

ARIZONA SUPREME COURT

ARIZONA REPUBLICAN PARTY, a recognized political party; and YVONNE CAHILL, an officer and member of the Arizona Republican Party and Arizona voter and taxpayer,

Petitioners,

v.

KATIE HOBBS, in her official capacity as Arizona Secretary of State; and STATE OF ARIZONA, a body politic,

Respondents.

No. CV-22-0048-SA

ARIZONA SECRETARY OF STATE'S COMBINED RESPONSE TO PETITION FOR SPECIAL ACTION AND APPENDIX

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Introduction

After over a century of successful absentee voting and over three decades of no-excuse early voting in Arizona, Petitioners Arizona Republican Party (“ARP”) and Yvonne Cahill now challenge the legality of Arizona’s entire early voting system. Their claims are part of a broader ongoing effort to sow doubt about our electoral process to justify infringing voting rights. Even though Petitioners’ claims are legally baseless, they threaten our democracy. Arizona Secretary of State Katie Hobbs (“Secretary”) urges the Court to reject the petition outright.

The Court can and should dismiss the petition for any of several procedural defects. First, Petitioners ask this Court to ignore well-established law governing this Court’s limited original special action jurisdiction, and they fail to sufficiently allege a claim under the Rules of Procedure for Special Actions. The Court should decline jurisdiction. Second, Petitioners lack standing because their claims amount to generalized grievances, not cognizable injuries personal to Petitioners. Third, their claims to upend early voting mid-election cycle are way too late and seek relief that would prejudice all Arizonans. Thus the Court can also dispose of the petition under the laches and *Purcell* doctrines.

On the merits, Petitioners’ first two claims challenge the Secretary’s Elections Procedures Manual (“EPM”). They first claim that the Secretary had a non-discretionary duty to adopt a specific procedure in the EPM for verifying signatures on mail-in ballots based on her broad authority to adopt rules “to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting[.]” A.R.S. § 16-452(A). But no statute directs the Secretary to adopt a specific procedure for signature verification, and Petitioners’ claim would open the floodgates to litigation urging the adoption of preferred procedures in the EPM.

Petitioners next claim that the Secretary exceeded her authority under A.R.S. § 16-452 by adopting security procedures for ballot drop-boxes. Arizona law allows counties to designate where voters can “deliver” their voted early ballots, and many counties have been using ballot drop-boxes for years. The Secretary no doubt had the power to adopt drop-box procedures on the “collect[ion]” and “stor[age]” of early ballots. A.R.S. § 16-452(A).

Petitioners' final claim challenges the constitutionality of early voting, but is hardly a model of clarity.¹ Petitioners cobble together cherry-picked words and phrases from various parts of the Constitution and urge the Court to leap to the conclusion that the framers intended to prohibit absentee voting. They ask the Court to invalidate a dozen statutes governing early voting (Title 16, Chapter 4, Article 8), then list five other requests for relief that they fail to develop in their brief.

The Court should reject Petitioners' half-hearted facial challenge to Arizona's longstanding vote-by-mail system.

First, [Article VII, Section 1](#) of the Arizona Constitution does not require in-person voting. That provision provides that “[a]ll elections by the people shall be by ballot, or by such other method as may be prescribed by law; [p]rovided, that secrecy in voting shall be preserved.” (Emphasis added). It ensures the right to a secret ballot, but leaves the precise methods of voting to the legislature. The Legislature has done that by adopting early voting laws that preserve secrecy in voting.

¹ In general, the term “early voting” is broadly defined to include early in-person as well as mail-in voting. When referencing “early voting” in this brief, the Secretary intends the same broad meaning to attach.

Next, [Article IV, Part 1, Section 1](#) of the Arizona Constitution has nothing to do with the manner of voting at an election, and it doesn't limit the Legislature's authority under [Article VII, Section I](#). Article IV reserves to the people the right of initiative and referendum. Petitioners' attempt to use a constitutional provision granting a fundamental right to implicitly restrict another fundamental right is unconvincing.

Last, Article VII, Sections 2, 4, 5, and 11 also do not govern the manner of voting in elections. [Section 2](#) describes voter qualifications, [Sections 4](#) and [5](#) protect voters from arrest or military duty while voting or on Election Day, and [Section 11](#) simply prescribes the date for all general elections. None of these provisions mandate casting a vote in-person on Election Day.

Arizona's early voting system is secure, efficient, and complies with the Arizona Constitution. The Court should reject Petitioners' claims to the contrary.

Jurisdictional Statement

As explained below in Section I, this Court lacks jurisdiction.

Statement of the Issues

1. Does this Court lack jurisdiction over Petitioners' claims against the Secretary, who has no power to unilaterally adopt EPM procedures and doesn't enforce the challenged statutes?

2. Do Petitioners lack standing to raise generalized grievances about the legality of Arizona's election procedures?

3. Are Petitioners' claims to invalidate longstanding election laws and regulations mid-election cycle barred by the laches and *Purcell* doctrines?

4. Did the Secretary have a duty to include specific "uniform signature verification guidelines" in the EPM even though no statute directs her to do so?

5. Can the Secretary adopt rules relating to ballot drop-boxes under A.R.S. § 16-452(A), which authorizes the Secretary to "prescribe rules . . . on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots"?

6. Has the Legislature been violating Article IV or Article VII §§ 2, 4, 5, or 11 of the Arizona Constitution for several decades by authorizing early voting?

Statement of Facts

I. Historical Voting Practices and the Australian Ballot System.

The American colonies historically elected government officials using “the *viva voce* method or by the showing of hands, as was the custom in most parts of Europe.” *Burson v. Freeman*, 504 U.S. 191, 200 (1992). This method of voting was thus “an open, public decision, witnessed by all and improperly influenced by some.” *Id.* Because of the potential for bribery and other abuses, a paper ballot system eventually replaced this *viva voce* system. *Id.*

Though paper ballots were an improvement, “the evils associated with the earlier *viva voce* system” still cropped up. *Id.* Political parties made ballots “with flamboyant colors, distinctive designs, and emblems so that they could be recognized at a distance,” and bad actors still engaged in bribery and intimidation. *Id.* at 200-01.

Other countries experienced similar problems and tried to find solutions. *Id.* at 202. “Some Australian provinces adopted a series of reforms intended to secure the secrecy of an elector’s vote. The most famous feature of the Australian system was its provision for an official ballot, encompassing all candidates of all parties on the same ticket,”

along with other “measure[s] adopted to preserve the secrecy of the ballot.” *Id.*

Many states began adopting the “Australian system” in the late 19th century. *Id.* at 203-04.

II. Arizona’s Early Election Procedures and Adoption of the Constitution.

The Territory of Arizona adopted many features of the Australian system twenty-one years before statehood, including detailed procedures for ballot preparation, voting in a private voting booth, and preserving the secrecy of votes. [Laws 1891](#), Territory of Ariz., 16th Leg. Assemb., No. 64 §§ 15-32 [Appendix (“APP”) 52-60].

Two decades later, the Arizona Constitution’s framers expressly preserved the right to a secret ballot, but left it to the Legislature to prescribe the precise “method” of voting in elections. [Ariz. Const. art. VII § 1](#). During the Constitutional Convention, two delegates proposed striking [Article VII, Section 1](#), but other delegates briefly noted that the provision was like a recent amendment to the California Constitution, that “several states” had recently used voting machines, and including this constitutional provision would preserve other voting methods such

as “use of the voting machine.” John S. Goff, *The Records of the Arizona Constitutional Convention of 1910* [APP66-73].

Among other provisions governing “Suffrage and Elections,” Article VII also dictates voting qualifications (§ 2), preserves the right of privilege from arrest while lawfully voting (§ 4), excuses certain military personnel from duty on Election Day (§ 5), and sets a biennial general election date (§ 11).

[Article II, Section 21](#) of the Constitution also protects the franchise through the Free and Equal Elections Clause, requiring that “[a]ll elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”

III. Arizona’s Long History of Mail-In Voting.

Shortly after statehood, the Legislature established absentee voting for a select group of registered voters: active military personnel. It passed the Soldiers Voting Bill in 1918, which authorized all active military personnel to vote through registered mail in war or peace time. [1918 Ariz. Sess. Laws](#) ch. 11 (1st Spec. Sess.); [APP88-98]. In the House, the bill “raised no special opposition in debate and when it came to a final vote, [and] it passed by a vote of 33 to 0, with two excused.” J. Morris

Richards, *History of the Arizona State Legislature 1912-1967*, vol. 5, pt. 2, 3rd Leg., 1st Spec. Sess. (Ariz. Leg. Coun. 1990) [APP76]. It passed 16 to 0 in the Senate, with three absent or excused. [APP77].

Four senators (Fred T. Colter, Alfred Kinney, C. M. Roberts, and Mulford Winsor) were also delegates of the Constitutional Convention eight years earlier. *Compare* [APP63], *with* J. of the Sen., 3rd Leg., 1st Spec. Sess. (Ariz. 1918) [APP83]. All four voted in favor of the bill. [APP84-87] The bill was also signed into law by Governor George W. P. Hunt, who served as the president of the Constitutional Convention. [APP65] When convening the Legislature for this special session, Governor Hunt's first stated purpose was "[t]o extend the franchise to electors of the State of Arizona in the military and naval establishments of the United States, wherever they may be stationed." [APP80]

After the passage of the 19th Amendment to the U.S. Constitution, the Legislature expanded mail-in voting to any eligible voter who was absent from their county on Election Day. 1921 Ariz. Sess. Laws ch. 117 (Reg. Sess.) [APP102-07]. Senator James Scott, who also served as a delegate of the Convention, voted in favor of the bill. *Compare* [APP63], *with* J. of the Sen., 5th Leg., Reg. Sess. (Ariz. 1921) [APP100-01].

Over time, the Legislature adopted more amendments to extend mail-in voting to even more electors.

In 1925, the State authorized eligible voters with a physical disability to vote by absentee ballot if they proved their disability with a doctor's note. Absentee ballots became known as the "Absent or Disabled Voter's ballot." [1925 Ariz. Sess. Laws](#) ch. 75 (Reg. Sess.) [APP118-121]. Senators Colter, Kinney, and Winsor (all delegates of the Constitutional Convention who also voted in favor of the 1918 vote-by-mail law) voted in favor of this bill. J. of the Sen., [7th Leg., Reg. Sess.](#) (Ariz. 1925) [APP120-21]. Governor Hunt also signed that bill. [APP119]; J. of the H., [7th Leg., Reg. Sess.](#) (Ariz. 1925) [APP123].

After World War II, the Legislature expanded absentee voting to anyone who could not vote on Election Day "on account of the tenets of his religion." [1953 Ariz. Sess. Laws](#) ch. 76 (1st Spec. Sess.) [APP124-27]. The Legislature made other changes to absentee voter qualifications between 1955 and 1970. *See* [1955 Ariz. Sess. Laws](#) ch. 59 (1st Reg. Sess.) (removing doctor's note requirement for voters with disabilities) [APP128-30]; [1959 Ariz. Sess. Laws](#) ch. 107 (1st Reg. Sess.) (adding merchant marines to military personnel who could vote by mail)

[APP131-35]; [1968 Ariz. Sess. Laws](#) ch. 17 (2nd Reg. Sess.) (authorizing voters with “visual defects” to vote absentee) [APP136-38]; [1970 Ariz. Sess. Laws](#) ch. 151 (2nd Reg. Sess.) (extending absentee voting to voters 65 years and older, and to voters who live 15 or more miles from a polling place) [APP139-47].

And in 1991, the State amended the absentee voting laws to allow any qualified elector to vote by absentee ballot. [SB 1320](#), 40th Leg., 1st Reg. Sess. (Ariz. 1991) (A.R.S. § [16-541](#)).² The Legislature has also enacted many detailed procedures ensuring the secrecy of early ballots and preventing fraud and coercion. *E.g.*, A.R.S. § [16-545\(B\)\(2\)](#) (early ballot envelopes must conceal the ballot and be tamper-evident when sealed); A.R.S. § [16-548\(A\)](#) (requiring voters to conceal their votes and fold their voted early ballot so it cannot be seen); A.R.S. § [16-552\(F\)](#) (requiring election officials to remove voted ballot from envelope without unfolding or reviewing it); A.R.S. § [16-1005](#) (criminalizing various conduct relating to early ballots).

² The Legislature changed the term “absentee voting” to “early voting” in 1997. [SB 1003](#), 43rd Leg. 2nd Spec. Sess. (Ariz. 1997).

For over 100 years, our State preserved Arizonans’ fundamental right to vote by offering some form of early voting. And early voting is extremely popular in Arizona, regardless of party affiliation: nearly 80 percent of voters voted early in 2020. Indeed, most of Petitioner ARP’s voters vote early, including its Chair, Kelli Ward, who voted early as recently as 2020.

Argument

I. This Court Lacks Jurisdiction.

This Court has original jurisdiction over “mandamus, injunction and other extraordinary writs to State officers.” [Ariz. Const. art. VI § 5\(1\)](#). The Court “exercise[s] this jurisdiction through the special action procedure, but [its] decision to accept jurisdiction is ‘highly discretionary.’” [Brewer v. Burns](#), 222 Ariz. 234, 237, ¶ 7 (2009) (citations omitted). And it will accept this jurisdiction “only where the issues raised in the petition are such that justice cannot be satisfactorily obtained by other means.” [King v. Superior Ct.](#), 138 Ariz. 147, 149 (1983).

Under [Rule 3](#), R. P. Spec. Act., the only questions over which the Court has special action jurisdiction are:

(a) Whether the defendant has failed to exercise discretion which he has a duty to exercise; or to perform a duty required by law as to which he has no discretion; or

(b) Whether the defendant has proceeded or is threatening to proceed without or in excess of jurisdiction or legal authority; or

(c) Whether a determination was arbitrary and capricious or an abuse of discretion.

Rule 3(a) “sets forth the traditional functions of the writ of mandamus” by allowing a petitioner to “compel a state officer to perform a duty required by law.” *Arizonans for Second Chances, Rehab. & Pub. Safety v. Hobbs*, 249 Ariz. 396, 404 ¶ 16 (2020).

Petitioners have not sufficiently alleged a mandamus action, nor have they “set forth the circumstances” why it was “proper” to skip the lower courts and file the petition in this Court. *See R. P. Spec. Act. 7(b)*. Even accepting Petitioners’ argument that their claims involve “issues of first impression” on “matter[s] of substantial public impact” [at 8], that isn’t enough to trigger this Court’s jurisdiction under Rule 3.

A mandamus action against the Secretary is improper here. On Petitioners’ EPM claims, they ask the Court to compel the Secretary to adopt their preferred EPM provisions. But the Secretary cannot unilaterally adopt rules through the EPM. *See* A.R.S. § 16-452(B). The

Attorney General and the Governor – who aren’t parties here – must approve the EPM before it can take effect. The Court cannot compel non-parties to approve an updated EPM.

On their constitutional claims, Petitioners ask the Court [at 42-43] to “declar[e] that mail-in voting is entirely unlawful” and “prohibit election officials from enforcing” Arizona’s early voting statutes. Yet the early voting statutes are mainly implemented by county officials (who aren’t parties here), and the Secretary does not “enforce” those statutes. And naming the State of Arizona doesn’t help Petitioners. A mandamus action allows a petitioner to “compel a state officer to perform a duty required by law.” *Arizonans for Second Chances*, 249 Ariz. at 404 ¶ 16 (emphasis added). “But mandamus does not lie if the public officer is not specifically required by law to perform the act.” *Yes on Prop 200 v. Napolitano*, 215 Ariz. 458, 464 ¶ 9 (App. 2007) (cleaned up).

Petitioners also claim [at 9] they need immediate, final relief so election officials can implement the requested relief in the “upcoming statewide election.” But even if Petitioners’ claims had merit (they don’t), Petitioners brought their claims far too late to get relief in the 2022 election cycle. Local elections are happening right now, and election

officials are already doing extensive work to prepare to administer the August 2022 primary elections. Upending Arizona’s decades-old early voting system in the middle of an election year would be an impossible administrative task. At the very least, these are critical factual issues this Court is ill-suited to resolve without the benefit of a record below.

For all these reasons, the Court should decline jurisdiction.

II. Petitioners Lack Standing.

The petition suffers from another fatal flaw: Petitioners lack standing. Indeed, neither Cahill nor ARP claim that their, or, in the case of ARP, their members’, right to cast a ballot or have their ballot counted is harmed. Instead, they allege only non-cognizable, generalized grievances.

“[A]s a matter of sound judicial policy,” Arizona courts “require[] persons seeking redress in the courts first to establish standing[.]” *Bennett v. Napolitano*, 206 Ariz. 520, 524 ¶ 16 (2003). Though Arizona courts “are not constitutionally constrained to decline jurisdiction based on lack of standing,” they will not consider the merits of a claim that fails to allege a “particularized injury,” absent “exceptional circumstances.” *Id.* at 527 ¶ 31. No exceptional circumstances exist here.

Petitioner Cahill claims [at 11] she is harmed by the Secretary’s alleged failure to “operate within the statutory and constitutional limitations of state election laws.” For its part, ARP claims [at 11-12] it has standing based on its “right and duty to monitor the early voting process against improprieties” and its general interest in “ensuring that Republican voters and candidates are elected pursuant to the laws and constitution of this state.” This is precisely the type of “generalized harm” that cannot establish standing. *Sears v. Hull*, 192 Ariz. 65, 69 ¶ 16 (1998); *see also Lujan v. Defs. of Wildlife*, 504 U.S. 555, 575 (1992).³ And ARP’s concerns about “improprieties” and harm to its interest in “lawful” elections amount to “pure issue-advocacy,” not a cognizable injury. *Ariz. Sch. Boards Ass’n, Inc. v. State*, ___ Ariz. ___ ¶ 18 (Ariz. 2022).

III. Petitioners’ Requests To Upend Early Voting Mid-Election Cycle Are Improper.

Even if the Court accepts jurisdiction and finds that Petitioners have standing (they don’t), Petitioners brought their claims far too late to get relief in this election cycle.

³ This Court relies on federal standing jurisprudence as “instructive.” *Bennett*, 206 Ariz. at 525 ¶ 22.

Arizona has allowed early voting for more than a century, and the Secretary adopted the current EPM in 2019. Yet Petitioners waited until the 2022 election cycle was underway – and less than five months before the August 2, 2022 primary election – to challenge the Secretary’s EPM and Arizona’s entire early voting system. Petitioners waited until the eleventh hour and now ask the Court [at 9] for “speedy and final resolution” before the “the upcoming Arizona general election.” The Court should not overlook that Petitioners’ claimed “emergency” is entirely of their own making.

First, the *Purcell* doctrine bars Petitioners’ claims. Courts generally should not alter election rules on the eve of an election. *E.g.*, *Purcell v. Gonzalez*, 549 U.S. 1, 5 (2006). This is because “[c]ourt orders affecting elections can themselves result in voter confusion and consequent incentive to remain away from the polls,” a risk that only increases “[a]s an election draws closer.” *Id.* at 4-5. That risk is even greater here, where Petitioners seek to overturn enduring election procedures that Arizonans have overwhelmingly relied on for decades. Some counties are administering local elections as we speak, and all counties are working to prepare for the August 2022 primary election. Changing the rules this

late in the game about how Arizonans can exercise their right to vote would be disastrous. Even if it were possible for election officials to redo Arizona’s entire election system in a matter of months in an election year, it would cause mass voter confusion; the precise harm *Purcell* aims to prevent.

Second, laches precludes Petitioners’ specific requests for relief. The laches doctrine “seeks to prevent dilatory conduct and will bar a claim if a party’s unreasonable delay prejudices the opposing party or the administration of justice.” *Lubin v. Thomas*, 213 Ariz. 496, 497 ¶ 10 (2006).

Petitioners’ delay is no doubt unreasonable. When deciding whether delay is unreasonable, courts consider “the justification for the delay, the extent of the plaintiff’s advance knowledge of the basis for the challenge, and whether the plaintiff exercised diligence[.]” *Ariz. Libertarian Party v. Reagan*, 189 F. Supp. 3d 920, 923 (D. Ariz. 2016) (citation omitted). Petitioners have known about their EPM claims for more than two years, and they’ve known about their constitutional claims for decades. Their mid-election cycle request for an order invalidating the EPM and early voting before the general election is inexcusable.

Petitioners' untimeliness also prejudices the Secretary, Arizona's dedicated election officials, and above all else, Arizona voters. Their long delay and request for emergency relief also prejudices the Court by placing it "in a position of having to steamroll through" important legal issues, "leaving little time for reflection and wise decision making." *Sotomayor v. Burns*, 199 Ariz. 81, 83 ¶ 9 (2000).

In sum, the timing of Petitioners' claims and requests to upend the EPM and early voting mid-cycle is yet another reason why the Court should deny relief.

IV. The EPM Complies With Arizona Law.

If the Court accepts jurisdiction (it shouldn't), determines that Petitioners have standing (they don't), and finds that Petitioners' claims are timely (they're not), then the Court should promptly reject Petitioners' claims on the merits.

Petitioners' first two claims challenge the EPM. They claim, on the one hand, that she should have included signature verification procedures for mail-in ballots, yet on the other hand say she exceeded her authority by including drop-box procedures for mail-in ballots. Neither argument has merit.

A. The Secretary has no legal duty to include signature verification guidelines in the EPM.

Under A.R.S. § 16-550(A), county recorders who receive voters' mail-in ballots "shall compare the signatures [on the ballot affidavit] with the signature of the elector on the elector's registration record." According to Petitioners [at 16-17], the Secretary is required to adopt procedures in the EPM dictating how county recorders conduct this signature comparison.⁴ Petitioners are wrong.

They point to A.R.S. § 16-452(A), which authorizes the Secretary to "prescribe rules to achieve and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on the procedures for early voting and voting, and of producing, distributing, collecting, counting, tabulating and storing ballots." That statute delegates to the Secretary the authority to adopt rules she deems appropriate to achieve and maintain the stated goals. It doesn't impose a duty to adopt a specific procedure all counties must follow to perform every task related to early

⁴ They then ask the Court to take the extraordinary step of compelling only the Secretary to adopt signature verification procedures in the EPM. Yet as Petitioners admit [at 16], the Secretary cannot unilaterally adopt EPM provisions. See A.R.S. § 16-452(B). The EPM must be approved by the Attorney General and the Governor, neither of whom is a party here.

voting or processing ballots. See *Duncan v. State*, 157 Ariz. 56, 62 (App. 1988) (statutes required agency to adopt rules governing minimum qualification and training standards for peace officers, but nothing in the statutes compelled the agency to adopt specific “safety regulations concerning firearms used at training facilities for law enforcement officers”).

When the Legislature intends to require the Secretary to adopt a rule in the EPM governing a specific election procedure, it says so. *E.g.*, A.R.S. § 16-543(C) (“The secretary of state shall provide in the instructions and procedures manual issued pursuant to § 16-452 for emergency procedures regarding the early balloting process for” military and overseas voters); A.R.S. § 19-118(A) (“The secretary of state shall establish in the [EPM] issued pursuant to § 16-452 a procedure for registering circulators.”); A.R.S. § 16-602(B) (hand count audits must be conducted “in accordance with hand count procedures established by the secretary of state in the [EPM] adopted pursuant to § 16-452”). “This consistent pattern” shows that if the Legislature intended to require the Secretary to adopt signature verification procedures, “it would have

expressly done so.” *Est. of Braden ex rel. Gabaldon v. State*, 228 Ariz. 323, 327 ¶ 15 (2011).

Petitioners point to no statute requiring the Secretary to include procedures governing the precise manner in which counties must verify signatures on ballot affidavits. Their claim fails for this straightforward reason.

B. The Secretary has authority to adopt EPM procedures governing drop-box locations.

Petitioners next argue that the Secretary exceeded her authority under A.R.S. § 16-452 by adopting procedures for ensuring the security of early ballot drop-boxes. Not so.

For starters, Petitioners misconstrue the drop-box procedures in the EPM. They claim [at 19] that the 2019 EPM “established additional locations for returning early ballots” by suddenly “authorizing” counties to use drop-boxes. That’s not true. Nothing in Arizona law prohibits counties from using drop-boxes, and counties had been using drop-boxes for many years before the current EPM was adopted. *See, e.g., Yavapai Cnty., 2018 Voter Guide* [APP151 (“Every time a ballot is dropped in a drop box [Yavapai] County saves \$.543 in tax dollars. In 2017, the County saved a total of \$7,981.02 due to drop box usage.”)]; *Yavapai Cnty., Mar.*

11, 2008, *Voting Information* [APP147 (listing Yavapai County drop-box locations for March 2008 election)]; Yuma Cnty., *2018 Voter Guide* [APP152 (instructing Yuma voters in 2018 elections to “drop their Early Ballots at one of the drop-box locations below”)].⁵ By prescribing drop-box procedures in the EPM, the Secretary merely adopted uniform security and chain-of-custody requirements for counties that use drop-boxes. Both the Attorney General and the Governor approved these procedures, and they have the force of law. [APP156-57, 162-64]⁶

Petitioners also misconstrue A.R.S. § 16-548(A). That statute provides that a voted early ballot must be “delivered or mailed to the county recorder or other officer in charge of elections . . . or deposited by

⁵ The Court may take judicial notice of these public records on county recorder websites, the accuracy of which “cannot reasonably be questioned.” *Ariz. R. Evid. 201(b)(2)*; *Pedersen v. Bennett*, 230 Ariz. 556, 559 ¶ 15 (2012) (taking judicial notice of public records from the Secretary’s website).

⁶ The Secretary prepared and submitted a 2021 EPM to the Attorney General and Governor, but the Attorney General refused to approve it. Because no statute invalidates an existing EPM if the Attorney General doesn’t approve an updated version to replace it, the 2019 EPM remains in effect. This makes good sense because continuity between EPM versions furthers the goal of maintaining “the maximum degree of correctness, impartiality, uniformity and efficiency” in elections. A.R.S. § 16-452(A).

the voter or the voter’s agent at any polling place in the county.” (Emphasis added). Nothing in the statute prohibits counties from designating drop-off locations where voters can “deliver” their ballots to the county. Petitioners ask the Court [at 17] to read the words “at an office of the county recorder” into the statute, but it says no such thing. The statute contemplates that “mail” isn’t the only way to “deliver” a ballot. And it does not dictate how or where ballots must be “delivered” to county officials. That’s up to the county. Counties may choose to designate drop-boxes for “delivery” of early ballots for all sorts of reasons. Drop-boxes save counties money [APP151], and they make voting more accessible, including for rural voters, voters with disabilities, elderly voters, or voters with certain COVID-19 risk factors.

Petitioners also argue [at 18] that voters “cannot present identification at unstaffed drop-boxes.” But nothing in Arizona law requires that. While voters who vote in-person verify their identity by showing identification, A.R.S. § 16-579(A), those who vote a mail-in ballot verify their identity by signing the ballot affidavit. A.R.S. §§ 16-547, -548. This is true whether the voter returns the ballot through the mail or delivers it at a county-designated drop-off location.

The Secretary has not, as Petitioners maintain [at 19], “expand[ed] the scope” of her statutory authority. Petitioners cite [at 19] *Leach v. Hobbs*, 250 Ariz. 572, 576 at ¶ 21 (2021), which noted that an EPM procedure that “exceeds the scope of its statutory authorization or contravenes an election statute’s purpose does not have the force of law.” But here “[t]he legislature has expressly delegated to the Secretary the authority to promulgate rules and instructions for early voting.” *Ariz. Pub. Integrity All. v. Fontes*, 250 Ariz. 58, 62 ¶ 15 (2020) (citing A.R.S. § 16-452(A)). This Court has held that “[t]his authority includes adopting rules and guidelines for determining voter intent when tabulating mail-in ballots.” *Id.* at 63 ¶ 15. Similarly here, the Secretary’s rulemaking authority over “early voting” and “collecting . . . and storing ballots” necessarily includes adopting security procedures for drop-off locations established by counties for voters to “deliver” early ballots.

At bottom, when statutes are silent on how to perform a particular election procedure relating to early voting, the Secretary gets to fill that gap, and she properly did so here. *See, e.g., Nat’l Cable & Telecomms. Ass’n, Inc. v. Gulf Power Co.*, 534 U.S. 327, 339 (2002) (“[A]s a general rule, agencies have authority to fill gaps where the statutes are silent.”).

V. Arizona’s Early Voting System is Constitutional.

Petitioners’ final claim is that Arizona’s entire early voting system is facially unconstitutional. Arizona courts apply a “strong presumption in favor of a statute’s constitutionality,” and “the challenging party bears the burden” of overcoming that presumption. *State v. Arevalo*, 249 Ariz. 370, 373 ¶ 9 (2020). If “there is a reasonable, even though debatable, basis for enactment of the statute, the act will be upheld unless it is clearly unconstitutional.” *Id.* (quotation omitted). And “[a] party raising a facial challenge to a statute must establish that no set of circumstances exists under which the [statute] would be valid.” *Id.* ¶ 10 (quotation omitted).

