

REFERENCE TITLE: ballots; defects; notice; cure

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2534

Introduced by
Representatives Clark, Andrade, Steele, Wheeler: Bolding, Espinoza,
Fernandez, Friese, Mach, Otondo, Saldate

AN ACT

AMENDING SECTIONS 16-542 AND 16-584, ARIZONA REVISED STATUTES; RELATING TO
CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-542, Arizona Revised Statutes, is amended to
3 read:

4 16-542. Request for ballot; civil penalties; violation;
5 classification

6 A. Within ninety-three days before any election called pursuant to the
7 laws of this state, an elector may make a verbal or signed request to the
8 county recorder, or other officer in charge of elections for the applicable
9 political subdivision of this state in whose jurisdiction the elector is
10 registered to vote, for an official early ballot. In addition to name and
11 address, the requesting elector shall provide the date of birth and state or
12 country of birth or other information that if compared to the voter
13 registration information on file would confirm the identity of the elector.
14 If the request indicates that the elector needs a primary election ballot and
15 a general election ballot, the county recorder or other officer in charge of
16 elections shall honor the request. For any partisan primary election, if the
17 elector is not registered as a member of a political party that is entitled
18 to continued representation on the ballot pursuant to section 16-804, the
19 elector shall designate the ballot of only one of the political parties that
20 is entitled to continued representation on the ballot and the elector may
21 receive and vote the ballot of only that one political party. The county
22 recorder may establish on-site early voting locations at the recorder's
23 office, which shall be open and available for use beginning the same day that
24 a county begins to send out the early ballots. The county recorder may also
25 establish any other early voting locations in the county the recorder deems
26 necessary.

27 B. Notwithstanding subsection A of this section, a request for an
28 official early ballot from an absent uniformed services voter or overseas
29 voter as defined in the uniformed and overseas citizens absentee voting act
30 of 1986 (P.L. 99-410; ~~42 52~~ United States Code section ~~1973ff-6~~ 20310) or a
31 voter whose information is protected pursuant to section 16-153 that is
32 received by the county recorder or other officer in charge of elections more
33 than ninety-three days before the election is valid. If requested by the
34 absent uniformed services or overseas voter, or a voter whose information is
35 protected pursuant to section 16-153, the county recorder or other officer in
36 charge of elections shall provide to the requesting voter early ballot
37 materials through the next regularly scheduled general election for federal
38 office immediately following receipt of the request unless a different period
39 of time, which does not exceed the next two regularly scheduled general
40 elections for federal office, is designated by the voter.

41 C. The county recorder or other officer in charge of elections shall
42 mail the early ballot and the envelope for its return postage prepaid to the
43 address provided by the requesting elector within five days after receipt of
44 the official early ballots from the officer charged by law with the duty of
45 preparing ballots pursuant to section 16-545, except that early ballot

1 distribution shall not begin more than twenty-six days before the election.
2 If an early ballot request is received on or before the thirtieth day before
3 the election, the early ballot shall be distributed on the twenty-sixth day
4 before the election.

5 D. Only the elector may be in possession of that elector's unvoted
6 early ballot. If a complete and correct request is made by the elector
7 within twenty-six days before the election, the mailing must be made within
8 forty-eight hours after receipt of the request. Saturdays, Sundays and other
9 legal holidays are excluded from the computation of the forty-eight hour
10 period prescribed by this subsection. If a complete and correct request is
11 made by an absent uniformed services voter or an overseas voter before the
12 election, the regular early ballot shall be transmitted by mail, by fax or by
13 other electronic format approved by the secretary of state within twenty-four
14 hours after the early ballots are delivered pursuant to section 16-545,
15 subsection B, excluding Sundays.

16 E. In order to be complete and correct and to receive an early ballot
17 by mail, an elector's request that an early ballot be mailed to the elector's
18 residence or temporary address must include all of the information prescribed
19 by subsection A of this section and must be received by the county recorder
20 or other officer in charge of elections no later than 5:00 p.m. on the
21 eleventh day preceding the election. An elector who appears personally no
22 later than 5:00 p.m. on the Friday preceding the election at an on-site early
23 voting location that is established by the county recorder or other officer
24 in charge of elections shall be given a ballot and permitted to vote at the
25 on-site location. If an elector's request to receive an early ballot is not
26 complete and correct but complies with all other requirements of this
27 section, the county recorder or other officer in charge of elections shall
28 attempt to notify the elector of the deficiency of the request.

