

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2701

AN ACT

AMENDING SECTIONS 16-152, 16-168, 16-411, 16-542, 16-544, 16-912, 16-912.01
AND 16-917, ARIZONA REVISED STATUTES; RELATING TO PRECINCT REGISTERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-152, Arizona Revised Statutes, is amended to
3 read:
4 16-152. Registration form
5 A. The form used for the registration of electors shall contain:
6 1. The date the registrant signed the form.
7 2. The registrant's given name, middle name, if any, and surname.
8 3. The complete address of the registrant's actual place of residence,
9 including street name and number, apartment or space number, city or town and
10 zip code, or such description of the location of the residence that it can be
11 readily ascertained or identified.
12 4. The registrant's complete mailing address, if different from the
13 residence address, including post office address, city or town, zip code or
14 other designation used by the registrant for receiving mail. **THE FORM SHALL**
15 **ALSO INCLUDE A LINE FOR THE REGISTRANT'S E-MAIL ADDRESS (OPTIONAL TO**
16 **REGISTRANT).**
17 5. The registrant's party preference. **THE TWO LARGEST POLITICAL**
18 **PARTIES THAT ARE ENTITLED TO CONTINUED REPRESENTATION ON THE BALLOT SHALL BE**
19 **LISTED ON THE FORM IN THE ORDER DETERMINED BY CALCULATING WHICH PARTY HAS THE**
20 **HIGHEST NUMBER OF REGISTERED VOTERS AT THE CLOSE OF REGISTRATION FOR THE MOST**
21 **RECENT GENERAL ELECTION FOR GOVERNOR, THEN THE SECOND HIGHEST. THE FORM**
22 **SHALL ALLOW THE REGISTRANT TO CIRCLE, CHECK OR OTHERWISE MARK THE PARTY**
23 **PREFERENCE AND SHALL INCLUDE A BLANK LINE FOR OTHER PARTY PREFERENCE OPTIONS.**
24 6. The registrant's telephone number, unless unlisted.
25 7. The registrant's state or country of birth.
26 8. The registrant's date of birth.
27 9. The registrant's occupation.
28 10. The registrant's Indian census number (optional to registrant).
29 11. The registrant's father's name or mother's maiden name.
30 12. One of the following identifiers for each registrant:
31 (a) The Arizona driver license number of the registrant or
32 nonoperating identification license number of the registrant that is issued
33 pursuant to section 28-3165.
34 (b) If the registrant does not have an Arizona driver license or
35 nonoperating identification license, the last four digits of the registrant's
36 social security number.
37 (c) If the registrant does not have an Arizona driver license or
38 nonoperating identification license or a social security number and the
39 registrant attests to that, a unique identifying number consisting of the
40 registrant's unique identification number to be assigned by the secretary of
41 state in the statewide electronic voter registration database.

1 13. A statement as to whether or not the registrant is currently
2 registered in another state, county or precinct, and if so, the name,
3 address, county and state of previous registration.

4 14. The question to the registrant "Are you a citizen of the United
5 States of America?", appropriate boxes for the registrant to check "yes" or
6 "no" and a statement instructing the registrant not to complete the form if
7 the registrant checked "no".

8 15. The question to the registrant "Will you be eighteen years of age
9 on or before election day?", appropriate boxes for the registrant to check
10 "yes" or "no" and a statement instructing the registrant not to complete the
11 form if the registrant checked "no".

12 16. A statement that the registrant has not been convicted of treason
13 or a felony, or if so, that the registrant's civil rights have been restored.

14 17. A statement that the registrant is a resident of this state and of
15 the county in which the registrant is registering.

16 18. A statement that executing a false registration is a class 6
17 felony.

18 19. The signature of the registrant.

19 20. If the registrant is unable to sign the form, a statement that the
20 affidavit was completed according to the registrant's direction.

21 21. A statement that if an applicant declines to register to vote, the
22 fact that the applicant has declined to register will remain confidential and
23 will be used only for voter registration purposes.

24 22. A statement that if an applicant does register to vote, the office
25 at which the applicant submits a voter registration application will remain
26 confidential and will be used only for voter registration purposes.

27 23. A statement that the applicant shall submit evidence of United
28 States citizenship with the application and that the registrar shall reject
29 the application if no evidence of citizenship is attached.

30 B. A duplicate voter receipt shall be provided with the form that
31 provides space for the name, street address and city of residence of the
32 applicant, party preference and the date of signing. The voter receipt is
33 evidence of valid registration for the purpose of casting a provisional
34 ballot as prescribed in section 16-584, subsection B.

35 C. The state voter registration form shall be printed in a form
36 prescribed by the secretary of state.

37 D. The county recorder may establish procedures to verify whether a
38 registrant has successfully petitioned the court for an injunction against
39 harassment pursuant to section 12-1809 or an order of protection pursuant to
40 section 13-3602 and, if verified, to protect the registrant's residence
41 address, telephone number or voting precinct number, if appropriate, from
42 public disclosure.

43 E. Subsection A of this section does not apply to registrations
44 received from the department of transportation pursuant to section 16-112.

1 Sec. 2. Section 16-168, Arizona Revised Statutes, is amended to read:
2 16-168. Precinct registers; date of preparation; contents;
3 copies; reports; statewide database; violation;
4 classification

5 A. By the tenth day preceding the primary and general elections the
6 county recorder shall prepare from the original registration forms or from
7 electronic media at least four lists that are printed or typed on paper of
8 all qualified electors in each precinct in the county, and the lists shall be
9 the official precinct registers.

