

REFERENCE TITLE: early voting list; mailing ballot

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

# SB 1046

Introduced by  
Senator Ugenti-Rita

AN ACT

AMENDING SECTIONS 16-542, 16-551, 16-579 AND 16-584, ARIZONA REVISED  
STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(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 **BY ELECTORS, OTHER THAN ELECTORS WHO**  
31 **ARE ON THE PERMANENT EARLY VOTING LIST**, beginning the same day that a  
32 county begins to send out the early ballots. The county recorder may also  
33 establish any other early voting locations in the county the recorder  
34 deems necessary. **AN ELECTOR WHO IS ON THE PERMANENT EARLY VOTING LIST AND**  
35 **WHO HAS RECEIVED AN EARLY BALLOT MAY RETURN THE ELECTOR'S VOTED EARLY**  
36 **BALLOT ONLY BY MAIL AND MAY NOT DELIVER THE VOTED EARLY BALLOT TO AN**  
37 **ON-SITE OR OTHER EARLY VOTING LOCATION OR TO A POLLING PLACE ON ELECTION**  
38 **DAY.**

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

1 absent uniformed services or overseas voter, or a voter whose information  
 2 is protected pursuant to section 16-153, the county recorder or other  
 3 officer in charge of elections shall provide to the requesting voter early  
 4 ballot materials through the next regularly scheduled general election for  
 5 federal office immediately following receipt of the request unless a  
 6 different period of time, which does not exceed the next two regularly  
 7 scheduled general elections for federal office, is designated by the  
 8 voter.

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

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

30 E. In order to be complete and correct and to receive an early  
 31 ballot by mail, an elector's request that an early ballot be mailed to the  
 32 elector's residence or temporary address must include all of the  
 33 information prescribed by subsection A of this section and must be  
 34 received by the county recorder or other officer in charge of elections no  
 35 later than 5:00 p.m. on the eleventh day preceding the election. An  
 36 elector, **OTHER THAN AN ELECTOR WHO IS ON THE PERMANENT EARLY VOTING LIST,**  
 37 who appears personally ~~to~~ **NOT** later than 5:00 p.m. on the Friday preceding  
 38 the election at an on-site early voting location that is established by  
 39 the county recorder or other officer in charge of elections shall be given  
 40 a ballot and permitted to vote at the on-site location. If an elector's  
 41 request to receive an early ballot is not complete and correct but  
 42 complies with all other requirements of this section, the county recorder  
 43 or other officer in charge of elections shall attempt to notify the  
 44 elector of the deficiency of the request.

1 F. Unless an elector specifies that the address to which an early  
2 ballot is to be sent is a temporary address, the recorder may use the  
3 information from an early ballot request form to update voter registration  
4 records.

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

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

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

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

36 Sec. 2. Section 16-551, Arizona Revised Statutes, is amended to  
37 read:

38 16-551. Early election board; violation; classification

39 A. The board of supervisors or the governing body of the political  
40 subdivision shall appoint one or more early election boards to serve at  
41 places to be designated by the board of supervisors or the governing body  
42 to canvass and tally early election ballots. Members of early election  
43 boards shall be selected in accordance with the provisions for selecting  
44 members of regular election boards as provided in section 16-531.

1 B. If an electronic voting system is in use for early voting, the  
2 early election board shall consist of at least one inspector and two  
3 judges who shall perform the processing requirements in accordance with  
4 the rules issued by the secretary of state. The inspector and judges  
5 shall be appointed in the same manner by party as provided in section  
6 16-531.

7 C. All early ballots received by the county recorder or other  
8 officer in charge of elections before 7:00 p.m. on election day and the  
9 original affidavit of the voter shall be delivered to the early election  
10 boards for processing as provided in the rules of the secretary of state,  
11 EXCEPT THAT EARLY BALLOTS RECEIVED FROM PERSONS ON THE PERMANENT EARLY  
12 VOTING LIST MAY BE PROCESSED ONLY IF THOSE BALLOTS ARE RECEIVED BY MAIL.  
13 The office of the county recorder or other officer in charge of elections  
14 shall remain open until 7:00 p.m. on election day for the purpose of  
15 receiving early ballots BUT MAY NOT RECEIVE OR DELIVER FOR PROCESSING  
16 EARLY BALLOTS RECEIVED FROM PERSONS ON THE PERMANENT EARLY VOTING LIST  
17 EXCEPT FOR EARLY BALLOTS THAT ARE DELIVERED BY MAIL. In no event shall  
18 partial or complete tallies of the early election board be released or  
19 divulged before all precincts have reported or one hour after the closing  
20 of the polls on election day, whichever occurs first, and any person who  
21 unlawfully releases information regarding vote tallies or who possesses a  
22 tally sheet or summary without authorization from the recorder or officer  
23 in charge of elections is guilty of a class 6 felony.

24 D. The necessary printed blanks for poll lists, tally lists, lists  
25 of voters, ballots, oaths and returns, together with envelopes in which to  
26 enclose the returns, shall be furnished by the board of supervisors or the  
27 governing body of the political subdivision to the early election board  
28 for each election precinct at the expense of the county or the political  
29 subdivision.

30 Sec. 3. Section 16-579, Arizona Revised Statutes, is amended to  
31 read:

32 16-579. Procedure for obtaining ballot by elector

33 A. Every qualified elector, before receiving a ballot, shall  
34 announce the elector's name and place of residence in a clear, audible  
35 tone of voice to the election official in charge of the signature roster  
36 or present the elector's name and residence in writing. The election  
37 official in charge of the signature roster shall comply with the following  
38 and the qualified elector shall be allowed within the voting area:

39 1. The elector shall present any of the following:

40 (a) A valid form of identification that bears the photograph, name  
41 and address of the elector that reasonably appear to be the same as the  
42 name and address in the precinct register, including an Arizona driver  
43 license, an Arizona nonoperating identification license, a tribal  
44 enrollment card or other form of tribal identification or a United States  
45 federal, state or local government issued identification. Identification

1 is deemed valid unless it can be determined on its face that it has  
2 expired.

