

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HOUSE BILL 2106

AN ACT

AMENDING SECTIONS 16-242, 16-245, 16-246 AND 16-312, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-544; RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-242, Arizona Revised Statutes, is amended to  
3 read:

4 16-242. Qualifications for ballot; nomination paper

5 A. A person seeking nomination as a candidate for the office of  
6 president of the United States shall sign and cause to be filed with the  
7 secretary of state a nomination paper that contains the following  
8 information:

9 1. The name, residence address and mailing address of the candidate.

10 2. The name of the recognized political party from which the person  
11 seeks nomination.

12 3. The name and address of the chairman of the candidate's state  
13 committee.

14 4. The exact manner for printing the candidate's name on the  
15 presidential preference ballot pursuant to section 16-311.

16 B. The nomination paper shall be filed not less than ~~forty~~ FIFTY days  
17 nor more than seventy days before the presidential preference election and  
18 not later than 5:00 p.m. on the last day for filing.

19 C. Section 16-351 does not apply to a nomination paper filed pursuant  
20 to this section.

21 D. Within seventy-two hours after the close of filing the secretary of  
22 state shall certify to the officer in charge of elections the names of the  
23 candidates who are qualified for the presidential preference election ballot.

24 Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to read:

25 16-245. Form and content of ballot

26 A. Ballots and ballot labels for the presidential preference election  
27 shall be printed on different colored paper or white paper with a different  
28 colored stripe for each party represented on the presidential preference  
29 election ballot. Only one party may be represented on each ballot. At the  
30 top ~~and above the heading shall be a stub separated from the ballot by a~~  
31 ~~perforated line on which is printed "stub no. \_\_\_\_\_ to be torn off by an~~  
32 ~~elections official". Above the perforated line shall be printed "official~~  
33 ballot of the \_\_\_\_\_ party, presidential preference election (date),  
34 county of \_\_\_\_\_, state of Arizona".

35 B. The order of the names of certified candidates on the ballot shall  
36 be determined by lots drawn at a public meeting called by the secretary of  
37 state for that purpose. Rotation of candidate names is prohibited. The  
38 certified candidates shall be listed under the title "\_\_\_\_\_ party  
39 candidates for president of the United States". Immediately below shall be  
40 printed "vote for not more than one". The ballot may also contain printed  
41 instructions to voters as prescribed for other elections.

42 C. The officer in charge of elections shall provide a sample ballot  
43 proof to the state committee chairman of each qualified candidate's state  
44 committee no later than five days after receipt of the certification from the  
45 secretary of state.

1 D. The officer in charge of elections shall mail one sample ballot of  
2 each party represented on the presidential preference election ballot to each  
3 household that contains a registered voter of that political party. The  
4 return address on the sample ballot mailer shall not contain the name of any  
5 elected or appointed official, and the name of an appointed or elected  
6 official shall not be used to indicate who produced the sample ballot.

7 E. The mailing face of each sample ballot shall be imprinted with the  
8 great seal of the state of Arizona with the words "official voting  
9 materials---presidential preference election". The polling place for that  
10 household may also be designated on the mailing face of the sample ballot.

11 Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to read:  
12 16-246. Early balloting; satellite locations; additional  
13 procedures

14 A. Within ninety days preceding the Saturday before the presidential  
15 preference election and not later than 5:00 p.m. on the ~~Friday preceding the~~  
16 ~~election~~ ELEVENTH DAY PRECEDING THE ELECTION, any elector who is eligible to  
17 vote in the presidential preference election may make a verbal or signed,  
18 written request for an official early ballot to the county recorder or other  
19 officer in charge of elections for the county in which the elector is  
20 registered to vote. If the request is verbal, the requesting elector shall  
21 provide the date of birth and birthplace or other information that if  
22 compared to the voter registration records for that elector would confirm the  
23 identity of the elector.

24 B. Absent uniformed services voters or overseas voters who are  
25 otherwise eligible to vote in the election may vote as prescribed by sections  
26 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as  
27 prescribed by section 16-543.01 shall be a list of all candidates who have  
28 qualified for the presidential preference ballot by the ~~thirty-sixth~~  
29 ~~FORTY-SIXTH~~ day before the presidential preference election.

