

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

HOUSE BILL 2403

AN ACT

AMENDING SECTIONS 16-166 AND 16-222, ARIZONA REVISED STATUTES; AMENDING SECTION 16-246, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 183, SECTION 3; AMENDING SECTION 16-249, 16-445, 16-545, 16-552 AND 16-902.01, ARIZONA REVISED STATUTES; REPEALING LAWS 2007, CHAPTER 168, SECTION 3; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-166, Arizona Revised Statutes, is amended to
3 read:

4 16-166. Verification of registration

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

19 B. If the elector provides the county recorder with a new registration
20 form, the county recorder shall change the general register to reflect the
21 changes indicated on the new registration. If the elector indicates a new
22 residence address outside that county, the county recorder shall forward the
23 voter registration form to the county recorder of the county in which the
24 elector's address is located. If the elector provides a new residence address
25 that is located outside this state, the county recorder shall cancel the
26 elector's registration.

27 C. The county recorder shall maintain on the inactive voter list the
28 names of electors who have been removed from the general register pursuant to
29 subsection A or E of this section for a period of four years or through the
30 date of the second general election for federal office following the date of
31 the notice from the county recorder that is sent pursuant to subsection E of
32 this section.

33 D. On notice that a government agency has changed the name of any
34 street, route number, post office box number or other address designation,
35 the county recorder shall revise the registration records and shall send a
36 new verification of registration notice to the electors whose records were
37 changed.

38 E. The county recorder on or before May 1 of each year preceding a
39 state primary and general election or more frequently as the recorder deems
40 necessary may use the change of address information supplied by the postal
41 service through its licensees to identify registrants whose addresses may
42 have changed. If it appears from information provided by the postal service
43 that a registrant has moved to a different residence address in the same
44 county, the county recorder shall change the registration records to reflect
45 the new address and shall send the registrant a notice of the change by

1 forwardable mail and a postage prepaid preaddressed return form by which the
2 registrant may verify or correct the registration information. If the
3 registrant fails to return the form postmarked not later than twenty-nine
4 days before the next election, the elector shall be removed from the general
5 register and transferred to the inactive voter list. If the notice sent by
6 the recorder is not returned, the registrant may be required to provide
7 affirmation or confirmation of the registrant's address in order to vote. If
8 the registrant does not vote in an election during the period after the date
9 of the notice from the recorder through the date of the second general
10 election for federal office following the date of that notice, the
11 registrant's name shall be removed from the list of inactive voters. If the
12 registrant has changed residence to a new county, the county recorder shall
13 provide information on how the registrant can continue to be eligible to
14 vote.

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

19 1. The number of the applicant's driver license or nonoperating
20 identification license issued after October 1, 1996 by the department of
21 transportation or the equivalent governmental agency of another state within
22 the United States if the agency indicates on the applicant's driver license
23 or nonoperating identification license that the person has provided
24 satisfactory proof of United States citizenship.

25 2. A legible photocopy of the applicant's birth certificate that
26 verifies citizenship to the satisfaction of the county recorder.

27 3. A legible photocopy of pertinent pages of the applicant's United
28 States passport identifying the applicant and the applicant's passport number
29 or presentation to the county recorder of the applicant's United States
30 passport.

31 4. A presentation to the county recorder of the applicant's United
32 States naturalization documents or the number of the certificate of
33 naturalization. If only the number of the certificate of naturalization is
34 provided, the applicant shall not be included in the registration rolls until
35 the number of the certificate of naturalization is verified with the United
36 States immigration and naturalization service by the county recorder.

37 5. Other documents or methods of proof that are established pursuant
38 to the immigration reform and control act of 1986.

39 6. The applicant's bureau of Indian affairs card number, tribal treaty
40 card number or tribal enrollment number.

41 G. Notwithstanding subsection F of this section, any person who is
42 registered in this state on the effective date of this amendment to this
43 section is deemed to have provided satisfactory evidence of citizenship and
44 shall not be required to resubmit evidence of citizenship unless the person
45 is changing voter registration from one county to another.

1 H. For the purposes of this section, proof of voter registration from
2 another state or county is not satisfactory evidence of citizenship.

3 I. A person who modifies voter registration records with a new
4 residence ballot shall not be required to submit evidence of citizenship.
5 After citizenship has been demonstrated to the county recorder, the person is
6 not required to resubmit satisfactory evidence of citizenship in that county.

