



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

Senate: ELEC DPA 5-3-0-0 | 3<sup>rd</sup> Read: 16-13-1-0

House: MOE DP 6-4-0-0

---

## **SB 1135: spoiled early ballots; election day**

**Sponsor: Senator Kavanagh, LD 3**

**Caucus & COW**

### **Overview**

Outlines the procedure for spoiling an early ballot and exchanging it for a regular ballot on election day, modifies the instructions to voters printed on a ballot and removes Arizona from enrollment in multistate voter registration list maintenance organizations.

### **History**

#### ***Spoiled ballots***

A qualified elector who appears on election day and surrenders their early ballot to the precinct inspector is permitted to vote a provisional ballot. If the county conducts elections using electronic pollbooks and the system indicates that the voter's early ballot has not been returned or accepted by the County Recorder, the voter may vote a regular ballot. If a voter spoils a ballot and obtains another, the inspector and one of the judges must write the word *spoiled* on the back of the ballot and return it to the board or the person from whom the ballots were originally received (A.R.S. §§ [16-579](#), [16-585](#)).

#### ***Electronic Registration Information Center (ERIC)***

ERIC is a non-profit organization that aims to assist states in improving the accuracy of their voter rolls and increasing access to voter registration. Arizona joined ERIC as a member state in 2017. Each member state designates a representative to serve as a voting member on ERIC's board of directors. The member states are required to submit certain data, such as voter registration and motor vehicle license data, and ERIC issues the states reports that include voters who have moved, voters who have died and individuals who are potentially eligible to vote ([ERIC](#)).

#### ***Storage of Ballots after an Election***

The County Treasurer acts as the official custodian of ballots after the canvass has been completed. The package containing the ballots must remain unopened and unaltered in a secure facility managed by the County Treasurer. The ballots must be retained for 24 months for elections for a federal office and 6 months for all other elections. Once the mandatory retention period expires, the County Recorder is directed to destroy the package without opening or examining the contents. Irregular ballots must be preserved for six months after the election at which point the officer or board in charge of the ballots may dispose of them ([A.R.S. § 16-624](#)).

#### ***Local Petition for an Active Management Area***

An Active Management Area (AMA) is a designated geographic area that requires the active management of groundwater. There are five initial AMAs including the Tucson, Phoenix, Prescott, Pinal and Santa Cruz AMAs. Statute authorizes the designation of subsequent AMAs upon the petition of 10% of the registered voters residing within the boundaries of the proposed AMA and an ensuing election held on the question. The Board of Supervisors of Cochise County, for instance, recently called an election to determine whether to designate the Douglass groundwater

basin as an AMA in response to a petition filed by residents. Ultimately, the Douglass AMA was approved by the voters and officially designated on December 1, 2022.

Such elections may be held entirely by mail provided the election is conducted in the manner detailed in statute. Specifically, The County Recorder is required to verify the ballots for proper residency within the proposed groundwater basin prior to counting. Once residency is verified, ballots are counted using the same procedure prescribed for early voting. Ballots for which residency is unable to be verified must remain unopened and be destroyed (A.R.S. §§ [45-402](#), [45-411](#), [45-415](#), [Douglass AMA](#)).

## **Provisions**

### ***Spoiled Early Ballots***

1. Allows a voter to exchange their early ballot for a regular ballot at their polling place or a voting center in the county on election day. (Sec. 6)
2. Directs the County Recorder or officer in charge of elections to count the number of early ballots spoiled and exchanged for regular ballots, if practicable and in addition to the number of early ballots returned at voting locations on election day. (Sec. 6)
3. Modifies the required statement included in the printed instructions that accompany an early ballot to specify a voter may deposit their early ballot at any polling place on election day or exchange their early ballot for a regular ballot on election day. (Sec. 5)

### ***Inactive Voters and Provisional Ballots***

4. Instructs the County Recorder to provide each election board the name of inactive voters. (Sec. 8)
5. Allows an elector that is listed as inactive on the precinct register or electronic pollbook to vote at a precinct polling place provided the individual affirms to an election official at that polling place that they continue to reside at the address indicated on the precinct register or electronic pollbook. (Sec. 8)
6. Outlines the procedure for an elector that is listed as inactive on the precinct register or electronic pollbook and indicates to an election official that they live at a new residence. (Sec. 8)
7. Repeals statute requiring the County Recorder or officer in charge of elections provide a list to election boards of voters who have requested an early ballot and prohibits voters on that list from voting at a polling place. (Sec. 2)
8. Requires verified provisional ballots to be counted by the officer in charge of elections and shown on the records of election that the elector has voted. (Sec. 9)
9. Directs the County Recorder to deposit all rejected provisional and early ballots in a secure facility managed by the County Treasurer after the canvass is completed. (Sec. 10)

### ***Withdrawal from ERIC***

10. Prohibits the state or its political subdivisions from:
  - a) Being a member of any multistate voter registration or voter registration list maintenance organization that requires the state to provide the organization with voter registration records that include otherwise confidential information; and
  - b) Joining or entering into any agreement with an organization that imposes any duty on this state, unless expressly required by law, including the mailing of voter registration forms. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
--	--	---	--------------------------------------

11. Allows the County Recorder to use information obtained by a contracted third party to identify and provide notice to registrants whose addresses may have been changed. (Sec. 1)

***Procedures for Elections to Designate an AMA***

12. Repeals statute outlining procedures for voting a ballot to designate a groundwater basin as an AMA. (Sec. 11)
13. Specifies ballots involving the designation of a groundwater basin as an AMA must be created, validated and counted in accordance with the provisions of law concerning early voting. (Sec. 11)

***Miscellaneous***

14. Allows for the use of electronic pollbooks. (Sec. 8, 9)
15. Modifies the printed instructions to voters printed below the heading on a ballot. (Sec. 3)
16. Makes technical and conforming changes. (Sec. 2, 3, 4, 5, 6, 7, 8, 9, 10)