30 C. The county recorder ~~OR OTHER OFFICER IN CHARGE OF ELECTIONS~~ may  
31 establish on-site early voting locations at the office of the county recorder  
32 or at other locations in the county deemed necessary or appropriate by the  
33 recorder. Early voting shall begin ~~fifteen days before the presidential~~  
34 ~~preference election and shall end on the Friday before the presidential~~  
35 ~~preference election~~ WITHIN THE TIME LIMITS PRESCRIBED IN SECTION 16-542  
36 UNLESS OTHERWISE PRESCRIBED BY THIS SECTION.

37 D. The county recorder ~~OR OTHER OFFICER IN CHARGE OF ELECTIONS~~ shall  
38 send by ~~first class mail with the endorsement "do not forward -- address~~  
39 ~~correction requested"~~ NONFORWARDABLE MAIL THAT IS MARKED WITH THE STATEMENT  
40 REQUIRED BY THE POSTMASTER TO RECEIVE AN ADDRESS CORRECTION NOTIFICATION any  
41 early ballots that are requested pursuant to subsections A and B of this  
42 section and shall include a preaddressed envelope for the elector to return  
43 the completed ballot.

44 E. The county recorder ~~OR OTHER OFFICER IN CHARGE OF ELECTIONS~~ shall  
45 provide to each election board an appropriate alphabetized list of voters who

1 have requested and have been sent an early ballot. Any person who is on that  
2 list of voters and who was sent an early ballot shall not vote at the polling  
3 place for that election precinct except as prescribed by section 16-579,  
4 subsection C.

5 F. The county recorder **OR OTHER OFFICER IN CHARGE OF ELECTIONS** may  
6 provide for any of the following in the same manner prescribed by law for  
7 other elections:

8 1. Special election boards.

9 2. Emergency balloting for persons who experience an emergency after  
10 5:00 p.m. on the Friday preceding the presidential preference election and  
11 before 5:00 p.m. on the Monday immediately preceding the presidential  
12 preference election.

13 G. Sections 16-550, 16-551 and 16-552 govern the use of early  
14 balloting for the presidential preference election.

15 Sec. 4. Section 16-312, Arizona Revised Statutes, is amended to read:

16 **16-312. Filing of nomination papers for write-in candidates**

17 A. ~~Except for an election that has been canceled,~~ Any person desiring  
18 to become a write-in candidate for an elective office in any election shall  
19 file a nomination paper, signed by the candidate, giving the person's actual  
20 residence address or description of place of residence and post office  
21 address, age, length of residence in the state and date of birth.

22 B. A write-in candidate shall file the nomination paper ~~no~~ NOT later  
23 than 5:00 p.m. on the fortieth day prior to the election, except that:

24 1. A candidate running as a write-in candidate as provided in section  
25 16-343, subsection D shall file the nomination paper ~~no~~ NOT later than 5:00  
26 p.m. on the fifth day before the election.

27 2. **A CANDIDATE RUNNING AS A WRITE-IN CANDIDATE FOR AN ELECTION THAT  
28 MAY BE CANCELED PURSUANT TO SECTIONS 15-424, 16-822, 48-802, 48-1012,  
29 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 OR 48-2208 SHALL FILE THE  
30 NOMINATION PAPER NOT LATER THAN 5:00 P.M. ON THE SEVENTY-SIXTH DAY BEFORE THE  
31 ELECTION.**

32 C. The write-in filing procedure shall be in the same manner as  
33 prescribed in section 16-311. Any person who does not file a timely  
34 nomination paper shall not be counted in the tally of ballots. The filing  
35 officer shall not accept the nomination paper of a candidate for state or  
36 local office unless the candidate provides or has provided both of the  
37 following:

38 1. A political committee statement of organization or the five hundred  
39 dollar threshold exemption statement for that office.

40 2. The financial disclosure statement as prescribed for candidates for  
41 that office.

