

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

HOUSE BILL 2403

AN ACT

AMENDING SECTIONS 16-166, 16-249, 16-445, 16-552 AND 16-902.01, ARIZONA
REVISED STATUTES; 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 16-249, Arizona Revised Statutes, is amended to read:
12 16-249. Certification of election to parties; automatic recount
13 inapplicable; tabulation

14 A. The secretary of state shall certify the election results to the
15 state party committee chairmen of the parties that have candidates on the
16 presidential preference ballot on or before the second Monday following the
17 election.

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

20 C. The presidential preference election shall be tabulated by
21 ~~congressional districts~~ COUNTIES.

22 Sec. 3. Section 16-445, Arizona Revised Statutes, is amended to read:
23 16-445. Filing of computer election programs with secretary of
24 state

25 A. For any state, county, school district, special district, city or
26 town election, including primary elections, utilizing vote tabulating devices
27 as provided in this article, there shall be filed with the secretary of state
28 at least ten days before the date of the election a copy of each computer
29 program for each election. The secretary of state shall hold all computer
30 program software filed pursuant to this section in escrow for three
31 years. The secretary of state shall securely destroy the software filed
32 pursuant to this section on the expiration of the three year period.

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

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

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

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

4 ~~1. When a court ordered recount is pending.~~

5 ~~2. When a restraining order is in effect.~~

6 ~~3. When any other legal action is pending.~~

7 Sec. 4. Section 16-552, Arizona Revised Statutes, is amended to read:

8 16-552. Early ballots; processing; challenges

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

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

41 C. The county chairman of each political party represented on the
42 ballot may, by written appointment addressed to the early election board,
43 designate party representatives and alternates to act as early ballot
44 challengers for the party. No party may have more than the number of such
45 representatives or alternates which were mutually agreed upon by each

1 political party to be present at one time. If such agreement cannot be
2 reached, the number of representatives shall be limited to one for each
3 political party.

4 D. An early ballot may be challenged on any grounds set forth in
5 section 16-591. All challenges shall be made in writing with a brief
6 statement of the grounds prior to the early ballot being placed in the ballot
7 box. A record of all challenges and resulting proceedings shall be kept in
8 substantially the same manner as provided in section 16-594. If an early
9 ballot is challenged, it shall be set aside and retained in the possession of
10 the early election board or other officer in charge of early ballot
11 processing until a time that the early election board sets for determination
12 of the challenge, subject to the procedure in subsection E of this section,
13 at which time the early election board shall hear the grounds for the
14 challenge and shall decide what disposition shall be made of the early ballot
15 by majority vote. If the early ballot is not allowed, it shall be handled
16 pursuant to subsection G of this section.

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

44 F. If the vote is allowed, the board shall open the envelope
45 containing the ballot in such a manner that the affidavit thereon is not

1 destroyed, take out the ballot without unfolding it or permitting it to be
2 opened or examined and show by the records of the election that the elector
3 has voted.

4 G. If the vote is not allowed, the affidavit envelope containing the
5 early ballot shall not be opened and the board shall mark across the face of
6 such envelope the grounds for rejection. The affidavit envelope and its
7 contents shall then be deposited with the opened affidavit envelopes and
8 shall be preserved with official returns. If the voter does not enter an
9 appearance, the board shall send the voter a notice stating whether the early
10 ballot was disallowed and, if disallowed, providing the grounds for the
11 determination. The notice shall be mailed by first class mail to the voter's
12 mailing address as shown on the registration rolls within three days after
13 the board's determination.

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

20 Sec. 5. Section 16-902.01, Arizona Revised Statutes, is amended to
21 read:

22 16-902.01. Registration of political committees; contents;
23 amendment

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

38 B. The statement of organization of a political committee shall
39 include all of the following:

- 40 1. The name, address and type of committee.
- 41 2. The name, address, relationship and type of any sponsoring
42 organization.
- 43 3. The names, addresses, telephone numbers, occupations and employers
44 of the chairman and treasurer of the committee.

1 4. In the case of a candidate's campaign committee, the name, address,
2 office sought and party affiliation of the candidate.

3 5. A listing of all banks, safety deposit boxes or other depositories
4 used by the committee.

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

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

11 E. A standing political committee shall file a statement of
12 organization with the secretary of state and in each jurisdiction in which
13 the committee is active, and only the secretary of state shall issue an
14 identification number for the committee. The statement of organization shall
15 include a statement with the notarized signature of the chairman or treasurer
16 of the standing political committee that declares the committee's status as a
17 standing political committee. The secretary of state may charge an annual
18 fee for the filing.

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