

REFERENCE TITLE: on-site early voting; identification required

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

## **SB 1032**

Introduced by  
Senator Ugenti-Rita

AN ACT

AMENDING SECTION 16-542, 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  
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, which also shall include any  
23 nonpartisan offices and ballot questions, or the elector shall designate  
24 the ballot for nonpartisan offices and ballot questions only and the  
25 elector may receive and vote the ballot that contains only nonpartisan  
26 offices and ballot questions. The county recorder or other officer in  
27 charge of elections shall process any request for an early ballot for a  
28 municipal election pursuant to this subsection. The county recorder may  
29 establish on-site early voting locations at the recorder's office, which  
30 shall be open and available for use beginning the same day that a county  
31 begins to send out the early ballots. The county recorder may also  
32 establish any other early voting locations in the county the recorder  
33 deems necessary. **ANY ON-SITE EARLY VOTING LOCATION SHALL REQUIRE EACH  
34 ELECTOR WHO OBTAINS A BALLOT AT THAT LOCATION TO PRESENT AND CONFIRM  
35 IDENTIFICATION AS PRESCRIBED IN SECTION 16-579 BEFORE RECEIVING A BALLOT.**

36 B. Notwithstanding subsection A of this section, a request for an  
37 official early ballot from an absent uniformed services voter or overseas  
38 voter as defined in the uniformed and overseas citizens absentee voting  
39 act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter  
40 whose information is protected pursuant to section 16-153 that is received  
41 by the county recorder or other officer in charge of elections more than  
42 ninety-three days before the election is valid. If requested by the  
43 absent uniformed services or overseas voter, or a voter whose information  
44 is protected pursuant to section 16-153, the county recorder or other  
45 officer in charge of elections shall provide to the requesting voter early

1 ballot materials through the next regularly scheduled general election for  
2 federal office immediately following receipt of the request unless a  
3 different period of time, which does not exceed the next two regularly  
4 scheduled general elections for federal office, is designated by the  
5 voter.

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

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

27 E. In order to be complete and correct and to receive an early  
28 ballot by mail, an elector's request that an early ballot be mailed to the  
29 elector's residence or temporary address must include all of the  
30 information prescribed by subsection A of this section and must be  
31 received by the county recorder or other officer in charge of elections no  
32 later than 5:00 p.m. on the eleventh day preceding the election. An  
33 elector who appears personally no later than 5:00 p.m. on the Friday  
34 preceding the election at an on-site early voting location that is  
35 established by the county recorder or other officer in charge of elections  
36 shall be given a ballot **AFTER PRESENTING AND CONFIRMING IDENTIFICATION AS**  
37 **PRESCRIBED IN SECTION 16-579** and **SHALL BE** permitted to vote at the on-site  
38 location. If an elector's request to receive an early ballot is not  
39 complete and correct but complies with all other requirements of this  
40 section, the county recorder or other officer in charge of elections shall  
41 attempt to notify the elector of the deficiency of the request.

42 F. Unless an elector specifies that the address to which an early  
43 ballot is to be sent is a temporary address, the recorder may use the  
44 information from an early ballot request form to update voter registration  
45 records.

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

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

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

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