

REFERENCE TITLE: early voting; revisions

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1412

Introduced by
Senator Shooter

AN ACT

AMENDING SECTIONS 16-542, 16-545, 16-547 AND 16-1005, 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

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

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

38 C. The county recorder or other officer in charge of elections shall
39 mail the early ballot and the envelope for its return postage prepaid to the
40 address provided by the requesting elector within five days after receipt of
41 the official early ballots from the officer charged by law with the duty of
42 preparing ballots pursuant to section 16-545, except that early ballot
43 distribution shall not begin more than twenty-six days before the election.
44 If an early ballot request is received on or before the thirtieth day before

1 the election, the early ballot shall be distributed on the twenty-sixth day
 2 before the election.

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

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

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

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

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

43 I. A candidate or political committee may distribute early ballot
 44 request forms to voters. If the early ballot request forms include a printed
 45 address for return to an addressee other than a political subdivision, the

1 addressee shall be the candidate or political committee that paid for the
2 printing and distribution of the request forms. All early ballot request
3 forms that are received by a candidate or political committee shall be
4 transmitted as soon as practicable to the political subdivision that will
5 conduct the election.

6 Sec. 2. Section 16-545, Arizona Revised Statutes, is amended to read:
7 16-545. Early ballot

8 A. The early ballot shall be one prepared for use in the precinct in
9 which the applicant resides and, if a partisan primary election, of the
10 political party with which the applicant is affiliated as shown by the
11 affidavit of registration. The ballot shall be identical with the regular
12 official ballots, except that it shall have printed or stamped on it "early".

13 B. The officer charged by law with the duty of preparing ballots at
14 any election shall:

15 1. Prepare the official early ballot and deliver a sufficient number
16 to the recorder or other officer in charge of elections not later than the
17 thirty-third day before the election. Except as provided in section 16-542,
18 subsection D, regular early ballots shall not be distributed to the general
19 public before the beginning of early voting.

20 2. ENSURE THAT THE BALLOT RETURN ENVELOPES ARE OF A TYPE THAT ARE
21 TAMPER EVIDENT AND TAMPER RESISTANT WHEN PROPERLY SEALED.

22 Sec. 3. Section 16-547, Arizona Revised Statutes, is amended to read:
23 16-547. Ballot affidavit; form

24 A. The early ballot shall be accompanied by an envelope bearing ~~upon~~
25 ON the front the name, official title and post office address of the recorder
26 or other officer in charge of elections and ~~upon~~ ON the other side a printed
27 affidavit in substantially the following form:

28 State of Arizona

29

30 County of _____

31

32 I, _____, do solemnly swear that I am the identical
33 person whose name is signed to this affidavit and that this name
34 and signature are my true name and signature, or if I did not
35 personally sign, it was because of physical disability and that
36 I requested _____ (name of person signing
37 affidavit) to sign for me, that I have not voted and will not
38 vote in this election in any other state during the calendar
39 year of this affidavit and that I personally voted the enclosed
40 ballot or that it was marked according to my instructions
41 because I was unable to do so. I understand that knowingly
42 voting more than once in any election is a class 5 felony. I
43 declare that I am more than eighteen years of age, that I am a
44 qualified elector of the state of Arizona and the county of
45 _____ and that I reside at _____ . If a challenge

1 is filed against my early ballot, I understand that a copy of
 2 the challenge will be sent to me by first class mail and that I
 3 may have as little as forty-eight hours' notice of an
 4 opportunity to appear. For purposes of notifying me of a ballot
 5 challenge between the time I return my ballot and seven days
 6 after election day, please use the following address:
 7 _____ . (If no address is provided, notice will be
 8 mailed to the mailing address listed on the registration rolls.)
 9

10 _____
 11 Elector

12 B. The face of each envelope in which a ballot is sent to a federal
 13 postcard applicant or in which a ballot is returned by such applicant to the
 14 recorder or other officer in charge of elections shall be in the form
 15 prescribed in accordance with the uniformed and overseas citizens absentee
 16 voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff).
 17 Otherwise, the envelopes shall be the same as those used to send ballots to,
 18 or receive ballots from, other early voters.

19 C. The county recorder or other officer in charge of elections shall
 20 supply printed instructions to early voters that direct them to sign the
 21 affidavit, mark the ballot and return both in the enclosed self-addressed
 22 envelope THAT COMPLIES WITH SECTION 16-545. The instructions shall include
 23 the following statement:

24 In order to be valid and counted, the ballot and affidavit must
 25 be delivered to the office of the county recorder or other
 26 officer in charge of elections or may be deposited at any
 27 polling place in the county no later than 7:00 p.m. on election
 28 day.

29 Sec. 4. Section 16-1005, Arizona Revised Statutes, is amended to read:
 30 16-1005. Ballot abuse; exception; classification

31 A. Any person who knowingly marks or punches an early TAMPERS WITH A
 32 VOTED OR UNVOTED ballot OR BALLOT ENVELOPE with the intent to fix an election
 33 for his own benefit or for that of another person is guilty of a class 5
 34 felony.

35 B. ANY PERSON WHO POSSESSES ANOTHER PERSON'S VOTED OR UNVOTED BALLOT
 36 IS GUILTY OF A CLASS 6 FELONY. THIS SUBSECTION DOES NOT APPLY TO A PERSON
 37 WHO POSSESSES THE VOTED OR UNVOTED BALLOT OF THE SPOUSE, PARENT OR CHILD OF
 38 THAT PERSON.