10 B. The official precinct registers for use at the polling place shall
11 contain at least the names in full, party preference, date of registration
12 and residence address of each qualified elector in the respective precincts.
13 The names shall be in alphabetical order and, in a column to the left of the
14 names, shall be numbered consecutively beginning with number 1 in each
15 precinct register.

16 C. For the purposes of transmitting voter registration information as
17 prescribed by this subsection, electronic media shall be the principal media.
18 A county or state chairman who is eligible to receive copies of precinct
19 lists as prescribed by this subsection may request that the recorder provide
20 a paper copy of the precinct lists. In addition to preparing the official
21 precinct lists, the county recorder shall provide a means for electronically
22 reproducing the precinct lists. Unless otherwise agreed, the county recorder
23 shall deliver one electronic media copy of each precinct list in the county
24 without charge and on the same day within eight days after the close of
25 registration for the primary and general elections to the county chairman and
26 one electronic media copy to the state chairman of each party that has at
27 least four candidates other than presidential electors appearing on the
28 ballot in that county at the current election. The secretary of state shall
29 ~~prescribe~~ ESTABLISH A SINGLE FORMAT THAT PRESCRIBES the manner, ~~format~~ and
30 template in which all county recorders provide this data to the secretary of
31 state to ensure that the submissions are uniform from all counties in this
32 state, THAT ALL SUBMISSIONS ARE IDENTICAL IN FORMAT, INCLUDING THE LEVEL OF
33 DETAIL FOR VOTING HISTORY, AND THAT INFORMATION MAY READILY BE COMBINED FROM
34 TWO OR MORE COUNTIES. The electronic media copies of the precinct lists that
35 are delivered to the party chairmen shall include for each elector the
36 following information:

- 37 1. Name in full and appropriate title.
- 38 2. Party preference.
- 39 3. Date of registration.
- 40 4. Residence address.
- 41 5. Mailing address, if different from residence address.
- 42 6. Zip code.
- 43 7. Telephone number if given.
- 44 8. Birth year.
- 45 9. Occupation if given.

1 10. Voting history for all elections in the prior four years and any
2 other information regarding registered voters that the county recorder or
3 city or town clerk maintains electronically and that is public information.

4 11. All data relating to permanent early voters and nonpermanent early
5 voters, including ballot requests and ballot returns.

6 D. The names on the precinct lists shall be in alphabetical order and
7 the precinct lists in their entirety, unless otherwise agreed, shall be
8 delivered to each county chairman and each state chairman within ten business
9 days of the close of each date for counting registered voters prescribed by
10 subsection G of this section other than the primary and general election
11 registered voter counts in the same format and media as prescribed by
12 subsection C of this section. During the thirty-three days immediately
13 preceding an election and on request from a county or state chairman, the
14 county recorder shall provide at no cost a daily list of persons who have
15 requested an early ballot and shall provide at no cost a weekly listing of
16 persons who have returned their early ballots. The recorder shall provide
17 the daily and weekly information through the Friday preceding the election.
18 On request from a county chairman or state chairman, the county recorder of a
19 county with a population of more than eight hundred thousand persons shall
20 provide at no cost a daily listing of persons who have returned their early
21 ballots. The daily listing shall be provided Mondays through Fridays,
22 beginning with the first Monday following the start of early voting and
23 ending on the Monday before the election.

24 E. Precinct registers and other lists and information derived from
25 registration forms may be used only for purposes relating to a political or
26 political party activity, a political campaign or an election, for revising
27 election district boundaries or for any other purpose specifically authorized
28 by law and may not be used for a commercial purpose as defined in section
29 39-121.03. The sale of registers, lists and information derived from
30 registration forms to a candidate or a registered political committee for a
31 use specifically authorized by this subsection does not constitute use for a
32 commercial purpose. The county recorder, on a request for an authorized use
33 and within thirty days from receipt of the request, shall prepare additional
34 copies of an official precinct list and furnish them to any person requesting
35 them on payment of a fee equal to five cents for each name appearing on the
36 register for a printed list and one cent for each name for an electronic data
37 medium, plus the cost of the blank computer disk or computer software if
38 furnished by the recorder, for each copy so furnished.

39 F. Any person in possession of a precinct register or list, in whole
40 or part, or any reproduction of a precinct register or list, shall not permit
41 the register or list to be used, bought, sold or otherwise transferred for
42 any purpose except for uses otherwise authorized by this section. A person
43 in possession of information derived from voter registration forms or
44 precinct registers shall not distribute, post or otherwise provide access to
45 any portion of that information through the internet except as authorized by

1 subsection J of this section. Nothing in this section shall preclude public
2 inspection of voter registration records at the office of the county recorder
3 for the purposes prescribed by this section, except that the month and day of
4 birth date, the social security number or any portion thereof, the driver
5 license number or nonoperating identification license number, the Indian
6 census number, the father's name or mother's maiden name, the state or
7 country of birth and the records containing a voter's signature shall not be
8 accessible or reproduced by any person other than the voter, by an authorized
9 government official in the scope of the official's duties, for signature
10 verification on petitions and candidate filings, for election purposes and
11 for news gathering purposes by a person engaged in newspaper, radio,
12 television or reportorial work, or connected with or employed by a newspaper,
13 radio or television station or pursuant to a court order. A person who
14 violates this subsection or subsection E of this section is guilty of a class
15 6 felony.

16 G. The county recorder shall count the registered voters by political
17 party by precinct, legislative district and congressional district as
18 follows:

19 1. In even numbered years, the county recorder shall count all persons
20 who are registered to vote as of:

21 (a) January 1.

