

REFERENCE TITLE: permanent early voting lists; amendments

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1261

Introduced by
Senators Reagan, Driggs: Worsley

AN ACT

AMENDING SECTIONS 16-184 AND 16-544, 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 16-184, Arizona Revised Statutes, is amended to
3 read:

4 16-184. Additional violations; classification

5 A. Any person who knowingly swears falsely to an affidavit required
6 under the provisions of this chapter is guilty of a class 5 felony unless
7 another classification is specifically prescribed in this chapter.

8 B. An officer of an election who knowingly fails or refuses to perform
9 any duty required of him under this chapter is guilty of a class 2
10 misdemeanor unless another classification is specifically prescribed in this
11 chapter.

12 C. ANY PERSON WHO KNOWINGLY ALTERS A VOTER REGISTRATION FORM WITHOUT
13 THE CONSENT OF THE PERSON WHO IS THE REGISTRANT ON THAT FORM IS GUILTY OF A
14 CLASS 5 FELONY.

15 Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to read:

16 16-544. Permanent early voting list; civil penalty; violation;
17 classification

18 A. Any voter may request to be included on a permanent list of voters
19 to receive an early ballot for any election for which the county voter
20 registration roll is used to prepare the election register. The county
21 recorder of each county shall maintain the permanent early voting list as
22 part of the voter registration roll.

23 B. In order to be included on the permanent early voting list, the
24 voter shall make a written request specifically requesting that the voter's
25 name be added to the permanent early voting list for all elections in which
26 the applicant is eligible to vote. A permanent early voter request form
27 shall conform to requirements prescribed in the instructions and procedures
28 manual issued pursuant to section 16-452. The application shall allow for
29 the voter to provide the voter's name, residence address, mailing address in
30 the voter's county of residence, date of birth and signature and shall state
31 that the voter is attesting that the voter is a registered voter who is
32 eligible to vote in the county of residence. The voter shall not list a
33 mailing address that is outside of this state for the purpose of the
34 permanent early voting list unless the voter is an absent uniformed services
35 voter or overseas voter as defined in the uniformed and overseas citizens
36 absentee voting act of 1986 (P.L. 99-410; 42 United States Code section
37 1973ff-6). In lieu of the application, the applicant may submit a written
38 request that contains the required information.

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

44 D. Not less than ninety days before any polling place election
45 scheduled in March or August, the county recorder or other officer in charge

1 of elections shall mail to all voters who are eligible for the election and
2 who are included on the permanent early voting list an election notice by
3 nonforwardable mail that is marked with the statement required by the
4 postmaster to receive an address correction notification. If an election is
5 not formally called by a jurisdiction by the one hundred twentieth day before
6 the election, the recorder or other officer in charge of elections is not
7 required to send the election notice. The notice shall include the dates of
8 the elections that are the subject of the notice, the dates that the voter's
9 ballot is expected to be mailed and the address where the ballot will be
10 mailed. If the upcoming election is a partisan open primary election and the
11 voter is not registered as a member of one of the political parties that is
12 recognized for purposes of that primary, the notice shall include information
13 on the procedure for the voter to designate a political party ballot. The
14 notice shall be delivered with return postage prepaid and shall also include
15 a means for the voter to do any of the following:

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

18 2. Update the voter's residence address in the voter's county of
19 residence.

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

22 E. If the notice that is mailed to the voter is returned undeliverable
23 by the postal service, the county recorder or other officer in charge of
24 elections shall take the necessary steps to contact the voter at the voter's
25 new residence address in order to update that voter's address or to move the
26 voter to inactive status as prescribed in section 16-166, subsection A. If a
27 voter is moved to inactive status, the voter shall be removed from the
28 permanent early voting list. If the voter is removed from the permanent
29 early voting list, the voter shall only be added to the permanent early
30 voting list again if the voter submits a new request pursuant to this
31 section.

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

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

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

4 2. To receive an early ballot for the primary election, the voter
5 shall submit the voter's choice for political party ballot to the county
6 recorder.

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

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

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

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

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

25 J. An absent uniformed services voter or overseas voter as defined in
26 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
27 42 United States Code section 1973ff-6) is eligible to be placed on the
28 permanent early voting list pursuant to this section.