This heavy burden should apply with even greater force here, where Petitioners are asking the Court to invalidate longstanding legislation that ensures Arizonans can effectively exercise their fundamental right to vote. Far from violating the implied constitutional prohibition Petitioners invent here, Arizona’s early voting statutes reinforce the core guarantee in the Arizona Constitution that “[a]ll elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” *Ariz. Const. art. II § 21*. Arizona’s early voting system furthers this constitutional goal by

ensuring equal access to the franchise for all voters, including those who live far from their polling places, lack access to reliable transportation, or face other barriers to voting in-person on Election Day.

Petitioners fall far short of meeting their burden. None of the constitutional provisions they point to require in-person voting, Arizona’s early voting statutes preserve secrecy in voting, and Petitioners’ strained interpretations cannot be squared with the Free and Equal Elections Clause.

A. Article VII, Section 1 does not require in-person voting.

When interpreting the Constitution, this Court’s “primary purpose is to effectuate the intent of those who framed the provision.” *Cain v. Horne*, 220 Ariz. 77, 80 ¶ 10 (2009) (quotation omitted). To do so, the Court “first examine[s] the plain language of the provision,” and does not “depart from the language unless the framers’ intent is unclear.” *Id.* (citation omitted).

[Article VII, Section 1](#) of the Arizona Constitution – the only constitutional provision governing the method of voting – states in full: “[a]ll elections by the people shall be by ballot, or by such other method as may be prescribed by law; [p]rovided, that secrecy in voting shall be

preserved.” This language is clear. It ensures the right to a secret ballot but leaves the precise methods of voting to the legislature.

Petitioners disregard the plain language of Section 1, immediately jump to the history of the Australian ballot system, and ask the Court to infer from the “secrecy in voting” clause that the framers implicitly intended to mandate in-person voting. These arguments fail.

1. Section 1 authorizes the legislature to prescribe voting methods.

The framers contemplated that voting methods may change over time. If voters have the right to secrecy, voting may take place by any “method as may be prescribed by law.” [Ariz. Const. art. VII § 1](#). This “clear, broad language” delegating lawmaking authority to the Legislature must be interpreted as written. See [Phelps v. Firebird Raceway, Inc.](#), 210 Ariz. 403, 412 ¶ 39 (2005); [State ex rel. La Prade v. Cox](#), 43 Ariz. 174, 177-78 (1934) (because constitutional language “lay[s] down broad general principles,” it should “be construed liberally,” not as “the expression of minute details of law”).

Petitioners claim [at 25, 32] that “the framers included the phrase ‘such other method’ to allow the Legislature to authorize voting machines in lieu of paper ballots.” But that’s not what the Constitution says.

Petitioners mainly rely [at 31-32] on a reference to voting machines at the Constitutional Convention. Yet the discussion on [Article VII, Section 1](#) at the Convention was “sparse,” leaving much “speculation” about the framers’ intent. See [Kotterman v. Killian](#), 193 Ariz. 273, 288-89 ¶ 54 (1999) (noting skepticism about “‘divining’ the intent of language drafted almost 90 years ago and about which so little has been recorded or preserved”). That certain framers noted that the “other method as may be prescribed by law” clause would authorize voting machines doesn’t mean they intended to ban every other method.⁷ If the framers meant to limit “such other method” solely to “voting machines,” they would have said so.

If the Court has any residual doubts about the framers’ intent, it need only look to absentee voting laws the Legislature passed shortly after statehood. [APP88-98, 102-17] If the framers implicitly meant to require only in-person voting using a ballot or voting machine, then

⁷ Though this Court has noted in passing that the framers “fashioned Article 7, Section 1 to preserve the state’s ability to adopt voting machines,” [McLaughlin v. Bennett](#), 225 Ariz. 351, 355 ¶ 16 (2010), the Court did not suggest that voting machines are the sole other option; indeed, the Court expressly recognized the legislature’s power to adopt “other voting methods it might otherwise choose to prescribe by law, provided secrecy is preserved.” *Id.* (cleaned up) (emphasis added).

several Convention delegates who also served in the early legislature wouldn't have passed – and Governor Hunt wouldn't have signed – multiple mail-in voting statutes. The Court can presume these legislators and Governor Hunt understood the framers' intent. *E.g.*, *Clark v. Boyce*, 20 Ariz. 544, 554–55 (1919) (giving “great weight” to construction in laws passed by the early Legislature, where “[m]any of the members of the constitutional convention were members of the first and other sessions of the Legislature,” and “[t]he president of the constitutional convention was the Governor of the state during the[se] sessions”) (citing *Laird v. Sims*, 16 Ariz. 521, 528 (1915)).

The constitutional language is clear: it allows the precise “method” of voting to be “prescribed by law,” which the Legislature has done. And as detailed below, the early voting laws are designed to ensure “secrecy in voting.”

2. Arizona's early voting laws preserve “secrecy in voting.”

The plain language of Section 1 requires only that the methods of voting prescribed by law maintain “secrecy in voting.” Petitioners read this clause [at 25] to mean that any method of voting “must adhere to the Australian ballot system,” which Petitioners claim [at 26] has four

requirements: (1) ballots must “be printed and distributed at public expense”; (2) ballots must “contain the names of all duly nominated candidates”; (3) ballots must be distributed to voters “only by election officers at the polling place”; and (4) the system must “contain detailed provisions to ensure secrecy in casting the vote.” The Court should reject Petitioners’ request to read this expansive list of requirements into three words in the Constitution.

First, the right of “secrecy in voting” does not impose an unstated in-person voting requirement. Petitioners infer far too much from those words. To be sure, the history and evolution of voting practices and the adoption of the Australian ballot system (as detailed above) is helpful background on why many states, including Arizona, preserve the right of secrecy in voting. But Petitioners grossly misconstrue this historical context behind Arizona’s “secrecy” clause as somehow mandating that all voting procedures must include every component of the original “Australian ballot system.” [Pet. at 25, 26, 42] This argument ignores the unambiguous text of the Constitution, the best evidence of the framers’ intent. *E.g.*, [*State v. Mixton*](#), 250 Ariz. 282, 289 ¶ 28 (2021).

Courts around the country have repeatedly held that early voting laws do not violate state constitutional provisions assuring “secrecy” in voting. The California Supreme Court, for example, has held that “the secrecy provision” in its constitution “was never intended to preclude reasonable measures to facilitate and increase exercise of the right to vote such as absentee and mail ballot voting.” *Peterson v. City of San Diego*, 666 P.2d 975, 978 (Cal. 1983). The court refused to assume that the secrecy provision “was designed to serve a purpose other than its obvious one of protecting the voter’s right to act in secret,” particularly when accepting the challengers’ argument “would impair rather than facilitate exercise of the fundamental right.” *Id.*

The court was interpreting [Article II, section 7](#) of the California Constitution, which states: “Voting shall be secret.” But the court also found that its construction of this provision was “supported by the history of the constitutional provisions governing voting,” including a prior version of the secrecy provision identical to [Article VII, Section 1](#) of the Arizona Constitution. *Id.* The court explained that a “provision for absentee voting and the secrecy provision were both in the Constitution” for many years, “with neither stated as an exception or limitation on the

other.” *Id.* When the constitution was amended in 1972 to “simplify the language” of article II, the absentee voting provision was removed “not in order to prevent mail voting but because provision for absentee balloting should be regulated by the Legislature, reflecting the belief that there was nothing inconsistent with absentee balloting and the retained secrecy provision.” *Id.* at 976, 978 (emphasis added).

Many courts have come to the same conclusion. *See e.g., Downs v. Pharis*, 122 So. 2d 862, 865 (La. Ct. App. 1960) (mail-in voting law did not violate constitutional provision that guaranteed voters the right to “prepare their ballots in [s]ecrecy at the polls”); *Jones v. Samora*, 318 P.3d 462, 470 (Colo. 2014) (election officials’ violation of a statutory procedure for processing absentee ballots did not violate “secrecy” provision in Colorado constitution, where the officials inadvertently failed to remove ballot number tabs but there was no evidence that any voters were identified through the ballot numbers); *Sawyer v. Chapman*, 729 P.2d 1220, 1224 (Kan. 1986) (even if there may be more potential for fraud or loss of “secrecy” with mail-in voting, the legislature lawfully weighed that potential risk against “the compelling state interest in increased participation in the election process”). Indeed, other states with

constitutional provisions much like [Article VII, Section 1](#) have been using mail-in voting even longer than Arizona has. *E.g.*, [Wash. Const. art. VI § 6](#) (“All elections shall be by ballot. The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.”); Wash. Rev. Code Ann. § [29A.40.010](#) (“Ballots by mail”); [Mont. Const. art. IV § 1](#) (“All elections by the people shall be by secret ballot.”); Mont. Code Ann. § [13-19-301](#) (“Voting mail ballots”).

Petitioners hang their hats on [McLinko v. Dep’t of State](#), 2022 WL 257659 (Pa. Commw. Ct. Jan. 28, 2022), but that case doesn’t help them. For one thing, the Pennsylvania Supreme Court stayed that ruling last week. [APP168-70] That fundamental defect aside (and more to the point), Petitioners overlook the many material differences between that case and this one. There, the Pennsylvania Commonwealth Court held that mail-in voting violated Pennsylvania’s constitutional provision requiring voters to “offer to vote” in the election district “where” the voter is eligible, because the court was bound by longstanding Pennsylvania Supreme Court precedent. *Id.* at *25.

The constitutional text was the crux of the claim. Yet Petitioners ignore that the court’s holding hinged on language in the Pennsylvania Constitution ([Pa. Const. art. VII § 1](#)) that is nothing like Arizona’s, as explained below in Section V.C. And while Pennsylvania’s “secrecy in voting” provision ([Pa. Const. art. VII § 4](#)) does mirror Arizona’s, the court did not hold, as Petitioners suggest [at 31-32], that the “secrecy” clause mandates in-person voting. The court merely rejected the state’s arguments that the clause allowing other voting methods “as may be prescribed by law” meant the legislature could adopt mail-in voting, because that would violate another section of the constitution that the court interpreted to require in-person attendance. [McLinko](#), 2022 WL 257659, at *14-16.⁸ The same isn’t true here. No other provision in Arizona’s constitution prohibits mail-in voting, and Petitioners point to

⁸ The court also noted that the “other method” contemplated in that provision is solely the use of “voting machines,” relying on [People ex rel. Deister v. Wintermute](#), 194 N.Y. 99, 104, 86 N.E. 818 (1909). But [Deister](#) didn’t address the constitutionality of early voting. It addressed the admissibility of a voter’s testimony in an election contest, and found that a constitutional amendment adding the clause “or by such other method as may be prescribed by law, provided that secrecy in voting be preserved” was merely to allow voting machines, “not to create any greater safeguards for the secrecy of the ballot.” *Id.* Here, as detailed above, there’s no evidence Arizona’s framers intended to allow voting machines as the only “other method” of voting.

no case holding that a constitutional requirement of “secrecy” equates to a wholesale ban on mail-in voting.

If that weren’t enough, *McLinko* relied on other factors that don’t exist here. For example, before passing the challenged statute, the Pennsylvania legislature tried and failed to pass a constitutional amendment to “end the requirement that qualified electors must physically appear at a designated polling place on Election Day.” *Id.* at *3. The Pennsylvania Constitution also has a different section allowing “absentee” voting in certain limited circumstances ([Pa. Const. art. VII § 14](#)), which the court viewed as an “exception” to the in-person requirement in Section 1. *Id.* at *14. Petitioners brush these facts aside, claiming [at 32] that the court’s analysis of Pennsylvania’s other constitutional provisions are “largely irrelevant.” Yet this only underscores the material differences between Pennsylvania and Arizona law. All in all, *McLinko* tells us nothing about what the Arizona Constitution means.

Second, Arizona’s early voting laws include detailed procedures that ensure “secrecy in voting.” Early ballots are “identical” to other ballots except that the word “early” is printed on them. A.R.S. § 16-

545(A). County recorders send these ballots to early voters along with a self-addressed return envelope with a ballot affidavit.⁹ Ballot return envelopes must be “of a type that does not reveal the voter’s selections or political party affiliation and that is tamper evident when properly sealed.” A.R.S. § 16-545(B)(2). The voter then follows these procedures:

The early voter shall make and sign the affidavit and shall then mark his ballot in such a manner that his vote cannot be seen. The early voter shall fold the ballot, if a paper ballot, so as to conceal the vote and deposit the voted ballot in the envelope provided for that purpose, which shall be securely sealed and, together with the affidavit, delivered or mailed to the county recorder or other officer in charge of elections. . . .

A.R.S. § 16-548(A) (emphasis added).

After verifying the signature on the ballot affidavit and confirming that the ballot will be counted, election officials “open the envelope containing the ballot in such a manner that the affidavit thereon is not destroyed, take out the ballot without unfolding it or permitting it to be opened or examined and show by the records of the election that the elector has voted.” A.R.S. § 16-552(F) (emphasis added). The voted early

⁹ Early voters also receive instructions that include the following statement: “WARNING--It is a felony to offer or receive any compensation for a ballot.” A.R.S. § 16-547(D).

ballot and the empty affidavit envelope are then placed in separate stacks for further processing and tabulation. EPM Ch. 2 § VI(B)(3) [APP166-67].

Beyond that, Arizona law criminalizes fraud or other abuses related to early ballots, including “knowingly mark[ing] a voted or unvoted ballot or ballot envelope with the intent to fix an election”; “offer[ing] or provid[ing] any consideration to acquire a voted or unvoted early ballot”; “receiv[ing] or agree[ing] to receive any consideration in exchange for a voted or unvoted ballot”; possessing someone’s “voted or unvoted ballot with intent to sell”; “knowingly solicit[ing] the collection of voted or unvoted ballots by misrepresenting [one’s self] as an election official [or] serv[ing] as a ballot drop off site, other than those established and staffed by election officials”; and “knowingly collect[ing] voted or unvoted ballots” and not turning those ballots in. A.R.S. §§ 16-1005(A)-(F). And the legislature went a step further in 2016, criminalizing even non-fraudulent third-party ballot collection. A.R.S. § 16-1005(H).

These laws all preserve “secrecy in voting” when voting an early ballot. Petitioners vaguely claim [at 27] that “mail-in ballots, by their very nature, cannot be made entirely secret.” Yet they don’t acknowledge any of the statutory safeguards that preserve the secrecy of early ballots

in Arizona, let alone prove “that no set of circumstances exists under which” early ballots can be secret. *Arevalo*, 249 Ariz. at 373 ¶ 10.

Petitioners rely on [at 27] *Miller v. Picacho Elementary Sch. Dist. No. 33*, 179 Ariz. 178, 180 (1994) for the proposition that mail-in ballots can’t be secret. But *Miller* doesn’t say anything like that. To the contrary, this Court held that statutory “procedural safeguards” in an absentee voting statute “advance [the] constitutional goal” of secrecy in voting by “prevent[ing] undue influence, fraud, ballot tampering, and voter intimidation.” *Id.* (emphasis added); see also *Feldman v. Arizona Sec’y of State’s Off.*, 843 F.3d 366, 372 (9th Cir. 2016) (“[R]egulations on the distribution of absentee and early ballots advance Arizona’s constitutional interest in secret voting”); *Soules v. Kauaians for Nukolii Campaign Comm.*, 849 F.2d 1176, 1183 (9th Cir. 1988) (Hawaii’s absentee ballot laws, which “go into great detail in their elaboration of procedures to prevent tampering with the ballots,” adequately protected “secrecy” of ballots).

Third, even if mail-in voting has potential for less secrecy than in-person voting, that is not a basis to read an implied ban on early voting into the Constitution.

Petitioners suggest [at 27] that voters are at greater risk of coercion or vote-buying (a felony) if they vote early. Not only is this rank speculation, but it also ignores the many safeguards built into Arizona’s early voting system. And interpreting the “secrecy” provision in the constitution to restrict access to voting would undermine a fundamental right; one that “constitutes the essence of American democracy.” *Miller v. Bd. of Sup’rs of Pinal Cty.*, 175 Ariz. 296, 301 (1993); *see also Wesberry v. Sanders*, 376 U.S. 1, 17 (1964) (“No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.”). Such an interpretation would violate the Free and Equal Elections Clause, and this Court must read constitutional provisions “in harmony with other portions of the Arizona Constitution.” *Ruiz v. Hull*, 191 Ariz. 441, 448 ¶ 24 (1998).

What’s more, the “secrecy in voting” provision confers a right to secrecy that a voter may waive. Courts consistently hold that the assurance of “secrecy” in voting is a right personal to the voter. *See State v. Tucker*, 143 So. 754, 756 (Fla. 1932) (Florida constitution guarantees that an “elector cannot be compelled to violate the right of secrecy of his

ballot,” but this is “a personal privilege which may be waived”); *Jenkins v. State Bd. of Elections of N.C.*, 104 S.E. 346, 347-48 (N.C. 1920) (the “privilege of voting a secret ballot [is] entirely a personal one . . . for the protection of the voter and for the preservation of his independence, in the exercise of this most important franchise,” but “he has the right to waive his privilege and testify to the contents of his ballot”).¹⁰ Just as any Arizona voter may choose to vote in-person or by mail, any Arizona voter – whether they vote in-person or by mail – always has the choice to waive the secrecy of their vote.

B. Article IV, Part 1, Section 1 governs the people’s legislative powers, not voting.

Petitioners next point to the phrase “at the polls” in various parts of [Article IV, pt. 1 § 1](#) of the Constitution. They then string together [at 23-24] several canons of statutory construction, concluding: “Thus, the

¹⁰ This Court has likewise interpreted [Article VII, Section 1](#) in a way that suggests it confers a right personal to the voter. *Huggins v. Superior Ct. In & For Cty. of Navajo*, 163 Ariz. 348, 351 (1990) (noting that compelling a voter’s testimony about their vote in an election contest “strikes a responsive chord in Arizona, where our constitution explicitly assures secrecy in voting,” and thus exploring “alternative solutions that permit [the Court] to avoid compulsion so offensive to democratic sensibilities and assumptions”).

framers intended all voting to occur at the polls.” This argument is baseless.

[Article IV, pt. 1, § 1](#) reserves to the people the right of initiative and referendum. It authorizes the people to pass laws “at the polls, independently of the legislature,” and authorizes the legislature to send laws to the people to decide “at the polls.” That is, it grants legislative power to the people to exercise directly at an election, instead of through their legislative representatives. Article IV has nothing to do with how people may cast their ballots at an election. That’s what Article VII (“Suffrage and Elections”), Section 1 (“Method of voting; secrecy”) is for.

Petitioners ask the Court to interpret a constitutional provision granting a fundamental right – one this Court “liberally” construes, [Pedersen](#), 230 Ariz. at 558 ¶ 7 – as somehow impliedly restricting the methods of exercising a different fundamental right. Their argument finds no basis in the text or structure of the Constitution, and they cite no authority supporting this novel interpretation.

At best, Petitioners cite [Allen v. State](#), 14 Ariz. 458, 459 (1913), claiming this Court “found [it] obvious” that “in-person voting at the polls on a fixed date is the only constitutionally permissible manner of voting.”

Not even close. In *Allen*, a defendant was convicted of violating a statute that had been the subject of a referendum petition. *Id.* The defendant appealed his conviction, claiming the statute was invalid because it was not submitted to the people “at a proper or legal election.” *Id.* at 461. This Court affirmed the conviction, finding that the people properly approved the measure at the polls in “the next regular general election” as required under Article IV. *Id.* at 464. Nothing in that case even remotely suggests that Article IV restricts the “manner of voting” in an election.

The Court should reject Petitioners’ request to use Article IV to limit the Legislature’s power to dictate voting methods under [Article VII, Section 1](#).

C. Article VII, Section 2 governs voter eligibility, not the manner of voting.

Next, Petitioners argue that [Article VII, Section 2](#) somehow prohibits early voting because it describes who is qualified to vote “at any general election.” According to Petitioners [at 33-34], the Constitution’s use of the preposition “at” is “just as explicit as the words ‘where he or she shall offer to vote by ballot’ as construed in *McLinko*.” Nonsense.

As its title informs, [Article VII, Section 2](#) addresses only the “[q]ualifications of voters” eligible to vote in Arizona. Petitioners rely on Subsection A, which states in full:

No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of eighteen years or over, and shall have resided in the state for the period of time preceding such election as prescribed by law, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word “citizen” shall include persons of the male and female sex.

[Ariz. Const. art. VII § 2\(A\)](#). The plain language of this provision describes who is qualified to vote in an election; it says nothing about how a person may cast their vote.

The constitutional language in [McLinko](#) is completely different. There, the Pennsylvania Constitution required that voters must

have resided in the election district where he or she shall offer to vote at least sixty (60) days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within sixty (60) days preceding the election.

[Pa. Const. art. VII § 1\(3\)](#). Because language describing who is qualified to vote “at any general election” is nothing like the language describing

the district “where” an elector must “offer to vote,” *McLinko*’s interpretation is irrelevant here. And as detailed above, *McLinko* doesn’t support Petitioners’ claims for a number of other reasons, including that the court was bound by existing precedent interpreting the phrase “offer to vote,” and the Pennsylvania Supreme Court stayed that ruling.

D. Article VII, Sections 4, 5, and 11 do not dictate the manner of voting.

Finally, Petitioners point [at 36-39] to three more sections in Article VII, which they say require voters’ “attendance” at the polls on Election Day. Plaintiffs infer far too much from these straightforward constitutional provisions.

[Section 4](#) grants voters a privilege from arrest (except for certain crimes) “during their attendance at any election, and in going thereto and returning therefrom.” [Section 5](#) excuses voters from “perform[ing] military duty on the day of an election, except in time of war or public danger.” Nothing in these provisions requires in-person attendance at an election; they merely protect voters who are exercising their right to vote. Construing a constitutional provision protecting the franchise as somehow implicitly limiting voters’ ability to exercise a fundamental right – as Petitioners urge here – would undermine the Free and Equal

Elections Clause. *See Ruiz*, 191 Ariz. at 448 ¶ 24 (this Court reads constitutional provisions “in harmony with other portions of the Arizona Constitution”).

As for [Section 11](#), that provision states that a “general election” must be held for certain races on “the first Tuesday after the first Monday in November” of every even-numbered year. This tracks federal law, which already established the same “election day” for certain federal races before Arizona became a state. 28th Cong., [Stat. II, ch. I](#) (Jan. 23, 1845); *see also* [2 U.S.C. § 7](#) (representatives); [2 U.S.C. § 1](#) (senators); [3 U.S.C. § 1](#) (presidential electors).

Arizona’s early voting statutes do not change Election Day. In fact, those statutes expressly contemplate that the “election” takes place on “election day.” *See, e.g.*, A.R.S. § [16-548\(A\)](#) (early ballots must be returned “no later than 7:00 p.m. on election day”); A.R.S. § [16-551\(C\)](#) (early voting tallies cannot be “released or divulged before all precincts have reported or one hour after the closing of the polls on election day, whichever occurs first”).

Several federal courts have rejected arguments that states’ early voting laws violate the federal Election Day statute. In [Voting Integrity](#)

Project, Inc. v. Bomer, 199 F.3d 773, 776 (5th Cir. 2000), for example, the Fifth Circuit explained that the “plain language” of the federal Election Day statute “does not require all voting to occur on federal election day. All the statute requires is that the election be held that day.” The court held that Texas’s early voting statutes thus complied with the statute, because “the election of federal representatives in Texas is not decided or ‘consummated’ before federal election day.” *Id.* (citing *Foster v. Love*, 522 U.S. 67, 71 (1997)); see also *Voting Integrity Project, Inc. v. Keisling*, 259 F.3d 1169, 1176 (9th Cir. 2001) (“Oregon is in compliance with the federal election day statute. Although voting takes place, perhaps most voting, prior to election day, the election is not ‘consummated’ before election day because voting still takes place on that day.”); *Millsaps v. Thompson*, 259 F.3d 535, 546 (6th Cir. 2001) (same in Tennessee).

These federal cases align with this Court’s precedent. See *Sherman v. City of Tempe*, 202 Ariz. 339, 343 ¶ 18 (2002) (“[A]lthough votes may be cast prior to election day, measures are not conclusively voted upon until the actual day of election”) (emphasis added). In short, “[a]llowing some voters to cast votes before election day does not

contravene” [Article VII, Section 11](#) because “the final selection is not made before” the general Election Day. *See Bomer*, 199 F.3d at 776.¹¹

In the end, Petitioners identify no constitutional provision that mandates in-person voting on Election Day. [Article VII, Section I](#) gives the State broad authority to adopt election laws prescribing the “method” of voting, as long as it ensures “secrecy in voting.” Arizona’s early voting statutes do exactly that.

Conclusion

Arizona’s early voting system is secure, efficient, and widely used, including by many of ARP’s voters. The State has adopted detailed procedures governing early voting that comply with Arizona law. The EPM adheres to the Secretary’s statutory rulemaking authority, and the early voting laws ensure the right to “secrecy in voting.” Petitioners’ attacks on early voting are unfounded, and the Court should reject their claims.

¹¹ Besides upending Arizona’s election system and invalidating scores of state statutes and regulations, Petitioners’ tortured interpretation of the Arizona Constitution would also conflict with federal law. *See, e.g.*, Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § [20301 et seq.](#)

RESPECTFULLY SUBMITTED: March 11, 2022.

COPPERSMITH BROCKELMAN PLC

By: /s/ Roopali H. Desai
Roopali H. Desai
D. Andrew Gaona
Kristen Yost

ARIZONA SECRETARY OF STATE
Sambo (Bo) Dul

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*Frank M. Heford
Tucson, Arizona.*

 of ARIZ. LAW COLLEGE
SESSION LAWS

OF THE

SIXTEENTH

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF ARIZONA.

SESSION BEGUN ON THE NINETEENTH DAY
OF JANUARY, A. D. 1891.

of elections in each election district or precinct in their respective county, town, city or village, five copies of a printed list containing the name, residence and party, or other designation of each candidate nominated as hereinafter provided, to be voted for by the voters of the respective election districts or precincts, and such presiding officer shall forthwith cause to be posted one of said lists at the place where the ballots are to be cast and election held, and at least in four other public and conspicuous places in such election district or precinct.

SEC. 15. It shall be the duty of the several County Boards of Supervisors, town, city and village Recorders or Clerks of this Territory to prepare and provide, as hereinafter prescribed, ballots printed on white paper, containing the names of all persons certificates of whose nomination for public office has been filed with them as provided in this Act. The ballots to be printed by the several County Boards of Supervisors, shall be printed and ready for inspection by the candidates and their agents, at least ten days before a general election. The ballots to be provided by the several city, village or town Recorders or Clerks shall be printed and ready for inspection at least five days before election. That except as herein otherwise directed the Board of Elections in counting, canvassing, certifying and returning the votes cast at any election, shall proceed as now required by law, provided further that at each polling place one challenger for each respective political party shall be allowed to be present and act, but such challengers shall not be permitted to enter any of the booths.

54 } Sec. 16. At least five sample ballots, for each polling place, printed on tinted paper, but in all other respects the same as official ballots, shall be provided by the several Boards of Supervisors, Recorders or Clerks named in the foregoing Section, and shall be delivered to the election officers together with the cards of instruction hereafter mentioned.

88 - SEC. 17. Ballots hereinafter used except as hereinafter provided for the election of public officers in this Territory, printed as hereinbefore provided, shall contain, under each appropriate head, the names of all the persons to be voted for at each election, with their places of residence, with the name of the party or other political organization to which each candidate belongs. Each ballot shall be endorsed by the words "Official Ballot," and be followed by the name of the district or precinct in which they are to be used, the date of election, and each ticket shall bear on its back a *fac simile* of the signature of the chairman of

the Board of Supervisors, with his official title to be so printed across the line of perforation as hereinafter presented so that part thereof shall remain on the tickets and part on the stub as hereinafter provided for. There shall be left underneath each group of candidates for different offices a blank space in which the voter may insert the name of any person for whom he may desire to vote. Whenever the approval any question is to be submitted to the people, such question shall be printed upon the ballot after the list of candidates. The ballot shall be so printed as to give each voter a clear opportunity to designate by a cross mark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates and his answer to the question submitted; and on each such ballot may be printed such words as will aid the voter to do this, as "Vote for One," "Vote for Three," "Yes," "No," and the like.

SEC. 18. Each ballot shall have a perforated line running across the top so as to leave the space above said line not less than two nor more than three inches in width, and upon the portion above the line which shall be known as the "stub," nothing shall be printed except that each stub for each election district shall be numbered consecutively by printed or written numbers thereon and may have directions to the voter together with blanks and directions for the ballot clerk's name and the voter's number, and that all ballots when printed as hereinbefore provided shall be fastened together in blocks containing one hundred ballots each, and in such manner that each ballot may be removed and detached separately.

SAMPLE TICKET.

89- Stub No (To be torn off by the Inspector.)
 (Ballot Clerk's name)..... (Voter's No.).....

OFFICIAL BALLOT.

.....Precinct, County of Maricopa.

FIRST COUNCIL DISTRICT.

ELECTION NOVEMBER 4, 1890.

(To vote for a person make an X or a cross mark in the right hand column. No erasure is needed of names not voted for.)

TERRITORIAL.

DELEGATE TO CONGRESS, (Vote for one.) VOTING MARK.

M. A. Smith, of Cochise, Democrat.....	.....
Geo. W. Cheyney, of Cochise, Republican.....	.....
.....

FOR COUNCILMAN.

