

REFERENCE TITLE: early voting locations; extended hours

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

# HB 2351

Introduced by  
Representative Clark

AN ACT

AMENDING SECTION 16-542, ARIZONA REVISED STATUTES; RELATING TO EARLY VOTING.

(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  
7 the laws of this state, an elector may make a verbal or signed request to  
8 the county recorder, or other officer in charge of elections for the  
9 applicable political subdivision of this state in whose jurisdiction the  
10 elector is registered to vote, for an official early ballot. In addition  
11 to name and address, the requesting elector shall provide the date of  
12 birth and state or country of birth or other information that if compared  
13 to the voter registration information on file would confirm the identity  
14 of the elector. If the request indicates that the elector needs a primary  
15 election ballot and a general election ballot, the county recorder or  
16 other officer in charge of elections shall honor the request. For any  
17 partisan primary election, if the elector is not registered as a member of  
18 a political party that is entitled to continued representation on the  
19 ballot pursuant to section 16-804, the elector shall designate the ballot  
20 of only one of the political parties that is entitled to continued  
21 representation on the ballot and the elector may receive and vote the  
22 ballot of only that one political party. The county recorder ~~may~~ **SHALL**  
23 establish on-site early voting locations at the recorder's office, which  
24 shall be open and available for use beginning the same day that a county  
25 begins to send out the early ballots. **THE ON-SITE EARLY VOTING LOCATIONS**  
26 **SHALL BE OPEN UNTIL 7:00 P.M. EACH BUSINESS DAY DURING THE EARLY VOTING**  
27 **PERIOD THROUGH THE MONDAY PRECEDING ELECTION DAY AND SHALL BE OPEN ON**  
28 **SATURDAYS AND SUNDAYS UNTIL 7:00 P.M. DURING THE TWO WEEKENDS IMMEDIATELY**  
29 **PRECEDING ELECTION DAY.** The county recorder may also establish any other  
30 early voting locations in the county the recorder deems necessary.

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

1 C. The county recorder or other officer in charge of elections  
2 shall mail the early ballot and the envelope for its return postage  
3 prepaid to the address provided by the requesting elector within five days  
4 after receipt of the official early ballots from the officer charged by  
5 law with the duty of preparing ballots pursuant to section 16-545, except  
6 that early ballot distribution shall not begin more than twenty-seven days  
7 before the election. If an early ballot request is received on or before  
8 the thirty-first day before the election, the early ballot shall be  
9 distributed not earlier than the twenty-seventh day before the election  
10 and not later than the twenty-fourth day before the election.

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

22 E. In order to be complete and correct and to receive an early  
23 ballot by mail, an elector's request that an early ballot be mailed to the  
24 elector's residence or temporary address must include all of the  
25 information prescribed by subsection A of this section and must be  
26 received by the county recorder or other officer in charge of elections no  
27 later than 5:00 p.m. on the eleventh day preceding the election. An  
28 elector who appears personally no later than ~~5:00~~ 7:00 p.m. on the ~~Friday~~  
29 ~~MONDAY~~ preceding the election at an on-site early voting location that is  
30 established by the county recorder or other officer in charge of elections  
31 shall be given a ballot and permitted to vote at the on-site location. If  
32 an elector's request to receive an early ballot is not complete and  
33 correct but complies with all other requirements of this section, the  
34 county recorder or other officer in charge of elections shall attempt to  
35 notify the elector of the deficiency of the request.

36 F. Unless an elector specifies that the address to which an early  
37 ballot is to be sent is a temporary address, the recorder may use the  
38 information from an early ballot request form to update voter registration  
39 records.

40 G. The county recorder or other officer in charge of early  
41 balloting shall provide an alphabetized list of all voters in the precinct  
42 who have requested and have been sent an early ballot to the election  
43 board of the precinct in which the voter is registered not later than the  
44 day before the election.

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

7           I. A candidate, political committee or other organization may  
8 distribute early ballot request forms to voters. If the early ballot  
9 request forms include a printed address for return, the addressee shall be  
10 the political subdivision that will conduct the election. Failure to use  
11 the political subdivision as the return addressee is punishable by a civil  
12 penalty of up to three times the cost of the production and distribution  
13 of the request.

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