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

31 L. NOTWITHSTANDING SUBSECTION K OF THIS SECTION, BY DECEMBER 1 OF EACH
32 EVEN-NUMBERED YEAR, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
33 ELECTIONS MAY SEND A NOTICE TO EACH VOTER WHO IS ON THE PERMANENT EARLY
34 VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT IN BOTH OF THE MOST RECENT
35 PRIMARY AND GENERAL ELECTIONS. THE NOTICE SHALL INFORM THE VOTER THAT IF THE
36 VOTER WISHES TO REMAIN ON THE PERMANENT EARLY VOTING LIST, THE VOTER SHALL DO
37 BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

38 1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE PERMANENT
39 EARLY VOTING LIST.

40 2. RETURN THE COMPLETED NOTICE TO THE COUNTY OFFICER IN CHARGE OF
41 ELECTIONS WITHIN THIRTY DAYS AFTER RECEIPT BY THE VOTER. THE NOTICE SHALL BE
42 SIGNED BY THE VOTER AND SHALL CONTAIN THE VOTER'S ADDRESS AND DATE OF BIRTH.

43 M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF THIS
44 SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE THIRTY DAY PERIOD, THE
45 COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER'S NAME FROM THE

1 PERMANENT EARLY VOTING LIST. THIS SUBSECTION DOES NOT APPLY TO VOTERS WHO
2 FAILED TO VOTE AN EARLY BALLOT AND WHO MODIFIED THEIR VOTER REGISTRATION
3 INFORMATION DURING THE PERIOD FOR EARLY VOTING FOR EITHER THE IMMEDIATELY
4 PRECEDING PRIMARY OR GENERAL ELECTION.

5 ~~L.~~ N. A candidate, A political committee or ~~other~~ ANOTHER
6 organization may distribute permanent early voting list request forms to
7 voters. PERMANENT EARLY VOTING LIST REQUEST FORMS THAT ARE DISTRIBUTED BY A
8 CANDIDATE, A POLITICAL COMMITTEE OR ANOTHER ORGANIZATION SHALL INCLUDE THE
9 FOLLOWING STATEMENT:

10 NOTICE: BY SIGNING THIS FORM YOU ARE AGREEING TO RECEIVE AN
11 EARLY BALLOT FOR EVERY ELECTION IN WHICH YOU ARE ELIGIBLE TO
12 VOTE. YOU ARE INFORMING THE RECORDER THAT YOU DO NOT WISH TO
13 VOTE AT YOUR ASSIGNED POLLING LOCATION FOR ALL ELECTIONS. IF
14 YOU WOULD LIKE TO VOTE AT YOUR ASSIGNED POLLING LOCATION, DO NOT
15 SIGN THIS FORM.

16 PERMANENT EARLY VOTING LIST REQUEST FORMS THAT ARE SUBMITTED WITHOUT THE
17 STATEMENT PRESCRIBED BY THIS SUBSECTION ARE VALID FOR PURPOSES OF REQUIRING
18 THAT THE VOTER BE SENT AN EARLY BALLOT FOR THE IMMEDIATELY SUCCEEDING
19 ELECTION, BUT THAT VOTER'S NAME SHALL NOT BE PLACED ON THE PERMANENT EARLY
20 VOTING LIST. If the permanent early voting list request forms include a
21 printed address for return, that address shall be the political subdivision
22 that will conduct the election. Failure to use the political subdivision as
23 the return addressee is punishable by a civil penalty of up to three times
24 the cost of the production and distribution of the permanent early voting
25 list request.

26 ~~M.~~ O. All original and completed permanent early voting list request
27 forms that are received by a candidate, political committee or other
28 organization shall be submitted within six business days after receipt by a
29 candidate or political committee or eleven days before the election day,
30 whichever is earlier, to the political subdivision that will conduct the
31 election. Any person, political committee or other organization that fails
32 to submit a completed permanent early voting list request form within the
33 prescribed time is subject to a civil penalty of up to twenty-five dollars
34 per day for each completed form withheld from submittal. Any person who
35 knowingly fails to submit a completed permanent early voting list request
36 form before the submission deadline for the election immediately following
37 the completion of the form is guilty of a class 6 felony.

38 Sec. 3. Applicability; permanent early voting list, early
39 ballots; 2012 primary and general elections

40 Notwithstanding any other law, section 16-544, Arizona Revised
41 Statutes, as amended by this act, applies to voters on the permanent early
42 voting list who did not vote an early ballot in both the 2012 primary and
43 general elections, and county officers in charge of elections may send the
44 notices prescribed by section 16-544, subsection M, Arizona Revised Statutes,
45 as amended by this act, and modify their permanent early voting lists.