C. Meyer Zulick, of Maricopa, Democrat.....	.....
R. C. Powers, of Maricopa, Republican.....	.....
J. H. Behan, of Yuma, Democrat.....	.....
Abe Frank, of Yuma, Republican.....	.....
Foster S. Dennis, of Mohave, Democrat.....	.....
W. H. Hardy, of Mohave, Republican.....	.....
.....
.....

COUNTY.

FOR HOUSE OF REPRESENTATIVES, (Vote for two.)

T. E. Farish, of Vulture, Democrat.....	.....
L. H. Chalmers, of Phoenix, Democrat.....	.....
E. S. Gill, of Phoenix, Republican.....	.....
J. B. Mullen, of Tempe, Republican.....	.....
.....

FOR SHERIFF, (Vote for one.)

Sam F. Webb, of Phoenix, Democrat.....	.....
John B. Montgomery, of Phoenix, Republican.....	.....
.....
Etc.	Etc.
Etc.	Etc.

90- SEC. 19. There shall be printed for and furnished to each polling place at which an election is to be held, two

hundred ballots for every fifty voters or fraction thereof whose names appear upon the Great Register for the current year as of such precinct and for the purpose of determining the number of ballots so to be printed and furnished, the County Recorder shall, without compensation, between the fifteenth and the twentieth days preceeding the day of election file with the clerk of the Board of Supervisors a statement of the number of voters registered in each separate precinct certified to as a correct statement from the entries on the Great Register. In case more ballots are required, the presiding officer shall proceed as provided in Section 30 of this Act for furnishing further ballots.

SEC. 20. The several Boards of Supervisors and Recorders or Clerks whose duty it is to print and furnish the ballots provided for by this Act, shall prepare instructions for the guidance of voters at such election in regard to obtaining ballots, the manner of marking them and the method of obtaining assistance in marking such ballots, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with Sections thirty-two, thirty-three, thirty-four and thirty-five of this Act, to be printed in large, clear type, on separate cards, to be called cards of instructions. They shall also furnish to the presiding officer of elections in each election district or precinct, at least five of such cards, at the time and in the same manner as the printed ballots are furnished. Such presiding officer before the opening of the polls on election day, shall post one of said cards of instructions and one sample ballot in plain view in the room where the ballots are cast and at least four of said cards and four sample ballots in and about the polling places.

SEC. 21. The several Boards of Supervisors, Recorders and Clerks aforesaid shall deliver or cause to be delivered, by mail or other reliable method, to the presiding officer aforesaid one package containing two hundred official ballots for every fifty voters or fraction thereof whose names appear on the Great Register of the current year as residents of the district, precinct, county, town, city or village for which they are printed. Such official ballots shall be delivered to such presiding officer at least forty-eight hours before the hour for opening the polls on election day unless prevented by some unavoidable delay or accident to be established by affidavit of election officers or bearers of ballots. Said official ballots shall be sent in sealed packages with marks on the outside of such package clearly designating the polling place for which they are intended and the number of ballots enclosed.

Such presiding officer shall on delivery to them of such package, return receipts therefor to the Boards of Supervisors, Recorders or Clerks from whom received.

SEC. 22. On the opening of the polls at each polling place, the presiding officer shall produce the sealed package of official ballots and publicly open it and deliver one book or block of ballots therein contained to the ballot clerks hereinafter provided for. The other blocks or books of ballots, if any, shall be retained by the presiding officer until they are called for by the ballot clerks and needed for the purpose of voting.

SEC. 23. At least ten days before any election to be held in this Territory, the officers whose duty it is by law to designate the polling places shall determine the number and situation of the polling places in each district, precinct, town, city or village, and shall appoint not less than two or more than four persons to act and be known as ballot clerks for each polling place within their jurisdiction. An equal number of such clerks to be appointed from the two opposing political parties casting the highest number of votes at the last preceding election. The clerks so appointed shall have charge of the ballots at such election and furnish them to voters as hereinafter provided.

SEC. 24. The officers whose duty it is to designate the polling places shall cause the same to be suitably provided with a sufficient number of voting booths or compartments furnished with convenient shelves on which voters may conveniently mark their ballots, and in the marking thereof be screened from the observation of others, and such booths shall be supplied with proper conveniences, including pens, pen-holders, ink, blotting paper, pencils, as will enable the voter to prepare his ballot for voting. A guard rail shall be so constructed and placed that only such persons as are inside of said rail can approach within six feet of the ballot boxes of such voting booths or compartments. The arrangements shall be such that neither the ballot boxes nor the voting booths or compartments shall be hidden from view of those just outside of the guard rail. Each booth or compartment shall be at least three feet square and contain a shelf at least one foot wide extending across one side of such booth or compartment at a convenient height for writing. No person other than the election officers and voters admitted as hereinafter provided shall be permitted within said guard rail except by authority of the election officers for the purpose of keeping order and enforcing the law. The officers charged with providing booths or compartments shall also furnish for each polling place the required ballot boxes with locks which shall be large enough to properly receive and hold the ballots cast for candidates for office in conformity with the provisions of this Act.

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LAWS OF ARIZONA.

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SEC. 25. The ballot clerks shall at all times be under the supervision of the presiding officer aforesaid, shall keep the ballots within the polling place and in plain view of the public and deliver them only to qualified voters. Every qualified voter before receiving his ballot shall announce his name and place of residence in a clear, audible tone of voice to the ballot clerk, or present his name and residence in writing, and if such name is found upon the Great Register by the ballot clerk having charge thereof, he shall repeat the name and the voter shall be allowed to enter the space enclosed by the guard rail; his name shall be noted by the poll clerks, and each voter's name shall be numbered consecutively by the poll clerks, with the number upon the stub of the ballot delivered to him and in the order of the respective applications for ballots to the ballot clerks; the ballot clerk shall also write his name upon said stub and the voting number of such voter as it appears upon the Great Register, and the ballot clerk shall give him one, and only one ballot, and his name shall be immediately checked on the Great Register.

SEC. 26. On receiving his ballot the voter shall forthwith and without leaving the polling place or going outside of said guard rail, retire alone to one of the booths or compartments not occupied by any other person, and prepare his ballot by marking in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor and marking a cross opposite thereto; and in case of a question submitted to the vote of the people by marking in the appropriate margin or space a cross (X) against the answer which he desires to give. Before leaving the booth or compartment, the voter shall fold his ballot lengthwise and crosswise, but in such a way that the contents of the ballot shall be concealed and the stub can be removed without exposing any of the contents of the ballot, and shall keep the same as folded until he has delivered the same to the election officers as in this Section provided; then he shall forthwith proceed outside the guard rail by the exit thereof and shall not again enter such enclosed space during such poll unless he is an election officer. No voter shall be allowed to occupy a voting booth or compartment for more than five minutes, when other voters are waiting to occupy the same. No inspector shall receive any ballot from any voter unless the stub remains attached to the ballot.

SEC. 27. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoil a ballot he may successively obtain others, one at a time, not exceeding five in all, upon returning each spoiled one. The ballots thus returned shall be immediately cancelled, and

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together with those not distributed to the voters, shall be reserved and shall be secured in sealed packages and returned to the Board of Supervisors, town, city or village Recorders or Clerks from whom originally received.

56 Act 44
repealed
95/44

SEC. 28. Any elector who declares that by reason of physical disability or inability to read the English language, he is unable to mark his ballot, may declare his choice of candidates to the poll clerks who shall accompany such elector to some unoccupied booth, and in the presence of the elector and in the presence of each other shall prepare the ballots for voting in the manner hereinbefore provided and upon request shall read over to such elector the names of the candidates as marked. Any one making a false declaration under the provisions of this Section shall, upon conviction, be fined in any sum not exceeding five dollars and be disfranchised for a period of five years, and any poll clerk or poll clerks who shall deceive any elector in selecting or marking any ballot or mark the same in any way than as requested by said elector, shall be guilty of a felony and on conviction, shall be imprisoned in the penitentiary for not less than two years nor more than five years and be disfranchised for any determinate period not less than five years.

SEC. 29. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this Act shall be counted. Ballots not counted shall be marked defective on the back thereof, and be preserved and returned to the Board of Supervisors, or Recorder, or Clerk from whom received as hereinbefore provided.

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SEC. 30. In case the ballots to be furnished for any voting place, in accordance with the provisions of this Act, shall fail for any reason to be delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the presiding officer aforesaid to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished; and upon delivery of such ballots at the polling place by him, accompanied by his statements under oath, which the city, town or village Recorder or Clerk shall record, that the same had been so prepared and furnished by him, and that the original ballots have so failed to be received, or have been so destroyed or stolen, the ballot Clerk shall cause the ballots so substituted to be used in lieu of the ballots wanting as above.

SEC. 31. None of the provisions of this Act shall apply to any school election in this Territory.

SEC. 32. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any other person with intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere with any voter inside of said inclosed space, or who shall endeavor to induce any voter to vote for any particular candidate within the building in which the voting is proceeding, shall be punished by a fine of fifty dollars, or fifty days in the county jail, and it shall be the duty of the election officers to see that the offender is duly brought before the proper court for the recovery of such penalty.

SEC. 33. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this Act, or who, during an election shall wilfully deface, tear down, remove or destroy any card of instructions posted for the instruction of voters, or who shall during election, wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be punished by a fine of fifty dollars or fifty days in the county jail.

SEC. 34. Any person who shall falsely mark or wilfully deface or destroy any certificate of nomination, or nomination paper, or any part thereof, or any letter of withdrawal; or file any certificate of nomination, or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination, or nomination paper, or any part thereof, which has been filed; or forge or falsely make the official endorsement of any ballot, or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, shall be punished by a fine of one hundred dollars or one hundred days in the county jail.

SEC. 35. Any public officer upon whom a duty is imposed by this Act, who wilfully neglects to perform such duty, or who shall wilfully perform it in such way as to hinder the objects of this Act, shall be punished by a fine of two hundred dollars, or two hundred days in the county jail. - 95

SEC. 36. No person shall do any electioneering on election day within any polling place, or in any public street or room, in a public manner, within one hundred and fifty feet of any polling place. No person shall remove any official ballot from any polling place before the closing of the polls. No person shall show his ballot, after it is prepared for voting, to any person in such a way as to reveal the contents, nor shall any person solicit the voter to show the same; nor shall any person (except an inspector of election) receive from a voter a ballot prepared for voting. 71

**THE RECORDS OF THE
ARIZONA CONSTITUTIONAL
CONVENTION OF 1910**

Edited By: John S. Goff

**PHOENIX, ARIZONA
THE SUPREME COURT OF ARIZONA**

Phoenix, October 10, 1910, 12:00 noon.

In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

On motion of Hon. E. E. Ellinwood, member-elect of Cochise County, [Minutes, page 5, indicate Goldwater of Yavapai], Mr. Baker was unanimously elected temporary president.

On motion of Hon. Geo. W. P. Hunt, member-elect of Gila County, Mr. A. W. Cole, resident of Douglas, Arizona, was unanimously elected temporary secretary.

Roll of delegates-elect was called by temporary secretary, all answering present with the exception of six who later reported present.

Prayer offered by Reverend Seaborn Crutchfield, resident of Tempe. [Words missing but Arizona Republican, (Phoenix), October 11, 1910, reported it included: "As King Solomon prayed for guidance to wisely rule a great people, so we ask Thee to direct us in the adoption of a wise and just constitution." Also included was the Lord's Prayer. The portion which the Arizona Gazette, October 10, 1910, reported was: "Thank God for the circumstances surrounding us today. We pray for guidance that our hearts, hands and tongues may glorify Thy name. We thank Thee for this grand body of sedate men. We trust they are patriots and believe they will frame such a constitution as will bless the teeming thousands that will flow into the state in coming years. We pray for divine guidance for the man who will have the gavel in his hands during this convention."]

On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that

October 10, afternoon

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he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E. E. Ellinwood of Cochise County and S. L. Kingan of Pima County.

On motion of Mr. Webb the secretary was empowered to employ a temporary stenographer. [M. Alice Berry was the individual thus employed.]

On motion of Mr. Webb [Minutes, page 7, seconded by Mr. Cunniff], a recess of ten minutes was taken to allow the committee on credentials and an oath of office to report.

Convention called to order by the temporary president.

The committee on credentials reported as follows:

"Phoenix, Arizona, October 10, 1910, To the Chairman:

We your committee on credentials, have the honor to report the following named delegates entitled to seats in this convention, to-wit: Apache County, Fred T. Colter; Coconino County, C. C. Hutchinson, Edward M. Doe; Cochise County, E. E. Ellinwood, Thomas Feeney, John Bolan, A. F. Parsons, R. B. Sims, P. F. Connelly, E. A. Tovrea, D. L. Cunningham, C. M. Roberts, S. B. Bradner; Gila County, Geo. W. P. Hunt, J. J. Keegan, Alfred Kinney, Jacob Weinberger, John Langdon; Graham County, Lamar Cobb, Mit Simms, A. M. Tuthill, A. R. Lynch, W. T. Webb; Maricopa County, A. C. Baker, B. B. Moeur, Orrin Standage, F. A. Jones, Sidney P. Osborn, Alfred Franklin, John P. Orme, Lysander Cassidy, James E. Crutchfield; Mohave County, Henry Lovin; Navajo County, William Morgan, James Scott; Pinal County, E. W. Coker, Thomas N. Wills; Pima County, Samuel L. Kingan, William F. Cooper, Carlos C. Jacome, George Pusch, James C. White; Santa Cruz County, Bracey Curtis; Yavapai County, Ed. W. Wells, M. G. Cunniff, Albert M. Jones, H. R. Wood, M. Goldwater, A. A. Moore; Yuma County, Mulford Winsor, Fred L. Ingraham, E. L. Short.

Respectfully submitted, Albert M. Jones, Chairman;
William F. Cooper, Secretary."

Mr. Cassidy: Since we have no recognized form of the oath of office to administer to the members of this Convention I desire to present a form which the secretary may read.

Temporary President: The secretary will please read the form suggested by Mr. Cassidy.

Secretary: (reading) I hereby solemnly swear to support the Constitution of the United States and faithfully to perform the duties of delegate to the Constitutional Convention of Arizona.

Temporary President: You have heard the form of oath, gentlemen, what is your pleasure?

Mr. Webb: I believe that it is hardly necessary to adopt any form as I believe that Judge Kent will probably come with a form of oath in his inside pocket.

Mr. Cassidy: Since it is doubtful as to the judge coming prepared with a form, and there being no form available for the purpose of this Convention, I move that the form read by the

secretary be adopted.

[Minutes, page 8, motion seconded by Cunniff of Yavapai]

The motion prevailed.

Mr. Ellinwood: I move that slips of paper with the names of the various counties thereon be placed in a hat and that the secretary draw the slips therefrom and the selection of seats be decided according to the order in which the names are drawn.

Mr. Goldwater: I second that motion.

[Minutes, page 8, "Moved by Mulford Winsor, delegate-elect of Yuma, that selection of seats be decided by placing slips in box and boy or girl draw same, and as they are drawn choice of seats awarded to counties as called. Amended by E.E. Ellinwood, delegate-elect of Cochise, and accepted by Winsor that slips with names of various counties thereon be placed in hat and that secretary draw same, and that selection of seats be according to names of counties as drawn. Seconded by Morris Goldwater, delegate-elect of Yavapai, and carried."]

The motion prevailed.

Mr. Winsor: It will be so arranged that the Republican members may be seated by themselves, if they so desire, in order that they may be free from association with the unwashed democratic majority.

Mr. Orme: I suggest that they be given a choice in the selecting of the seats.

Temporary President: The committee on oath has announced that it is now ready to report to the convention.

Mr. Ellinwood: I have the honor to present to you Hon. Edward Kent, who has kindly consented to administer the oath of office to the members of this convention.

Chief Justice: Will the members of the constitutional convention please rise? You, each and all of you, do solemnly swear that you will support the Constitution of the United States and faithfully to perform the duties of delegate to the Constitutional Convention of Arizona.

The Delegates: We do.

Chief Justice: I congratulate you upon this occasion, for the opportunity you now have to do a great and grand work, that will be a credit to you and to your children after you, and to this nation. I hope that you will be guided by wisdom in your acts and in your works and that peace may abide with you in your convention and that all your acts may be prudent.

Mr. Cunniff: I move that we proceed to the election of the president of the convention.

Mr. Colter: I second that motion.

The motion prevailed.

Mr. Cunningham: I desire to place in nomination for president of this convention a man who is very capable and worthy, and who is the choice of a great number of the members of this convention. I nominate George W. P. Hunt of Gila County for president.

Mr. Goldwater: I second this nomination. [Minutes, page 8,

October 10, afternoon

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say Cunniff of Yavapai]

Temporary President: Gentlemen, what is your further pleasure?

Mr. Doe: I desire to nominate for president of this convention, Hon. Judge Edmund W. Wells of Yavapai county.

Mr. Kingan: I second the nomination of Judge Wells.

Temporary President: Gentlemen, what is your further pleasure?

Mr. Cunniff: I move that the nominations close.

Mr. Coker: I second the motion.

Temporary President: Gentlemen, you have the nominations of Mr. Hunt of Gila County and Judge Wells of Yavapai County for president.

Mr. Cunniff: I move the secretary call the roll, and that each member express his choice as his name is called.

Mr. Webb: Mr. Chairman, I second that motion.

The motion prevailed.

The roll call showed forty-one votes for Mr. Hunt and eleven for Judge Wells.

Temporary President: Gentlemen, Mr. Hunt has received forty-one votes and Mr. Wells has eleven. The chair announces that Mr. Geo. W. P. Hunt has been elected president of the Constitutional Convention. Will the gentleman from Cochise, Mr. Cunningham and the gentleman from Yavapai, Mr. Goldwater, escort the elected president to the chair. [Minutes, page 8, indicate Wells of Yavapai not Goldwater]

Mr. Cunningham: We have the honor to present Mr. Hunt of Gila county as the elected president of the convention.

Temporary President: Members of this convention, I respectfully present to you Mr. Geo. W. P. Hunt, who is your duly elected president.

Mr. Hunt: To the members of this convention I sincerely return my heartfelt thanks for the selection of myself as president of this convention, the elevation to which office I have not been seeking. Gentlemen, what we do must be done for the good of the people of Arizona, and it must be done wisely. By the authority in me vested as the presiding officer, the permanent organization is perfected hereby for the framing of a constitution and a form of government for Arizona under the Act of Congress approved June 20, 1910. What is the further pleasure of the convention?

Mr. Parsons: Mr. President, the Enabling Act provides for the election of a permanent secretary. Representing the united delegation from Cochise County, and between 300 and 400 employees of the smelters and railroad shops at Douglas who would receive with gladness the news of the elevation of Mr. A. W. Cole to the office of permanent secretary, I now present the name of A. W. Cole as secretary of this convention.

Mr. Keegan: I rise to second that nomination.

Mr. Winsor: I move that nominations be closed.

remainder, commencing at section 2.

Mr. Cunniff: I will second that motion.

Mr. Cobb: I accept that amendment, Mr. Chairman, and move that section 1 be made a special order for tomorrow morning.

Mr. Chairman: It has been moved to take up the consideration of Substitute Proposition Number 6 with the exception of section 1, beginning at section 2, and that section 1 be made a special order for tomorrow. Those in favor of this motion will answer "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

Mr. Webb: I move an amendment to the original proposition that it be placed at the head of the calendar for tomorrow morning.

Mr. Wills: I second that motion.

Mr. Chairman: Gentlemen, it has been moved by Mr. Cassidy, and amended by Mr. Webb that consideration of section 1 of Substitute Proposition Number 6 be made special order for tomorrow morning and placed at the head of the calendar. Call the roll.

Roll call showed 29 "ayes" and 13 "nays."

Mr. Chairman: The motion is carried. The chair will rule that Proposition Number 21 shall be taken up first and all those relating thereto will be taken up at the same time. Gentlemen, what is your pleasure in regard to the reports on this proposition?

Mr. Cassidy: I move consideration of the majority report, section by section.

Mr. Chairman: If there are no objections it will be so considered.

Mr. Osborn: Mr. Chairman, I move that the minority report be substituted for the majority report. There is more language in the majority report than in the minority report, which covers the grounds sufficiently.

Mr. Bradner: I second that motion.

The motion failed to pass.

Mr. Winsor: I rise to a point of information. I would like to have the chairman of the committee who drafted this measure, explain it.

Mr. Webb: Mr. Chairman, I move you that section [Minutes, page 257, section 1] be stricken out.

Mr. Osborn: I second that motion.

Mr. Jones (Yavapai): It seemed advisable to retain this section, respecting the use of the voting machine and I approve of retaining that section if we adopt that report.

Mr. Cunniff: Mr. Chairman, I do not see why that should be done or why such a motion should prevail.

Mr. Cobb: In California, just recently, there was passed an amendment to the constitution and the amendment was exactly the same.

Mr. Webb: I think the legislature can attend to this matter and I can see nothing at all to be accomplished by retaining this section. It does not appeal to me as being very reasonable.

Mr. Cobb: I think it is very reasonable. Very recently several states have adopted voting machines and we may want to adopt

one some time.

Mr. Parsons: I offer an amendment that section 1 be adopted.

Mr. Cobb: I second that motion.

Mr. Chairman: It has been moved by the gentleman from Graham, Mr. Webb and seconded by Mr. Osborn of Maricopa, that section 1 be stricken out and the motion has been amended by Mr. Parsons and seconded by Mr. Cobb that the section be adopted. Those in favor of the motion will say "aye;" opposed "nay." The motion is carried. What is your pleasure, gentlemen, with regard to this section?

Mr. Cunniff: Mr. Chairman, I move that section 2 of the majority report be stricken out and section 2 of the minority report be substituted therefore.

Mr. Webb: I second the motion.

Mr. Orme: I wish to amend that motion by moving that section 2 be adopted.

Mr. Crutchfield: I second that motion.

Mr. Cunniff: I would like to point out that it is customary in constitutions, or that is in state constitutions from Massachusetts to Oklahoma, and I think it is positively necessary that they contain such a measure as the minority report contains, and I think that Arizona can safely follow this example.

Mr. Jones (Yavapai): I would just like to state that the majority report has an error. This was a part of that report, but it was left out by the printer.

Mr. Chairman: The question is now upon the motion of Mr. Cunniff, seconded by Mr. Webb, to strike out section 2 of the majority report and inserting [sic, insert] section 2 of the minority report, and this motion was amended by Mr. Orme, seconded by Mr. Crutchfield, that the section be adopted.

Mr. Webb: Since this explanation I think that the gentleman from Maricopa will be willing to withdraw his motion.

Mr. Chairman: Does the gentleman wish to withdraw?

Mr. Orme: I withdraw.

Mr. Chairman: The question is on the motion of the gentleman from Yavapai, Mr. Cunniff, seconded by Mr. Webb, that section 2 of the minority report be inserted in lieu of section 2 of the majority report, and that section 2 of the majority report be stricken out.

Mr. Winsor: I object to the proposition as it is something I have not been able to decide upon.

Mr. Osborn: I would like to have explained what difference there is between section 2 of the majority report and that matter of qualified electors adopted today.

Mr. Cunniff: I am heartily in favor of adopting this section into the constitution and I will just say that the section which I have moved to have inserted in the majority report in lieu of section 2 of that report gives more to work upon, and is the very best measure to adopt. I hope that my motion prevails.

Mr. Ellinwood: I am heartily in favor of this section also. It seems to me that since we have already adopted the initiative and referendum, by which the voters are to pass on laws or a good many

A Proposition Relative to Primary Elections.

Introduced by Mr. A. C. Baker, of Maricopa County.

It is hereby proposed:

1 Section 1. The General Assembly, at its first session, shall enact a
2 primary election law, under which all nominations for elective public offi-
3 cers, including members of Congress, shall be made by organized political
4 parties, and thereafter no candidates of any political party having and
5 maintaining a party organization shall be voted for at any general elec-
6 tion without having first been chosen as a candidate at such primary;
7 but the nomination of municipal officers may be otherwise made when
8 authorized by law.

9 Sec. 2. The General Assembly, at its first session, shall make provision
10 for the nomination of candidates for elective public offices by the peti-
11 tion of electors, where such candidates are not chosen by organized po-
12 litical parties.

13 Sec. 3. The General Assembly, at its first session, shall enact a law
14 whereby at the general election last preceding a vacancy in the office of
15 United States Senator, the electors of the state at large may express
16 their choice for the office of Senator to fill such vacancy; and it may be
17 provided by law that those whose names are printed upon the ballot as
18 candidates for such office, shall first be nominated by their respective
19 parties at the last preceding primary, or shall be nominated by petition

1 as other candidates for public office are nominated.

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PHOENIX, ARIZONA, NOV. 18TH, 1910.

MR. PRESIDENT:

Your Minority Committee on Suffrage and Election begs leave to report it has examined Substitute Proposition No. 21 and respectfully recommends that in lieu of Section 2 thereof, the following section be inserted:

1 Section 2. Every male person, of the age of twenty-one years or
2 over, possessing the following qualifications, shall be entitled to vote at
3 all general elections and for all offices that are now or hereafter may be,
4 elective by the people, and upon all questions which may be submitted
5 to the vote of the people. First, he must be a citizen of the United States.
6 Second, he shall have resided in this state one year, immediately preced-
7 ing the election at which he offers to vote, and in the town, county or
8 precinct, such time as may be prescribed by law. Third. He shall be able
9 to read the Constitution of this state in English and write his name:
10 Provided, that the provision of this Section shall not apply to any per-
11 son prevented by physical disability from complying with this requisi-
12 tion.

ALBERT M. JONES,

Chairman.

WE CONCUR:

LAMAR COBB

SIDNEY P. OSBORN

PHOENIX, ARIZONA, NOV. 18TH, 1910.

MR. PRESIDENT:

Your committee on Suffrage and Election begs leave to report it has examined Proposition No. 21 and respectfully recommends that within proposition be substituted in lieu thereof and that Substitute proposition No. 21

be adopted.

We concur except as to Section 2 and 15 which we respectfully recommend be stricken out.

ALBERT M. JONES,

I concur, except as to sections 2, 7 and 15.

LAMAR COBB

I concur, except as to section 2.

SIDNEY P. OSBORN

ALBERT M. JONES

Chairman.

WE CONCUR:

B. B. MOEUR

JOHN P. ORME

FRED L. INGRAHAM

JAMES SCOTT

HENRY LOVIN

JOHN LANGDON

ALFRED KINNEY

2

1 Section 1. All elections by the people shall be by ballot, or by such
2 other method as may be prescribed by law; Provided, that secrecy in
3 voting is preserved.

4 Section 2. Every male person, of the age of twenty-one years, or
5 over possessing the following qualifications, shall be entitled to vote
6 at all general elections, and for all offices that now are, or hereafter
7 may be, elective by the people, and upon all questions which may be sub-
8 mitted to the vote of the people, except the questions provided for in

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9 Section 15 of this article which may be submitted to the vote of qualified
10 taxpayers.

11 Section 3. For the purpose of voting no person shall be deemed to
12 have gained or lost a residence by reason of his presence or absence,
13 while employed in the service of the United States, nor while a student
14 at any institution of learning, nor while kept at any alms house or other
15 asylum at public expense, nor while confined at any public jail or prison.

16 Section 4. Electors shall in all cases, except treason, felony, or
17 breach of the peace, be privileged from arrest during their attendance at
18 election, and in going to and returning therefrom.

19 Section 5. No elector shall be obliged to perform military duty on
20 the day of election, except in time of war or public danger.

21 Section 6. No soldier, seaman or marine in the army or navy of the
22 United States shall be deemed a resident of this State in consequence of
23 being stationed at any military or naval place within this state.

24 Section 7. No person shall be elected or appointed to any office,
25 civil or military, in this State, who is not a citizen of the United States,

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1 and who shall not have resided in this state at least one year next pre-
2 ceding his election or appointment, and if a police or other peace officer
3 who shall not be a qualified elector of the county, or political division
4 of the state where he is elected or appointed, or of this state, if he be
5 not a qualified elector of the state.

6 Section 8. No person under guardianship, non compos mentis, or
7 insane, shall be qualified to vote at any election, nor shall any person
8 convicted of treason or felony be qualified to vote at any election, unless
9 restored to civil rights.

10 Section 9. In all elections held by the people, under this Constitu-
11 tion, the person, or persons, receiving the highest number of legal votes
12 shall be declared elected; Provided that if two or more persons shall
13 have an equal highest number of votes for any one state office the two
14 houses of the Legislature, at its next regular session, shall elect forth-
15 with, by joint ballot, one of such persons, for said office.

16 Section 10. Qualifications for voters at school elections shall be as
17 is now, or may hereafter be provided by law.

18 Section 11. The Legislature shall provide for the placing of the
19 names of the candidates for United States Senator, on the official ballot,
20 at the general election next preceding the election of United States Sen-
21 ator so that the people at the election of the members of the Legislature
22 that are to elect the United States Senator to represent the State of
23 Arizona, may, by their votes, advise the Legislature whom they want to
24 represent them, in the United States Senate.

25 Section 12. The Legislature shall enact a direct primary election

4

1 law which shall provide for the nomination of candidates for all elective
2 state, county and city offices, including candidates for United States
3 Senator and Representative to Congress.