22 (b) March 1.

23 (c) June 1.

24 (d) The last day on which a person may register to be eligible to vote
25 in the next primary election.

26 (e) The last day on which a person may register to be eligible to vote
27 in the next general election.

28 (f) The last day on which a person may register to be eligible to vote
29 in the next presidential preference election.

30 2. In odd numbered years, the county recorder shall count all persons
31 who are registered to vote as of:

32 (a) January 1.

33 (b) April 1.

34 (c) July 1.

35 (d) October 1.

36 H. The county recorder shall report the totals to the secretary of
37 state as soon as is practicable following each of the dates prescribed in
38 subsection G of this section. The report shall include completed
39 registration forms returned in accordance with section 16-134, subsection B.
40 The county recorder shall also provide the report in a uniform electronic
41 computer media format that shall be agreed on between the secretary of state
42 and all county recorders. The secretary of state shall then prepare a
43 summary report for the state and shall maintain that report as a permanent
44 record.

1 I. The county recorder and the secretary of state shall protect access
2 to voter registration information in an auditable format and method specified
3 in the secretary of state's electronic voting system instructions and
4 procedures manual that is adopted pursuant to section 16-452.

5 J. The secretary of state shall develop and administer a statewide
6 database of voter registration information that contains the name and
7 registration information of every registered voter in this state. The
8 statewide database is a matter of statewide concern and is not subject to
9 modification or further regulation by a political subdivision. The database
10 shall include an identifier that is unique for each individual voter. The
11 database shall provide for access by voter registration officials and shall
12 allow expedited entry of voter registration information after it is received
13 by county recorders. As a part of the statewide voter registration database,
14 county recorders shall provide for the electronic transmittal of that
15 information to the secretary of state on a real time basis. The secretary of
16 state shall provide for maintenance of the database, including provisions
17 regarding removal of ineligible voters that are consistent with the national
18 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States
19 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116
20 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions
21 regarding removal of duplicate registrations and provisions to ensure that
22 eligible voters are not removed in error. For the purpose of maintaining
23 compliance with the help America vote act of 2002, each county voter
24 registration system is subject to approval by the secretary of state for
25 compatibility with the statewide voter registration database system.

26 K. Except as provided in subsection L of this section, for requests
27 for the use of registration forms and access to information as provided in
28 subsections E and F of this section, the county recorder shall receive and
29 respond to requests regarding federal, state and county elections.

30 L. Beginning January 1, 2008, recognized political parties shall
31 request precinct lists and access to information as provided in subsections E
32 and F of this section during the time periods prescribed in subsection C or D
33 of this section and the county recorder shall receive and respond to those
34 requests. If the county recorder does not provide the requested materials
35 within the applicable time prescribed for the county recorder pursuant to
36 subsection C or D of this section, a recognized political party may request
37 that the secretary of state provide precinct lists and access to information
38 as provided in subsections E and F of this section for federal, state and
39 county elections. The secretary of state shall not provide access to
40 precinct lists and information for recognized political parties unless the
41 county recorder has failed or refused to provide the lists and materials as
42 prescribed by this section. The secretary of state may charge the county
43 recorder a fee determined by rule for each name or record produced.

44 M. For municipal registration information in those municipalities in
45 which the county administers the municipal elections, county and state party

1 chairmen shall request and obtain voter registration information and precinct
2 lists from the city or town clerk during the time periods prescribed in
3 subsection C or D of this section. If the city or town clerk does not
4 provide that information within the same time prescribed for county recorders
5 pursuant to subsection C or D of this section, the county or state party
6 chairman may request and obtain the information from the county recorder.
7 The county recorder shall provide the municipal voter registration and
8 precinct lists within the time prescribed in subsection C or D of this
9 section.

10 N. The county recorders and the secretary of state shall not prohibit
11 any person or entity prescribed in subsection C of this section from
12 distributing a precinct list to any person or entity that is deemed to be
13 using the precinct list in a lawful manner as prescribed in subsections E and
14 F of this section.

15 Sec. 3. Section 16-411, Arizona Revised Statutes, is amended to read:
16 16-411. Designation of election precincts and polling places;
17 electioneering; wait times

18 A. Except as prescribed by subsection J of this section, the board of
19 supervisors of each county, on or before December 1 of each year preceding
20 the year of a general election, by an order, shall establish a convenient
21 number of election precincts in the county and define the boundaries of the
22 precincts. Such election precinct boundaries shall be so established as
23 included within election districts prescribed by law for elected officers of
24 the state and its political subdivisions including community college district
25 precincts, except those elected officers provided for in titles 30 and 48.

26 B. Not less than twenty days before a general or primary election, and
27 at least ten days before a special election, the board shall designate one
28 polling place within each precinct where the election shall be held, except
29 that:

30 1. On a specific finding of the board, included in the order or
31 resolution designating polling places pursuant to this subsection, that no
32 suitable polling place is available within a precinct, a polling place for
33 such precinct may be designated within an adjacent precinct.

34 2. Adjacent precincts may be combined if boundaries so established are
35 included in election districts prescribed by law for state elected officials
36 and political subdivisions including community college districts but not
37 including elected officials prescribed by titles 30 and 48. The officer in
38 charge of elections may also split a precinct for administrative purposes.
39 Any such polling places shall be listed in separate sections of the order or
40 resolution.