7 J. After a person has submitted satisfactory evidence of citizenship,
8 the county recorder shall indicate this information in the person's permanent
9 voter file. After two years the county recorder may destroy all documents
10 that were submitted as evidence of citizenship.

11 Sec. 2. Section 16-222, Arizona Revised Statutes, is amended to read:
12 16-222. Vacancy in the office of United States senator or
13 representative

14 A. When a vacancy occurs in the office of United States senator or
15 representative in Congress by reason of death or resignation, or from any
16 other cause, the vacancy shall be filled at the next general election. At
17 such election the person elected shall fill the unexpired term of the vacated
18 office.

19 B. For a vacancy in the office of representative in Congress, if the
20 next general election is not to be held within six months from the date of
21 the occurrence of the vacancy, the governor shall call a special primary
22 election and a special general election to fill the vacancy. The special
23 primary election shall be held ~~no less than seventy-five nor more than one~~
24 ~~hundred five days after the occurrence of the vacancy~~ PURSUANT TO SECTION
25 16-201, and the special general election shall be held ~~not less than~~
26 ~~thirty five nor more than forty five days after the special primary election~~
27 AT LEAST ONE HUNDRED SEVENTY BUT NOT MORE THAN ONE HUNDRED EIGHTY-FOUR DAYS
28 AFTER THE OCCURRENCE OF THE VACANCY.

29 C. For a vacancy in the office of United States senator, the governor
30 shall appoint a person to fill the vacancy. That appointee shall be of the
31 same political party as the person vacating the office and shall serve until
32 the person elected at the next general election is qualified and assumes
33 office.

34 Sec. 3. Section 16-246, Arizona Revised Statutes, as amended by Laws
35 2007, chapter 183, section 3, is amended to read:

36 16-246. Early balloting; satellite locations; additional
37 procedures

38 A. Within ninety days preceding the Saturday before the presidential
39 preference election and not later than 5:00 p.m. on the eleventh day
40 preceding the election, any elector who is eligible to vote in the
41 presidential preference election may make a verbal or signed, written request
42 for an official early ballot to the county recorder or other officer in
43 charge of elections for the county in which the elector is registered to
44 vote. If the request is verbal, the requesting elector shall provide the
45 date of birth and birthplace or other information that if compared to the

1 voter registration records for that elector would confirm the identity of the
2 elector.

3 B. Absent uniformed services voters or overseas voters who are
4 otherwise eligible to vote in the election may vote as prescribed by sections
5 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
6 prescribed by section 16-543.01 shall be a list of all candidates who have
7 qualified for the presidential preference ballot by the forty-sixth day
8 before the presidential preference election.

9 C. The county recorder or other officer in charge of elections may
10 establish on-site early voting locations at the office of the county recorder
11 or at other locations in the county deemed necessary or appropriate by the
12 recorder. Early voting shall begin ~~within the time limits prescribed in~~
13 ~~section 16-542 unless otherwise prescribed by this section~~ TWENTY-SIX DAYS
14 BEFORE THE PRESIDENTIAL PREFERENCE ELECTION AND SHALL END ON THE FRIDAY
15 BEFORE THE PRESIDENTIAL PREFERENCE ELECTION.

16 D. The county recorder or other officer in charge of elections shall
17 send by nonforwardable mail that is marked with the statement required by the
18 postmaster to receive an address correction notification any early ballots
19 that are requested pursuant to subsections A and B of this section and shall
20 include a preaddressed envelope for the elector to return the completed
21 ballot.

22 E. The county recorder or other officer in charge of elections shall
23 provide to each election board an appropriate alphabetized list of voters who
24 have requested and have been sent an early ballot. Any person who is on that
25 list of voters and who was sent an early ballot shall not vote at the polling
26 place for that election precinct except as prescribed by section 16-579,
27 subsection C.

28 F. The county recorder or other officer in charge of elections may
29 provide for any of the following in the same manner prescribed by law for
30 other elections:

- 31 1. Special election boards.
32 2. Emergency balloting for persons who experience an emergency after
33 5:00 p.m. on the Friday preceding the presidential preference election and
34 before 5:00 p.m. on the Monday immediately preceding the presidential
35 preference election.

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

38 Sec. 4. Section 16-249, Arizona Revised Statutes, is amended to read:
39 16-249. Certification of election to parties; automatic recount
40 inapplicable; tabulation

41 A. The secretary of state shall certify the election results to the
42 state party committee chairmen of the parties that have candidates on the
43 presidential preference ballot on or before the second Monday following the
44 election.