4 Section 13. There shall be a general election of state, county, and
5 precinct officers on the first Tuesday after the first Monday in Novem-
6 ber, of the first even number year, after the year in which Arizona is
7 admitted to Statehood, and bi-annually thereafter.

8 Section 14. There shall be enacted registration and other laws to
9 secure the purity of elections and guard against abuses of the elective
10 franchise.

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11 Section 15. Questions directly concerning bond issues or ~~taxes~~ may
12 be submitted to the vote of tax payers of the State, or any political
13 subdivision thereof and upon such questions women who are tax payers
14 and possessed of the qualifications for the right of suffrage required of
15 men by this constitution shall equally with men have the right to vote.

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PHOENIX, ARIZONA, NOV. 1, 1910.

MR PRESIDENT:

Your committee on style, revision and compilation begs leave to report it has examined Proposition No. 21 and respectfully recommends that, in view of the fact that it cannot determine whether the intention of the Proposition is to provide for direct primary nominations of candidates to United States Senatorships or a direct advisory vote of the electors for United States Senators, the proposition be re-referred to the committee on suffrage and elections with instructions that said committee report as to the meaning of the proposition.

M. G. CUNNIFF,

Chairman.

PHOENIX, ARIZONA, OCT. 29, 1910.

MR. PRESIDENT:

Your committee on Suffrage and Election, begs leave to report it has examined Proposition No. 21 and respectfully recommends that it be amended to read as follows:

The General Assembly at its first session shall enact a Direct Primary Election Law which shall also provide for an advisory vote for United States Senator.

ALBERT M. JONES

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Chairman.

History of the Arizona State Legislature

Volume 5

Part 2

The Third State Legislature

First Special Session

By

J. Morris Richards

For

Arizona Legislative Council

Military Franchise

Four bills were introduced, in the First Special Session, to make it possible for persons serving in the military forces to cast their votes.

The first of these was Senate Bill No. 1, introduced by Senator Colter of Apache County. This bill met all the demands of the times, providing "the means and prescribing the ways in which . . . electors may vote for candidates for Federal, State, and County Offices at Primary and General Elections" while serving in the military forces.

The measure was studied by the Judiciary Committee which recommended that a new bill be written in more precise language. This was done and the Substitute Senate Bill No. 1 was passed on June 15 by a vote of 17 to 0, with two excused.

In the House the measure was not assigned to a standing committee, but went directly to the Committee of the Whole, where it was recommended for indefinite postponement after being on the calendar and debated two different times.

House Bill No. 3 was introduced by Mr. Vaughn of Maricopa County, and was sent to the Committee on Suffrage and Elections and to the Appropriations Committee. The latter reported it for debate and the Committee of the Whole referred it to the Judiciary Committee with instructions to bring out a substitute bill.

This substitute measure raised no special opposition in debate and when it came to a final vote, on June 12, it passed by a vote of 33 to 0, with two excused.

The bill differed but little from Senate Bill No. 1, being an act to enable "qualified electors in the Military and Naval establishments of the State of Arizona, or of the United States in any capacity to exercise the right of suffrage while absent from the State"

In the Senate the rules were suspended and the bill was referred immediately to a special committee "to be considered in connection with Senate Bill No. 1 and Substitute Senate Bill No. 1."

The special committee recommended that the three bills be considered together when it reported to the Committee of the Whole. The latter recommended that Substitute House Bill No. 3 be placed at the foot of the calendar to await whatever action might be taken by the House on Substitute Senate Bill No. 1.

Four days later, in the Committee of the Whole, Senator Winsor moved that everything after the enacting clause in Substitute House Bill No. 3 be stricken, and that all of the provisions of Substitute Senate Bill No. 1 be inserted. The title was then amended to agree, and the Senate passed the measure, its own but under a House number, by a vote of 17 to 0. The Senate received word that the House had postponed indefinitely Substitute Senate Bill No. 1.

The House refused to concur with this drastic Senate treatment of its bill, and so informed the upper house, which resulted in conferences to resolve their differences. The Senate named three conferees and the House named five. The

Senate then added two more and, after the matter had been discussed thoroughly, the Senate conferees joined in a conference committee report which recommended that the Senate recede from its amendment whereby it had substituted its own bill for that of the House. The Senate recalled the bill from the House, amended it to its original form, that of Substitute House Bill No. 3, and passed it by a vote of 16 to 0, with three absent or excused. This bill then went to the Governor, who signed it, and the need for a law to permit servicemen to vote while away in the military service was satisfied.

The other two bills on the subject were House Bill No. 11 and House Bill No. 19. The first was introduced by Mr. Vaughn of Maricopa County "Amending the Primary Election Law." This measure, while dealing with the election law, did not provide any changes to apply to the voting of qualified electors in the military service, but the House passed it, nevertheless, by a vote of 24 to 8.

In the Senate the bill was studied by the Judiciary Committee, which reported that the measure "does not come within the purview of the Governor's call" and that it should be indefinitely postponed. The Senate followed the committee recommendation and the bill died.

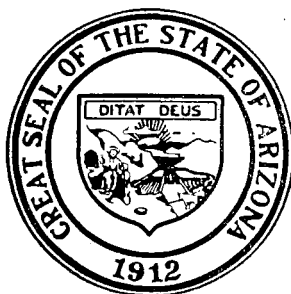
House Bill No. 19 was introduced by Mr. Walton of Maricopa County, and, after being reported out of the Suffrage and Elections Committee, it was placed on the calendar of the Committee of the Whole. It remained there as the need for it was satisfied with the passage of Substitute House Bill No. 3.

Third Legislature, First Special Session, State
of Arizona

JOURNAL

OF THE

Senate



1918

SENATE JOURNAL

THIRD LEGISLATURE

FIRST SPECIAL SESSION

MAY 21, 1918

SENATE CHAMBER, STATE CAPITOL

May 21, 1918.

Obedient to the proclamation of the Governor made April 18, 1918, the Senate of the State of Arizona convened in special session in the Senate chamber of the State Capitol at ten o'clock A. M., President Claridge presiding.

The following prayer was offered by the Reverend Bertrand R. Cocks, Chaplain:

"O Lord, Our Heavenly Father, in whose keeping are the destinies of nations, we ask thy guidance and blessing in the deliberations of this assembly. Lift us above every mercenary and selfish motive in this hour of crisis. Fill us with a deeper sense of patriotism—a patriotism which links deeds with words. Make us sensible of our responsibilities and give us a wider and clearer vision to meet the problems before us. Help us to put aside all petty and private ambitions—direct all our thought and endeavors toward the greater good of our country. May we be actuated by those lofty principles that shall exalt and strengthen us in righteousness that Thy great name may be glorified. Amen."

Roll call showed the following:

Present: Senators J. W. Buchanan, Hugh E. Campbell, W. D. Claypool, Fred T. Colter, Jno. C. Devine, F. O. Goodell, Ernest Hall, Alfred Kinney, W. P. Mahoney, F. O. Mattox, C. M. Roberts, C. H. Rutherford, Fred Sutter, W. D. Whipple, H. B. Wilkinson, Mulford Winsor, and Mr. President—17.

Absent: Senators Ray Ferguson and N. H. Getchell—2.

Senator Rutherford announced that his colleague, Senator Gatchell, is ill in Chicago, and unable to attend. The following communication was read by the Secretary and ordered filed:

“Post Graduate Medical School
and Hospital of Chicago, Chicago, Ill.

Arizona State Senate,
Phoenix, Arizona.

May 17, 1918.

I hereby certify that N. H. Getchell was taken ill on April 15th and has been under my care since. He is still ill and absolutely unable to travel or undertake any form of work, mental or physical.

H. SCOTT, M. B. C. M.”

On motion of Senator Claypool, duly seconded, and carried, Senator Getchell was excused.

The proclamation of the Governor was read in full as follows, and ordered inserted in the journal:

A PROCLAMATION

“In order that the State of Arizona may render assistance in the fullest extent possible to the National Government in the present crisis, and in order that nothing that can be done may be left undone in standing back of our men on the firing line, I, George W. P. Hunt, Governor of the State of Arizona, by virtue of the power and authority in me vested by the Constitution, do hereby convene the State Legislature in special session at Phoenix, the Capital of Arizona, at ten o'clock on the morning of Tuesday, May 21, A. D. 1918, for the purpose of giving consideration to legislation upon the subjects enumerated below:

1. To extend the franchise to electors of the State of Arizona in the military and naval establishments of the United States, wherever they may be stationed.
2. To extend protection to the civil rights of Arizonans in the military and naval establishments of the United States during the period of the present war; to protect the civil rights of the families and dependents of Arizonans engaged in the present war, and to otherwise provide for these families and dependents so they may not suffer want or privation by reason of the participation of any member of their household in the present struggle for liberty.
3. To provide that officers and enlisted men of the National Guard of Arizona who were drafted into the service of the United States shall be allowed credit under the laws of this State for such service as continuous service in the National Guard of Arizona, during the time such officers and men continue in service in the National Guard of the United States.

4. To legalize the Arizona Council of Defense; to clothe it with authority to meet emergencies in the present crisis and to provide the necessary funds for its maintenance.

5. To permit the investment of the funds of the State in Liberty Loan Bonds of the United States Government, and to further permit the investment of the funds of the State Savings Banks, insurance companies and trustees of trust funds in Farm Loan Bonds, issued under the Federal Farm Loan Act.

6. To encourage and to put a premium on the Americanization of all aliens within the State.

7. To provide such dairy legislation as is necessary to preserve and increase that industry to meet the necessities of the war.

There are a few other matters not strictly of a war nature but of such general and timely appeal that I am convinced the Legislature would not wish them overlooked:

1. The ratification of the Prohibition Amendment to the Federal Constitution.

2. The ratification of the Woman's Suffrage Amendment to the Federal Constitution, if that amendment is submitted by the Congress of the United States before adjournment of the Legislature.

3. To reimburse Hon. Thos. E. Campbell for his services as de facto Governor of the State of Arizona during the period January 27, 1917, to December 22, 1917.

4. To exempt from inheritance tax and from the lien of any inheritance tax which may have been created or attached since the first day of November, A. D. 1916, all observatories and appurtenances which are now, or which may hereafter be, established and maintained for astronomical research solely at private expense and without profit, together with any and all property and funds which may be provided for the maintenance of such observatories. Such a measure is clearly within the provisions of our Constitution, and would enable the State to pay a fitting tribute to the memory of its greatest scientist, the late Doctor Percival Lowell.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great Seal of the State of Arizona to be affixed.

(SEAL)

Done at Phoenix, the Capital, this 18th day of
April, A. D. 1918.

(Signed)

GEO. W. P. HUNT,
Governor of Arizona.

Attest:

SIDNEY P. OSBORN,
Secretary of State."

The president announced that the First Special Session of the Third Arizona State Legislature was now in session.

Upon motion of Senator Winsor, duly seconded, and carried, the President appointed Senators Campbell, Sutter and Mahoney as a committee to wait upon the Governor and inform him that the organization of the Senate is completed and ready to proceed with business, and also appointed Senators Colter, Winsor and Rutherford as a committee to wait upon the House of Representatives and inform the House that the Senate is organized and ready to proceed with business.

Without objection, at 10:35 the Senate took a recess, subject to the call of the gavel.

At 10:45 Senate resumed session.

A Committee from the House, consisting of Mrs. Pauline O'Neill and Representatives Cook and Cureton notified the Senate that the House had completed its organization and was ready to proceed with business.

Senator Winsor of the committee appointed to inform the House, reported orally that they had notified the House that the Senate was organized and ready to proceed with business.

Senator Sutter of the committee appointed to inform the Governor, reported orally that they had notified the Governor that the Senate was organized and ready to proceed with business, and that the Governor had informed the committee that he would meet the Legislature in joint session at two o'clock P. M.

The Secretary was instructed to call the roll of the attaches and make a list of those reporting present and deliver the same to the Chairman of the Committee on Printing and Clerks, which was accordingly done.

On motion of Senator Campbell, duly seconded, and carried, the Senate stood at recess until 1:30 P. M.

The Senate convened at 1:30 P. M., pursuant to adjournment.
Roll call showed the following:

Present: Senators Buchanan, Campbell, Claypool, Colter, Devine, Goodell, Hall, Kinney, Mahoney, Mattox, Roberts, Rutherford, Sutter, Whipple, Wilkinson, Winsor and Mr. President—17.

Absent: Senator Ferguson—1.

Excused: Senator Getchell—1.

On motion of Senator Winsor, duly seconded, and carried, the Senate adjourned to attend the Joint Session of the Senate and House, convened to receive the Message of the Governor.

JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

May 21, 1918.

The Senate and House of Representatives met in Joint Session at 2 o'clock P. M., in the House chamber, President Claridge presiding.

Roll call of the Senate showed the following:

Present: Senators Buchanan, Campbell, Claypool, Colter, Devine, Goodell, Hall, Kinney, Mahoney, Mattox, Roberts, Rutherford, Sutter, Whipple, Wilkinson, Winsor, and Mr. President—17.

Absent: Senator Ferguson—1.

Excused: Senator Getchell—1.

Roll call of the House of Representatives showed the following:

Present: Representatives Brewer, Buehman, Coffee, Cook, Cureton, Davis, Eddy, Edwards, Flake, Foster, Francis, Goodwin, Green, Houser, Hughes, Jacks, Lines, Mahoney, Mallory, Mrs. Marsh, McCormick, McGrath, O'Neil, Mrs. O'Neill, Perkins, Peterson, Richardson, Sullivan, Vaughn, Walton, Wiltbank, Mr. Speaker—32.

Absent: Representatives Baxter and Faires—2.

Excused: Representative Mrs. McKay—1.

Without objections President Claridge named the committees heretofore appointed by the Senate and House a joint committee to notify the Governor that the Legislature had convened in joint session and was ready to receive him.

The Governor was introduced by President Claridge, and read his message to the Legislature as follows:

The Senate convened at 2 o'clock P. M., President Claridge in the Chair.

Roll call showed the following:

Present: Buchanan, Campbell, Claypool, Colter, Devine, Ferguson, Goodell, Kinney, Mahoney, Mattox, Roberts, Sutter, Whipple, Wilkinson, Winsor, Mr. President—16.

Absent: Rutherford—1.

Excused: Getchell, Hall —2.

The following message from the House on Senate Bill No. 2 was received and read:

“HOUSE OF REPRESENTATIVES.

June 19, 1918.

Mr. President:

I am instructed by the House to inform the Senate that the House, on re-consideration of its previous vote, has passed Senate Bill No. 2, by the following vote:

Twenty-four ayes, six nays, two absent, three excused.

The bill as passed has been amended by the House in the following manner:

Amend Section 16, be ginning at the word ‘all’, in line 7, strike out ‘all’ in line 7 and the balance of said line 7. Strike out line 8 and line 9 up to and including the word ‘delivery’ in said line 9.

HUGH CALLAHAN,
Chief Clerk of the House.”

Moved by Senator Wilkinson, duly seconded, that the Senate concur in the amendments as made by the House. Carried by the following vote:

Ayes: Buchanan, Campbell, Claypool, Colter, Devine, Ferguson, Goodell, Kinney, Mahoney, Mattox, Roberts, Sutter, Whipple, Wilkinson, Winsor, Mr. President—16.

Absent: Rutherford—1.

Excused: Getchell, Hall —2.

Senate Bill No. 2 referred to Committee on Enrolling and En-grossing.

The following report from the Conference Committee on Sub-stitute House Bill No. 3 was received and read:

“June 19, 1918.

Mr. President:

Your Conference Committee, appointed to consider Sub-stitute House Bill No. 3, entitled ‘An Act to enable qualified electors in the military and naval establishment of the State

of Arizona or of the United States in any capacity, to exercise the right of suffrage while absent from the State or such military establishment; to provide penalties; to repeal all Acts in conflict with the provisions of this Act; and to declare an emergency,' begs leave to report that it has conferred with a like committee representing the House and respectfully recommends that the Senate recede from its amendments to said bill, and that the Senate request the return of said bill in order that the record may be perfected in accordance herewith.

MULFORD WINSOR,
HUGH E. CAMPBELL,
ALFRED KINNEY,
H. B. WILKINSON,
FRED T. COLTER,
Senate Committee."

Moved by Senator Winsor, duly seconded, that the report of the committee be adopted. Carried.

Moved by Senator Winsor, duly seconded, that the House be requested to return Substitute House Bill No. 3 to the Senate. Carried.

Senator Goodell, Chairman of the Enrolling and Engrossing Committee, reported orally as follows:

"Mr President:

Your Committee on Enrolling and Engrossing has inserted the amendments in Senate Bill No. 2, in accordance with the instructions of the Senate."

Moved by Senator Goodell, duly seconded, that the report of the committee be adopted. Carried.

The following report from the Committee on Style, Revision and Compilation was received and read:

"June 19, 1918.

Mr. President:

Your Committee on Style, Revision and Compilation having had under consideration Senate Bill No. 20, begs leave to report that it has amended the same as instructed by the Senate.

D. H. CLARIDGE,
Chairman."

Moved by Senator Winsor, duly seconded, that the report of the committee be adopted. Carried.

Moved by Senator Claypool, duly seconded, that the rules be suspended and that Senate Bill No. 20 be placed on the order of third reading. Carried.

It is not necessary that all the ballots be placed in the same ballot box, but the Board shall proceed so as to protect the absolute secrecy of the ballot. In canvassing the votes cast under the provisions of this Act, the law relating to the duties and powers of judges, and clerks of election, and election boards generally, shall, in so far as applicable, apply to the said Clerk and Board of Supervisors sitting as an election board on said election day. In case there is a conflict, the provisions of this Act shall govern. All envelopes addressed to the Clerk of the Board of Supervisors containing ballots cast at any primary or general election shall be, from the time of delivery until the votes are cast and canvassed, under the absolute and exclusive control of the said Clerk and Board. Said Board shall make whatever provision is necessary to properly care for said ballots and to prevent the loss of any of said ballots or any tampering therewith.

Sec. 8. No informality in the manner of carrying out the provisions of this Act shall invalidate the election held under the same or authorize the rejection of the returns thereof, and this Act shall be liberally construed for the purposes herein expressed. All elections held under the provisions of this Act shall be subject to contest and inquiry in the same manner as elections held within this State.

Sec. 9. All the provisions of the penal laws relating to crimes against the elective franchise shall be deemed to apply to all elections held under the provisions of this Act. Any person who shall violate any such provisions shall be subject to the penalties prescribed by the laws of the State. The duties imposed upon officers under the provisions of this Act are mandatory and any officer who shall fail or neglect to perform the duties imposed upon him by the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding Five Hundred Dollars. Where no other penalty is imposed, any person violating any of the provisions of this Act shall be fined not to exceed One Hundred Dollars or be imprisoned in the county jail not to exceed three months.

Sec. 10. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 11. Whereas, in order to preserve the public health, peace and safety, an emergency is hereby declared to exist and the provisions of this Act are hereby exempt from the referendum provision of the State Constitution.

Carried:

Moved by Senator Winsor, duly seconded, that Substitute House Bill No. 3 be placed on the order of third reading. Carried.

Substitute House Bill No. 3 was placed on the order of third reading, read the third time and passed the Senate by the following vote:

Ayes: Buchanan, Campbell, Claypool, Colter, Devine, Ferguson,

Goodell, Kinney, Mahoney, Mattox, Roberts, Sutter, Whipple, Wilkinson, Winsor, Mr. President—16.

Absent: Rutherford—1.

Excused: Getchell, Hall —2.

The President announced that Substitute House Bill No. 3 had been signed in open session and ordered transmitted to the House.

The following message from the House on Senate Bill No. 20 was received and read:

“HOUSE OF REPRESENTATIVES.

June 19, 1918.

Mr. President:

I am directed by the House to inform the Senate that it has passed Senate Bill No. 20, entitled ‘An Act to protect the civil rights of Arizonans engaged in the present war by aiding the enforcement of the selective service laws and regulations of the United States.’ by the following vote:

Thirty ayes, no nays, two absent, three excused.

HUGH CALLAHAN,
Chief Clerk of the House.”

Moved by Senator Winsor, duly seconded, that the Chair appoint a committee of three to wait upon the Governor to see if he has any further business before the Senate. Carried.

The Chair appointed Senators Mattox, Whipple and Devine.

Moved by Senator Winsor, duly seconded, that the Chair appoint a committee of three to inform the House that the Senate is ready to adjourn sine die. Carried.

The Chair appointed Senators Winsor, Sutter and Roberts.

Senator Mattox, Chairman of the committee appointed to wait upon the Governor reported that the committee had informed the Governor that the Senate had completed its business and was ready to adjourn sine die and that the Governor informed the committee that he had no further business to lay before the Senate.

Senator Winsor, Chairman of the committee appointed to inform the House that the Senate had completed its business and was ready to adjourn sine die, reported that the committee had so informed the House.

A committee from the House consisting of Mrs. O’Neill, Mrs. McKay and Mrs. Marsh, reported that the House had completed its business and was ready to adjourn sine die.

A C T S
RESOLUTIONS AND MEMORIALS
of the
FIRST SPECIAL SESSION
THIRD LEGISLATURE
of the
STATE OF ARIZONA



SESSION BEGAN MAY 21, 1918
SESSION ADJOURNED JUNE 19, 1918
PHOENIX, ARIZONA

R. A. WATKINS PRINTING CO.



PHOENIX, ARIZONA

Maintain Night Schools and Providing an Appropriation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. In any common school district within the State of Arizona where there are fifteen or more persons over sixteen years of age, who either do not read and write the English language, or who do not speak the English language, and who desire to attend a night school, the Board of Trustees of such district are hereby authorized and empowered to establish a night school, for the teaching of the English language, American ideals and an understanding of American institutions.

Section 2. For defraying the expenses of such night schools until June 30th, 1919, there is hereby appropriated out of the General Fund of the State not otherwise appropriated, the sum of Twenty-Five Thousand (\$25,000.00) Dollars. The State Auditor is hereby authorized to draw warrant on the General Fund of the State for Twenty-Five Thousand (\$25,000.00) Dollars, payable to the State Superintendent of Public Instruction, and the State Treasurer is hereby authorized to pay said warrants.

The State Superintendent of Public Instruction shall apportion the said sum of Twenty-Five Thousand (\$25,000.00) Dollars to cover the various counties of the State, according to the daily average attendance of such night schools, which attendance shall be ascertained each month from reports of school trustees to the County School Superintendents, who shall, in turn, transmit the same to the Superintendent of Public Instruction.

Approved June 20, 1918.

CHAPTER 11.

(Substitute House Bill No. 3.)

AN ACT

To Enable Qualified Electors in the Military or Naval

Establishments of the State of Arizona or of the United States in Any Capacity to Exercise the Right of Suffrage While Absent From the State in Such Military Establishments; to Provide Penalties; to Repeal all Acts in Conflict With the Provisions of This Act; and to Declare an Emergency.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Notwithstanding any more general law respecting the time or manner of voting for candidates for office at any general or primary election, or the time or manner of voting on any question submitted to a popular vote, at a general election, or at any primary or general election where registration of votes is required by law, all qualified electors, in war time or after peace, in the actual military or naval establishments of this State, or of the United States in any capacity as defined by Congress, and by reason thereof absent from the State on any election day, shall be entitled to exercise the right of suffrage and to vote at such elections in the manner and form provided for in this Act and by the general and primary election laws now in effect in this State.

Section 2. The County Recorders of their respective counties shall immediately prepare a military register on which shall be entered the names of voters of his county, who are now absent or may hereafter be absent from their respective election precincts in time of war serving in the army, navy or other part of the military establishment of this State or the United States. The said register of voters shall be arranged in alphabetical order. Such register shall contain the name of the voter, as it appears on the records of the Army or Navy Department, his post office address, the county, precinct or city in which said voter has a legal residence; if he resides in a city, his street or residence number, or such other description as will identify the place of his residence. Said register shall contain the name or number or other designation of the Division, Regiment, Company, Troop, Vessel or other command in which the absent voter is serving at the time of such entry, so far as the Recorder can ascertain the same. If there are military reasons why any of this information should not be

placed on the register, a record of the same shall be kept in the Recorder's office. The Recorder shall obtain from the proper military or naval authorities of the nation, or from any other source that is available and expedient, the information required to carry out the provisions of this Act. In the future the Recorder shall keep a complete military register in accordance with the provisions of this section, which shall be a public record, not only of those who are now in the army or navy of the United States, but also of those who may, in future, enter the military service of the State or of the United States in any capacity. The Recorder shall file with the Clerk of the Board of Supervisors at least fifty (50) days before a statewide general or primary election, a copy of the military register as shown by the records of said office as revised and corrected to the date of its filing. Every public officer and every citizen shall furnish to the Recorder such information as he may possess relating to absent voters who are in the military establishments of the State or of the United States. Any person who shall refuse to furnish said information or shall willfully furnish false information with reference to such absent voter shall be deemed guilty of a felony and shall, on conviction thereof, be punished by imprisonment in the State Penitentiary not less than one nor more than three years.

Section 3. The said Board of Supervisors shall provide all necessary ballots, records, forms, blanks, envelopes, stationery, postage, blank forms, as may be necessary for the proper administration of the provisions of this Act. The said Clerk shall transmit to the proper places and to the proper persons all necessary papers, ballots, and instructions in strict compliance with the provisions of this Act, and the laws of primary and general elections, and shall administer the provisions in such a way as to carry out this Act according to its true intent and purpose; the Clerk shall prepare and print at least one official envelope for each absent voter for each primary or general election. Said envelope shall be

made out of substantial paper of a blue color. Hereafter, in this Act, said envelope shall be referred to as the "blue envelope." Upon one side of the said envelope shall be printed substantially the following:

OFFICIAL WAR BALLOT FOR PRIMARY OR
GENERAL ELECTION.

Date, 19.....
Name of voter
Residence
County of
City or Town of
Precinct or Ward of
Present location.....

(Clerk, Board of Supervisors.)

Upon the other side of the said blue envelope shall be printed substantially the following:

INSTRUCTIONS TO VOTERS: Before signing the affidavit read these instructions carefully:

(1) Insert in the blank space the name of the precinct in which the voter resided at the time of his enlistment. If the voter resides inside a city, insert the name of the city in the proper space and give the street number of his residence, or such description as will identify his place of residence.

(2) Insert in the proper space the Division, Regiment, Company, Troop, Vessel or other command to which the voter is attached at the time of signing this affidavit.

(3) The venue of this affidavit may be omitted if there are military reasons why it should be. The acknowledgement of this affidavit must be signed by a commissioned officer of the Army or of the Navy of the United States, who is acquainted with the voter. The officer signing the same shall add the rank of his com-

mission; whether Lieutenant, Captain, etc., and the subdivision to which he belongs.

OATH OF ABSENT ELECTOR

(VENUE)

I do solemnly swear, or affirm, that I am a citizen of the United States; that I am of age of at least 21 years; that I am a resident of the State of Arizona; that my post office is, Arizona; that I have been for more than one year last preceding this election a resident of said State; that immediately prior to my enlistment I resided for more than thirty (30) days in the county of in Precinct or City of; that I am in the military or naval service of the United States or of the State of Arizona; that I have inclosed in this envelope my ballot and that the same has been marked by me.

I hereby certify that on this day of, 19....., the affiant subscribed and swore to the foregoing affidavit in my presence and hearing; that I am personally acquainted with the affiant and know that he is the identical person who signed the foregoing affidavit.

.....
(Officer.)

.....
(Rank.)

Section 4. The said Clerk, at least forty (40) days prior to any statewide primary or general election, shall fill in the proper spaces, in the blanks provided for on the outside of the blue envelope, the information that appears on the general register with reference to the name, residence, county, city, precinct, and home post office address of the absent voter, who at the time is in the naval or military service of the United States in some capacity and also the information with reference to the present address of said absent voter.

The information filled in these blank spaces shall be substantially what appears on the records in the Clerk's

office unless there is some military reason for not giving it in detail, but sufficient information shall be given to identify the residence of the voter in this State and his approximate location in the army or navy of the United States. After filling out these blanks on the blue envelope the same shall be signed by the Clerk of the Board of Supervisors, and the official seal of the Board shall be impressed on said envelope.