41 3. On a specific finding of the board that the number of persons who
42 are listed as permanent early voters pursuant to section 16-544 is likely to
43 substantially reduce the number of voters appearing at one or more specific
44 polling places at that election, adjacent precincts may be consolidated by
45 combining polling places and precinct boards for that election. The board of

1 supervisors shall ensure that a reasonable and adequate number of polling
2 places will be designated for that election. Any consolidated polling places
3 shall be listed in separate sections of the order or resolution of the board.

4 C. If the board fails to designate the place for holding the election,
5 or if it cannot be held at or about the place designated, the justice of the
6 peace in the precinct, two days before the election, by an order, copies of
7 which the justice of the peace shall immediately post in three public places
8 in the precinct, shall designate the place within the precinct for holding
9 the election. If there is no justice of the peace in the precinct, or if the
10 justice of the peace fails to do so, the election board of the precinct shall
11 designate and give notice of the place within the precinct of holding the
12 election. For any election in which there are no candidates for elected
13 office appearing on the ballot, the board may consolidate polling places and
14 precinct boards and may consolidate the tabulation of results for that
15 election if all of the following apply:

16 1. All affected voters are notified by mail of the change at least
17 thirty-three days before the election.

18 2. Notice of the change in polling places includes notice of the new
19 voting location, notice of the hours for voting on election day and notice of
20 the telephone number to call for voter assistance.

21 3. All affected voters receive information on early voting that
22 includes the application used to request an early voting ballot.

23 D. The board is not required to designate a polling place for special
24 district mail ballot elections held pursuant to article 8.1 of this chapter,
25 but the board may designate one or more sites for voters to deposit marked
26 ballots until 7:00 p.m. on the day of the election.

27 E. Except as provided in subsection F of this section, a public school
28 shall provide sufficient space for use as a polling place for any city,
29 county or state election when requested by the officer in charge of
30 elections.

31 F. The principal of the school may deny a request to provide space for
32 use as a polling place for any city, county or state election if, within two
33 weeks after a request has been made, the principal provides a written
34 statement indicating a reason the election cannot be held in the school,
35 including any of the following:

36 1. Space is not available at the school.

37 2. The safety or welfare of the children would be jeopardized.

38 G. The board shall make available to the public as a public record a
39 list of the polling places for all precincts in which the election is to be
40 held including identification of polling place changes that were submitted to
41 the United States department of justice for approval.

42 H. Except in the case of an emergency, any facility that is used as a
43 polling place on election day shall allow persons to electioneer and engage
44 in other political activity outside of the seventy-five foot limit prescribed
45 by section 16-515 in public areas and parking lots used by voters. This

1 subsection shall not be construed to permit the temporary or permanent
2 construction of structures in public areas and parking lots or the blocking
3 or other impairment of access to parking spaces for voters. THE COUNTY
4 RECORDER SHALL POST ON ITS WEBSITE AT LEAST TWO WEEKS BEFORE ELECTION DAY A
5 LIST OF THOSE POLLING PLACES IN WHICH EMERGENCY CONDITIONS PREVENT
6 ELECTIONEERING AND SHALL SPECIFY THE REASON THE EMERGENCY EXEMPTION WAS
7 GRANTED. IF THE POLLING PLACE IS NOT ON THE WEBSITE LIST OF POLLING PLACES
8 WITH EMERGENCY CONDITIONS, ELECTIONEERING AND OTHER POLITICAL ACTIVITY SHALL
9 BE PERMITTED OUTSIDE OF THE SEVENTY-FIVE FOOT LIMIT. IF AN EMERGENCY ARISES
10 AFTER THE COUNTY RECORDER'S INITIAL WEBSITE POSTING, THE COUNTY RECORDER
11 SHALL UPDATE THE WEBSITE AS SOON AS IS PRACTICABLE TO INCLUDE ANY NEW POLLING
12 PLACES, SHALL HIGHLIGHT THE POLLING PLACE LOCATION ON THE WEBSITE AND SHALL
13 SPECIFY THE REASON THE EMERGENCY EXEMPTION WAS GRANTED.

14 I. The secretary of state shall provide through the instructions and
15 procedures manual adopted pursuant to section 16-452 the maximum allowable
16 wait time for any election that is subject to section 16-204 and provide for
17 a method to reduce voter wait time at the polls in the primary and general
18 elections. The method shall consider at least all of the following for
19 primary and general elections in each precinct:

20 1. The number of ballots voted in the prior primary and general
21 elections.

22 2. The number of registered voters who voted early in the prior
23 primary and general elections.

24 3. The number of registered voters and the number of registered voters
25 who cast an early ballot for the current primary or general election.

26 4. The number of election board members and clerks and the number of
27 rosters that will reduce voter wait time at the polls.

28 J. The board of supervisors of a county shall not change precinct
29 lines during the period after July 31, 2008 and before January 1, 2011. The
30 board of supervisors may subdivide an election precinct for administrative
31 purposes or may provide for more than one polling place within the boundaries
32 of the election precincts established for use in voting in elections held
33 after July 31, 2008 and before January 1, 2011. In providing for multiple
34 polling places within a precinct, the board of supervisors shall consider the
35 particular population characteristics of each precinct in order to provide
36 the voters the most reasonable access to the polls possible.