1 B. Section 16-661, relating to automatic recount, does not apply to an
2 election held pursuant to this article.

3 C. The presidential preference election shall be tabulated by
4 ~~congressional districts~~ COUNTIES.

5 Sec. 5. Section 16-445, Arizona Revised Statutes, is amended to read:
6 16-445. Filing of computer election programs with secretary of
7 state

8 A. For any state, county, school district, special district, city or
9 town election, including primary elections, utilizing vote tabulating devices
10 as provided in this article, there shall be filed with the secretary of state
11 at least ten days before the date of the election a copy of each computer
12 program for each election. The secretary of state shall hold all computer
13 program software filed pursuant to this section in escrow for three years.
14 The secretary of state shall securely destroy the software filed pursuant to
15 this section on the expiration of the three year period.

16 B. A copy of any subsequent revision of the computer program shall be
17 filed in the same manner within forty-eight hours following the revision.

18 C. Any tape or disc used in the programming or operation of a vote
19 tabulating device upon which votes are counted and any tape used in compiling
20 vote totals shall be kept under lock and seal, and if there is a retally of
21 votes, the officer entrusted with the tapes or discs shall submit his
22 affidavit stating that they are the tapes or discs, or both, used in the
23 election and have not been altered.

24 D. All materials submitted to the secretary of state shall be used by
25 the secretary of state or attorney general to preclude fraud or any unlawful
26 act under the laws of this title and title 19 and shall not be disclosed or
27 used for any other purpose.

28 ~~E. Each program tape or disc or any other material submitted to the~~
29 ~~secretary of state shall be returned to the county, city or town within six~~
30 ~~months after the close of the election for which it was submitted except:~~

- 31 ~~1. When a court ordered recount is pending.~~
32 ~~2. When a restraining order is in effect.~~
33 ~~3. When any other legal action is pending.~~

34 Sec. 6. Section 16-545, Arizona Revised Statutes, is amended to read:
35 16-545. Early ballot

36 A. The early ballot shall be one prepared for use in the precinct in
37 which the applicant resides and, if a partisan primary election, of the
38 political party with which the applicant is affiliated as shown by the
39 affidavit of registration. The ballot shall be identical with the regular
40 official ballots, except that it shall have printed or stamped on it "early".

41 B. The officer charged by law with the duty of preparing ballots at
42 any election shall prepare the official early ballot and deliver a sufficient
43 number to the recorder or other officer in charge of elections not later than
44 the ~~thirtieth~~ TWENTY-THIRD day preceding the Saturday before the election.

1 Sec. 7. Section 16-552, Arizona Revised Statutes, is amended to read:
2 16-552. Early ballots; processing; challenges

3 A. In a jurisdiction that uses punch card ballots, the early election
4 board, immediately upon receipt of the early ballots, ~~shall~~, as provided by
5 this section, **SHALL** cast separately for each precinct the early ballots which
6 have been received. In a jurisdiction that uses optical scan ballots, the
7 officer in charge of elections may use the procedure prescribed by this
8 section or may request approval from the secretary of state for a different
9 method for processing early ballots. The request shall be made in writing at
10 least ninety days before the election for which the procedure is intended to
11 be used. After the election official has confirmed with the secretary of
12 state that all election equipment passes the logic and accuracy test, the
13 election official may begin to count early ballots. No early ballot results
14 may be released except as prescribed by section 16-551.