Section 5. The Clerk of the Board of Supervisors shall mail, by registered mail, taking receipt therefor, to every qualified voter whose name appears on the military register in the Clerk's office at least forty (40) days prior to any statewide primary or general election, one official ballot for each of the various political parties at any primary that polled 10 per cent or more, of the total vote cast at the previous general election and two official ballots for any general election. If the Army or Navy Department make any rules or regulations relating to the right of franchise and to the delivery of mail to persons in the military or naval service of the United States, the said Clerk shall comply with the regulations and be directed by the rulings of said Army or Navy Department. The Clerk shall also enclose with said ballots the blue envelope heretofore referred to, and a second envelope, addressed to "the Clerk, Board of Supervisors,, Arizona"; also a letter of instructions in substantially the following form:

TO THE ABSENT VOTERS OF THE STATE OF ARIZONA
IN THE MILITARY SERVICE OF
THE NATION OR STATE:

In accordance with the provisions of the laws of Arizona, I am sending you herewith official primary (or general election, as the case may be), ballots for the following political parties: (Here insert the names of parties whose ballots are inclosed.) I am also enclosing a blue envelope and a second envelope, which is addressed to "the Clerk, Board of Supervisors,, Arizona," and this letter of instructions. It is of the utmost importance that you carefully read and understand these instructions and the affidavit on the outside of the blue envelope. In voting at the primary you are to use only one official primary ballot. Destroy the ballots

that are not used. Mark on the ballot of the political party, to which you are affiliated, your preference for office. In voting at a general election you are to use only one official ballot. The extra ballot is sent you to be used by you in case the other is spoiled; destroy the ballot not used by you. Do not return any but the ballot marked. You can write in on these ballots the name of the person for whom you desire to vote and whose name is not printed on the ballot; and you should place a cross in the square to the right of such name so written in. Place the ballot that you have marked in the blue envelope. Subscribe and swear to the affidavit on the outside of said envelope before any commissioned American officer, who is acquainted with you. **A FAILURE TO RETURN THE BLUE ENVELOPE WILL PREVENT YOUR VOTE FROM BEING COUNTED.** You are at liberty to make inquiry as to the proper way to cast your ballot, but in casting it you should do so privately. No one has any right to see or know how you vote. After enclosing your ballot in the blue envelope, seal said envelope up securely, enclose it in the other envelope which is addressed to the Clerk, Board of Supervisors,, Arizona. Seal up said envelope and place the necessary postage thereon. Do not make any identification marks of any kind on the outside of the envelope addressed to the said Clerk. As your vote must be canvassed on the day of election at, Arizona, the day of, 19....., it is important that you return your ballot immediately.

.....
 (Clerk, Board of Supervisors.)

Section 6. The method of voting at a primary or general election under the provisions of this Act shall be the same as that provided for by the general laws of this State. The instructions given to voters with reference to general election, except as modified by this Act, shall govern and control. The voter may write on the ballot the name of any person for whom he desires to vote, making a cross (X) on the square to the right thereof. The general method for marking the ballot, both on candidates and constitutional amendments, laws initiated and laws referred, shall be the same as that provided by the general election laws of this State. A voter shall

have the right to make inquiry of any source he may deem proper for information as to the proper method of casting his ballot. No one has any right to see or know how the voter cast his ballot. He shall not mark his ballot in the presence of anyone unless he is physically unable to mark his ballot. In that instance, he may require assistance. After he marks his official ballot he shall insert it in the blue envelope. Thereafter he shall swear and subscribe to the affidavit on the back of the blue envelope, before an American Commissioned Officer who is acquainted with him. He shall then securely seal the blue envelope, insert in it the envelope addressed to the said Clerk, seal up the outside envelope addressed to the Clerk and place sufficient postage thereon. There shall be no identification marks placed on the outside of the envelope so addressed. The ballot not used shall be destroyed. The said Clerk shall ascertain what postage is necessary to carry said envelope and shall insert the amount in the instructions sent to the voter. All votes cast at a primary or general election held under the provisions of this Act by absent voters, who at the time of the election are in the military service of the United States or of the State of Arizona, must be returned to and received by the said Clerk on election day, before the closing of the polls. The Board of Supervisors shall count and canvass all votes received by it up to the hour of closing of the polls on election day from absent voters, and shall not canvass or count any ballots which are received by said Board after said polls are closed on election day.

Section 7. The Board of Supervisors and Clerk shall sit on primary or general election day as an Election Board for the purpose of depositing the ballots cast under the provisions of this Act; in depositing the votes on the day of election cast under the provisions of this Act the Board of Supervisors shall open, in the presence of each other, the envelope addressed to the Clerk of said Board and shall thereafter examine the name and affidavit of the voter that appears on the blue envelope. If the voter has signed the affidavit in compliance with the provisions of this Act and it appears to the Board that he is entitled to cast his ballot, said Board, in the presence of each other, shall open the blue envelope and examine the ballot, being careful not to open said ballot or disclose the secrecy of the vote, therein inclosed for

the purpose of ascertaining whether or not said ballot is one sent out by said Clerk. If the ballot inclosed is one that has been sent out by the Clerk, the Board shall deposit the same in a suitable sealed ballot box. It is not necessary that all the ballots be placed in the same ballot box, but the Board shall proceed so as to protect the absolute secrecy of the ballot. In canvassing the votes cast under the provisions of this Act, the law relating to the duties and powers of judges, and clerks of election and election boards generally, shall, in so far as applicable, apply to the said Clerk and Board of Supervisors sitting as an election board on said election day. In case there is a conflict, the provisions of this Act shall govern. All envelopes addressed to the Clerk of the Board of Supervisors containing ballots cast at any primary or general election shall be, from the time of delivery until the votes are cast and canvassed, under the absolute and exclusive control of the said Clerk and Board. Said Board shall make whatever provision is necessary to properly care for said ballots and to prevent the loss of any of said ballots or any tampering therewith.

Section 8. No informality in the manner of carrying out the provisions of this Act shall invalidate the election held under the same or rejection of the returns thereof, and this Act shall be liberally construed for the purposes herein expressed. All elections held under the provisions of this Act shall be subject to contest and inquiry in the same manner as elections held within this State.

Section 9. All the provisions of the penal laws relating to crimes against the elective franchise shall be deemed to apply to all elections held under the provisions of this Act. Any person who shall violate any such provisions shall be subject to the penalties prescribed by the laws of this State. The duties imposed upon officers under the provisions of this Act are mandatory and any officer who shall fail or neglect to perform the duties imposed upon him by the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding Five Hundred Dollars (\$500). Where no other penalty is imposed, any person violating any of the provisions of this Act shall be fined not to exceed One Hundred Dollars (\$100) or

be imprisoned in the County Jail not to exceed three (3) months.

Section 10. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 11. WHEREAS, in order to preserve the public health, peace and safety, an emergency is hereby declared to exist and the provisions of this Act are hereby exempt from the referendum provision of the State Constitution.

Approved June 20, 1918.

CHAPTER 12.

(Senate Bill No. 11.)

AN ACT

Entitled: "An Act to Extend Protection to the Civil Rights of Members of the Military and Naval Establishments of the United States Engaged in the Present War," With an Emergency Clause.

Be it Enacted by the Legislature of the State of Arizona:

ARTICLE I.

General Provisions.

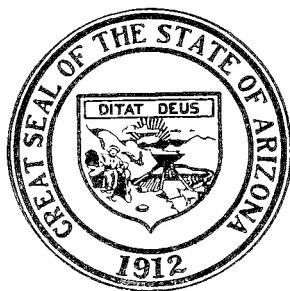
Section 1. That for the purpose of enabling the United States the more successfully to prosecute and carry on the war in which it is at present engaged, and for the purpose of enabling the State of Arizona to lend full and vigorous aid to the Federal Government in the prosecution of said war, protection is hereby extended to persons in the military service of the United States, in order to prevent prejudice or injury to their civil rights during their term of service, and to enable them to devote their entire energy to the military needs of the Na-

Fifth State Legislature
—of Arizona—

JOURNAL

of the

SENATE



1921

SESSION OPENED—JANUARY TENTH
SESSION ADJOURNED—SINE DIE AT 6:20 A. M.
MARCH ELEVENTH, NINETEEN TWENTY-ONE

SENATE JOURNAL

FIFTH LEGISLATURE

STATE OF ARIZONA

JANUARY TENTH

Pursuant to the provisions of Chapter IV, Title 1, Revised Statutes of Arizona, 1913, Civil Code, the senate of the Fifth State Legislature of the state of Arizona convened at 12:00 o'clock, noon, Hon. F. A. Woodward, senator from Gila county, presiding.

It was moved by Senator Goodell and seconded, that State Librarian Con P. Cronin be invited to act as secretary of the senate pro tem. Unanimously carried, and Librarian Cronin assumed the duties of secretary pro tem.

Roll call showed the following senators-elect present:

Burton, Claypool, Cull, Curtin, Eddy, Elliott, Goodell, Hedrick, Larson, Lines, MacMillan, Morgan, Saunders, Schleimer, Scott, Sims, Stoddard, Wilkinson and Woodward.

Prayer by the chaplain Rev. Bertrand R. Cocks.

Moved by Senator Goodell and seconded, that a committee of three be appointed by the chair on credentials. Carried.

The president pro tem appointed Messrs. Goodell, Stoddard and Elliott as the committee on credentials.

At 12:12 o'clock p. m. the chair announced a recess subject to the call of the gavel.

At 12:23 o'clock p. m. the chair called the senate to order.

The following report was received from the committee on credentials:

SENATE CHAMBER

January 10th, 1921.

We, the committee on credentials beg leave to report that the following named persons were duly elected as state senators, and are entitled to seats in this body:

Apache County.....	W. A. Saunders
Cocconino County.....	Chas. E. Larson
Cochise County.....	W. P. Sims
Cochise County.....	John P. Cull
Gila County.....	W. D. Claypool
Gila County.....	F. A. Woodward
Graham County.....	J. H. Lines
Greenlee County.....	H. A. Elliott
Maricopa County.....	H. B. Wilkinson

Ayes : Burton, Goodell, Hedrick, Larson, Morgan, Saunders, Scott, Stoddard, Woodward and Mr. President—10.

Nays : Claypool, Cull, Curtin, Eddy, Lines, MacMillin, Schleimer and Sims—8.

Absent : Elliott—1.

Substitute House Bill No. 19, House Bill No. 14, Senate Bill No. 141, Senate Bill No. 68, House Bill No. 89, Senate Bill No. 112, Senate Bill No. 111, Senate Bills Nos. 88, 95 and 125 were placed on order of Third Reading of Bills.

THIRD READING OF BILLS :

Senator Stoddard moved that the last section of Senate Bill No. 160 providing for an emergency be stricken from the bill. Motion was duly seconded and carried.

On motion of Senator Stoddard, duly seconded, Senate Bill No. 160 was referred to the Enrolling and Engrossing Committee with instructions to rewrite the bill leaving off the emergency clause.

The following amendments to Senate Bill No. 167 were proposed by Senator Eddy.

In the eleventh line of the printed bill after the word "warrant" add the following clause: "and may provide that said warrant shall not be paid without thirty (30) days notice to the holder thereof, unless such notice be waived."

In line 17 of the printed bill after the word "fund" add the following clause: "and, further provided that from and after January 1, 1925, the said rate of interest shall be not to exceed five (5%) per centum per annum."

On motion of Senator Eddy, duly seconded, the above amendments were adopted and Senate Bill No. 167 was referred to the Enrolling and Engrossing Committee with instructions to incorporate the amendments.

House Bill No. 74 was read the third time in full, placed on final passage and passed the Senate by the following vote :

Ayes : Burton, Claypool, Cull, Curtin, Eddy, Goodell, Hedrick, Larson, Lines, Morgan, Saunders, Scott, Stoddard, Woodward and Mr. President—15.

Nays : MacMillin, Schleimer and Sims—3.

Absent : Elliott—1.

Excused : 0.

House Bill No. 74 was signed in open session and ordered transmitted to the House.

House Bill No. 75 was read the third time in full, placed on final passage and passed the Senate by the following vote :

Ayes : Burton, Claypool, Cull, Curtin, Eddy, Hedrick, Larson, Lines, MacMillin, Morgan, Saunders, Schleimer, Scott, Stoddard, Woodward and Mr. President—16.

Nays : Goodell and Sims—2.

Absent : Elliott—1.

Excused : 0.

House Bill No. 75 was signed in open session and ordered transmitted to the House.

House Bill No. 2 was read the third time in full, placed on final passage and passed the Senate by the following vote :

Ayes : Burton, Claypool, Cull, Curtin, Eddy, Goodell, Hedrick, Larson, Lines, MacMillin, Morgan, Saunders, Schleimer, Scott, Stoddard, Woodward, and Mr. President—17.

Nays : Sims—1.

Absent : Elliott—1.

Excused : 0.

ACTS, RESOLUTIONS AND
MEMORIALS
OF THE
Regular Session
OF THE
Fifth Legislature
OF THE
STATE OF ARIZONA



**Amendments to the Constitution,
Referendum and Initiative Measures**

Showing votes cast for and against at the
general election held November 2, 1920.

Session Began January 10, 1921

Session Adjourned March 10, 1921

CHAPTER 117.

(House Bill No. 74.)

AN ACT

Providing a Method by Which Registered Electors Absent From Their Election Precincts on Election Day May Vote, and Prescribing a Penalty for Violations Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. ELECTOR ABSENT FROM COUNTY MAY VOTE. Any qualified elector of this State having complied with the laws in regard to registration, who is absent from the county of which he is an elector on the day of holding any general election, may vote at any such election as hereinafter provided.

Section 2. APPLICATION ON EXPECTED ABSENCE. At any time within thirty days next preceding such election, any voter expecting to be absent on the day of such election from the county in which his voting precinct is situated, may make application in person to the Justice of the Peace of the precinct in which said applicant is registered, or to the County Recorder of such county for an official absent voter ballot to be used as hereinafter provided.

Section 3. FORM--COLOR--DESIGNATION. For all general elections there shall be prepared and printed a sufficient number of official ballots to be known as absent voters' ballots, which ballots shall be prepared and printed in the same form and shall be of the same size and texture and shall contain the same matter as the regular official ballots, except that they shall be printed upon tinted paper of a different tint from that of the sample and regular ballots.

Section 4. BLANK--FORM. Application for such ballot shall be made upon a blank to be furnished by the County Recorder of the county of which the applicant is an elector, and shall be in substantially the following form:

I, _____, a duly qualified elector, residing at _____county, State of Arizona, and to my best knowledge and belief entitled to vote at the next election, expecting to be absent from the said county on the day for holding such election hereby make application for an official absent voter ballot to be voted by me at such election.

Date.....

(Signed).....

This application was delivered by me to....., the above applicant, this.....day of.....

(Signed).....
Justice of the Peace, or
County Recorder.

Section 5. DELIVERY OF APPLICATION. The County Recorder shall furnish each Justice of the Peace within the County, a sufficient number of the said application blanks.

Section 6. ABSENT VOTER BALLOT--AFFIDAVIT. Upon receipt of such application properly filled out and duly signed, or as soon thereafter as the official absent voter ballot for the precinct in which the applicant resides has been printed, the said County Recorder shall send to such absent voter by mail, postage prepaid, one such official absent voter ballot and shall enclose with such ballot an envelope, which envelope shall bear upon the front thereof the name, official title and postoffice address of such County Recorder, and upon the other side a printed affidavit in substantially the following form:

County of..... }
State of..... } ss.

I,, solemnly swear that I am a resident elector of the..... voting precinct of the county of....., State of Arizona, and entitled to vote in such precinct at the next election; that I expect to be absent from said county of my residence on the day of holding such election and that I will have no opportunity to vote in person on that day.

(Name of Voter.)

Subscribed and sworn to before me this.....day of, 19....., and I hereby certify that this affiant exhibited the enclosed ballots to me unmarked, that he then, in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot, and enclosed and sealed the same in this envelope. That the affiant was not solicited or advised by me to vote for or against any candidate or measure.

(Notary Public, Justice of
the Peace, or other officer
authorized to administer
oaths.)

Section 7. SUBSCRIBING VOTER--FOLDING AND MAILING BALLOT. Such absent voter shall make and sub-

scribe the said affidavit before an officer authorized by law to administer oath, and such absent voter shall thereupon, in the presence of such officer and no other person, mark such ballot (but in such manner that such officer cannot see the vote), and such ballot shall thereupon in the presence of such officer, be folded by such voter so as to conceal the vote, and be in the presence of such officer deposited by voter in said envelope, and such envelope securely sealed. Said envelope shall be mailed by such absent voter, postage prepaid.

Section 8. DUTIES OF COUNTY RECORDER. Upon receipt of such envelope containing ballot the County Recorder shall forthwith enclose the same, unopened, together with the written application of such absent voter, in a larger envelope, which shall be securely sealed and endorsed with the name or number of the proper voting precinct, the name and official title of such recorder, and the words "This envelope contains an absent voter ballot and must be opened only on election day at the polls while the same are opened," and such recorder shall thereafter safely keep the same in his office until same is delivered by him as provided in the next Section.

Section 9. SUPERSSCRIPTION OF ENVELOPE--TRANSMITTING. In case such envelope is received by such recorder prior to the delivery of the official ballots to the judges of election of the voting precinct in which such absent voter resides, such ballot, envelope and application sealed in such envelope shall be enclosed with said official ballots and delivered therewith to the judges of such voting precinct. In case the official ballots for such voting precinct shall have been delivered to such judges of election at the time of the receipt by the judges of such absent voter ballot, such recorder shall immediately enclose such application and such ballot with the envelope containing such ballot, unopened, in a larger envelope which shall be securely sealed by him and endorsed on the front with the name, official title, name of the voting precinct and postoffice address of the judges of election of the voting precinct in which such absent voter resides, and the words, "This envelope contains an absent voter ballot and must be opened only on election day at the polls while the same are open," and forthwith mail the same, postage prepaid, to such judges of election.

Section 10. PROCEDURE BY JUDGES OF ELECTION. At any time between the opening and closing of the polls on such election day, the judges of election of such voting district shall first open the outer envelope only, and compare the signature of such voter to such application with the signature to

such affidavit. In case the judges find the affidavit is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such voting precinct and has not voted at such election, they shall open the absent voter envelope, in such manner as not to destroy the affidavit thereon, and take out the ballot or ballots therein contained, and without unfolding the same, or permitting it to be opened or examined, and having endorsed his initials on the stub in the same manner that other ballots are endorsed, deposit the same in the proper ballot box, showing by the records of such election such elector to have voted. In case such affidavit is found to be insufficient, or that the signatures do not correspond, or that such applicant is not then a duly qualified elector of such voting precinct, such vote shall not be allowed, but without opening the absent voter envelope, the judges of election shall mark across the face thereof, "Rejected as Defective," or "Rejected as not an elector," as the case may be. The absent voter envelope, when such absent vote is voted, and the absent voter envelope with its contents, unopened, when such absent vote is rejected, shall be deposited in the ballot box containing the general or party ballots, as the case may be, retained or preserved in the manner as now by law provided for the retention and preservation of official ballots voted at such election.

Section 11. PROVISIONS OF ACT EXTENDED. The provisions of this Act shall be construed so as to permit any qualified elector of this State who is present in his county after the official absent voter ballots of such county have been printed, and who has reason to believe that he will be absent from such county on election day as before provided in Section 2, to vote before he leaves his county, in like manner as an absent voter, and any qualified elector who has marked his ballot as hereinbefore provided, who shall unexpectedly return to his voting precinct before or on election day, shall be permitted to vote in person, provided his ballot has not already been deposited in the ballot box.

Section 12. ABSENT VOTER BALLOTS TO BE DULY PREPARED. It shall be the duty of the Clerk of the Board of Supervisors of each of the several counties, or any other officer, by law required, to prepare any general election ballot, to prepare and have printed and delivered to the County Recorder, at least fifteen days prior to the holding of such election, a sufficient number of absent voter ballots provided for, in Section 5, for the use of all voters likely to be absent from such county on the day of such election.

Section 13. FALSE SWEARING--NEGLECT OF DUTIES BY OFFICERS--PENALTIES. If any person shall wilfully swear falsely to the affidavit in Section 6, provided for, he shall upon conviction thereof be deemed guilty of perjury and shall be punished as in such cases by law provided. If the County Recorder or any election officer shall refuse or neglect to perform any of the duties prescribed in this Act, or shall violate any of the provisions thereof, or if any officer taking the affidavit provided for in Section 6, shall make any false statements in his certificate thereto attached, he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding \$100 or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment.

Approved March 17th, 1921.

CHAPTER 118.

(House Bill No. 14.)

AN ACT

To Authorize and Regulate the Practice of Chiropractic, to Provide for the Licensing and Examination of Chiropractors, to Create a State Board of Examination and Registration, to Provide for the Appointment of Same, to Establish Rules and Regulations Governing Said Board, to Provide a Curriculum, and Establish a Fee for Examination, to Provide for the Disposal of the Fund Arising From Said Fee, to Regulate the Holding of Meetings of Said Board and Issuance of License to Practice Chiropractic, to Provide a Penalty for Practicing Chiropractic Without a License as Provided by this Act, and to Repeal All Acts in Conflict Herewith.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That there is hereby created and established a board to be known by the name and style of the State Board of Chiropractic Examiners, and said board shall be composed of three (3) resident course graduated practicing Chiropractors of integrity and ability, who shall be residents of the State of Arizona and who shall have practiced Chiropractic in the State for a period of at least three (3) years. No two members of said board shall be graduates of the same school or college of Chiropractic.

ACTS
RESOLUTIONS and MEMORIALS
OF THE
REGULAR SESSION
Seventh Legislature
OF THE
STATE OF ARIZONA
1925



Amendments to the Constitution
Referendum and Initiative Measures

Showing votes cast for and against
at the general election held November 4, 1924

Session Began January 12, 1925
Session Adjourned March 14, 1925

CHAPTER 75.

(House Bill No. 87)

AN ACT

PROVIDING A METHOD BY WHICH REGISTERED ELECTORS ABSENT FROM THEIR ELECTION PRECINCTS ON ELECTION DAY, OR ELECTORS WHO ARE, BY REASON OF PHYSICAL DISABILITY, UNABLE TO GO TO THE POLLS, MAY VOTE, AND PRESCRIBING A PENALTY FOR VIOLATION THEREOF, AND TO REPEAL CHAPTER 117, SESSION LAWS OF ARIZONA, 1921, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

Be It Enacted by the Legislature of the State of Arizona:

Section 1. ELECTORS ABSENT FROM COUNTY OR PHYSICALLY DISABLED MAY VOTE. Any qualified elector of this State having complied with the laws in regard to registration, who is absent from the county of which he or she is an elector or who expects to be absent from such county at the time of holding any general or primary election, or who furnishes the County Recorder with a doctor's certificate that he or she will not, because of physical disability, be able to go to the polls, may vote at any such election as hereinafter provided.

Section 2. APPLICATION FOR BALLOT. Within thirty days next preceding any such election, a voter who expects to be absent from the county in which his or her voting precinct is situated, on the day of said election, or who fur-

nishes for filing with the County Recorder a doctor's certificate that he or she will not, because of physical disability, be able to go to the polls on said day may make application in person to any registration officer in the State of Arizona for an official absent or disabled voter's ballot, provided, that any elector of the State of Arizona who is temporarily out of the State during the thirty days next preceding any primary or general election may upon securing the application blanks herein provided for, avail himself or herself of the provisions of this chapter by appearing before any Notary Public or other officer qualified to administer oaths within the State of temporary residence and swearing and subscribing to such application and returning the original and duplicate of same to the County Recorder of the County in which such elector is registered.

Upon receipt of such application, if the same is in proper form and complies with the requirements of this Act, the County Recorder shall mail, postage prepaid to such elector, the ballots described herein, together with the envelope for the return of same as is provided in Section 6, and such elector may, after making and subscribing the affidavit provided for upon the return envelope, mark such ballot and return the same to the County Recorder of the County wherein such elector is registered.

Section 3. THE BALLOT. The ballot for absent and disabled voters shall be in all respects identical with the regular official ballots, except that it shall have printed in the stub thereof the words, "Official Absent or Disabled Voter's Ballot".

Section 4. FORM OF APPLICATION. Ap-

plication for such ballot shall be made in duplicate upon blanks to be furnished by the County Recorder of the county in which the election is to be held, and shall be in substantially the following form:

APPLICATION FOR ABSENT OR DISABLED VOTER'S BALLOT

STATE OF ARIZONA }
COUNTY OF } ss.

I, do solemnly swear that I am the identical person whose name is signed to this application, and that such name and signature is my true name and signature (or, if I did not personally sign, it was because of physical disability, viz:..... and I request the attesting officer to sign); that I am an elector of the State of Arizona and the County of; that I am registered in..... Precinct of said county, where I resided at the date of my registration; that I expect to be absent from my county on the day of holding the next election, or, because of physical disability, knowing that I will be unable to go to the polls on the day of holding the next election, as evidenced by a doctor's certificate submitted herewith, hereby make application to the County Recorder of.....County, Arizona, for an Absent or Disabled Voter's Ballot. For the purpose of identification, I declare that my sex is.....; I am..... years of age;feet.....inches in height; weigh.....pounds and my post office address is.....

I am confined at.....,
Arizona.

.....Elector.

Subscribed and sworn to before me this
day of....., 19.....

Signature of Registration Officer.

.....
Title or designation of officer.

Section 5. DELIVERY OF APPLICATION.

The County Recorder shall furnish each Registration Officer within the County, a sufficient number of the said application blanks.

Section 6. BALLOTS TO BE SENT TO ABSENT OR DISABLED VOTERS.

Upon receipt of an application properly filled out and duly signed, or as soon thereafter as the official absent or disabled voter's ballots for the precinct in which the applicant resides have been printed, the said County Recorder shall deliver or mail to such absent or disabled voter, one official absent or disabled voter's ballot of the precinct in which the applicant resides, and of the political party with which such applicant is affiliated, as shown by the affidavit of registration, and with the ballot an envelope, which shall bear upon the front thereof the name, official title and post office address of such County Recorder, and upon the other side a printed affidavit in substantially the following form:

STATE OF }
COUNTY OF } ss.

I, solemnly swear that
I am a resident elector of the.....

voting precinct of the County of.....,
 State of Arizona, and entitled to vote in such pre-
 cinct at the next election; that I expect to be
 absent from said county of my residence on the
 day of holding such election (or am unable by
 reason of physical disability to go to the polls)
 and that I will therefore have no opportunity to
 vote in person on that day.

 Name of Voter.

Subscribed and sworn to before me this
day of, 19..... I
 hereby certify that this affiant exhibited the en-
 closed ballot to me unmarked, thathe then,
 in my presence and in the presence of no other
 person, and in such manner that I could not
 see (his) vote, marked such ballot, and enclosed
 (her)

and sealed the same in this envelope. That the
 affiant was not solicited or advised by me to vote
 for or against any candidate or measure.

 (Notary Public, Justice of the Peace
 or other officer authorized to
 administer oaths)

Section 7. PREPARING AND TRANSMIT-
 TING BALLOT. The absent or disabled voter
 shall, if without the State of Arizona, make and
 subscribe said affidavit, before any officer au-
 thorized by law to administer oaths, and if with-
 in the State of Arizona, before any registration
 officer of the State, and such absent or disabled
 voter shall thereupon, in the presence of said
 officer and no other person, mark the said ballot
 (in such manner that the officer cannot see the
 vote), and the ballot shall thereupon, in the

presence of such officer, be folded by the voter so as to conceal the vote, and be in the presence of said officer deposited by the voter in said envelope, and the envelope securely sealed. Said envelope shall be delivered or mailed, postage prepaid, by said voter.

Section 8. DUTIES OF COUNTY RECORDER. Upon receipt of an envelope containing an absent or disabled voter's ballot, as by this Act prescribed, the county recorder shall forthwith enclose the same, unopened, together with the original written application of such voter, in a large envelope, which shall be securely sealed and endorsed with the name or number of the proper voting precinct, the name and official title of the county recorder, and the words, "This Envelope Contains an Absent or Disabled Voter's Ballot and Must be Opened only on Election Day at the Polls While the Same are Open", and the Recorder shall thereafter safely keep the same in his office until delivered as provided in this Act. The county recorder shall file the duplicate application in his office.

Section 9. TRANSMISSION OF BALLOTS TO ELECTION BOARDS. Any ballots received by the recorder prior to the delivery of the official ballots to the voting precinct in which the voter mailing the same resides, shall, together with the original application, as provided in Section 8, be transmitted with said official ballots. Should such official ballots have been already delivered, the recorder shall immediately seal the envelope containing such ballot and the original application, as provided by Section 8, in a separate envelope, and shall seal such envelope in another on which shall be placed the words "This Envelope Contains an Absent or Dis-

abled Voter's Ballot and Must Be Opened Only on Election Day at the Polls While the Same are Open," and shall be mailed, postage prepaid, to the judges of election of the precinct in which such ballot is to be cast. The address on said envelope shall include the name, official title and post office address of the judges of election, and the name of the voting precinct.

Section 10. STATEMENT OF VOTES. It shall be the duty of the county recorder of each county in this State, at least twenty-four hours before any election, as provided for in this Act, to furnish to the county chairmen of the various political organizations, upon request, a statement of the whole number of absentee or disabled votes received by him, and the number thereof voting at each precinct in the county.

Section 11. PROCEDURE OF ELECTION BOARD. The judges of election, at any time between the opening and closing the polls, shall proceed in the following manner to cast any absent or disabled voter's ballots which may have been received: The outer envelope shall only first be opened and the signature of the voter on the application compared with the signature on the voter's affidavit of registration in the precinct register. Should the judges find that the signatures correspond, that the affidavit is sufficient, and that the applicant is a duly qualified elector of such voting precinct and has not voted at said election, they shall open the envelope containing the absent or disabled voter's ballot, in such manner as not to destroy the affidavit thereon, and take out the ballot, therein contained, and without unfolding the same, or permitting it to be opened or examined, and having endorsed his initials on the stub in the same manner that

other ballots are endorsed, deposit the same in the proper ballot box, and show by the records of such election that such elector has voted. In case the affidavit is insufficient, or the signatures do not correspond, or the applicant is, for any reason, not a duly qualified elector of said voting precinct, such vote shall not be allowed, but without opening the envelope containing the absent or disabled voter's ballot, the judges of election shall mark across the face thereof, "Rejected as Defective", or "Rejected as not an Elector", as the case may be. When the vote of such absent or disabled voter is allowed, the envelope in which the ballot was enclosed shall be deposited in the ballot box containing the general or party ballots, and in like manner, when the ballot is rejected, the envelope and its contents shall be deposited in the ballot box; and in either case, retained or preserved in the manner provided by law for the retention and preservation of official ballots.