29 F. Unless an elector specifies that the address to which an early
30 ballot is to be sent is a temporary address, the recorder may use the
31 information from an early ballot request form to update voter registration
32 records.

33 G. The county recorder or other officer in charge of early balloting
34 shall provide an alphabetized list of all voters in the precinct who have
35 requested and have been sent an early ballot to the election board of the
36 precinct in which the voter is registered not later than the day ~~prior to~~
37 **BEFORE** the election.

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

44 I. A candidate, political committee or other organization may
45 distribute early ballot request forms to voters. If the early ballot request

1 forms include a printed address for return, the addressee shall be the
2 political subdivision that will conduct the election. Failure to use the
3 political subdivision as the return addressee is punishable by a civil
4 penalty of up to three times the cost of the production and distribution of
5 the request.

6 J. All original and completed early ballot request forms that are
7 received by a candidate, ~~or~~ political committee OR OTHER ORGANIZATION shall
8 be submitted within six business days after receipt by a candidate, ~~or~~
9 political committee OR OTHER ORGANIZATION or eleven days before the election
10 day, whichever is earlier, to the political subdivision that will conduct the
11 election. Any person, political committee or other organization that fails
12 to submit a completed early ballot request form within the prescribed time is
13 subject to a civil penalty of up to twenty-five dollars per day for each
14 completed form withheld from submittal. Any person who knowingly fails to
15 submit a completed early ballot request form before the submission deadline
16 for the election immediately following the completion of the form is guilty
17 of a class 6 felony.

18 K. FOR ANY PERSON WHO VOTES AN EARLY BALLOT, THE COUNTY RECORDER OR
19 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROVIDE FOR A METHOD OF NOTIFYING
20 THE EARLY BALLOT VOTER AT NO COST TO THE VOTER IF THERE IS A DEFECT IN THE
21 VOTER'S BALLOT MATERIALS THAT WILL RESULT IN THE REJECTION OF THE VOTER'S
22 BALLOT FROM BEING COUNTED, AND THAT THE VOTER MAY ATTEMPT TO CURE THE DEFECT
23 IN THE VOTING MATERIALS WITHIN THE TEN DAYS IMMEDIATELY FOLLOWING THE
24 ELECTION. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL
25 PERMIT THE VOTER TO CURE THOSE DEFECTS THAT RESULT FROM INCOMPLETE OR
26 INCORRECT INFORMATION, SHALL TABULATE THE BALLOT AS OTHERWISE PROVIDED BY LAW
27 AND SHALL FURTHER NOTIFY THE VOTER WHETHER THE VOTER'S BALLOT WAS VERIFIED
28 AND COUNTED AND, IF NOT COUNTED, THE REASON FOR NOT COUNTING THE BALLOT. THE
29 METHOD OF NOTIFICATION SHALL PROVIDE REASONABLE RESTRICTIONS THAT ARE
30 DESIGNED TO LIMIT TRANSMITTAL OF THE INFORMATION ONLY TO THE VOTER.

31 Sec. 2. Section 16-584, Arizona Revised Statutes, is amended to read:
32 16-584. Qualified elector not on precinct register; recorder's
33 certificate; verified ballot; procedure

34 A. A qualified elector whose name is not on the precinct register and
35 who presents a certificate from the county recorder showing that the elector
36 is entitled by law to vote in the precinct shall be entered on the signature
37 roster on the blank following the last printed name and shall be given the
38 next consecutive register number, and the qualified elector shall sign in the
39 space provided.

40 B. A qualified elector whose name is not on the precinct register,
41 ~~upon~~ ON presentation of identification verifying the identity of the elector
42 that includes the voter's given name and surname and the complete residence
43 address that is verified by the election board to be in the precinct or on
44 signing an affirmation that states that the elector is a registered voter in

1 that jurisdiction and is eligible to vote in that jurisdiction, shall be
2 allowed to vote a provisional ballot.