15 B. The early election board shall check the voter's affidavit on the
16 envelope containing the early ballot. If it is found to be sufficient, the
17 vote shall be allowed. If the affidavit is insufficient, the vote shall not
18 be allowed. **FOR ANY STATEWIDE PRIMARY AND GENERAL ELECTION, THE COUNTY
19 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAKE A REASONABLE
20 ATTEMPT TO NOTIFY THE EARLY BALLOT VOTER AS SOON AS PRACTICABLE THAT THE
21 EARLY BALLOT AFFIDAVIT IS INSUFFICIENT AND THAT THE VOTER MAY DEMONSTRATE THE
22 SUFFICIENCY OF THE AFFIDAVIT BY MEANS ACCEPTABLE TO THE COUNTY RECORDER OR
23 OTHER OFFICER IN CHARGE OF ELECTIONS BY 5:00 P.M. ON THE FIFTH DAY FOLLOWING
24 BOTH A PRIMARY AND GENERAL ELECTION. THE NOTIFICATION MAY BE BY TELEPHONE,
25 ELECTRONIC MAIL OR OTHER SIMILAR METHOD BUT SHALL NOT CONSIST SOLELY OF A
26 POSTING ON A COUNTY WEBSITE. IF THE AFFIDAVIT IS THEN FOUND TO BE
27 SUFFICIENT, THE VOTE SHALL BE ALLOWED. AN EARLY BALLOT AFFIDAVIT THAT DOES
28 NOT CONTAIN A SIGNATURE PURSUANT TO SECTION 16-548, SUBSECTION A SHALL NOT BE
29 COUNTED. ONLY THOSE EARLY BALLOTS WITH NONMATCHING SIGNATURES MAY BE DEEMED
30 SUFFICIENT AFTER 7:00 P.M. ON ELECTION DAY. ONCE A REASONABLE ATTEMPT TO
31 NOTIFY A VOTER THAT AN INSUFFICIENT EARLY BALLOT AFFIDAVIT HAS BEEN MADE, THE
32 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS IS NOT LIABLE IF A
33 VOTER DOES NOT RECEIVE THAT NOTIFICATION IN TIME TO DEMONSTRATE THE
34 SUFFICIENCY OF THE VOTER'S EARLY BALLOT AFFIDAVIT.**

35 C. The county chairman of each political party represented on the
36 ballot may, by written appointment addressed to the early election board,
37 designate party representatives and alternates to act as early ballot
38 challengers for the party. No party may have more than the number of such
39 representatives or alternates which were mutually agreed upon by each
40 political party to be present at one time. If such agreement cannot be
41 reached, the number of representatives shall be limited to one for each
42 political party.

43 D. An early ballot may be challenged on any grounds set forth in
44 section 16-591. All challenges shall be made in writing with a brief
45 statement of the grounds prior to the early ballot being placed in the ballot

1 box. A record of all challenges and resulting proceedings shall be kept in
2 substantially the same manner as provided in section 16-594. If an early
3 ballot is challenged, it shall be set aside and retained in the possession of
4 the early election board or other officer in charge of early ballot
5 processing until a time that the early election board sets for determination
6 of the challenge, subject to the procedure in subsection E of this section,
7 at which time the early election board shall hear the grounds for the
8 challenge and shall decide what disposition shall be made of the early ballot
9 by majority vote. If the early ballot is not allowed, it shall be handled
10 pursuant to subsection G of this section.

11 E. Within twenty-four hours of receipt of a challenge, the early
12 election board or other officer in charge of early ballot processing shall
13 mail, by first class mail, a notice of the challenge including a copy of the
14 written challenge, and also including the time and place at which the voter
15 may appear to defend the challenge, to the voter at the mailing address shown
16 on the request for an early ballot or, if none was provided, to the mailing
17 address shown on the registration rolls. Notice shall also be mailed to the
18 challenger at the address listed on the written challenge and provided to the
19 county chairman of each political party represented on the ballot. The board
20 shall meet to determine the challenge at the time specified by the notice
21 but, in any event, not earlier than ninety-six hours after the notice is
22 mailed, or forty-eight hours if the notifying party chooses to deliver the
23 notice by overnight or hand delivery, and not later than 5:00 p.m. on the
24 Monday following the election. The board shall provide the voter with an
25 informal opportunity to make, or to submit, brief statements regarding the
26 challenge. The board may decline to permit comments, either in person or in
27 writing, by anyone other than the voter, the challenger and the party
28 representatives. The burden of proof is on the challenger to show why the
29 voter should not be permitted to vote. The fact that the voter fails to
30 appear shall not be deemed to be an admission of the validity of the
31 challenge. The early election board or other officer in charge of early
32 ballot processing is not required to provide the notices described in this
33 subsection if the written challenge fails to set forth at least one of the
34 grounds listed in section 16-591 as a basis for the challenge. In that
35 event, the challenge will be summarily rejected at the meeting of the board.
36 Except for election contests pursuant to section 16-672, the board's decision
37 is final and may not be appealed.

38 F. If the vote is allowed, the board shall open the envelope
39 containing the ballot in such a manner that the affidavit thereon is not
40 destroyed, take out the ballot without unfolding it or permitting it to be
41 opened or examined and show by the records of the election that the elector
42 has voted.