Section 12. PROVISIONS OF ACT EXTENDED. The provisions of this Act shall be construed so as to permit any qualified elector who has reason to believe that he or she will be absent from the county or precinct on election day, as provided in Section 2, but who is present in such county and precinct at any time after the said official absent and disabled voter's ballots are printed and available, to vote before leaving home, in like manner as an absent voter, and any qualified elector who has marked his or her ballot as hereinbefore provided, who shall unexpectedly return to the precinct in which such voter is registered, before or on election day, shall be permitted to vote in person, provided his

or her ballot has not already been deposited in the ballot box.

Section 13. **BALLOTS TO BE PROVIDED.** It shall be the duty of the Clerk of the Board of Supervisors of each of the several counties, or any other officer, by law required to prepare the primary and general election ballot, to prepare and have printed and delivered to the county recorder, at least fifteen days prior to the holding of said election, a sufficient number of absent or disabled voters' ballots for the use of all voters likely to be absent from the county or through physical disability unable to visit the polls on the day of election.

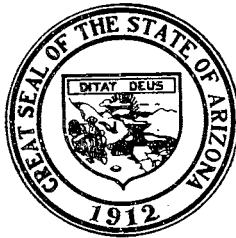
Section 14. **VIOLATIONS AND PENALTIES.** Any person who shall wilfully swear falsely to the affidavit prescribed in Section 6, shall upon conviction thereof, be deemed guilty of perjury, and shall be punished as in such cases by law provided. Any county recorder or any election officer who shall refuse or neglect to perform any of the duties prescribed in this Act, or shall violate any of the provisions thereof, and any officer who takes and acknowledges the said affidavit and makes any false statements in his or her certificate thereto attached, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not exceeding one hundred dollars or by imprisonment in the county jail for thirty days or by both such fine and imprisonment.

Section 15. Chapter 117, Session Laws of Arizona, 1921, and all acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 19, 1925.

Seventh State Legislature
OF ARIZONA

JOURNAL
OF THE
SENATE



1925

SESSION OPENED—JANUARY TWELFTH
SESSION ADJOURNED—SINE DIE AT
3:25 A. M. MARCH FIFTEENTH
NINETEEN TWENTY-FIVE.

Governor desired to deliver his biennial message to the Senate and House in joint session in the House Chamber, at 2 o'clock, p. m.

Mr. Sims moved that when the Senate should recess, it recess to meet with the House in joint session, in the House Chamber, at 2 o'clock, p. m., for the purpose of listening to the reading of the Governor's biennial message to the Legislature. The motion was agreed to.

Mr. Sims moved that the Senate stand at recess, subject to the call of the gavel, following the joint session. The motion was agreed to, and (at 1 o'clock and fifty-five minutes p. m.) the Senate stood at recess.

JOINT SESSION

In accordance with recesses taken by the two Houses, the Senate and House of Representatives assembled in joint session at 2 o'clock p. m., in the House of Representatives Chamber, the President of the Senate in the chair.

The Secretary of the Senate called the roll of the Senate and the following Senators answered to their names:

Colter	Favour	Lyons	St. Charles
Cox	Hardy	Moore	Thornburg
Davis	Kilcrease	Runke	Wylie
Donnelly	Kinney	Sims	The President
Elliott	Lines	Smith	

The Chief Clerk of the House called the roll of the House and the following Representatives answered to their names:

Abell	Edwards	Jones	Orme
Barkell	Elliott	Kent	Patton
Boehmer	Elwin	Kinney	Pickett
Boville	Embach	Ludden	Pomeroy
Bradshaw	Finch	Moon	Provost
Briscoe	Finn	Morgan, A. J.	Rhodes
Brown	Fiock	Morgan, J. M.	Skinner
Brooke	Freeman	Murphy	Smith
Chesnutt	Gleason	McBrayer	Valentine
Crawford	Goodwin	McCormick	Wisener
Crenshaw	Hamblin	McGrath	Mr. Speaker
DuBois	Hannon	Olcott	

The President designated Mr. Colter, the Senator from Apache county, and Mr. Fiock, a Representative from Maricopa county, to escort the Governor to the House Chamber.

His Excellency the Governor of Arizona, Geo. W. P. Hunt, appeared in the House Chamber, escorted by Mr. Colter and Mr. Fiock, and was introduced by the President.

The Governor delivered the following biennial message:

MESSAGE OF THE GOVERNOR

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTH ARIZONA LEGISLATURE:

I am deeply sensible of the responsibility as well as the exceptional honor which has come to me with the office of Governor. This

LIENS ON REAL ESTATE

Mr. Elliott, for the Committee on Judiciary, reported Senate Bill No. 132, by Mr. Colter, relating to liens on real estate, with the unanimous recommendation that the Bill do pass.

Mr. Favour, a Senator from Yavapai county, was designated as manager of the Bill.

The Bill, accompanied by the report of the Committee on Judiciary, was placed on the Calendar of the Committee of the Whole.

BRIDGE ACROSS THE VERDE RIVER

A message from the House of Representatives, by Besse Golze, its Chief Clerk, announced that the House had passed House Bill No. 90, entitled "An Act providing for the building of a bridge across the Verde river in Yavapai county," etc.

By unanimous consent House Bill No. 90 was read the first time by number and title, and was referred to the Committee on Appropriations.

BUILDING AND LOAN ASSOCIATIONS

By unanimous consent House Bill No. 162, relating to building and loan or savings and loan associations, was read the second time by number and title. The President put the question, "Shall the Bill be engrossed and have a third reading?" which was decided in the affirmative, and the Bill was referred to the Committee on Enrolling and Engrossing.

COMMISSIONER OF MOTOR VEHICLES

By unanimous consent Senate Bill No. 131, by Mr. Cox, relating to commissioner of motor vehicles, was read the second time by number and title. The President put the question, "Shall the Bill be engrossed and have a third reading?" which was decided in the affirmative, and the Bill was referred to the Committee on Enrolling and Engrossing.

SALE OF STATE LANDS

By unanimous consent House Bill No. 117, relating to funds derived from the sale of State lands, was read the second time by number and title. The President put the question, "Shall the Bill be engrossed and have a third reading?" which was decided in the affirmative, and the Bill was referred to the Committee on Enrolling and Engrossing.

HOLIDAYS

By unanimous consent House Bill No. 118, relating to holidays, was read the second time by number and title. The President put the question, "Shall the Bill be engrossed and have a third reading?" which was decided in the affirmative, and the Bill was referred to the Committee on Enrolling and Engrossing.

ABSENTEE VOTERS

House Bill No. 87, relating to absentee voters, was read the third time in full. The roll was called on final passage, and resulted: Ayes 18, not voting 1, as follows:

AYES

Colter	Hardy	Moore	St. Charles
Cox	Kilcrease	Runke	Thornburg
Davis	Kinney	Sims	Wylie
Donnelly	Lines	Smith	The President
Favour	Lyons		

NOT VOTING

Elliott

So the Bill was passed.

REGULATION OF POOLROOMS

Senate Bill No. 139, by Mr. Cox, relating to the regulation of pool-rooms, was read the third time in full. The roll was called on final passage, and resulted: Ayes 15, not voting 4, as follows:

AYES

Cox	Hardy	Lyons	St. Charles
Davis	Kilcrease	Moore	Thornburg
Donnelly	Kinney	Runke	Wylie
Favour	Lines	Smith	

NOT VOTING

Colter	Elliott	Sims	The President
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So the Bill was passed.

SALE OF COTTON PRODUCTS

Senate Bill No. 81, by Mr. Davis, relating to the sale of manufactured articles from cotton duck, etc., was read the third time in full. The roll was called on final passage and resulted: Ayes 14; Noes 1; not voting 4, as follows:

AYES

Cox	Kilcrease	Moore	Thornburg
Davis	Kinney	Runke	Wylie
Donnelly	Lines	Smith	
Hardy	Lyons	St. Charles	

NOES

Favour

NOT VOTING

Colter	Elliott	Sims	The President
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So the Bill was passed.

CONVICT MADE GOODS

Senate Bill No. 94, by Mr. Donnelly, relating to convict made goods, was read the third time in full. The roll was called on final passage, and resulted: Ayes 8; Noes 9; not voting 2, as follows:

AYES

Colter	Davis	Moore	Smith
Cox	Donnelly	Runke	St. Charles

NOES

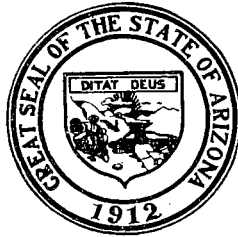
Favour	Kinney	Sims	Wylie
Hardy	Lines	Thornburg	
Kilcrease	Lyons		

NOT VOTING

Elliott

So the Bill failed to pass.

JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES



SEVENTH
STATE LEGISLATURE

OF THE
STATE OF ARIZONA

1925

REGULAR SESSION
SESSION CONVENEED—JANUARY TWELFTH
SESSION ADJOURNED—SINE DIE AT 3:18 A. M.
MARCH FIFTEENTH
NINETEEN HUNDRED TWENTY-FIVE

No.	Action of House	Action of Senate	Action of Governor
84	Passed	Passed amended	Signed
85	Passed	Passed amended	Signed
86	Passed	Passed amended	Signed
87	Passed	Passed amended	Signed
88	Indefinitely postponed		
Sub. 88	Passed	Died	
89	Indefinitely postponed		
90	Passed	Died	
91	Passed	Indefinitely postponed	
92	Passed	Died	
93	Indefinitely postponed		
94	Died in Committee		
95	Died on Calendar		
96	Passed	Died	
97	Indefinitely postponed		
98	Died in Committee		
99	Indefinitely postponed		
100	Passed	Died	
101	Passed	Died	
102	Passed	Passed amended	Signed
103	Passed	Passed amended	Signed
104	Passed	Passed	Signed
105	Died on Calendar		
106	Indefinitely postponed		
107	Passed	Passed amended	Signed
108	Passed	Died	
109	Indefinitely postponed		
110	Passed	Died	
111	Passed	Died	
112	Passed	Died	
113	Passed	Died	
114	Passed	Died	
115	Passed	Died	
116	Passed	Passed amended	Signed
117	Passed	Passed amended	Signed
118	Passed	Passed amended	Vetoed
119	Passed	Died	
120	Died in Committee		
121	Passed	Passed amended	Signed
122	Passed	Died	
123	Failed to pass		
124	Passed	Died	
125	Passed	Died	
126	Passed	Died	

1954 SESSION LAWS

STATE OF ARIZONA

Twenty-first Legislature

SECOND REGULAR SESSION

1953

FIRST SPECIAL SESSION

TWENTY-FIRST LEGISLATURE



Wesley Bolin

Secretary of State

25-206. WRIT TO BE TESTED AND DELIVERED — SERVICE AND EFFECT OF LEVY. The writ of garnishment shall be dated and tested as other writs and may be delivered to the sheriff or constable by the officer who issued it, or to the plaintiff for that purpose. The officer receiving the writ shall immediately serve the same by delivering a copy thereof to the garnishee, and shall make return thereof as of summons. Debts owing to a defendant by a banking corporation or association, savings bank, building and loan association, trust company, or title insurance company, maintaining branch offices, or credits or other effects belonging to a defendant and in the possession of or under the control of such banking corporation or association, savings bank, building and loan association, trust company, or title insurance company, may be levied upon by serving a copy of the writ of garnishment upon the manager or other officer of such banking corporation or association, savings bank, building and loan association, trust company or title insurance company, at any office or branch thereof located in the county where such service is made and no garnishment shall be effective as to any debt owing by such banking corporation or association, savings bank, building and loan association, trust company or title insurance company, if the account evidencing such indebtedness is carried at an office or branch thereof located in a county other than the county in which service is made or as to any credits or other effects in its possession or under its control at any office or branch thereof located in a county other than the county in which service is made.

The procedure provided in this Act for the service of a writ of garnishment upon any banking corporation or association, savings bank, building and loan association, trust company or title insurance company maintaining branch offices, shall be exclusive.

Sec. 2. EMERGENCY. To preserve the public peace, health, and safety it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 30, 1954.

Filed in the Office of the Secretary of State—March 30, 1954.

CHAPTER 76

(House Bill No. 63)

AN ACT

RELATING TO ELECTIONS; PERMITTING ABSENTEE VOTERS TO VOTE AT ALL PRIMARY, GENERAL OR

**SPECIAL ELECTIONS, AND AMENDING SECTIONS
55-1301 AND 55-1302, ARIZONA CODE OF 1939.****Be it Enacted by the Legislature of the State of Arizona:**

Section 1. Section 55-1301, Arizona Code of 1939, is amended to read:

55-1301. **ELECTORS ABSENT FROM COUNTY OR PHYSICALLY DISABLED MAY VOTE.** A qualified and registered elector who is absent from the county of which he is an elector, or who expects to be absent from such county, at the time of holding any general or primary election, or a special election, called pursuant to section 1, article 21 of the Constitution, or who furnishes the county recorder with a doctor's certificate of physical inability to go to the polls, may vote at such election as hereinafter provided. A person who on account of the tenets of his religion cannot attend the polls on the day of a general, primary, or special election is deemed to be absent from the county and may vote at such election as hereinafter provided.

Sec. 2. Section 55-1302, Arizona Code of 1939, is amended to read:

55-1302. **APPLICATION FOR BALLOT.** (a) Within thirty days next preceding the Saturday before any primary or general election, or a special election called pursuant to section 1, article 21 of the Constitution, an elector may make request by telephone or mail to any registration officer in the state for an application for a ballot and an official absent or disabled voter's ballot, or, if absent from the state during the thirty days next preceding the election, may upon the application blank provided therefor apply for such ballot by appearing before a notary public or other officer qualified to administer oaths within the state of temporary residence, swearing and subscribing to the application and returning the original and duplicate to the recorder of the county in which the elector is registered. Upon receipt of such application, if in proper form, the recorder shall mail postage prepaid to the elector the ballot applied for, together with the envelope for its return. After making and subscribing the affidavit provided for upon the return envelope, the elector may mark the ballot and return it to the recorder of the county in which he is registered, or the recorder may, when deemed expedient, mail the application with the ballot and determine the sufficiency of the application upon receipt of the ballot and the application.

(b) To and including the last Monday before election the recorder may, in his discretion, direct the voting of an elector

who by reason of sudden illness is prevented from voting at the polls, if the illness was not anticipated in time to make application as provided by law, or direct the voting of a disabled elector when it appears that the request of the elector was received before five o'clock p.m., on the Friday preceding the election.

Approved by the Governor—March 30, 1954.

Filed in the Office of the Secretary of State—March 30, 1954.

CHAPTER 77

(House Bill No. 109)

AN ACT

RELATING TO THE DEPARTMENT OF LAW; REALLOCATING FUNDS APPROPRIATED UNDER CHAPTER 30, LAWS OF 1953, AND DECLARING AN EMERGENCY.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. REALLOCATION OF FUNDS. (a) From the funds heretofore appropriated to the department of law for expenditure by the attorney general under the provisions of chapter 30, Laws of 1953, the sum of two thousand seven hundred eighteen dollars thirty cents is hereby reallocated for the purposes and in the amounts following:

1. For the cost of reporting services rendered in the Walters case, the sum of two hundred eight dollars;
2. For one IBM typewriter purchased in September, 1953, the sum of three hundred eighty-nine dollars fifty cents;
3. For three unpaid telephone bills incurred during the months of April, May and June, 1953, the sum of six hundred twenty dollars eighty cents;
4. For anticipated expenses relating to Indian litigation, including oral arguments in Circuit Court, the sum of one thousand five hundred dollars.

(b) After payment of the claims as provided in subsection (a), the balance remaining of the appropriation made under the provisions of chapter 30, Laws of 1953, shall revert to the general fund.

1955 SESSION LAWS

STATE OF ARIZONA

Twenty-second Legislature

FIRST REGULAR SESSION



Wesley Bolin

Secretary of State

(E) DELEGATION OF AUTHORITY. The commission may, from time to time in its discretion, delegate such authority to the director of securities as is convenient or necessary to the efficient administration of this Act; excepting that the commission may not delegate authority to adopt, amend or rescind rules and regulations or to enter any final order of denial or revocation of registration of securities, dealers or salesmen.

(F) DEPOSIT OF FEES. Notwithstanding the provisions of section 53-1423 (F) the commission may deposit fees collected under section 53-1407 in a special account subject to withdrawal pending effective registration of securities by qualification. From such account registration fees may be returned to any applicant withdrawing an application in accordance with the provisions of section 53-1407 (B). Upon the effective registration of securities under section 53-1407 (D) all fees collected in connection therewith shall be turned into the state treasury.

Sec. 3. SEVERABILITY. If any provision of this Act, or the application of such provision to any circumstance, is held invalid the remainder of the Act, or the application of the provision to other circumstances, shall not be affected thereby.

Approved by the Governor—March 18, 1955.

Filed in the Office of the Secretary of State—March 19, 1955.

CHAPTER 59

(House Bill No. 184)

AN ACT

RELATING TO ELECTIONS; ELIMINATING REQUIREMENT OF DOCTOR'S CERTIFICATE FOR PERSONS WHO ARE PHYSICALLY UNABLE TO GO TO THE POLLS, AND AMENDING SECTION 55-1301, ARIZONA CODE OF 1939.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Section 55-1301, Arizona Code of 1939, is amended to read:

55-1301. VOTING OF ABSENT OF PHYSICALLY DISABLED ELECTORS. A qualified and registered elector who is absent from the county of which he is an elector, or who expects to be absent from such county at the time of holding any general or primary election, or a special election called pursuant to section 1, article 21, of the Constitution, or who furnishes the county recorder with the signed application for an absent or disabled voter as provided in section 55-1304, stating that he is physically unable to go to the polls, may vote at such election as hereinafter provided. A person who on account of the tenets of his religion cannot attend the polls on the day of a general, primary, or special election is deemed to be absent from the county and may vote at such election as hereinafter provided.

Approved by the Governor—March 18, 1955.

Filed in the Office of the Secretary of State—March 19, 1955.

CHAPTER 60

(House Bill No. 231)

AN ACT

RELATING TO SCHOOL DISTRICTS, AND PROVIDING THAT THE BOARD OF TRUSTEES MAY PETITION THE BOARD OF SUPERVISORS FOR ADDITIONAL MONEYS TO BE PAID FROM THE INCOME RECEIVED BY THE COUNTY ON ITS RENTALS IN THE DISTRICT.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. SPECIAL GRANT FROM COUNTY RENTALS. If the board of supervisors of a county shall find that a financial hardship is created within a school district of the county by reason of the attendance in the schools of the district by children residing within county-owned income property within the district, it may, upon petition by the board of trustees of the district, order the payment into the general funds of such district of such portion of the income derived or accumulated by reason of the county ownership of such property as will in whole or in part compensate such district for the financial hardship so incurred.

1959 SESSION LAWS
STATE OF ARIZONA

Twenty-fourth Legislature

First Regular Session



WESLEY BOLIN

Secretary of State

CHAPTER 107

Senate Bill No. 164

AN ACT

RELATING TO ELECTIONS; PRESCRIBING MANNER OF ABSENTEE REGISTRATION AND VOTING FOR PERSONS IN THE ARMED SERVICES OR MERCHANT MARINE OF THE UNITED STATES, AND AMENDING SECTIONS 16-108, 16-1101, 16-1102 AND 16-1105, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-108, Arizona Revised Statutes, is amended to read:

16-108. ELECTOR TEMPORARILY ABSENT FROM STATE; PERSONS IN THE UNITED STATES SERVICE

A. An elector temporarily absent from the state may register by filling out an affidavit of registration which shall be furnished upon application of the elector by the county recorder of the county in which the elector has legal residence. The elector shall execute the affidavit of registration before an officer authorized to administer oaths and shall return the affidavit to the county recorder.

B. Any other provisions of law to the contrary notwithstanding registration for persons in the United States service, as defined in section 16-1101, may be accomplished at any time prior to the five days next preceding a primary or general election.

Sec. 2. Sec. 16-1101, Arizona Revised Statutes, is amended to read:

16-1101. VOTING BY ABSENT OR PHYSICALLY DISABLED ELECTORS; PERSONS IN THE UNITED STATES SERVICE

A. A qualified and registered elector who is absent from the county of which he is an elector, or who expects to be absent from such county, at the time of holding any general or primary election, or at the time of holding a special election called pursuant to section 1, article 21 of the constitution, or who furnishes the county recorder with the signed application for an absent or disabled voter as provided by section 16-1103, stating that he is physically unable to go to

the polls, may vote at such election as provided by this article.

B. A person who on account of the tenets of his religion cannot attend the polls on the day of a general, primary or special election is deemed to be absent from the county and may vote at such election as provided by this article.

C. A qualified person in the United States service who is absent from the county of which he is an elector at the time of holding any general or primary election or at the time of the holding of a special election called pursuant to section 1, article 21 of the constitution of Arizona may register and vote at such election as provided by this article.

D. The term "United States service" shall mean:

1. Members of the armed forces while in the active service.

2. Members of the merchant marine of the United States while in the active service.

Sec. 3. Sec. 16-1102, Arizona Revised Statutes, is amended to read:

16-1102. APPLICATION FOR BALLOT

A. Within the thirty days next preceding the Saturday before any primary or general election, or a special election called pursuant to section 1, article 21 of the constitution, an elector may make a written request to the county recorder of the county in which the elector is registered for an application for a ballot and an official absent or disabled voter's ballot, or, if absent from the state during the thirty days next preceding the election, may upon the application blank provided therefor apply for such ballot by appearing before a notary public or other officer qualified to administer oaths within the state of temporary residence, swearing and subscribing to the application and returning the original and duplicate to the recorder of the county in which the elector is registered.

B. Upon receipt of such application, if in proper form, the recorder shall mail postage prepaid to the elector the ballot applied for, together with the envelope for its return. After making and subscribing the affidavit provided for upon the return envelope, the elector may mark the ballot and return it to the recorder of the county in which he is registered.

C. The recorder may, when deemed expedient, mail the application with the ballot and determine the sufficiency of the application upon receipt of the ballot and the application.

D. To and including the last Monday before election the recorder may, in his discretion, direct the voting of an elector who by reason of sudden illness is prevented from voting at the polls, if the illness was not anticipated in time to make application as provided by law, or direct the voting of a disabled elector when it appears that the request of the elector was received before five o'clock p.m. on the Friday preceding the election.

E. Any elector in the United States service may make a request for an absentee ballot by the submission of a federal post-card application as provided for in the federal voting assistance act of 1955 (public law 296, 84th Congress, 69 Stat. 584). Upon the receipt of such application by a county recorder, the recorder shall determine whether or not the applicant is registered. If the applicant is so registered, the recorder shall forward him an official absent voter's ballot. If the applicant is not registered, the recorder shall forward an affidavit of registration as provided in section 16-108. He shall at the same time forward to the unregistered applicant an official absent voter's ballot.

Sec. 4. Sec. 16-1105, Arizona Revised Statutes, is amended to read:

16-1105. BALLOT AFFIDAVIT; FORM

A. The absent or disabled voter's ballot shall be accompanied by an envelope bearing upon the front thereof the name, official title and post-office address of the recorder and upon the other side a printed affidavit in substantially the following form:

State of Arizona) ss
County of)

I,, do solemnly swear that I am a resident elector of the voting precinct of the county of, state of Arizona, and am entitled to vote in such precinct at the next election. I expect to be absent from the county of my residence on the day of holding such election (or am unable by reason of physical disability to go to the polls) and therefore will have no opportunity to vote in person on that day.

Name of Voter

Subscribed and sworn to before me this day of, 19..... I further certify: That the affiant exhibited the enclosed ballot to me unmarked; that—he then in my presence, but in the presence of no other person, and in such manner that I could not see him vote, marked such ballot, enclosed and sealed it in this envelope, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.....
Signature and title of officer

B. The provisions of this section shall not preclude the recorder from exercising his option to mail the application and await its return at any time before receipt of the ballot, as provided in section 16-1102.

C. There shall be printed across the face of each envelope in which a ballot is sent to a federal post-card applicant, or is returned by such applicant to the supervisor, two parallel horizontal red bars, each one-fourth inch wide, extending from one side of the envelope to the other side, with an intervening space of one-fourth inch, the top bar to be one and one-fourth inches from the top of the envelope, and with the words "Official Election Balloting Material—Via Air Mail", or similar language, between the bars. There shall be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail". All printing on the face of each such envelope shall be in red, and there shall be printed in red in the upper left corner of each ballot envelope an appropriate inscription or blanks for return address of sender. Otherwise the envelopes shall be the same as those used in sending ballots to, or receiving them from other absentee voters.

Approved by the Governor—March 20, 1959.

Filed in the Office of the Secretary of State—March 21, 1959.

CHAPTER 108

Senate Bill No. 31

AN ACT

RELATING TO CRIMES; PRESCRIBING PENALTY FOR DRUNK AND DISORDERLY CONDUCT, AND AMEND-

1968 SESSION LAWS STATE OF ARIZONA

Twenty-eighth Legislature

SECOND REGULAR SESSION



WESLEY BOLIN

Secretary of State

CHAPTER 17

House Bill 86

AN ACT

RELATING TO ELECTIONS AND ELECTORS; PROVIDING THAT A BLIND PERSON MAY VOTE AS ABSENTEE VOTER; PROVIDING BLIND PERSON MAY BE ASSISTED BY OTHERS AT TIME OF VOTING, AND AMENDING SECTIONS 16-895 AND 16-1101, ARIZONA REVISED STATUTES.

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

Section 1. Sec. 16-895, Arizona Revised Statutes, is amended to read:

16-895. MANNER OF VOTING; ASSISTANCE FOR BLIND ELECTOR

A. On receiving his ballot the voter shall forthwith and without leaving the polling place or going outside the guard rail, retire alone, except as provided in subsection E, to one of the voting booths not occupied, prepare his ballot and vote in the manner and substantial form as required by the instruction to voters.

B. Before leaving the voting booth the voter shall fold his ballot lengthwise and crosswise, but in such a way that the contents of the ballot shall be concealed and the stub can be removed without exposing the contents of the ballot, and shall keep the ballot folded until he has delivered it to the inspector, or judge acting as such.

C. The election board inspector shall receive the ballot from the voter and in an audible tone of voice announce the name and stub number of the ballot of the person voting, and in the presence of the election board, remove the stub without opening the ballot, deposit the ballot in the ballot box and string the stub upon a string provided therefor.

D. After delivery of the ballot to the election board inspector, the voter shall then proceed outside the guard rail by the exit thereof, and shall not again enter the enclosed space unless he is an election officer.

E. Any registered voter whose visual defect falls within the scope of those defined in section 46-272 may, at his option, be accompanied and assisted by a sighted person of his own

choice or shall be assisted by two election officials, one from each major political party, during any process relating to voting or during the actual process of voting on a paper ballot, machine or electronic voting system.

Sec. 2. Sec. 16-1101, Arizona Revised Statutes, is amended to read:

16-1101. VOTING BY ABSENT OR PHYSICALLY DISABLED ELECTORS; PERSONS IN THE UNITED STATES SERVICE

A. A qualified and registered elector who is absent from the county of which he is an elector, or who expects to be absent from such county, at the time of holding any general or primary election, or at the time of holding a special election called pursuant to section 1, article 21 of the constitution, or who furnishes the county recorder with the signed application for an absent or disabled voter as provided by section 16-1103, stating that he is physically unable to go to the polls, may vote at such election as provided by this article.

B. A person who on account of the tenets of his religion cannot attend the polls on the day of a general, primary or special election, or whose visual defect falls within the scope of those defined in section 46-272, is deemed to be absent from the county and may vote at such election as provided by this article.

C. A qualified person in the United States service who is absent from the county of which he is an elector at the time of holding any general or primary election or at the time of the holding of a special election called pursuant to section 1, article 21 of the constitution of Arizona may register and vote at such election as provided by this article.

D. The term "United States service" shall mean:

1. Members of the armed forces while in the active service.
2. Members of the merchant marine of the United States while in the active service.

Approved by the Governor—March 4, 1968

Filed in the Office of the Secretary of State—March 4, 1968

1970 SESSION LAWS

STATE OF ARIZONA

Twenty-ninth Legislature

SECOND REGULAR SESSION



WESLEY BOLIN

Secretary of State

2. Permit each voter 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, to vote for or against any question upon 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 which he is entitled to vote for the office or on the measure.