3 C. If a voter has moved to a new address within the county and has not
4 notified the county recorder of the change of address before the date of an
5 election, the voter shall be permitted to correct the voting records for
6 purposes of voting in future elections at the appropriate polling place for
7 the voter's new address. The voter shall be permitted to vote a provisional
8 ballot. The voter shall present a form of identification that includes the
9 voter's given name and surname and the voter's complete residence address.
10 The residence address must be within the precinct in which the voter is
11 attempting to vote, and the voter shall affirm in writing that the voter is
12 registered in that jurisdiction and is eligible to vote in that jurisdiction.

13 D. On completion of the ballot, the election official shall remove the
14 ballot stub, shall place the ballot in a provisional ballot envelope and
15 shall deposit the envelope in the ballot box. Within ten calendar days after
16 a general election that includes an election for a federal office and within
17 five business days after any other election or no later than the time at
18 which challenged early voting ballots are resolved, the signature shall be
19 compared to the precinct signature roster of the former precinct where the
20 voter was registered. If the voter's name is not signed on the roster and if
21 there is no indication that the voter voted an early ballot, the provisional
22 ballot envelope shall be opened and the ballot shall be counted. If there is
23 information showing the person did vote, the provisional ballot shall remain
24 unopened and shall not be counted. When provisional ballots are confirmed
25 for counting, the county recorder shall use the information supplied on the
26 provisional ballot envelope to correct the address record of the voter.

27 E. When a voter is allowed to vote a provisional ballot, the elector's
28 name shall be entered on a separate signature roster page at the end of the
29 signature roster. Voters' names shall be numbered consecutively beginning
30 with the number V-1. The elector shall sign in the space provided. The
31 ballot stub shall be removed and the ballot shall be placed in a separate
32 envelope, the outside of which shall contain the precinct name or number, a
33 sworn or attested statement of the elector that the elector resides in the
34 precinct, is eligible to vote in the election and has not previously voted in
35 the election, the signature of the elector and the voter registration number
36 of the elector, if available. The ballot shall be verified for proper
37 registration of the elector by the county recorder before being counted. The
38 verification shall be made by the county recorder within ten calendar days
39 after a general election that includes an election for a federal office and
40 within five business days following any other election, and the voter receipt
41 card, notification or identification card, if any, from the county recorder
42 used therefor, if valid, shall be returned to the elector within a reasonable
43 time thereafter. Verified ballots shall be counted by depositing the ballot
44 in the ballot box and showing on the records of the election that the elector

1 has voted. If registration is not verified the ballot shall remain unopened
2 and shall be retained in the same manner as voted ballots.

3 F. For any person who votes a provisional ballot, the county recorder
4 or other officer in charge of elections shall provide for a method of
5 notifying the provisional ballot voter at no cost to the voter IF THERE IS A
6 DEFECT IN THE VOTER'S PROVISIONAL BALLOT MATERIALS THAT WILL RESULT IN THE
7 REJECTION OF THE PROVISIONAL BALLOT FROM BEING COUNTED, AND THAT THE VOTER
8 MAY ATTEMPT TO CURE THE DEFECT IN THE PROVISIONAL BALLOT MATERIALS WITHIN THE
9 TEN DAYS IMMEDIATELY FOLLOWING THE ELECTION. THE COUNTY RECORDER OR OTHER
10 OFFICER IN CHARGE OF ELECTIONS SHALL PERMIT THE VOTER TO CURE THOSE DEFECTS
11 THAT RESULT FROM INCOMPLETE OR INCORRECT INFORMATION, SHALL TABULATE THE
12 BALLOT AS OTHERWISE PROVIDED BY LAW AND SHALL FURTHER NOTIFY THE VOTER
13 whether the voter's ballot was verified and counted and, if not counted, the
14 reason for not counting the ballot. ~~The notification may be in the form of~~
15 ~~notice by mail to the voter, establishment of a toll free telephone number,~~
16 ~~internet access or other similar method to allow the voter to have access to~~
17 ~~this information.~~ The method of notification shall provide reasonable
18 restrictions that are designed to limit transmittal of the information only
19 to the voter.