43 G. If the vote is not allowed, the affidavit envelope containing the
44 early ballot shall not be opened and the board shall mark across the face of
45 such envelope the grounds for rejection. The affidavit envelope and its

1 contents shall then be deposited with the opened affidavit envelopes and
2 shall be preserved with official returns. If the voter does not enter an
3 appearance, the board shall send the voter a notice stating whether the early
4 ballot was disallowed and, if disallowed, providing the grounds for the
5 determination. The notice shall be mailed by first class mail to the voter's
6 mailing address as shown on the registration rolls within three days after
7 the board's determination.

8 H. Party representatives and alternates may be appointed as provided
9 in subsection C of this section to be present and to challenge the
10 verification of questioned ballots pursuant to section 16-584 on any grounds
11 permitted by this section. Questioned ballots which are challenged shall be
12 presented to the early election board for decision under the provisions of
13 this section.

14 Sec. 8. Section 16-902.01, Arizona Revised Statutes, is amended to
15 read:

16 16-902.01. Registration of political committees; contents;
17 amendment

18 A. Each political committee that intends to accept contributions or
19 make expenditures of more than five hundred dollars shall file a statement of
20 organization with the filing officer before accepting contributions, making
21 expenditures, distributing any campaign literature or circulating
22 petitions. Each political committee that intends to accept contributions or
23 make expenditures of five hundred dollars or less shall file a signed
24 exemption statement in a form prescribed by the filing officer that states
25 that intention before making any expenditures, accepting any contributions,
26 distributing any campaign literature or circulating petitions. If a
27 political committee that has filed a five hundred dollar threshold exemption
28 statement receives contributions or makes expenditures of more than five
29 hundred dollars, that political committee shall file a statement of
30 organization with the filing officer within five business days after
31 exceeding the five hundred dollar limit.

32 B. The statement of organization of a political committee shall
33 include all of the following:

- 34 1. The name, address and type of committee.
- 35 2. The name, address, relationship and type of any sponsoring
36 organization.
- 37 3. The names, addresses, telephone numbers, occupations and employers
38 of the chairman and treasurer of the committee.
- 39 4. In the case of a candidate's campaign committee, the name, address,
40 office sought and party affiliation of the candidate.
- 41 5. A listing of all banks, safety deposit boxes or other depositories
42 used by the committee.

43 C. Except as prescribed by subsection E **OF THIS SECTION**, on the filing
44 of a statement of organization, a political committee shall be issued an
45 identification number.

1 D. The political committee shall file an amended statement of
2 organization reporting any change in the information prescribed in subsection
3 B OF THIS SECTION within five business days after the change.

4 E. A standing political committee shall file a statement of
5 organization with the secretary of state and in each jurisdiction in which
6 the committee is active, and only the secretary of state shall issue an
7 identification number for the committee. The statement of organization shall
8 include a statement with the notarized signature of the chairman or treasurer
9 of the standing political committee that declares the committee's status as a
10 standing political committee. The secretary of state may charge an annual
11 fee for the filing.

12 F. For a political committee that makes expenditures in an attempt to
13 influence the results of a ballot proposition election, the statement of
14 organization shall include in the name of the political committee THE
15 OFFICIAL SERIAL NUMBER FOR THE PETITION AND a statement as to whether the
16 political committee supports or opposes the passage of the ballot measure.
17 Within five days after receipt of an official serial number for the petition,
18 the political committee shall file an amended statement of organization that
19 contains the official serial number for the petition. ON COMPLETION OF THE
20 DESIGNATION OF BALLOT PROPOSITIONS BY NUMBER AS PRESCRIBED IN SECTION 19-125,
21 THE SECRETARY OF STATE IS AUTHORIZED AND SHALL AMEND THE NAME OF THE
22 POLITICAL COMMITTEE TO SUBSTITUTE THE BALLOT PROPOSITION NUMBER FOR THE
23 OFFICIAL SERIAL NUMBER IN THE NAME OF THE POLITICAL COMMITTEE. THE SECRETARY
24 OF STATE SHALL PROMPTLY NOTIFY THE POLITICAL COMMITTEE OF THE AMENDED
25 POLITICAL COMMITTEE NAME AND SHALL MAKE THAT INFORMATION AVAILABLE TO THE
26 PUBLIC.

27 Sec. 9. Repeal

28 Laws 2007, chapter 168, section 3 is repealed.