3. Prevent the voter from voting for the same person more than once for the same office.

4. Be suitably designed for the purpose used, 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.

Sec. 78. Sec. 16-1035, Arizona Revised Statutes, is amended to read:

16-1035. ABSENTEE VOTES

A. Absentee votes may be cast on paper ballots or ballot cards, except that counties in which electronic machines are used shall have a punch card absentee ballot suitable for data processing machines which may be different from those used in precinct voted ballots. Such ballot shall provide the same information as a marked paper ballot.

B. In the event absent voter ballots are to be tabulated by an electronic or electromechanical tabulating device, the county recorder may also deliver to the applicant a marking device which would make a mark suitable for use with the electronic or electromechanical device or a supply of stickers which would be suitable for use with the electronic or electromechanical tabulating device.

Sec. 79. Sec. 16-1101, Arizona Revised Statutes, is amended to read:

16-1101. VOTING BY ABSENT OR PHYSICALLY DISABLED ELECTORS; PERSONS SIXTY-FIVE YEARS OF AGE; PERSONS IN THE UNITED STATES SERVICE; PERSONS LIVING CERTAIN DISTANCE FROM POLLING PLACE

A. A qualified and registered elector who is absent from the precinct of which he is an elector, or who expects to be absent from such county, at the time of holding any general or primary election, or at the time of holding a special election called pursuant to section 1, article 21 of the constitution, or who furnishes the county recorder with the signed application for an absent or disabled voter as provided by section 16-1103, stating that he is physically unable to go to the polls, or that he is sixty-five years of age or older, may vote at such election as provided by this article.

B. A person who on account of the tenets of his religion cannot attend the polls on the day of a general, primary or special election, or whose visual defect falls within the scope of those defined in section 46-272, may vote at such election as provided by this article.

C. A qualified person in the United States service who is absent from the county of which he is an elector at the time of holding any general or primary election or at the time of the holding of a special election called pursuant to section 1, article 21 of the constitution of Arizona may register and vote at such election as provided by this article.

D. The term "United States service" shall mean:

- 1. Members of the armed forces while in the active service.
- 2. Members of the merchant marine of the United States while in the active service.

E. Any registered voter whose place of residence is more than fifteen road miles from the polling place in his precinct may vote at an election as provided by this article.

Sec. 80. Sec. 16-1103, Arizona Revised Statutes, is amended to read:

16-1103. FORM OF APPLICATION

A. Application for an absent or disabled voter's ballot shall be made in duplicate upon blanks furnished by the county recorder of the county in which the election is to held and shall be in substantially the following form:

"APPLICATION FOR ABSENT OR DISABLED VOTER'S BALLOT

State of Arizona)
) ss
 County of)

I,, do solemnly swear that I am the identical person whose name is signed to this application and that such name

and signature is my true name and signature (or, if I did not personally sign, it was because of physical disability, viz: and I requested the attesting officer to sign); that I am an elector of the state of Arizona and the county of; that I am registered in precinct in said county and reside at, where I resided at the date of my registration; that I have not voted and will not vote in this election in any other state during the calendar year of this application; that I expect to be absent from my precinct on the day of holding the next election. Because of physical disability, or, because I am sixty-five years of age or older, or, because my place of residence is more than fifteen road miles from the polling place in my precinct, by reason of which I will not be able to go to the polls on the day of the holding of the next election, I hereby make application to the county recorder of county, Arizona for an absent or disabled voter's ballot. (Strike out any clause not applicable). I understand that voting more than once in any election is a felony. For the purpose of identification, I declare that I am a man (or woman), more than twenty-one years of age, feet inches in height, weigh approximately pounds, and that my post office address is

(address to which ballot is to be mailed).

I am confined at, Arizona (insert hospital, residence or other place of confinement).

.....
Elector

Subscribed and sworn to before me this day of, 19.....

.....
Signature of registration officer or other officer empowered to administer oaths.

.....
Title or designation of officer

B. The county recorder shall supply printed instructions to absentee voters, worded substantially as follows:

1. Subscribe to both copies of this application before any county recorder or deputy, justice of the peace, notary public or other officer authorized by law to administer oaths.
2. Display ballot unmarked before the officer in his presence, but in such manner that he cannot see your vote, mark your ballot and seal in the white envelope marked "for absent voter ballot only". Do not enclose application with the ballot.
3. Subscribe to the oath on the back of the white envelope labeled "for absent voter ballot only".

4. Place both copies of this application for ballot, complete with signature and acknowledgement, together with the white envelope containing your ballot, in the enclosed self-addressed envelope, and mail.

5. The ballot and application must be in the recorder's office before six o'clock p.m. election day.

6. Check to see that application is not enclosed in the envelope marked "for absent voter ballot only".

Name (printed)

County recorder

Sec. 81. Sec. 16-1104, Arizona Revised Statutes, is amended to read:

16-1104. ABSENT OR DISABLED VOTER'S BALLOT

A. The absent or disabled voter's ballot shall be one prepared for use in the precinct in which the applicant resides, and if a primary election, of the political party with which the applicant is affiliated as shown by the affidavit of registration. The ballot shall be identical with the regular official ballots, except that it shall have printed or stamped on the stub thereof the words, "Official Absent or Disabled Voter's Ballot."

B. The officer charged by law with the duty of preparing ballots at the election shall prepare the official absent or disabled voter's ballot, and deliver a sufficient number to the recorder not later than the thirty days next preceding the Saturday before any primary or general election.

Sec. 82. Sec. 16-1105, Arizona Revised Statutes, is amended to read:

16-1105. BALLOT AFFIDAVIT; FORM

A. The absent or disabled voter's ballot shall be accompanied by an envelope bearing upon the front thereof the name, official title and post office address of the recorder and upon the other side a printed affidavit in substantially the following form:

State of Arizona)
) ss
County of

I,, do solemnly swear that I am a resident elector of the voting precinct of the county of, state of Arizona, and am entitled to vote in such precinct at the

next election. I expect to be absent from the precinct of my residence on the day of holding such election (or am unable (by reason of physical disability), (because I am sixty-five years of age or older), (because my place of residence is more than fifteen road miles from the polling place in my precinct) to go to the polls) (strike out any clause not applicable) and therefore will have no opportunity to vote in person on that day.

Name of voter

Subscribed and sworn to before me this day of, 19..... I further certify: That the affiant exhibited the enclosed ballot to me unmarked; that he then in my presence, but in the presence of no other person, and in such manner that I could not see him vote, marked such ballot, enclosed and sealed it in this envelope, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

Signature and title of officer

B. The provisions of this section shall not preclude the recorder from exercising his option to mail the application and await its return at any time before receipt of the ballot, as provided in section 16-1102.

C. There shall be printed across the face of each envelope in which a ballot is sent to a federal post-card applicant, or is returned by such applicant to the supervisor, two parallel horizontal red bars, each one-fourth inch wide, extending from one side of the envelope to the other side, with an intervening space of one-fourth inch, the top bar to be one and one-fourth inches from the top of the envelope, and with the words "Official Election Balloting Material Via Air Mail", or similar language, between the bars. There shall be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail". All printing on the face of each such envelope shall be in red, and there shall be printed in red in the upper left corner of each ballot envelope an appropriate inscription or blanks for return address of sender. Otherwise the envelopes shall be the same as those used in sending ballots to, or receiving them from other absentee voters.

Sec. 83. Sec. 16-1107, Arizona Revised Statutes, is amended to read:

16-1107. USE OF ABSENTEE BALLOT BY CERTAIN VOTERS

A. An elector who has reason to believe that he will be absent from the precinct on election day, or who is sixty-five years of age or

older, or whose place of residence is more than fifteen road miles from the polling place in his precinct, who is present in the county and precinct at any time after the official absent or disabled voter's ballots are printed and available, may vote in like manner as an absent voter.

B. Any elector who makes application for and receives a current absentee ballot shall not vote at the polls on election day, unless he surrenders the current absentee ballot as provided in section 16-894.

Sec. 84. Sec. 16-1109, Arizona Revised Statutes, is amended to read:

16-1109. ABSENTEE ELECTION BOARD

A. The board of supervisors shall appoint one or more absentee election boards to serve at places to be designated by the board of supervisors to canvass and tally absentee ballots.

B. In the selection of absentee boards the board of supervisors shall select members of the boards in accordance with the provisions for selecting members of regular election boards as provided in section 16-771. The absentee board may serve from six o'clock a.m. on election day until they have completed the canvass of all absentee ballots. All absentee ballots received by the county recorder before six o'clock a.m. on election day together with the original application shall be delivered to the absentee board at six o'clock a.m. on election day. In no event shall partial or complete tallies of the absentee board be released or divulged before the polls close on election day.

C. The necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oath and returns, together with envelopes in which to enclose the returns, shall be furnished by the board of supervisors to the absentee board for each election precinct at the expense of the county.

Sec. 85. Title 16, chapter 8, article 1, Arizona Revised Statutes, is amended by adding section 16-1111, to read:

16-1111. PROCEDURE FOR VOTING DISABLED ELECTORS; SPECIAL ELECTION BOARDS; EXPENSES

A. Any person who is unable to go to the polls on the day of holding the next election, because of disability, may request the county recorder to send a ballot to him, at his place of confinement within the county, in person by a special election board as provided in this section.

B. The board of supervisors, for the purpose of making it possible for persons as provided in subsection A to vote, shall

appoint such number of special election boards as needed. Each such board shall consist of two members who shall be members of the two political parties which cast the highest number of votes in the state at the last preceding general election. The county chairman of each of such two political parties shall, within thirty days prior to the election day, furnish the board of supervisors with a list of names of qualified electors within his political party, and such additional lists as the board of supervisors may require, from which the board of supervisors shall appoint members to such election boards. The board of supervisors may refuse for cause to reappoint, or may for cause remove a member of this board.

C. Members of a special election board appointed under the provisions of this section shall be reimbursed for travel expenses at the rate of ten cents per mile and shall also receive such compensation as the board of supervisors prescribes, all of which shall be paid by the county.

D. The manner and procedure of voting shall be as provided in section 16-1106, except that the marked ballot in the sealed envelope shall be handed by the elector to the special election board and shall be delivered by the board to the board of supervisors.

Sec. 86. INVESTIGATION BY LEGISLATIVE COUNCIL

The legislative council shall make a complete investigation of all voting systems authorized under chapter 16 of title 16 and shall report their findings to the thirtieth legislature. The report shall include all findings on whether such systems can be rigged and what protections would be needed to protect against such rigging, as well as cost and operations information.

Sec. 87. REPEAL

Sections 16-152, 16-237, 16-238, 16-239, 16-762, 16-797, 16-944, 16-1007, 16-1305 and 16-1306, Arizona Revised Statutes, are repealed.

Sec. 88. EFFECTIVE DATES

A. The provisions of sections 59, 78, 79, 80, 81, 82 and 83 shall become effective from and after September 9, 1970.

B. The provisions of sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 47, 48, 55, 58, 70 and 77 shall become effective from and after November 4, 1970.

Approved by the Governor—May 18, 1970

Filed in the Office of the Secretary of State—May 18, 1970

2008 Elections

- Home
- Voter Information
- Elections & Results
- Poll Workers
- Candidate & Campaign Finance Info
- FAQs
- Related Links
- Forms
- Contact Us



February 5, 2008 Election Presidential Preference

Important Dates ▼

CANDIDATES

STATEMENT OF VOTES CAST

RESULTS SUMMARY (ALL RACES)

Results by Jurisdiction ▼

March 11, 2008 Election

Important Dates ▼

Voting Information ▲

All Elections are **VOTE BY MAIL**. There will be no Polling Places.

Ballots may be mailed-in or dropped off at either of these two locations, or at the local drop off locations listed to the right of each jurisdiction.

- Drop Box/Yavapai County Administration Bldg., 1015 Fair Street, Prescott
- Drop Box/Yavapai County Recorder, 10 South 6th Street, Cottonwood

Replacement ballots may be obtained by contacting the Yavapai County Voter Registration Office at 771-3248.

City of Sedona- Primary Election

For information regarding election issues, please contact: City Clerk's Office at (928) 282-3113, www.sedonaaz.gov, email CLawson@sedonaaz.gov.

Local Drop-Off Location(s):
City Clerk's Office, 102 Roadrunner Drive, Sedona or Drop Box

ATTENTION VOTERS IN THE CITY OF SEDONA: YAVAPAI COUNTY IS CONDUCTING THIS ELECTION FOR THE CITY OF SEDONA AND WILL BE MAILING BALLOTS TO ALL QUALIFIED ELECTORS RESIDING IN BOTH YAVAPAI AND COCONINO COUNTIES BEGINNING THE WEEK OF FEBRUARY 18, 2008. THIS DOES NOT CHANGE YOUR COUNTY OF REGISTRATION

Mayor – Candidates (Vote for not more than 1)

Adams, Robert
Colquitt, Pud
Turner, Matthew

Council Member (Four-Year Term) – Candidates (Vote for not more than 3)

Bradshaw, John
Chaffee, Suzy
Hamilton, Cliff
Sterling, Marc



Leslie M. Hoffman

Recorder
Elected 2012

[Recorder's Office](#)
[Speaker Request](#)

Primary Business Address

1015 Fair Street
Prescott, AZ 86305
Phone: (928) 771-3244
Fax: (928) 771-3258



Lynn Constabile

Elections Director
Appointed 2004

[About Elections](#)

Primary Business Address

1015 Fair Street
Prescott, AZ 86305
Phone: (928) 771-3250
Fax: (928) 771-3446



Laurin Custis

Registrar of Voters
Appointed 2015

[About Voter Registration](#)

Primary Business Address

1015 Fair Street
Prescott, AZ 86305
Phone: (928) 771-3248
Fax: (928) 771-3446

Surber, Dan		
Proposition 403		
OFFICIAL TITLE: A RESOLUTION PROPOSING AN EXTENSION OF THE ALTERNATIVE EXPENDITURE LIMITATION FOR THE CITY OF SEDONA		
Proposition 404		
OFFICIAL TITLE: A PROPOSITION TO THE CITIZENS OF SEDONA TO FIND OUT WHETHER THE TERM OF MAYOR SHOULD BE MODIFIED FROM A TWO-YEAR TERM TO A FOUR-YEAR TERM		
<p>Town of Clarkdale - Primary Election</p> <table border="0"> <tr> <td>For information regarding election issues, please contact: Town Clerk's Office at 634-9591, www.clarkdale.az.gov, email kathyb@clarkdale.az.us.</td> <td> <p>Local Drop-Off Location(s): Town Clerk's Office, 890 Main Street, Clarkdale - Available Monday thru Friday, 8:00 am - 4:30 pm, Election Day 8:00 am - 7:00 pm</p> </td> </tr> </table>	For information regarding election issues, please contact: Town Clerk's Office at 634-9591, www.clarkdale.az.gov , email kathyb@clarkdale.az.us .	<p>Local Drop-Off Location(s): Town Clerk's Office, 890 Main Street, Clarkdale - Available Monday thru Friday, 8:00 am - 4:30 pm, Election Day 8:00 am - 7:00 pm</p>
For information regarding election issues, please contact: Town Clerk's Office at 634-9591, www.clarkdale.az.gov , email kathyb@clarkdale.az.us .	<p>Local Drop-Off Location(s): Town Clerk's Office, 890 Main Street, Clarkdale - Available Monday thru Friday, 8:00 am - 4:30 pm, Election Day 8:00 am - 7:00 pm</p>	
Mayor – Candidates (Vote for not more than 1)		
Von Gausig, Doug		
Council Member – Candidates (Vote for not more than 2)		
Dehnert, Richard Williams, Patricia		
<p>Town of Dewey-Humboldt - Special Election</p> <table border="0"> <tr> <td>For information regarding election issues, please contact: Town Clerk's Office at 632-7362, www.dewey-humboldt.net, email debbiegifford@cableone.net.</td> <td> <p>Local Drop-Off Location(s): Town Clerk's Office, 2735 S Hwy 69, Humboldt, or Drop Box</p> </td> </tr> </table>	For information regarding election issues, please contact: Town Clerk's Office at 632-7362, www.dewey-humboldt.net , email debbiegifford@cableone.net .	<p>Local Drop-Off Location(s): Town Clerk's Office, 2735 S Hwy 69, Humboldt, or Drop Box</p>
For information regarding election issues, please contact: Town Clerk's Office at 632-7362, www.dewey-humboldt.net , email debbiegifford@cableone.net .	<p>Local Drop-Off Location(s): Town Clerk's Office, 2735 S Hwy 69, Humboldt, or Drop Box</p>	
Council Member Recall – Candidates (Vote for not more than 1)		
Generalli, Mike Marinaccio, Len		
Council Member Recall – Candidates (Vote for not more than 1)		
Nolan, Terry Wright, Nancy		
Proposition 401		
REFERENDUM ORDERED BY PETITION OF THE PEOPLE – To repeal Dewey-Humboldt Ordinance No. 07-32		
Proposition 402		
REFERENDUM ORDERED BY PETITION OF THE PEOPLE – To repeal Dewey-Humboldt Ordinance No. 07-34		

<p>election issues, please contact: Town Clerk's Office at 634-7943, www.azjerome.com, email deputyclerk@tojaz.us.</p>	<p>Town Clerk's Office, 600 Clark Street, Jerome, available Monday thru Thursday, 8:00 am - 5:00 pm, Election Day 8:00 am - 7:00 pm</p>
--	---

Council Member – Candidates (Vote for not more than 5)

Kinsella, Jay
Currier, Lew
Bassett, Anne
Palmieri, Al

Proposition 400

REFERENDUM ORDERED BY PETITION OF THE PEOPLE – To amend Ordinance No. 177, commonly known as the Jerome Zoning Ordinance

RESULTS SUMMARY (ALL RACES)

Results by Jurisdiction ▼

May 20, 2008 Election

Important Dates ▼

Voting Information ▼

RESULTS SUMMARY (ALL RACES)

Results by Jurisdiction ▼

SEDONA RECOUNT

September 2, 2008 Election Primary

Important Dates ▼

OFFICIAL CANDIDATE REPORT

OFFICIAL FEDERAL/STATE CANDIDATES

RESULTS SUMMARY (ALL RACES)

Results by Jurisdiction ▼

STATEMENT OF VOTES CAST

WRITE-IN RESULTS

November 4, 2008 Election General

Important Dates ▼

RESULTS SUMMARY (ALL RACES)

Results by Jurisdiction ▼

STATEMENT OF VOTES CAST

WRITE-IN RESULTS

Results are posted on this website Election Day at approximately 8:00 PM.

For questions concerning your voter registration status, please call Yavapai County Voter Registration at (928) 771-3248 or through the [Yavapai County Switchboard \(toll-free\)](http://Yavapai County Switchboard (toll-free)), or email web.voter.registration@yavapaiaz.gov.

About Us

Email Webmaster

Photo Gallery/Credits

Outlook Web Access Links:
[County Employees](#) | [Court Employees](#)



YAVAPAI COUNTY

★ ★ ★ 2018 ★ ★ ★

VOTER GUIDE

CONNECT WITH THE FACTS AT AZCLEANELECTIONS.GOV

When you cast your vote, you connect with the issues that matter most. Citizens Clean Elections Commission is your source for unbiased voter information, so that in every election, you can take aim on issues that hit home.



SPECIAL ELECTION - All Ballot-by-Mail TUESDAY, MAY 15 - ELECTION DAY

- Monday, April 16 – Last day to register to vote
- Wednesday, April 18 – Early voting begins
- Monday, April 23 – Ballots will be mailed to all registered voters
- Friday, May 4 at 5pm – Last day to request early ballot by mail
- Tuesday, May 15 at 7pm – Last day to vote in person



PRIMARY ELECTION TUESDAY, AUGUST 28 - ELECTION DAY

- Monday, July 30 – Last day to register to vote
- Wednesday, August 1 – Early voting begins
- Friday, August 17 at 5pm – Last day to request early ballot by mail
- Friday, August 24 at 5pm – Last day to vote early in person



GENERAL ELECTION TUESDAY, NOVEMBER 6 - ELECTION DAY

- Tuesday, October 9 – Last day to register to vote
- Wednesday, October 10 – Early voting begins
- Friday, October 26 at 5pm – Last day to request early ballot by mail
- Friday, November 2 at 5pm – Last day to vote early in person

TOOLS YOU CAN USE



AZ CLEAN ELECTIONS MOBILE APP

Easily access polling place locations, candidate information and more using our mobile app.



ID AT THE POLLS QUIZ

Take this short quiz to make sure you have proper identification on Election Day. Visit azcleanelections.gov/idadpolls



FACEBOOK MESSENGER CHATBOT

Get upcoming election information using our new Facebook Messenger chatbot—it's as easy as texting! Visit m.me/azcleanelections



DISTRICT LOCATOR TOOL The voting district you live in determines which candidates will be on your ballot. Quickly find your district using our district locator tool. Visit <https://voter.azsos.gov/VoterView/RegistrantSearch.do>

EARLY VOTING OPTIONS

VOTE EARLY. VOTE EASY. PERMANENT EARLY VOTING LIST

Voters on the Permanent Early Voter List (PEVL) automatically receive an early ballot by mail approximately three weeks before any election in which they are eligible to vote. Sign up using www.servicearizona.com or call (928) 771-3248.

If you no longer wish to receive your ballot-by-mail or to cancel the mailing of early ballots for one or more elections, contact the Recorder's Office at (928) 771-3248. 150

REQUEST AN EARLY BALLOT

Voters who are not on the PEVL may request an early ballot be mailed to them up to 11 days before an election. An early ballot can be requested online, by phone or in writing.

VOTE EARLY IN PERSON

Voters may vote early in person up until the Friday before an election. Early voting is available at the **Yavapai County Recorder's Office 1015 Fair St RM 228, Prescott Monday-Friday 8-5pm.** and **10 S. 6th Street, Cottonwood, Monday-Friday 8-1 & 2-5pm.** Call (928) 771-3248 or visit www.yavapai.us/electionsvr for more information.

WHERE TO VOTE

Vote Centers will be open from 6am-7pm for the Primary and General Elections.

If you are not a Permanent Early Voter, you will receive a sample ballot before each election that lists the conveniently located Vote Centers throughout Yavapai County.

ALL REGISTERED VOTERS CAN VOTE IN THE PRIMARY...HERE'S HOW

THE PRIMARY ELECTION

All registered voters are eligible to vote in the state Primary Election.

VOTERS WHO are affiliated with a recognized political party: **Democrat, Green, Libertarian, or Republican** may only vote that party's ballot.

VOTERS WHO are not affiliated with a recognized political party, **including those registered as Independent**, may choose a **Democrat, Green, or Republican** party ballot to vote.

VOTERS WHO are on the Permanent Early Voting List (PEVL) and are not affiliated with a recognized political party must let the Recorder's Office know which party ballot: **Democrat, Green, or Republican** they want to receive.

You will receive a 90 Day Notice. Please return it with your selection in the envelope provided. If a party ballot choice is not specified, then one will not be mailed.

BECOME A POLL WORKER

Join the team of dependable and proud individuals who help ensure fair and efficient elections. You must be a registered voter. Student Poll Workers must be at least 16 years old. **Call (928) 771-3248** or visit www.yavapai.us/electionsvr



HOW TO REGISTER OR UPDATE YOUR VOTER REGISTRATION

ONLINE

Register to vote or update your existing voter registration online at www.servicearizona.com. You'll need an Arizona Driver License or Identification Card to do so.

PRINT

Print a voter registration form at the Arizona Secretary of State's website: www.azsos.gov/elections

PHONE

To request a voter registration form be mailed to you, call the Recorder's office at **(928) 771-3248**.

You must update your voter registration any time you change your home address, name or political party preference. Election mail is not forwardable. It's important to keep your mailing address current with our office, even if you are only temporarily away.

ELECTED OFFICES ON THE PRIMARY AND GENERAL BALLOTS

FEDERAL OFFICES

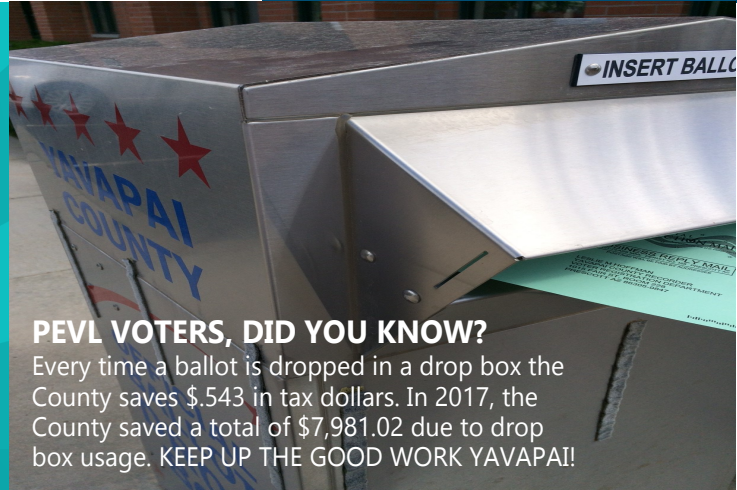
U.S. Senator
U.S. Representative in Congress: Districts 1 & 4

STATE OFFICES

Governor
Secretary of State
Attorney General
Treasurer
Superintendent of Public Instruction
State Mine Inspector
Corporation Commission (2 seats)
State Senator: Districts 1 & 6
State Representative: Districts 1 & 6 (2 seats each)

COUNTY OFFICES

Constable: Bagdad-Yarnell, Mayer, Prescott, Seligman, and Verde Valley
Justice of the Peace: Bagdad-Yarnell, Mayer, Prescott, Seligman, and Verde Valley
Superior Court Judge: Divisions 1, 2, 3, 5 & 6
Clerk of the Superior Court
Special Districts
School Board Elections
Precinct Committeemen



PEVL VOTERS, DID YOU KNOW?

Every time a ballot is dropped in a drop box the County saves \$.543 in tax dollars. In 2017, the County saved a total of \$7,981.02 due to drop box usage. **KEEP UP THE GOOD WORK YAVAPAI!**

OFFICIAL BALLOT DROP BOXES

- ★ Camp Verde Town Hall, 473 S. Main Street
- ★ Camp Verde Yavapai-Apache Nation, 3462 Smith Avenue
- ★ Chino Valley Town Hall, 202 N. State Route 89
- ★ Clarkdale Town Hall, 39 N. 9th Street
- ★ Cottonwood County Admin Building, 10 S. 6th Street
- ★ Dewey-Humboldt Town Hall, 2735 S. Highway 69
- ★ Jerome Town Hall, 600 Clark Street
- ★ Prescott County Admin Building, 1015 Fair Street
- ★ Prescott Valley Town Hall, 7501 E. Civic Circle
- ★ Sedona City Hall, 102 Roadrunner Drive

QUESTIONS?

Phone: **(928) 771-3248**
Email: web.voter.registration@yavapai.us
Online: www.yavapai.us/electionsvr

Leslie Hoffman | Recorder
Karen McCracken | Chief Deputy Recorder
Laurin Custis | Registrar of Voters
Lynn Constabile | Elections Director



**2018 YUMA COUNTY PRIMARY
AND GENERAL
ELECTION VOTE CENTERS**

Voters can choose to vote at any Vote Center location near home, work, or wherever they find themselves on Election Day!

- **Dr. Martin Luther King Jr. Neighborhood Center**
300 S. 13th Avenue
- **Yuma County Health Dept.**
2200 W. 28th Street
- **Yuma Civic Center**
1440 W. Desert Hills Drive
- **Community Christian Church**
6480 E. Highway 95
- **St. John Neumann Catholic Church**
11545 E. 40th Street
- **First Southern Baptist Church of Wellton**
11711 Williams Street (Wellton)
- **Somerton Library**
240 Canal Street (Somerton)
- **Cesar Chavez Cultural Center**
1015 N. Main Street (San Luis)
- **San Luis Library**
1075 N. 6th Avenue (San Luis)



Visit the website

www.yumacountyaz.gov

for up-to-date Vote Center locations

Or voters can drop their Early Ballots at one of the drop-box locations below:

Yuma County Recorder's Office

197 Main Street Yuma, AZ

San Luis Library

1075 N 6th Ave San Luis, AZ

San Luis City Hall

1090 E. Union San Luis, AZ

Somerton City Hall

110 State Ave Somerton, AZ

Somerton Heritage Pool

801 W Main St Ave Somerton, AZ

Robyn Stallworth Pouquette
Yuma County Recorder

•
Paul Melcher
Interim Elections Director

•
Lori Aguilar
Voter Registration Coordinator



→ For Voter Registration or Early Voting Information

**Yuma County Recorder,
Voter Services**
197 S. Main Street
(928) 373-6034

→ For Election Day and/or Vote Center Information

Yuma County Election Services
197 S. Main Street
(928) 373-1014



To check the status of your registration, go to

<https://voter.azsos.gov>



**Election
Information**



Voter Guide

**IMPORTANT DATES
VOTER REGISTRATION
EARLY VOTING
ELECTION DAY VOTING
VOTER I.D.**

*Provided as a courtesy of the
Yuma County Recorder's Office
Si Desea obtener este informe en Espanol por
favor llame al
(928) 373-6034*

2018 IMPORTANT DATES

*Pursuant to State statutes, the last day to register to vote or change your registration is **29 days prior** to Election Day

*Pursuant to State statutes, early voting begins **27 days prior** to Election Day

PRIMARY ELECTION

Tuesday, August 28th

- Last Day to Register to Vote is **Monday, July 30th**
- Early Voting Begins **Wednesday August 1st**
- Request Mailed Ballot by **Friday, August 17th**
- Vote Early in Person by **Friday, August 24th**

GENERAL ELECTION

Tuesday, November 6th

- Last Day to Register to Vote is **Monday, October 8th**
- Early Voting Begins **Wednesday, October 10th**
- Request Mailed Ballot by **Friday, October 26th**
- Vote Early in Person by **Friday, November 2nd**

OFFICES ON THE ELECTION BALLOTS:

- United States Senator
- United States Representative (Dist. 3 & Dist. 4)
- Governor
- State Senator (Dist. 4 and Dist. 13)
- State Representative (Dist. 4 and Dist. 13)
- Secretary of State
- Attorney General
- State Treasurer
- Superintendent of Public Instruction
- State Mine Inspector
- Corporation Commissioner
- Clerk of Superior Court
- Justice of the Peace (Precincts 1, 2, and 3)
- Constable (Precincts 1, 2, and 3)
- Judges of Superior Court (Div 2, 3, 5 and 6)
- City of Somerton Mayor and Council
- City of San Luis Mayor and Council
- Town of Wellton Mayor and Council
- Special Taxing District Governing Boards (General)
- School District Governing Boards (General)
- Yuma /La Paz Community College District Governing Board (General)



EARLY VOTING

PERMANENT EARLY VOTING LIST

To request to be included on the “Permanent Early Voting List”, submit either a preprinted form or a statement stating the request, which must include:

- ✓ Voter’s Name
- ✓ Residence Address
- ✓ Mailing Address (within AZ)
- ✓ Date of Birth
- ✓ Signature

The form can be printed from our website at www.yumacountyaz.gov
(Government / Recorder / Voter Information)

REQUESTING AN EARLY BALLOT

Voters who are not on the Permanent Early voting list may request an early ballot be mailed to them up to 11 days before an election. An early ballot request is automatically mailed to each eligible approximately 60 days prior to an election. An early ballot can be requested by phone, in writing, or online at www.yumacountyaz.gov.