42 ~~C.~~ D. The secretary of state shall notify the various boards of  
43 supervisors as to write-in candidates filing with the secretary of state's  
44 office. The county school superintendent shall notify the appropriate board  
45 of supervisors as to write-in candidates filing with the superintendent's

1 office. The board of supervisors shall notify the appropriate election board  
2 inspector of all candidates who have properly filed such statements. In the  
3 case of a city or town election, the city or town clerk shall notify the  
4 appropriate election board inspector of candidates properly filed. No other  
5 write-ins shall be counted. The election board inspector shall post the  
6 notice of official write-in candidates in a conspicuous location within the  
7 polling place.

8 ~~D.~~ E. Except as provided in section 16-343, subsection E, a candidate  
9 may not file pursuant to this section if any of the following applies:

10 1. For a candidate in the general election, the candidate ran in the  
11 immediately preceding primary election and failed to be nominated to the  
12 office sought in the current election.

13 2. For a candidate in the general election, the candidate filed a  
14 nomination petition for the immediately preceding primary election for the  
15 office sought and failed to provide a sufficient number of valid petition  
16 signatures as prescribed by section 16-322.

17 3. For a candidate in the primary election, the candidate filed a  
18 nomination petition for the current primary election for the office sought  
19 and failed to provide a sufficient number of valid petition signatures as  
20 prescribed by section 16-322.

21 4. For a candidate in the general election, the candidate filed a  
22 nomination petition for nomination other than by primary for the office  
23 sought and failed to provide a sufficient number of valid petition signatures  
24 as prescribed by section 16-341.

25 ~~E.~~ F. A person who files a nomination paper pursuant to this section  
26 for the office of president of the United States shall designate in writing  
27 to the secretary of state at the time of filing the name of the candidate's  
28 vice-presidential running mate, the names of presidential electors who will  
29 represent that candidate and a statement signed by the vice-presidential  
30 running mate and designated presidential electors that indicates their  
31 consent to be designated. A nomination paper for each presidential elector  
32 designated shall be filed with the candidate's nomination paper. The number  
33 of presidential electors shall equal the number of United States senators and  
34 representatives in Congress from this state.

35 Sec. 5. Title 16, chapter 4, article 8, Arizona Revised Statutes, is  
36 amended by adding section 16-544, to read:

37 16-544. Permanent early voting list

38 A. ANY VOTER MAY REQUEST TO BE INCLUDED ON A PERMANENT LIST OF VOTERS  
39 TO RECEIVE AN EARLY BALLOT FOR ANY ELECTION FOR WHICH THE COUNTY VOTER  
40 REGISTRATION ROLL IS USED TO PREPARE THE ELECTION REGISTER. THE COUNTY  
41 RECORDER OF EACH COUNTY SHALL MAINTAIN THE PERMANENT EARLY VOTING LIST AS  
42 PART OF THE VOTER REGISTRATION ROLL.

43 B. IN ORDER TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST, THE  
44 VOTER SHALL MAKE A WRITTEN REQUEST SPECIFICALLY REQUESTING THAT THE VOTER'S  
45 NAME BE ADDED TO THE PERMANENT EARLY VOTING LIST FOR ALL ELECTIONS IN WHICH

1 THE APPLICANT IS ELIGIBLE TO VOTE. THE APPLICATION SHALL ALLOW FOR THE VOTER  
2 TO PROVIDE THE VOTER'S NAME, RESIDENCE ADDRESS, MAILING ADDRESS IN THE  
3 VOTER'S COUNTY OF RESIDENCE, DATE OF BIRTH AND SIGNATURE. THE VOTER SHALL  
4 NOT LIST A MAILING ADDRESS THAT IS OUTSIDE OF THE VOTER'S COUNTY OF RESIDENCE  
5 FOR THE PURPOSE OF THE PERMANENT EARLY VOTING LIST UNLESS THE VOTER IS AN  
6 ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE UNIFORMED  
7 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1986 (P.L. 99-410; 42 UNITED  
8 STATES CODE SECTION 1973ff). IN LIEU OF THE APPLICATION, THE APPLICANT MAY  
9 SUBMIT A WRITTEN REQUEST THAT CONTAINS THE REQUIRED INFORMATION.

