

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 247
HOUSE BILL 2604

AN ACT

AMENDING TITLE 16, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 16-204.01 AND 16-204.02; AMENDING SECTIONS 16-205, 16-542
AND 16-646, ARIZONA REVISED STATUTES; RELATING TO ELECTION DATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 16, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding sections 16-204.01 and 16-204.02, to read:

4 16-204.01. Declaration of statewide concern: city, charter
5 city or town; political subdivision consolidated
6 election dates; voter turnout; definitions

7 A. AFTER CONSIDERATION OF THE COURT'S OPINION IN CITY OF TUCSON v.
8 STATE, 235 ARIZ. 434 (CT. APP. 2014), THE LEGISLATURE FINDS AND DETERMINES
9 THAT IT IS A MATTER OF STATEWIDE CONCERN TO INCREASE VOTER PARTICIPATION
10 IN ELECTIONS, INCLUDING ELECTIONS FOR CITIES, INCLUDING CHARTER CITIES,
11 TOWNS AND OTHER POLITICAL SUBDIVISIONS, AND THE LEGISLATURE FINDS AND
12 DECLARES THAT IF CITIES, INCLUDING CHARTER CITIES, TOWNS AND OTHER
13 POLITICAL SUBDIVISIONS DEMONSTRATE LOW VOTER TURNOUT IN ELECTIONS THAT ARE
14 NOT HELD ON THE CONSOLIDATED ELECTION DATES PRESCRIBED IN SECTION 16-204,
15 THE LOW VOTER TURNOUT CONSTITUTES SUFFICIENT FACTUAL SUPPORT FOR REQUIRING
16 CANDIDATE AND OTHER ELECTIONS TO BE HELD ON CERTAIN SPECIFIC CONSOLIDATED
17 DATES. THE LEGISLATURE FURTHER FINDS AND DECLARES THAT AFTER EVIDENCE OF
18 LOW VOTER TURNOUT IN CITY, INCLUDING CHARTER CITY, AND TOWN ELECTIONS AND
19 IN ELECTIONS HELD FOR OTHER POLITICAL SUBDIVISIONS, INCREASING VOTER
20 TURNOUT THROUGH THE USE OF CONSOLIDATED ELECTION DATES FOR CANDIDATE AND
21 OTHER ELECTIONS AS PRESCRIBED BY THIS SECTION IS A MATTER OF STATEWIDE
22 CONCERN. THIS SECTION PREEMPTS ALL LOCAL LAWS, ORDINANCES AND CHARTER
23 PROVISIONS TO THE CONTRARY.

24 B. A POLITICAL SUBDIVISION SHALL HOLD ITS ELECTIONS ON A STATEWIDE
25 ELECTION DATE IF ITS PREVIOUS ELECTIONS ON A NONSTATEWIDE ELECTION DATE
26 RESULTED IN A SIGNIFICANT DECREASE IN VOTER TURNOUT IN THAT POLITICAL
27 SUBDIVISION.

28 C. BEGINNING WITH ELECTIONS IN 2018, FOR EACH POLITICAL
29 SUBDIVISION'S ELECTIONS, OTHER THAN SPECIAL ELECTIONS OR RECALL ELECTIONS,
30 IF A SIGNIFICANT DECREASE IN VOTER TURNOUT OCCURS AS PRESCRIBED IN
31 SUBSECTION B OF THIS SECTION, THE POLITICAL SUBDIVISION SHALL HOLD ITS
32 SUBSEQUENT ELECTIONS ON THE STATEWIDE ELECTION DATES BEGINNING THREE
33 CALENDAR YEARS AFTER THE OCCURRENCE OF THE SIGNIFICANT DECREASE IN VOTER
34 TURNOUT.

35 D. FOR THE PURPOSES OF THIS SECTION:

36 1. "POLITICAL SUBDIVISION" MEANS ANY GOVERNMENTAL ENTITY OPERATING
37 UNDER THE AUTHORITY OF THIS STATE AND GOVERNED BY AN ELECTED BODY,
38 INCLUDING A CITY, CHARTER CITY, TOWN, COUNTY, SCHOOL DISTRICT, COMMUNITY
39 COLLEGE DISTRICT OR OTHER DISTRICT ORGANIZED UNDER STATE LAW. POLITICAL
40 SUBDIVISION DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.