37 Sec. 4. Section 16-542, Arizona Revised Statutes, is amended to read:
38 16-542. Request for ballot; civil penalties; violation;
39 classification

40 A. Within ninety-three days before any election called pursuant to the
41 laws of this state, an elector may make a verbal or signed request to the
42 county recorder, or other officer in charge of elections for the applicable
43 political subdivision of this state in whose jurisdiction the elector is
44 registered to vote, for an official early ballot. In addition to name and
45 address, the requesting elector shall provide the date of birth and state or

1 country of birth or other information that if compared to the voter
2 registration information on file would confirm the identity of the elector.
3 If the request indicates that the elector needs a primary election ballot and
4 a general election ballot, the county recorder or other officer in charge of
5 elections shall honor the request. For any partisan primary election, if the
6 elector is not registered as a member of a political party that is entitled
7 to continued representation on the ballot pursuant to section 16-804, the
8 elector shall designate the ballot of only one of the political parties that
9 is entitled to continued representation on the ballot and the elector may
10 receive and vote the ballot of only that one political party. The county
11 recorder may establish on-site early voting locations at the recorder's
12 office, which shall be open and available for use beginning the same day that
13 a county begins to send out the early ballots. The county recorder may also
14 establish any other early voting locations in the county the recorder deems
15 necessary.

16 B. Notwithstanding subsection A of this section, a request for an
17 official early ballot from an absent uniformed services voter or overseas
18 voter as defined in the uniformed and overseas citizens absentee voting act
19 of 1986 (P.L. 99-410; 42 United States Code section 1973ff-6) or a voter
20 whose information is protected pursuant to section 16-153 that is received by
21 the county recorder or other officer in charge of elections more than
22 ninety-three days before the election is valid. If requested by the absent
23 uniformed services or overseas voter, or a voter whose information is
24 protected pursuant to section 16-153, the county recorder or other officer in
25 charge of elections shall provide to the requesting voter early ballot
26 materials through the next two regularly scheduled general elections for
27 federal office immediately following receipt of the request.

28 C. The county recorder or other officer in charge of elections shall
29 mail the early ballot and the envelope for its return postage prepaid to the
30 address provided by the requesting elector within five days after receipt of
31 the official early ballots from the officer charged by law with the duty of
32 preparing ballots pursuant to section 16-545, except that early ballot
33 distribution shall not begin more than twenty-six days before the election.
34 If an early ballot request is received on or before the thirtieth day before
35 the election, the early ballot shall be distributed on the twenty-sixth day
36 before the election.

37 D. Only the elector may be in possession of that elector's unvoted
38 early ballot. If a complete and correct request is made by the elector
39 within twenty-six days before the election, the mailing must be made within
40 forty-eight hours after receipt of the request. Saturdays, Sundays and other
41 legal holidays are excluded from the computation of the forty-eight hour
42 period prescribed by this subsection. If a complete and correct request is
43 made by an absent uniformed services voter or an overseas voter before the
44 election, the regular early ballot shall be transmitted by mail, by fax or by
45 other electronic format approved by the secretary of state within twenty-four

1 hours after the early ballots are delivered pursuant to section 16-545,
2 subsection B, excluding Sundays.

3 E. In order to be complete and correct and to receive an early ballot
4 by mail, an elector's request that an early ballot be mailed to the elector's
5 residence or temporary address must include all of the information prescribed
6 by subsection A of this section and must be received by the county recorder
7 or other officer in charge of elections no later than 5:00 p.m. on the
8 eleventh day preceding the election. An elector who appears personally no
9 later than 5:00 p.m. on the Friday preceding the election at an on-site early
10 voting location that is established by the county recorder or other officer
11 in charge of elections shall be given a ballot and permitted to vote at the
12 on-site location. If an elector's request to receive an early ballot is not
13 complete and correct but complies with all other requirements of this
14 section, the county recorder or other officer in charge of elections shall
15 attempt to notify the elector of the deficiency of the request.

16 F. Unless an elector specifies that the address to which an early
17 ballot is to be sent is a temporary address, the recorder may use the
18 information from an early ballot request form to update voter registration
19 records.

20 G. The county recorder or other officer in charge of early balloting
21 shall provide an alphabetized list of all voters in the precinct who have
22 requested and have been sent an early ballot to the election board of the
23 precinct in which the voter is registered not later than the day prior to the
24 election.

25 H. As a result of an emergency occurring between 5:00 p.m. on the
26 second Friday preceding the election and 5:00 p.m. on the Monday preceding
27 the election, qualified electors may request to vote early in the manner
28 prescribed by the county recorder of their respective county. For the
29 purposes of this subsection, "emergency" means any unforeseen circumstances
30 that would prevent the elector from voting at the polls.

31 I. A candidate ~~or~~, political committee **OR OTHER ORGANIZATION** may
32 distribute early ballot request forms to voters. If the early ballot request
33 forms include a printed address for return ~~to an addressee other than a~~
34 ~~political subdivision~~, the addressee shall be the ~~candidate or political~~
35 ~~committee that paid for the printing and distribution of the request forms~~
36 **POLITICAL SUBDIVISION THAT WILL CONDUCT THE ELECTION. FAILURE TO USE THE**
37 **POLITICAL SUBDIVISION AS THE RETURN ADDRESSEE IS PUNISHABLE BY A CIVIL**
38 **PENALTY OF UP TO THREE TIMES THE COST OF THE PRODUCTION AND DISTRIBUTION OF**
39 **THE REQUEST.**

40 J. All **ORIGINAL AND COMPLETED** early ballot request forms that are
41 received by a candidate or political committee shall be ~~transmitted as soon~~
42 ~~as practicable~~ **SUBMITTED WITHIN SIX BUSINESS DAYS AFTER RECEIPT BY A**
43 **CANDIDATE OR POLITICAL COMMITTEE OR ELEVEN DAYS BEFORE THE ELECTION DAY,**
44 **WHICHEVER IS EARLIER,** to the political subdivision that will conduct the
45 election. **ANY PERSON, POLITICAL COMMITTEE OR OTHER ORGANIZATION THAT FAILS**

1 TO SUBMIT A COMPLETED EARLY BALLOT REQUEST FORM WITHIN THE PRESCRIBED TIME IS
2 SUBJECT TO A CIVIL PENALTY OF UP TO TWENTY-FIVE DOLLARS PER DAY FOR EACH
3 COMPLETED FORM WITHHELD FROM SUBMITTAL. ANY PERSON WHO KNOWINGLY FAILS TO
4 SUBMIT A COMPLETED EARLY BALLOT REQUEST FORM BEFORE THE SUBMISSION DEADLINE
5 FOR THE ELECTION IMMEDIATELY FOLLOWING THE COMPLETION OF THE FORM IS GUILTY
6 OF A CLASS 6 FELONY.