10 C. ON RECEIPT OF A REQUEST TO BE INCLUDED ON THE PERMANENT EARLY  
11 VOTING LIST, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS  
12 SHALL COMPARE THE SIGNATURE ON THE REQUEST FORM WITH THE VOTER'S SIGNATURE ON  
13 THE VOTER'S REGISTRATION FORM AND, IF THE REQUEST IS FROM THE VOTER, SHALL  
14 MARK THE VOTER'S REGISTRATION FILE AS A PERMANENT EARLY BALLOT REQUEST.

15 D. NOT LESS THAN ONE HUNDRED TWENTY DAYS BEFORE ANY ELECTION SCHEDULED  
16 IN MARCH OR SEPTEMBER, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
17 ELECTIONS SHALL MAIL TO ALL VOTERS WHO ARE ELIGIBLE FOR THE ELECTION AND WHO  
18 ARE INCLUDED ON THE PERMANENT EARLY VOTING LIST AN ELECTION NOTICE BY  
19 NONFORWARDABLE MAIL THAT IS MARKED WITH THE STATEMENT REQUIRED BY THE  
20 POSTMASTER TO RECEIVE AN ADDRESS CORRECTION NOTIFICATION. THE NOTICE SHALL  
21 INCLUDE THE DATES OF THE ELECTIONS THAT ARE THE SUBJECT OF THE NOTICE, THE  
22 DATES THAT THE VOTER'S BALLOT IS EXPECTED TO BE MAILED AND THE ADDRESS WHERE  
23 THE BALLOT WILL BE MAILED. IF THE UPCOMING ELECTION IS A PARTISAN OPEN  
24 PRIMARY ELECTION AND THE VOTER IS NOT REGISTERED AS A MEMBER OF ONE OF THE  
25 POLITICAL PARTIES THAT IS RECOGNIZED FOR PURPOSES OF THAT PRIMARY, THE NOTICE  
26 SHALL INCLUDE INFORMATION ON THE PROCEDURE FOR THE VOTER TO DESIGNATE A  
27 POLITICAL PARTY BALLOT. THE NOTICE SHALL BE DELIVERED WITH RETURN POSTAGE  
28 PREPAID AND SHALL ALSO INCLUDE A MEANS FOR THE VOTER TO DO ANY OF THE  
29 FOLLOWING:

30 1. CHANGE THE MAILING ADDRESS FOR THE VOTER'S BALLOT TO ANOTHER  
31 LOCATION IN THE VOTER'S COUNTY OF RESIDENCE.

32 2. UPDATE THE VOTER'S RESIDENCE ADDRESS IN THE VOTER'S COUNTY OF  
33 RESIDENCE.

34 3. REQUEST THAT THE VOTER NOT BE SENT A BALLOT FOR THE UPCOMING  
35 ELECTION OR ELECTIONS INDICATED ON THE NOTICE.

36 E. IF THE NOTICE THAT IS MAILED TO THE VOTER IS RETURNED UNDELIVERABLE  
37 BY THE POSTAL SERVICE, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
38 ELECTIONS SHALL TAKE THE NECESSARY STEPS TO CONTACT THE VOTER AT THE VOTER'S  
39 NEW RESIDENCE ADDRESS IN ORDER TO UPDATE THAT VOTER'S ADDRESS OR TO MOVE THE  
40 VOTER TO INACTIVE STATUS AS PRESCRIBED IN SECTION 16-166, SUBSECTION A. IF A  
41 VOTER IS MOVED TO INACTIVE STATUS, THE VOTER SHALL BE REMOVED FROM THE  
42 PERMANENT EARLY VOTING LIST. IF THE VOTER IS REMOVED FROM THE PERMANENT  
43 EARLY VOTING LIST, THE VOTER SHALL ONLY BE ADDED TO THE PERMANENT EARLY  
44 VOTING LIST AGAIN IF THE VOTER SUBMITS A NEW REQUEST PURSUANT TO THIS  
45 SECTION.