41 2. "SIGNIFICANT DECREASE IN VOTER TURNOUT" MEANS THE VOTER TURNOUT
42 FOR THE OFFICE THAT RECEIVED THE HIGHEST NUMBER OF VOTES IN THE MOST
43 RECENT CANDIDATE ELECTION FOR A POLITICAL SUBDIVISION IN WHICH CANDIDATES
44 ARE ELECTED AT LARGE, OR PORTION OF A POLITICAL SUBDIVISION IF CANDIDATES
45 ARE NOT ELECTED AT LARGE, IS AT LEAST TWENTY-FIVE PERCENT LESS THAN THE

1 VOTER TURNOUT IN THAT SAME POLITICAL SUBDIVISION OR PORTION OF A POLITICAL
2 SUBDIVISION FOR THE MOST RECENT ELECTION IN WHICH THE OFFICE OF THE
3 GOVERNOR APPEARED ON THE BALLOT.

4 3. "STATEWIDE ELECTION DATE" MEANS THE DATE OF THE REGULAR
5 STATEWIDE PRIMARY ELECTION AND THE REGULAR STATEWIDE GENERAL ELECTION.

6 4. "VOTER TURNOUT" MEANS THE NUMBER OF BALLOTS CAST IN A SPECIFIC
7 CANDIDATE RACE PRESCRIBED BY THIS SECTION DIVIDED BY THE TOTAL NUMBER OF
8 ACTIVE REGISTERED VOTERS IN THAT POLITICAL SUBDIVISION OR PORTION OF A
9 POLITICAL SUBDIVISION, AS APPLICABLE, OR IF NO SPECIFIC CANDIDATE RACE IS
10 PRESCRIBED BY THIS SECTION, THE NUMBER OF BALLOTS CAST IN THAT POLITICAL
11 SUBDIVISION OR PORTION OF A POLITICAL SUBDIVISION, AS APPLICABLE, DIVIDED
12 BY THE TOTAL NUMBER OF ACTIVE REGISTERED VOTERS IN THAT POLITICAL
13 SUBDIVISION OR PORTION OF A POLITICAL SUBDIVISION AT THE ELECTION
14 PRESCRIBED BY THIS SECTION.

15 16-204.02. Implementation of consolidated elections; term of
16 office; alternative expenditure limitation

17 A. NOTWITHSTANDING ANY OTHER LAW, IN ORDER TO COMPLY WITH THE
18 CONSOLIDATION OF ELECTION DATES IF REQUIRED UNDER SECTION 16-204.01 OR BY
19 VOLUNTARY ACTION OF THE POLITICAL SUBDIVISION, THE TERMS OF OFFICE FOR
20 ELECTED OFFICIALS OF THE POLITICAL SUBDIVISION SHALL BE LENGTHENED AT THE
21 TIME OF CONSOLIDATION TO ALIGN WITH THE CONSOLIDATED ELECTION DATES.

22 B. FOR ANY POLITICAL SUBDIVISION WHOSE ALTERNATIVE EXPENDITURE
23 LIMITATION IS SCHEDULED TO EXPIRE AT ANY TIME AFTER THE YEAR IN WHICH THE
24 POLITICAL SUBDIVISION IS REQUIRED TO COMPLY WITH THE ELECTION
25 CONSOLIDATION REQUIREMENTS OF SECTION 16-204.01, SUBSECTION B, OR
26 VOLUNTARILY CONSOLIDATES ITS ELECTIONS, THE POLITICAL SUBDIVISION'S
27 EXISTING VOTER-APPROVED ALTERNATIVE EXPENDITURE LIMITATION SHALL CONTINUE
28 AS ESTABLISHED BEFORE ITS EXPIRATION AND THE PENALTIES PRESCRIBED BY
29 SECTION 41-1279.07 DO NOT APPLY IF THE POLITICAL SUBDIVISION SEEKS VOTER
30 APPROVAL OF AN ALTERNATIVE EXPENDITURE LIMITATION AT THE NEXT ELIGIBLE
31 REGULAR ELECTION FOLLOWING CONSOLIDATION.

32 Sec. 2. Section 16-205, Arizona Revised Statutes, is amended to
33 read:

34 16-205. Election dates; notice; administration

35 A. At least one hundred eighty days before each consolidated
36 election date prescribed by section 16-204, each county board of
37 supervisors shall give notice in writing regarding the consolidated
38 election program to each school district, community college district,
39 city, town and special taxing district organized pursuant to title 48,
40 chapters 5, 6, 8, 10, and 13, through 14, 15 AND 16 in that county. The
41 notice shall state the date of the election.

