AN/slp