1 F. NOT LATER THAN ON THE FIRST DAY OF EARLY VOTING, THE COUNTY  
2 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAIL AN EARLY BALLOT  
3 TO ALL ELIGIBLE VOTERS INCLUDED ON THE PERMANENT EARLY VOTING LIST IN THE  
4 SAME MANNER PRESCRIBED IN SECTION 16-542, SUBSECTION C. IF THE VOTER HAS NOT  
5 RETURNED THE NOTICE OR OTHERWISE NOTIFIED THE ELECTION OFFICER WITHIN  
6 FORTY-FIVE DAYS BEFORE THE ELECTION THAT THE VOTER DOES NOT WISH TO RECEIVE  
7 AN EARLY BALLOT BY MAIL FOR THE ELECTION OR ELECTIONS INDICATED, THE BALLOT  
8 SHALL AUTOMATICALLY BE SCHEDULED FOR MAILING.

9 G. IF A VOTER WHO IS ON THE PERMANENT EARLY VOTING LIST IS NOT  
10 REGISTERED AS A MEMBER OF A RECOGNIZED POLITICAL PARTY AND FAILS TO NOTIFY  
11 THE COUNTY RECORDER OF THE VOTER'S CHOICE FOR POLITICAL PARTY BALLOT WITHIN  
12 FORTY-FIVE DAYS BEFORE A PARTISAN OPEN PRIMARY ELECTION, THE FOLLOWING APPLY:

13 1. THE VOTER SHALL NOT AUTOMATICALLY BE SENT A BALLOT FOR THAT  
14 PARTISAN OPEN PRIMARY ELECTION ONLY AND THE VOTER'S NAME SHALL REMAIN ON THE  
15 PERMANENT EARLY BALLOT LIST FOR FUTURE ELECTIONS.

16 2. TO RECEIVE AN EARLY BALLOT FOR THE PRIMARY ELECTION, THE VOTER  
17 SHALL SUBMIT THE VOTER'S CHOICE FOR POLITICAL PARTY BALLOT TO THE COUNTY  
18 RECORDER.

19 H. AFTER A VOTER HAS REQUESTED TO BE INCLUDED ON THE PERMANENT EARLY  
20 VOTING LIST, THE VOTER SHALL BE SENT AN EARLY BALLOT BY MAIL AUTOMATICALLY  
21 FOR ANY ELECTION AT WHICH A VOTER AT THAT RESIDENCE ADDRESS IS ELIGIBLE TO  
22 VOTE UNTIL ANY OF THE FOLLOWING OCCURS:

23 1. THE VOTER REQUESTS IN WRITING TO BE REMOVED FROM THE PERMANENT  
24 EARLY BALLOT LIST.

25 2. THE VOTER'S REGISTRATION OR ELIGIBILITY FOR REGISTRATION IS MOVED  
26 TO INACTIVE STATUS OR CANCELED AS OTHERWISE PROVIDED BY LAW.

27 3. THE NOTICE SENT BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE  
28 OF ELECTIONS IS RETURNED UNDELIVERABLE AND THE COUNTY RECORDER OR OFFICER IN  
29 CHARGE OF ELECTIONS IS UNABLE TO CONTACT THE VOTER TO DETERMINE THE VOTER'S  
30 CONTINUED DESIRE TO REMAIN ON THE LIST.

31 I. A VOTER MAY MAKE A WRITTEN REQUEST AT ANY TIME TO BE REMOVED FROM  
32 THE PERMANENT EARLY VOTING LIST. THE REQUEST SHALL INCLUDE THE VOTER'S NAME,  
33 RESIDENCE ADDRESS, DATE OF BIRTH AND SIGNATURE. ON RECEIPT OF A COMPLETED  
34 REQUEST TO REMOVE A VOTER FROM THE PERMANENT EARLY VOTING LIST, THE COUNTY  
35 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER'S  
36 NAME FROM THE LIST AS SOON AS PRACTICABLE.

37 J. AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN  
38 THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1986 (P.L. 99-410;  
39 42 UNITED STATES CODE SECTION 1973ff) IS ELIGIBLE TO BE PLACED ON THE  
40 PERMANENT EARLY VOTING LIST PURSUANT TO THIS SECTION.

41 K. A VOTER'S FAILURE TO VOTE AN EARLY BALLOT ONCE RECEIVED DOES NOT  
42 CONSTITUTE GROUNDS TO REMOVE THE VOTER FROM THE PERMANENT EARLY VOTING LIST.