7 Sec. 5. Section 16-544, Arizona Revised Statutes, is amended to read:
8 16-544. Permanent early voting list; violation; classification

9 A. Any voter may request to be included on a permanent list of voters
10 to receive an early ballot for any election for which the county voter
11 registration roll is used to prepare the election register. The county
12 recorder of each county shall maintain the permanent early voting list as
13 part of the voter registration roll.

14 B. In order to be included on the permanent early voting list, the
15 voter shall make a written request specifically requesting that the voter's
16 name be added to the permanent early voting list for all elections in which
17 the applicant is eligible to vote. A permanent early voter request form
18 shall conform to requirements prescribed in the instructions and procedures
19 manual issued pursuant to section 16-452. The application shall allow for
20 the voter to provide the voter's name, residence address, mailing address in
21 the voter's county of residence, date of birth and signature AND SHALL STATE
22 THAT THE VOTER IS ATTESTING THAT THE VOTER IS A REGISTERED VOTER WHO IS
23 ELIGIBLE TO VOTE IN THE COUNTY OF RESIDENCE. The voter shall not list a
24 mailing address that is outside of the voter's county of residence for the
25 purpose of the permanent early voting list unless the voter is an absent
26 uniformed services voter or overseas voter as defined in the uniformed and
27 overseas citizens absentee voting act of 1986 (P.L. 99-410; 42 United States
28 Code section 1973ff-6). In lieu of the application, the applicant may submit
29 a written request that contains the required information.

30 C. On receipt of a request to be included on the permanent early
31 voting list, the county recorder or other officer in charge of elections
32 shall compare the signature on the request form with the voter's signature on
33 the voter's registration form and, if the request is from the voter, shall
34 mark the voter's registration file as a permanent early ballot request.

35 D. Not less than ninety days before any polling place election
36 scheduled in March or August, the county recorder or other officer in charge
37 of elections shall mail to all voters who are eligible for the election and
38 who are included on the permanent early voting list an election notice by
39 nonforwardable mail that is marked with the statement required by the
40 postmaster to receive an address correction notification. If an election is
41 not formally called by a jurisdiction by the one hundred twentieth day before
42 the election, the recorder or other officer in charge of elections is not
43 required to send the election notice. The notice shall include the dates of
44 the elections that are the subject of the notice, the dates that the voter's
45 ballot is expected to be mailed and the address where the ballot will be

1 mailed. If the upcoming election is a partisan open primary election and the
2 voter is not registered as a member of one of the political parties that is
3 recognized for purposes of that primary, the notice shall include information
4 on the procedure for the voter to designate a political party ballot. The
5 notice shall be delivered with return postage prepaid and shall also include
6 a means for the voter to do any of the following:

7 1. Change the mailing address for the voter's ballot to another
8 location in the voter's county of residence.

9 2. Update the voter's residence address in the voter's county of
10 residence.

11 3. Request that the voter not be sent a ballot for the upcoming
12 election or elections indicated on the notice.

13 E. If the notice that is mailed to the voter is returned undeliverable
14 by the postal service, the county recorder or other officer in charge of
15 elections shall take the necessary steps to contact the voter at the voter's
16 new residence address in order to update that voter's address or to move the
17 voter to inactive status as prescribed in section 16-166, subsection A. If a
18 voter is moved to inactive status, the voter shall be removed from the
19 permanent early voting list. If the voter is removed from the permanent
20 early voting list, the voter shall only be added to the permanent early
21 voting list again if the voter submits a new request pursuant to this
22 section.

23 F. Not later than the first day of early voting, the county recorder
24 or other officer in charge of elections shall mail an early ballot to all
25 eligible voters included on the permanent early voting list in the same
26 manner prescribed in section 16-542, subsection C. If the voter has not
27 returned the notice or otherwise notified the election officer within
28 forty-five days before the election that the voter does not wish to receive
29 an early ballot by mail for the election or elections indicated, the ballot
30 shall automatically be scheduled for mailing.

31 G. If a voter who is on the permanent early voting list is not
32 registered as a member of a recognized political party and fails to notify
33 the county recorder of the voter's choice for political party ballot within
34 forty-five days before a partisan open primary election, the following apply:

35 1. The voter shall not automatically be sent a ballot for that
36 partisan open primary election only and the voter's name shall remain on the
37 permanent early voting list for future elections.

38 2. To receive an early ballot for the primary election, the voter
39 shall submit the voter's choice for political party ballot to the county
40 recorder.

41 H. After a voter has requested to be included on the permanent early
42 voting list, the voter shall be sent an early ballot by mail automatically
43 for any election at which a voter at that residence address is eligible to
44 vote until any of the following occurs:

1 1. The voter requests in writing to be removed from the permanent
2 early voting list.