VOTE EARLY IN-PERSON

Voters can vote early in-person using an electronic voting machine or paper ballot Monday through Friday from 8 a.m. to 5:00 p.m. (through the Friday preceding Election Day) at the Recorder’s Office.

Yuma County Recorder’s Office

Voter Registration Division
197 S. Main Street
Yuma, Arizona 85364
(928) 373-6034 / (928) 373-6020

To check the status of your registration, go to

<https://voter.azsos.gov> 153

I.D. AT THE POLLS

VOTER IDENTIFICATION IS REQUIRED

ID *MUST* reasonably match the Poll Book

List #1 ~ ONE REQUIRED

-Photo identification with name and address-

Acceptable forms of identification with photograph, name, and address of the elector:

- Valid Arizona driver’s license
- Valid Arizona non-operating identification card
- Tribal enrollment card or other form of tribal identification
- U.S. Federal, State, or Local Government issued identification

OR

List 2 ~ TWO REQUIRED

-Non-Photo identification (name and address)-

Acceptable forms of identification without a photo that bears the name and address of the elector:

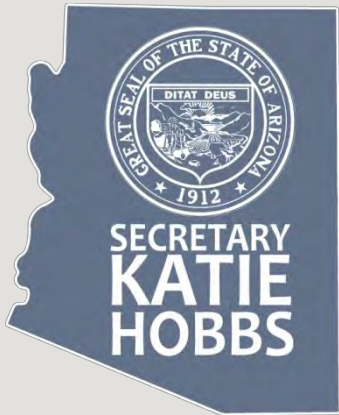
- Utility bill of the elector that is dated within ninety days of the date of election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television
- Bank or credit union statement that is dated within ninety days of election
- Valid Arizona vehicle registration or vehicle insurance card
- Indian census card, Tribal enrollment card or other form or tribal identification
- Property tax statement
- Recorder’s certificate or voter registration card
- U.S. Federal, State or Local Government issued identification
- Any “Official Election Material” mailing bearing the voter’s name and address

OR

List 3 ~ TWO REQUIRED

-Mix and Match from List 1 and List 2-

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



STATE OF ARIZONA

2019 ELECTIONS PROCEDURES MANUAL

December 2019

www.azsos.gov



1700 W. Washington St. Phoenix, AZ 85007



1-877-THE-VOTE (843-8683)



ARIZONA ELECTIONS PROCEDURES MANUAL

A PUBLICATION OF
THE ARIZONA SECRETARY OF STATE'S OFFICE
ELECTIONS SERVICES DIVISION

INTRODUCTION FROM SECRETARY OF STATE KATIE HOBBS

December 2019

I am pleased to provide the 2019 Elections Procedures Manual to county, city, and town election officials and other stakeholders throughout Arizona. Completing a long overdue update to the Elections Procedures Manual has been one of my Administration's highest priorities since transitioning into office in January 2019. To accomplish this, we worked in close partnership with County Recorders, Elections Directors, and their staff, and carefully considered feedback from other stakeholders and the public. With their invaluable contributions, we believe the 2019 Elections Procedures Manual will help ensure the maximum degree of correctness, impartiality, uniformity, and efficiency in election procedures across the state.

Secure, accurate, and accessible elections are at the heart of our democracy and they would not be possible without the continued dedication and vigilance of election workers across the State. Thank you for all that you do for Arizona's voters.

Sincerely,



Katie Hobbs
Arizona Secretary of State



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

December 20, 2019

The Honorable Katie Hobbs
Arizona Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

My office has reviewed the 2019 version of the Arizona Secretary of State Election Procedures Manual (2019 Procedures Manual) that you submitted for approval on December 18, 2019.

Based upon review and approval submitted on December 19, 2019 by the Attorney General's Office that the 2019 Procedures Manual complies with the Arizona election laws, and my office's review, I hereby approve the 2019 Procedures Manual in accordance with A.R.S. § 16-452(B).

Sincerely,

Douglas A. Ducey
Governor
State of Arizona



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

December 19, 2019

The Honorable Katie Hobbs
Arizona Secretary of State
1700 E. Washington Street
Phoenix, Arizona 85007

Re: Approval of the 2019 Elections Procedures Manual

Secretary Hobbs:

Pursuant to A.R.S. § 16-452(B), my office has reviewed the draft Elections Procedures Manual submitted December 18, 2019. Based upon that review, we believe the submitted manual complies with Arizona's election statutes. Accordingly, I approve the Elections Procedures Manual as submitted on December 18, 2019.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is stylized and extends across the width of the page.

Mark Brnovich
Attorney General
State of Arizona

cc: Governor Doug Ducey

3. Required Instructions to Voters

A County Recorder must supply printed instructions that:

1. Direct voters to sign the voter affidavit, mark the ballot, and return the voted ballot in the enclosed return envelope;
2. Include a website address where the following information will be posted: (1) official locations where early ballots may be deposited; and (2) official write-in candidates and withdrawn candidates for all jurisdictions on the ballot, [A.R.S. § 16-343\(G\)](#); and (2);
3. Inform voters that no votes will be counted for a particular office if they overvote (vote for more candidates than permitted) and therefore the voter should contact the County Recorder to request a new ballot in the event of an overvote;
4. Recommend that voters mail a ballot-by-mail at least six calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day;
5. Informs voters regarding the appropriate marking devices to be used when marking the ballot; and
6. Include the following language:
 - In order to be valid and counted, the ballot and affidavit must be delivered to the County Recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on Election Day; and
 - WARNING - It is a felony to offer or receive any compensation for a ballot.

[A.R.S. § 16-547\(C\)](#). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).

A County Recorder in a covered jurisdiction, as designated by the Census Bureau in the current Federal Register publication, must provide these instructions in English and any additional written language(s) required under the federal Voting Rights Act. See [Chapter 8, Section VI](#).

D. Mailing Ballots-by-Mail

1. Methods of Transmitting Ballots-by-Mail

A ballot-by-mail must be mailed to voters by first-class, non-forwardable mail. The ballot-by-mail must be accompanied by an early ballot affidavit, instructions to voters, and a postage-prepaid return envelope.

UOCAVA ballots may be transmitted by mail, fax, email, or other secure method of online transmittal, in accordance with the delivery method selected by the voter on the FPCA. UOCAVA mailing requirements apply to all elections, not just federal elections. [A.R.S. § 16-543\(A\)](#).

2. Time Period for Mailing Ballots-by-Mail

Voters who make a ballot-by-mail request at least 27 days before the election are entitled to be mailed a ballot-by-mail between 27 and 24 days before the election. [A.R.S. § 16-542\(C\)](#); [A.R.S. § 16-545\(B\)\(1\)](#); [A.R.S. § 16-544\(F\)](#).¹⁷

Voters who make a ballot-by-mail request between 26 and 11 days before the election are entitled to be sent a ballot-by-mail within two business days of the request. [A.R.S. § 16-542\(D\)-\(E\)](#).

Requests for a ballot-by-mail made 10 days or less before the election are untimely. [A.R.S. § 16-542\(E\)](#) (requiring requests be made by 5:00 p.m. on the 11th day before the election).

3. Special Time Period for Transmitting UOCAVA Ballots

If a UOCAVA voter registers to vote with an FPCA at least 48 days before an election, a County Recorder must transmit a ballot-by-mail to the voter at least 45 days before the election. [A.R.S. § 16-543\(A\)](#); [52 U.S.C. § 20302\(a\)\(8\)](#).

A UOCAVA voter who registers to vote using an FWAB pursuant to [A.R.S. § 16-543.02\(D\)](#) must simultaneously write-in their vote choices for federal candidates. However, if a County Recorder receives an FWAB sufficiently in advance of the election, the County Recorder should transmit a ballot-by-mail to the registrant and, if the FWAB received is not the version revised in 2017 or later that contains all the same information as the FPCA, should include an FPCA. If the voter returns the voted ballot-by-mail (and includes a completed FPCA if necessary), the County Recorder should void out the FWAB. FWABs from UOCAVA voters are held until 7:00 p.m. on Election Day if the voter was sent a ballot-by-mail and, if the ballot-by-mail was voted and returned, the FWAB is disqualified and the voted ballot-by-mail is transmitted to the officer in charge of elections for tabulation.

If a UOCAVA voter registers less than 48 days before the election, a County Recorder must transmit the ballot-by-mail within one business day of receipt of the registration. [A.R.S. § 16-543\(A\)](#); [A.R.S. § 16-542\(D\)](#). Requests made within 48 hours of Election Day should be further expedited to the extent possible.

a. Effect of Incomplete FPCA Registration

If a UOCAVA voter submits an incomplete FPCA (or attempts to register to vote using a registration form other than an FPCA or FWAB containing all same information as an FPCA) within 48 days of the election, the County Recorder must transmit a blank FPCA along with a ballot-by-mail to the voter within one business day of receipt. [A.R.S. § 16-543\(A\)](#). If the voter

¹⁷ [A.R.S. § 16-542\(C\)](#) allows early ballots to be mailed as late as 24 days before the election, but also requires ballots be mailed “within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545.” In the event a County Recorder cannot mail early ballots within five days of receipt, a County Recorder remains in compliance with [A.R.S. § 16-542\(C\)](#) if early ballots are mailed no later than the 24th day before the election.

does not return a new completed FPCA by 7:00 p.m. on Election Day, any voted ballot-by-mail from that voter will not count.

b. Waiver of UOCAVA 45-Day Transmittal Deadline

In exceptional circumstances, the Secretary of State has authority to seek a waiver of the 45-day UOCAVA ballot transmission deadline from the U.S. Department of Defense as a result of undue hardship.¹⁸ For example, an “undue hardship” may be found if:

- A county has suffered a delay in generating ballots due to a legal contest;
- Arizona’s primary election date prohibits counties from meeting the 45-day mailing requirement; or
- The Arizona Constitution prohibits counties from complying with the 45-day mailing requirement.

[52 U.S.C. § 20302\(g\)\(2\)\(B\)](#). If a county experiences (or believes it will experience) an undue hardship, the County Recorder or other officer in charge of elections must contact the Secretary of State as soon as possible and provide sufficient information to enable the Secretary of State to make a timely waiver request.

The Secretary of State’s waiver request must include:

- An explanation of the undue hardship;
- A recognition that the original purpose of the 45-day mailing requirement was to allow UOCAVA voters to have enough time to vote in a federal election;
- The number of days prior to the election that Arizona law requires ballots-by-mail to be transmitted to UOCAVA voters, [A.R.S. § 16-543\(A\)](#) (45 days);
- The State’s plan to ensure that UOCAVA voters are able to receive and return their ballot-by-mail in time to be counted for the election. This includes the specific steps the county or counties will take, why the plan will give UOCAVA voters enough time to vote, and factual information explaining how the plan gives sufficient time for this to occur.¹⁹

The Secretary of State is generally required to submit a waiver request at least 90 days before the election, which the Department of Defense must act upon within 25 days. [52 U.S.C. § 20302\(g\)\(3\)\(A\)](#). If the undue hardship results from a legal contest, however, the Secretary of State must submit the waiver request as soon as practicable, which the Department of Defense must act upon within five business days. [52 U.S.C. § 20302\(g\)\(3\)\(B\)](#).

¹⁸ [52 U.S.C. § 20302\(g\)](#); <https://www.fvap.gov/eo/waivers>. The Under Secretary of Defense for Personnel & Readiness is the Presidential designee charged with evaluating such requests. See [Executive Order 12642](#), available at <https://www.archives.gov/federal-register/codification/executive-order/12642.html>; Department of Defense Instruction 1000.04, Federal Voting Assistance Program (FVAP), available at <https://www.fvap.gov/uploads/FVAP/Policies/dodi1000.04.pdf>.

¹⁹ [52 U.S.C. § 20302\(g\)\(1\)](#); see also https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf.

E. Issuing Replacement Ballots-by-Mail

A County Recorder may issue replacement ballots-by-mail to a voter upon request and may limit the total number of ballots-by-mail to three per voter per election. The County Recorder should keep a record of each replacement ballot issued. See [A.R.S. § 16-558.02](#). The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. Only the first ballot received and verified shall be counted.

F. Emergency UOCAVA Early Balloting Procedures

In the event of a national or local emergency that makes substantial compliance with the UOCAVA statute impracticable, including occurrences of natural disasters, armed conflict, or mobilization of the National Guard or military reserve units of this State, the following procedures for the early balloting process shall apply for UOCAVA voters:

- The Secretary of State will issue a press statement for immediate release, posted on the Secretary of State’s website and official social media accounts, and distributed as broadly and immediately as practicable to national and local wire services, to radio and television broadcast stations within the state, and to daily newspapers of general circulation in the state, outlining applicable measures that will be taken to continue or lengthen the early voting process for UOCAVA voters.
- The Secretary of State will prepare and distribute written public service announcements describing these early voting procedures for broadcast on radio and television networks, including but not limited to the U.S. Armed Forces Network and Federal Voting Assistance Program, and announcements describing these procedures on internet sites of interest to military and non-military U.S. citizens living abroad.
- The Secretary of State will direct the County Recorders and officers in charge of elections to make all reasonable efforts to locate each eligible UOCAVA voter in their jurisdiction and to notify such voter individually, by email, telephone, and/or fax, of the modified early voting process including the alternatives for issuing or returning early ballots faster than traditional mail service.

Should such an event cause insufficient time to receive, execute, and return a ballot, the deadline for the receipt of the early ballots mailed, emailed, or faxed back to the County Recorder will be 5:00 p.m. on the third business day after the election.

[A.R.S. § 16-543\(C\)](#).

G. Reporting UOCAVA Transmission Statistics

Each County Recorder must timely confirm UOCAVA compliance to the Secretary of State, which

must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to A.R.S. § 16-153 or who are enrolled in the Address Confidentiality Program.

The Secretary of State must consolidate the county reports and report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

H. Deadline to Return Ballots-by-Mail

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any voting location in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail return deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official, unless the UOCAVA return deadline is extended pursuant to emergency procedures as outlines in [Chapter 2, Section I\(F\)](#).

I. Ballot Drop-Off Locations and Drop-Boxes

Counties or municipalities that establish one or more ballot drop-off locations or drop-boxes shall develop and implement procedures to ensure the security of the drop-off location and/or drop-boxes and shall comply with the following requirements.

1. A ballot drop-off location or drop-box shall be located in a secure location, such as inside or in front of a federal, state, local, or tribal government building. All ballot drop-off locations and drop-boxes shall be approved by the Board of Supervisors (or designee).
 - a. An unstaffed drop-box (*i.e.*, not within the view and monitoring of an employee or designee of the County Recorder or officer in charge of elections) placed outdoors shall be securely fastened in a manner to prevent moving or tampering (for example, securing the drop-box to concrete or an immovable object).
 - b. An unstaffed drop-box placed inside a building shall be secured in a manner that will prevent unauthorized removal.
 - c. While a staffed drop-off location or drop-box (*i.e.*, within the view and monitoring of an employee or designee of the County Recorder or officer in

charge of elections) need not be securely fastened or locked to a permanent fixture, it must be securely located inside a government building and monitored by a properly trained employee or designee of the County Recorder or officer in charge of elections at all times that the location or drop-box is accessible by the public.

2. The County Recorder or officer in charge of elections shall publicly post a listing of designated drop-off locations and drop-boxes on the website of the County Recorder or officer in charge of elections. Where practicable, the County Recorder or officer in charge of elections shall also post a listing of drop-off locations and drop-boxes anywhere that polling places and vote centers are posted.
3. All drop-boxes shall be clearly and visibly marked as an official ballot drop-box and secured by a lock and/or sealable with a tamper-evident seal. Only an election official or designated ballot retriever shall have access to the keys and/or combination of the lock to remove the deposited ballots.
4. All drop-boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow deposited ballots to be removed through the opening slot.
5. Ballot drop-off locations and drop-boxes shall be locked and covered or otherwise made unavailable to the public until the 27th day prior to an election to ensure that no ballots or any other materials may be deposited before the early voting period begins. Prior to use on the 27th day before the election, all drop-boxes shall be inspected for damage and to ensure they are empty.
6. All drop-boxes shall be locked and covered or otherwise made unavailable after the polls have closed on Election Day to ensure that no ballots may be dropped off after the close of the polls.
7. The County Recorder or officer in charge of elections shall develop and implement secure ballot retrieval and chain of custody procedures, which shall include the following:
 - a. Voted ballots shall be retrieved from ballot drop-off locations and/or drop-boxes on a pre-established schedule. Ballot retrieval shall be more frequent as Election Day approaches.
 - b. For any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box. For a nonpartisan election, at least two designated ballot retrievers shall be assigned to retrieve voted ballots from a ballot drop-off location or drop-box.
 - c. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever and/or employee of the County Recorder or officer in charge of elections.
 - d. Upon arrival at a drop-off location or drop-box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the County Recorder or

- officer in charge of elections, the location and/or unique identification number of the location or drop-box and the date and time of arrival.
- e. The designated ballot retrievers shall retrieve the voted ballots by either placing the voted ballots in a secure ballot transfer container, retrieving the secure ballot container from inside the drop-box, or retrieving the staffed drop-box which also serves as a secure ballot container. If the drop-box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop-box. The time of departure from the drop-off location or drop-box shall be noted on the retrieval form.
 - f. Upon arrival at the office of the County Recorder or officer in charge of elections, central counting place, or other receiving site, the designated ballot retrievers shall note the time of arrival on the retrieval form. The County Recorder or officer in charge of elections (or designee) shall inspect the secure ballot container for evidence of tampering and shall confirm receipt of the retrieved ballots by signing the retrieval form and indicating the date and time of receipt. If there is any evidence of tampering, that fact shall be noted on the retrieval form.
 - g. The completed retrieval form shall be attached to the outside of the secure ballot container or otherwise maintained in a matter prescribed by the County Recorder or officer in charge of elections that ensures the form is traceable to its respective secure ballot container.
 - h. When the secure ballot container is opened by the County Recorder or officer in charge elections (or designee), the number of ballots inside the container shall be counted and noted on the retrieval form.

Ballots retrieved from a ballot drop-off location or drop-box shall be processed in the same manner as ballots-by-mail personally delivered to the County Recorder or officer in charge of elections, dropped off at a voting location, or received via the United States Postal Service or any other mail delivery service, *see* [Chapter 2, Section VI](#).

J. Reporting Ballot-by-Mail Requests and Returns

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;
- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
 - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;

- Weekly information in all other counties must be provided beginning on the Friday after early voting commences and ending on the Friday before the election.

[A.R.S. § 16-168\(D\)](#).

Ballot-by-mail request and return reports should conform to the format established for precinct lists as nearly as practicable (*see* [Chapter 1, Section X\(A\)\(1\)](#)) and should contain the following minimum information:

1. Registrant's name;
2. Voter registration/ID number;
3. Residential address;
4. Mailing address (if different from residential address);
5. Political party;
6. Whether PEVL or one-time request (ballot-by-mail request reports only); and
7. Date of request, for one-time requests (ballot-by-mail request reports only).

The first ballot-by-mail request report should contain all PEVL registrants and registrants who made a one-time ballot-by-mail request up to the time of the report. Subsequent ballot-by-mail request reports should include new one-time ballot-by-mail requests that have been made since the last report.

II. ON-SITE EARLY VOTING

A County Recorder shall establish on-site early voting at the County Recorder's office during the early voting period. A County Recorder may also establish additional in-person early voting locations throughout the county as practicable to ensure that all voters may reasonably access at least one early voting location. [A.R.S. § 16-246\(C\)](#); [A.R.S. § 16-542\(A\)](#).

A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but only the first ballot received and verified by the County Recorder shall be counted.

An elector who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election and presents valid identification must be given a ballot and permitted to vote at the on-site early voting location. [A.R.S. § 16-542\(E\)](#).

A. Posting Notice of Write-In and Withdrawn Candidates

A County Recorder must post a Notice of Write-In and Withdrawn Candidates at each on-site early voting location. [A.R.S. § 16-312\(E\)](#); [A.R.S. § 16-343\(G\)](#).

party preferences). If the early ballot boards retire and reconvene, all materials shall be secured under the control of the Board of Supervisors or officer in charge of elections until the time for the boards to reconvene.

1. Early Ballot Report Log

The early ballot board shall maintain an early ballot report log that includes the following information for each batch of early ballots:

1. Batch ID;
2. Number of ballots to process/processed;
3. Number of ballots rejected and the reason(s) for the rejection (as applicable);
4. Number of ballots sent to duplication;
5. Number of ballots sent to tabulation;
6. Board members' initials; and
7. Board ID.

2. Affidavit Verification

Upon receipt of early ballots that have been batched and signature-verified by the County Recorder or other officer in charge of elections, the early ballot board shall:

- Verify that the affidavit envelope reflects the current election code; and
- Verify that the voter on the affidavit envelope appears on the batch report list received from the County Recorder.

The vote shall be counted if the County Recorder determined that the affidavit is sufficient and the registrant is a qualified elector of the voting precinct. The vote shall not be counted if the County Recorder determined that the affidavit is insufficient, or the registrant is not a qualified elector of the voting precinct.

3. Accepted Early Ballots

If the early ballot was accepted, the early ballot board shall:

1. Verify that all affidavit envelopes are of the batch being processed (and set aside any ballots from a different batch to be joined/processed with the proper batch);
2. Enter the total on the early ballot report;
3. Open each accepted affidavit envelope, being careful not to damage the ballot or the affidavit printed on the envelope;
4. Remove the ballot and check to ensure that the ballot is for the current election as shown on the affidavit envelope;

5. Place the voted ballot in the designated stack and count the ballots;
6. Place the empty affidavit envelope in the designated stack;
7. Repeat the process until all valid ballots are opened and placed in their appropriate stacks;
and
8. Fill out the ballot transmittal slip and send ballots to tabulation.

4. Damaged Early Ballots

If damaged ballots are found, they should be segregated from the batch and placed with any other ballots to be duplicated from the batch. The early ballot board must include each damaged ballot on a transmittal slip.

5. Transmittal Slips for Tabulation or Duplication

Each batch of ballots sent to the central counting place and Ballot Duplication Boards shall be accompanied by a completed transmittal slip with the following information:

1. Date item is originally processed;
2. Where ballots are sent **To:** (central counting place, Ballot Duplication Board, etc.);
3. Where ballots are sent **From:** (early voting, Ballot Duplication Board, etc.);
4. Ballot color and party (if applicable);
5. Total number of ballots sent;
6. Board ID;
7. Initials of board members; and
8. Batch/sub-batch numbers.

If a ballot was transmitted by facsimile to a UOCAVA voter and the voted ballot was returned by facsimile, the ballot should be sent to the Ballot Duplication Board to be duplicated in the method prescribed under Ballot Duplication Board instructions. See [Chapter 10, Section II\(D\)](#).

6. Close Out

The early ballot board will close out each batch as follows:

1. Calculate a cumulative total of the number of:
 - a. Affidavit envelopes received;
 - b. Ballots sent to the Ballot Duplication Boards;
 - c. Ballots rejected; and
 - d. Ballots sent to the central counting place;
2. Verify and audit these numbers against each applicable item (*i.e.*, the total number of

**[J-18A-2022, J-18B-2022, J-18C-2022, J-18D-2022 and J-18E-2022]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

DOUG MCLINKO, : No. 14 MAP 2022
: :
Appellee : :
: :
: :

v. :
: :
: :

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF STATE; AND LEIGH M. :
CHAPMAN, IN HER OFFICIAL CAPACITY :
AS ACTING SECRETARY OF THE :
COMMONWEALTH OF PENNSYLVANIA, :
: :
Appellants : :

TIMOTHY R. BONNER, P. MICHAEL : No. 15 MAP 2022
JONES, DAVID H. ZIMMERMAN, BARRY J. :
JOZWIAK, KATHY L. RAPP, DAVID :
MALONEY, BARBARA GLEIM, ROBERT :
BROOKS, AARON J. BERNSTINE, :
TIMOTHY F. TWARDZIK, DAWN W. :
KEEFER, DAN MOUL, FRANCIS X. RYAN, :
AND DONALD "BUD" COOK, :
: :
Appellees : :
: :
: :

v. :
: :
: :

LEIGH M. CHAPMAN, IN HER OFFICIAL :
CAPACITY AS ACTING SECRETARY OF :
THE COMMONWEALTH OF :
PENNSYLVANIA, AND COMMONWEALTH :
OF PENNSYLVANIA, DEPARTMENT OF :
STATE, :
: :
Appellants : :

DOUG MCLINKO : No. 17 MAP 2022

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF STATE; AND LEIGH M.
CHAPMAN, IN HER OFFICIAL CAPACITY
AS ACTING SECRETARY OF THE
COMMONWEALTH OF PENNSYLVANIA
CROSS

APPEAL OF: YORK COUNTY
REPUBLICAN COMMITTEE,
WASHINGTON COUNTY REPUBLICAN
COMMITTEE, BUTLER COUNTY
REPUBLICAN COMMITTEE

TIMOTHY R. BONNER, P. MICHAEL
JONES, DAVID H. ZIMMERMAN, BARRY J.
JOZWIAK, KATHY L. RAPP, DAVID
MALONEY, BARBARA GLEIM, ROBERT
BROOKS, AARON J. BERNSTINE,
TIMOTHY F. TWARDZIK, DAWN W.
KEEFER, DAN MOUL, FRANCIS X. RYAN,
AND DONALD "BUD" COOK

No. 18 MAP 2022

v.

LEIGH M. CHAPMAN, IN HER OFFICIAL
CAPACITY AS ACTING SECRETARY OF
THE COMMONWEALTH OF
PENNSYLVANIA, AND COMMONWEALTH
OF PENNSYLVANIA, DEPARTMENT OF
STATE CROSS

APPEAL OF: YORK COUNTY
REPUBLICAN COMMITTEE,
WASHINGTON COUNTY REPUBLICAN
COMMITTEE, BUTLER COUNTY
REPUBLICAN COMMITTEE

TIMOTHY R. BONNER, P. MICHAEL : No. 19 MAP 2022
JONES, DAVID H. ZIMMERMAN, BARRY J. :
JOZWIAK, KATHY L. RAPP, DAVID :
MALONEY, BARBARA GLEIM, ROBERT :
BROOKS, AARON J. BERNSTINE, :
TIMOTHY F. TWARDZIK, DAWN W. :
KEEFER, DAN MOUL, FRANCIS X. RYAN, :
AND DONALD "BUD" COOK, CROSS :

Appellants

v.

LEIGH M. CHAPMAN, IN HER OFFICIAL :
CAPACITY AS ACTING SECRETARY OF :
THE COMMONWEALTH OF :
PENNSYLVANIA, AND COMMONWEALTH :
OF PENNSYLVANIA, DEPARTMENT OF :
STATE, :

Appellees

ORDER

PER CURIAM

AND NOW, this 1st day of March, 2022, the order of the Commonwealth Court dated February 16, 2022 granting the Application to Terminate (Eliminate) Automatic Stay is hereby **VACATED**. The Emergency Application to Reinstate Automatic Supersedeas as Pursuant to Rule 1736 is hereby **GRANTED** and the automatic supersedeas shall remain in effect pending further order of this Court.