42 B. The board of supervisors may hold elections only on the dates
43 prescribed by section 16-204.

44 C. The secretary of state shall coordinate the consolidated
45 elections with the board of supervisors. The board of supervisors may

1 enter into an intergovernmental agreement pursuant to title 11, chapter 7,
2 article 3 with each political subdivision that participates in a
3 consolidated election in that county in order to administer those
4 elections. After consultation with the political subdivisions that are
5 participating in a consolidated election, the officer in charge of
6 elections shall administer the appointment of election boards.

7 D. Within ninety days ~~of~~ AFTER a consolidated election conducted
8 pursuant to this section, the board of supervisors shall prepare a report
9 that provides an itemized account of all costs incurred by the county in
10 administering the election, including an itemized account of all charges
11 made to each political subdivision that participated in that election.
12 Political subdivisions that participated in an election conducted pursuant
13 to this section may request and receive a copy of this report from the
14 board.

15 E. THE BOARD OF SUPERVISORS SHALL REQUIRE THE COUNTY RECORDER OR
16 OTHER OFFICER IN CHARGE OF ELECTIONS TO CALCULATE VOTER TURNOUT FOR
17 CANDIDATE RACES AS PRESCRIBED BY SECTION 16-204.01, SHALL DETERMINE
18 WHETHER SECTION 16-204.01 REQUIRES A POLITICAL SUBDIVISION TO CONSOLIDATE
19 ITS ELECTION DATES AND SHALL ANNOUNCE ITS DETERMINATION AND THE
20 IMPLEMENTATION DATE FOR CONSOLIDATION AT A PUBLIC MEETING HELD NOT MORE
21 THAN NINETY DAYS AFTER ISSUANCE OF THE OFFICIAL COUNTY CANVASS FOR AN
22 ELECTION. AFTER THE IMPLEMENTATION DATE, THE BOARD OF SUPERVISORS MAY NOT
23 CALL, AUTHORIZE THE CALL FOR OR AUTHORIZE THE COUNTY TO ADMINISTER AN
24 ELECTION FOR THAT POLITICAL SUBDIVISION EXCEPT AS PRESCRIBED BY SECTION
25 16-204.01.

26 Sec. 3. Section 16-542, Arizona Revised Statutes, is amended to
27 read:

28 16-542. Request for ballot; civil penalties; violation;
29 classification

30 A. Within ninety-three days before any election called pursuant to
31 the laws of this state, an elector may make a verbal or signed request to
32 the county recorder, or other officer in charge of elections for the
33 applicable political subdivision of this state in whose jurisdiction the
34 elector is registered to vote, for an official early ballot. In addition
35 to name and address, the requesting elector shall provide the date of
36 birth and state or country of birth or other information that if compared
37 to the voter registration information on file would confirm the identity
38 of the elector. If the request indicates that the elector needs a primary
39 election ballot and a general election ballot, the county recorder or
40 other officer in charge of elections shall honor the request. For any
41 partisan primary election, if the elector is not registered as a member of
42 a political party that is entitled to continued representation on the
43 ballot pursuant to section 16-804, the elector shall designate the ballot
44 of only one of the political parties that is entitled to continued
45 representation on the ballot and the elector may receive and vote the

1 ballot of only that one political party, WHICH ALSO SHALL INCLUDE ANY
2 NONPARTISAN OFFICES AND BALLOT QUESTIONS, OR THE ELECTOR SHALL DESIGNATE
3 THE BALLOT FOR NONPARTISAN OFFICES AND BALLOT QUESTIONS ONLY AND THE
4 ELECTOR MAY RECEIVE AND VOTE THE BALLOT THAT CONTAINS ONLY NONPARTISAN
5 OFFICES AND BALLOT QUESTIONS. THE COUNTY RECORDER OR OTHER OFFICER IN
6 CHARGE OF ELECTIONS SHALL PROCESS ANY REQUEST FOR AN EARLY BALLOT FOR A
7 MUNICIPAL ELECTION PURSUANT TO THIS SUBSECTION. The county recorder may
8 establish on-site early voting locations at the recorder's office, which
9 shall be open and available for use beginning the same day that a county
10 begins to send out the early ballots. The county recorder may also
11 establish any other early voting locations in the county the recorder
12 deems necessary.