3 2. The voter's registration or eligibility for registration is moved
4 to inactive status or canceled as otherwise provided by law.

5 3. The notice sent by the county recorder or other officer in charge
6 of elections is returned undeliverable and the county recorder or officer in
7 charge of elections is unable to contact the voter to determine the voter's
8 continued desire to remain on the list.

9 I. A voter may make a written request at any time to be removed from
10 the permanent early voting list. The request shall include the voter's name,
11 residence address, date of birth and signature. On receipt of a completed
12 request to remove a voter from the permanent early voting list, the county
13 recorder or other officer in charge of elections shall remove the voter's
14 name from the list as soon as practicable.

15 J. An absent uniformed services voter or overseas voter as defined in
16 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
17 42 United States Code section 1973ff-6) is eligible to be placed on the
18 permanent early voting list pursuant to this section.

19 K. A voter's failure to vote an early ballot once received does not
20 constitute grounds to remove the voter from the permanent early voting list.

21 L. A CANDIDATE, POLITICAL COMMITTEE OR OTHER ORGANIZATION MAY
22 DISTRIBUTE PERMANENT EARLY VOTING LIST REQUEST FORMS TO VOTERS. IF THE
23 PERMANENT EARLY VOTING LIST REQUEST FORMS INCLUDE A PRINTED ADDRESS FOR
24 RETURN, THAT ADDRESS SHALL BE THE POLITICAL SUBDIVISION THAT WILL CONDUCT THE
25 ELECTION. FAILURE TO USE THE POLITICAL SUBDIVISION AS THE RETURN ADDRESSEE
26 IS PUNISHABLE BY A CIVIL PENALTY OF UP TO THREE TIMES THE COST OF THE
27 PRODUCTION AND DISTRIBUTION OF THE PERMANENT EARLY VOTING LIST REQUEST.

28 M. ALL ORIGINAL AND COMPLETED PERMANENT EARLY VOTING LIST REQUEST
29 FORMS THAT ARE RECEIVED BY A CANDIDATE, POLITICAL COMMITTEE OR OTHER
30 ORGANIZATION SHALL BE SUBMITTED WITHIN SIX BUSINESS DAYS AFTER RECEIPT BY A
31 CANDIDATE OR POLITICAL COMMITTEE OR ELEVEN DAYS BEFORE THE ELECTION DAY,
32 WHICHEVER IS EARLIER, TO THE POLITICAL SUBDIVISION THAT WILL CONDUCT THE
33 ELECTION. ANY PERSON, POLITICAL COMMITTEE OR OTHER ORGANIZATION THAT FAILS
34 TO SUBMIT A COMPLETED PERMANENT EARLY VOTING LIST REQUEST FORM WITHIN THE
35 PRESCRIBED TIME IS SUBJECT TO A CIVIL PENALTY OF UP TO TWENTY-FIVE DOLLARS
36 PER DAY FOR EACH COMPLETED FORM WITHHELD FROM SUBMITTAL. ANY PERSON WHO
37 KNOWINGLY FAILS TO SUBMIT A COMPLETED PERMANENT EARLY VOTING LIST REQUEST
38 FORM BEFORE THE SUBMISSION DEADLINE FOR THE ELECTION IMMEDIATELY FOLLOWING
39 THE COMPLETION OF THE FORM IS GUILTY OF A CLASS 6 FELONY.

40 Sec. 6. Section 16-912, Arizona Revised Statutes, is amended to read:

41 16-912. Candidates and independent expenditures; campaign
42 literature and advertisement sponsors;
43 identification; civil penalty

44 A. A political committee that makes an expenditure for campaign
45 literature or advertisements that expressly advocate the election or defeat

1 of any candidate or that make any solicitation of contributions to any
2 political committee shall be registered pursuant to this chapter at the time
3 of distribution, placement or solicitation and shall include on the
4 literature or advertisement the words "paid for by" followed by the name of
5 the committee that appears on its statement of organization or five hundred
6 dollar exemption statement.

7 B. If the expenditure for the campaign literature or advertisements by
8 a political committee is an independent expenditure, the political committee,
9 in addition to the disclosures required by subsection A of this section,
10 shall include on the literature or advertisement the names and telephone
11 numbers of the three political committees making the largest contributions to
12 the political committee making the independent expenditure. If an acronym is
13 used to name any political committee outlined in this section, the name of
14 any sponsoring organization of the political committee shall also be printed
15 or spoken. For purposes of determining the three contributors to be
16 disclosed, the contributions of each political committee to the political
17 committee making the independent expenditure during the one year period
18 before the election being affected are aggregated.

19 C. ~~The provisions of~~ Subsection A of this section ~~do~~ DOES not apply to
20 bumper stickers, pins, buttons, pens and similar small items on which the
21 statements required in subsection A of this section cannot be conveniently
22 printed or to signs paid for by a candidate with campaign monies or by a
23 candidate's campaign committee or to a solicitation of contributions by a
24 separate segregated fund from those persons it may solicit pursuant to
25 sections 16-920 and 16-921.

26 D. The disclosures required pursuant to this section shall be printed
27 clearly and legibly in a conspicuous manner or, if the advertisement is
28 broadcast on a telecommunications system, the disclosure shall be spoken.
29 FOR PRINTED MATERIAL THAT IS DELIVERED OR PROVIDED BY HAND OR BY MAIL, THE
30 DISCLOSURE SHALL BE PRINTED IN A FONT THAT IS AT LEAST 3/32 INCHES TALL IN
31 DARK TYPE ON LIGHT BACKGROUND SURROUNDED BY A DARK BOX.