13 B. Notwithstanding subsection A of this section, a request for an
14 official early ballot from an absent uniformed services voter or overseas
15 voter as defined in the uniformed and overseas citizens absentee voting
16 act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter
17 whose information is protected pursuant to section 16-153 that is received
18 by the county recorder or other officer in charge of elections more than
19 ninety-three days before the election is valid. If requested by the
20 absent uniformed services or overseas voter, or a voter whose information
21 is protected pursuant to section 16-153, the county recorder or other
22 officer in charge of elections shall provide to the requesting voter early
23 ballot materials through the next regularly scheduled general election for
24 federal office immediately following receipt of the request unless a
25 different period of time, which does not exceed the next two regularly
26 scheduled general elections for federal office, is designated by the
27 voter.

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

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

1 transmitted by mail, by fax or by other electronic format approved by the
2 secretary of state within twenty-four hours after the early ballots are
3 delivered pursuant to section 16-545, subsection B, excluding Sundays.

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

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

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

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

33 I. A candidate, political committee or other organization may
34 distribute early ballot request forms to voters. If the early ballot
35 request forms include a printed address for return, the addressee shall be
36 the political subdivision that will conduct the election. Failure to use
37 the 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
39 of the request.

40 J. All original and completed early ballot request forms that are
41 received by a candidate, political committee or other organization shall
42 be submitted within six business days after receipt by a candidate,
43 political committee or other organization or eleven days before the
44 election day, whichever is earlier, to the political subdivision that will
45 conduct the election. Any person, political committee or other

1 organization that fails to submit a completed early ballot request form
2 within the prescribed time is subject to a civil penalty of up to
3 twenty-five dollars per day for each completed form withheld from
4 submittal. Any person who knowingly fails to submit a completed early
5 ballot request form before the submission deadline for the election
6 immediately following the completion of the form is guilty of a class 6
7 felony.

8 Sec. 4. Section 16-646, Arizona Revised Statutes, is amended to
9 read:

10 16-646. Statement, contents and mailing of official canvass

11 A. When the result of the canvass is determined, a statement, known
12 and designated as the official canvass, shall be entered on the official
13 record of the election district ~~which~~ THAT shall show:

14 1. The number of ballots cast in each precinct and in the county.

15 2. The number of ballots rejected in each precinct and in the
16 county.

17 3. The titles of the offices voted for and the names of the
18 persons, together with the party designation, if any, of each person voted
19 for to fill the offices.

20 4. The number of votes by precincts and county received by each
21 candidate.

22 5. FOR EACH CANDIDATE RACE IN EACH POLITICAL SUBDIVISION PRESCRIBED
23 BY SECTION 16-204.01, THE NUMBER OF BALLOTS CAST AND THE NUMBER OF ACTIVE
24 REGISTERED VOTERS IN EACH POLITICAL SUBDIVISION AND PORTION OF A POLITICAL
25 SUBDIVISION FOR WHICH A CANDIDATE MAY BE ELECTED.

26 ~~5.~~ 6. The numbers and a brief title of each proposed
27 constitutional amendment and each initiated or referred measure voted ~~upon~~
28 ON.

29 ~~6.~~ 7. The number of votes by precincts and county for and against
30 such proposed amendment or measure.

31 B. The certified permanent copy of the official canvass for all
32 offices and ballot measures, except offices and ballot measures in a city
33 or town election and nonpartisan election returns, shall be mailed
34 immediately to the secretary of state who shall maintain and preserve ~~them~~
35 IT as a permanent public record.

36 C. The board of supervisors shall deliver a copy of the official
37 canvass for all offices and ballot measures in the primary and general
38 elections to the secretary of state in a uniform electronic computer media
39 format that shall be agreed ~~upon~~ ON between the secretary of state and all
40 county election officials. The uniform format shall be designed to
41 facilitate the computer analysis of election results for offices and
42 ballot measures that are statewide or are common to more than one county.

43 D. The certified permanent copy of the official canvass for all
44 offices and ballot measures in a city or town election shall be filed with
45 the appropriate city or town clerk, or in a special district election with

1 the clerk of the board of supervisors, who shall maintain and preserve
2 ~~them~~ IT as a permanent public record.

3 Sec. 5. Severability

4 If a provision of this act or its application to any person or
5 circumstance is held invalid, the invalidity does not affect other
6 provisions or applications of the act that can be given effect without the
7 invalid provision or application, and to this end the provisions of this
8 act are severable.

APPROVED BY THE GOVERNOR APRIL 17, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2018.