32 E. A person who violates this section is subject to a civil penalty of
33 up to three times the cost of producing and distributing the literature or
34 advertisement. This civil penalty shall be imposed as prescribed in section
35 16-924.

36 Sec. 7. Section 16-912.01, Arizona Revised Statutes, is amended to
37 read:

38 16-912.01. Ballot measure committees; campaign literature and
39 advertising funding; identification; disclosure;
40 civil penalty; definition

41 A. A political committee that makes an expenditure in connection with
42 any literature or advertisement to support or oppose a ballot proposition
43 shall disclose and, after November 2, 2010, shall include on the literature
44 or advertisement the words "paid for by", followed by the name of the
45 committee that appears on its statement of organization or five hundred

1 dollar threshold exemption statement, and shall also include in such
2 literature or advertisement the four largest of its major funding sources as
3 of the time the literature or advertisement is printed, recorded or otherwise
4 produced for dissemination. If a political committee has fewer than four
5 major funding sources, the committee shall disclose all major funding
6 sources.

7 B. For THE purposes of this section, a major funding source of a
8 political committee is any contributor that is not an individual person and
9 that has made cumulative contributions of either:

10 1. Ten thousand dollars or more for an expenditure in support of or
11 opposition to a statewide ballot proposition or a ballot proposition of a
12 political subdivision with a population of one hundred thousand persons or
13 more.

14 2. Five thousand dollars or more for an expenditure in support of or
15 opposition to a ballot proposition of a political subdivision with a
16 population of less than one hundred thousand persons.

17 C. If an out-of-state contributor or group of out-of-state
18 contributors is a major funding source to a political committee disclosed
19 pursuant to subsection A, the political committee shall state the contributor
20 is an out-of-state contributor on its literature or advertisement in support
21 of or in opposition to a ballot proposition.

22 D. Contributors that make contributions to more than one political
23 committee that supports or opposes the same ballot proposition shall notify
24 each political committee of the cumulative total of these contributions.
25 Cumulative totals must be disclosed by each political committee that received
26 contributions from the same contributor if the cumulative totals qualify as a
27 major funding source to be disclosed pursuant to subsection A.

28 E. Any disclosure statement required by this section shall be printed
29 clearly and legibly in a conspicuous manner in type at least as large as the
30 majority of the printed text. FOR PRINTED MATERIAL THAT IS DELIVERED OR
31 PROVIDED BY HAND OR BY MAIL, THE DISCLOSURE SHALL BE PRINTED IN A FONT THAT
32 IS AT LEAST 3/32 INCHES TALL IN DARK TYPE ON LIGHT BACKGROUND SURROUNDED BY A
33 DARK BOX. If the communication is broadcast on radio, the information shall
34 be spoken at the end of the communication. If the communication is broadcast
35 on a telecommunications system, the information shall be both written and
36 spoken at the end of the communication, except that if the disclosure
37 statement is written for at least five seconds of a thirty second
38 advertisement broadcast or ten seconds of a sixty second advertisement
39 broadcast, a spoken disclosure statement is not required. If the
40 communication is broadcast on a telecommunications system, the written
41 disclosure statement shall be printed in letters equal to or larger than four
42 per cent of the vertical picture height.

43 F. Subsection A does not apply to bumper stickers, pins, buttons, pens
44 and similar small items on which the statements required in subsection A

1 cannot be conveniently printed or to a communication by an organization
2 solely to its members.

3 G. A committee shall change future literature and advertisements to
4 reflect any change in funding sources that must be disclosed pursuant to
5 subsection A.

6 H. This section only applies to advertisements the contents of which
7 are more than fifty per cent devoted to one or more ballot propositions or
8 proposed measures on the same subject.

9 I. Any committee that violates this section is liable in a civil
10 action brought by the attorney general, county attorney or city or town
11 attorney, as appropriate, or by any other person for a civil penalty of three
12 times the total cost of the advertisement. A donor who does not accurately
13 disclose its contributions is liable for a civil penalty of three times the
14 amount donated.

15 J. For the purposes of this section, "advertisement" means general
16 public advertising through the print and electronic media, signs, billboards
17 and direct mail.

18 Sec. 8. Section 16-917, Arizona Revised Statutes, is amended to read:
19 16-917. Independent expenditures; in-kind contribution; civil
20 penalty

21 A. A political committee that makes independent expenditures for
22 literature or an advertisement relating to any one candidate or office within
23 ~~ten~~ SIXTY days before the day of any election to which the expenditures
24 relate, shall send by certified mail a copy of the campaign literature or
25 advertisement to each candidate named or otherwise referred to in the
26 literature or advertisement twenty-four hours after depositing it at the post
27 office for mailing, twenty-four hours after submitting it to a
28 telecommunications system for broadcast or twenty-four hours after submitting
29 it to a newspaper for printing.

30 B. The copy of the literature or advertisement sent to a candidate
31 pursuant to subsection A of this section shall be a reproduction that is
32 clearly readable, viewable or audible.

33 C. An expenditure by a political committee or a person that does not
34 meet the definition of an independent expenditure is an in-kind contribution
35 to the candidate and a corresponding expenditure by the candidate unless
36 otherwise exempted.

37 D. A person who violates this section is subject to a civil penalty of
38 three times the cost of the literature or advertisement that was distributed
39 in violation of this section. This civil penalty shall be imposed as
40 prescribed in section 16-924.

41 Sec. 9. Applicability; voter registration forms

42 Section 16-152, Arizona Revised Statutes, as amended by this act,
43 applies to voter registration forms printed on and after January 1, 2012.