3 (b) Two different items that contain the name and address of the  
4 elector that reasonably appear to be the same as the name and address in  
5 the precinct register, including a utility bill, a bank or credit union  
6 statement that is dated within ninety days of the date of the election, a  
7 valid Arizona vehicle registration, an Arizona vehicle insurance card, an  
8 Indian census card, tribal enrollment card or other form of tribal  
9 identification, a property tax statement, a recorder's certificate, a  
10 voter registration card, a valid United States federal, state or local  
11 government issued identification or any mailing that is labeled as  
12 "official election material". Identification is deemed valid unless it  
13 can be determined on its face that it has expired.

14 (c) A valid form of identification that bears the photograph, name  
15 and address of the elector except that if the address on the  
16 identification does not reasonably appear to be the same as the address in  
17 the precinct register or the identification is a valid United States  
18 military identification card or a valid United States passport and does  
19 not bear an address, the identification must be accompanied by one of the  
20 items listed in subdivision (b) of this paragraph.

21 2. If the elector does not present identification that complies  
22 with paragraph 1 of this subsection, the elector is only eligible to vote  
23 a provisional ballot as prescribed by section 16-584 or a conditional  
24 provisional ballot as provided for in the secretary of state's instruction  
25 and procedures manual adopted pursuant to section 16-452.

26 B. Any qualified elector who is listed as having applied for an  
27 early ballot but who states that the elector has not voted and will not  
28 vote an early ballot for this election or surrenders the early ballot to  
29 the precinct inspector on election day shall be allowed to vote pursuant  
30 to the procedure set forth in section 16-584. **ANY ELECTOR WHO IS ON THE  
31 PERMANENT EARLY VOTING LIST AND WHO DOES NOT MAIL IN THE ELECTOR'S EARLY  
32 BALLOT MAY BE ALLOWED TO VOTE A PROVISIONAL BALLOT ONLY IN PERSON ON  
33 ELECTION DAY AT THAT ELECTOR'S DESIGNATED POLLING LOCATION AND MAY NOT  
34 DELIVER A VOTED EARLY BALLOT AT ANY POLLING LOCATION OR OTHER VOTING  
35 LOCATION ON ELECTION DAY.**

36 C. Each qualified elector's name shall be numbered consecutively by  
37 the clerks and in the order of applications for ballots. The judge shall  
38 give the qualified elector only one ballot, and the elector's name shall  
39 be immediately checked on the precinct register.

40 D. For precincts in which a paper signature roster is used, each  
41 qualified elector shall sign the elector's name in the signature roster  
42 ~~prior to~~ BEFORE receiving a ballot, but an inspector or judge may sign the  
43 roster for an elector who is unable to sign because of physical  
44 disability, and in that event the name of the elector shall be written  
45 with red ink, and no attestation or other proof shall be necessary. The

1 provisions of this subsection relating to signing the signature roster  
2 shall not apply to electors casting a ballot using early voting  
3 procedures.

4 E. For precincts in which an electronic poll book system is used,  
5 each qualified elector shall sign the elector's name as prescribed in the  
6 instructions and procedures manual adopted by the secretary of state  
7 pursuant to section 16-452 before receiving a ballot, but an inspector or  
8 judge may sign the roster for an elector who is unable to sign because of  
9 physical disability, and in that event the name of the elector shall be  
10 written with the inspector's or judge's attestation on the same signature  
11 line.

12 F. A person offering to vote at a special district election for  
13 which no special district register has been supplied shall sign an  
14 affidavit stating the person's address and that the person resides within  
15 the district boundaries or proposed district boundaries and swearing that  
16 the person is a qualified elector and has not already voted at the  
17 election being held.

18 Sec. 4. Section 16-584, Arizona Revised Statutes, is amended to  
19 read:

20 16-584. Qualified elector not on precinct register;  
21 recorder's certificate; verified ballot; procedure

22 A. A qualified elector whose name is not on the precinct register  
23 and who presents a certificate from the county recorder showing that the  
24 elector is entitled by law to vote in the precinct shall be entered on the  
25 signature roster on the blank following the last printed name and shall be  
26 given the next consecutive register number, and the qualified elector  
27 shall sign in the space provided.

28 B. A qualified elector whose name is not on the precinct register  
29 **OR A QUALIFIED ELECTOR WHO IS ON THE PERMANENT EARLY VOTING LIST AND WHO**  
30 **APPEARS AT THAT ELECTOR'S DESIGNATED POLLING LOCATION**, on presentation of  
31 identification verifying the identity of the elector that includes the  
32 voter's given name and surname and the complete residence address that is  
33 verified by the election board to be in the precinct or on signing an  
34 affirmation that states that the elector is a registered voter in that  
35 jurisdiction and is eligible to vote in that jurisdiction, shall be  
36 allowed to vote a provisional ballot.

37 C. If a voter has moved to a new address within the county and has  
38 not notified the county recorder of the change of address before the date  
39 of an election, the voter shall be permitted to correct the voting records  
40 for purposes of voting in future elections at the appropriate polling  
41 place for the voter's new address. The voter shall be permitted to vote a  
42 provisional ballot. The voter shall present a form of identification that  
43 includes the voter's given name and surname and the voter's complete  
44 residence address. The residence address must be within the precinct in  
45 which the voter is attempting to vote, and the voter shall affirm in

1 writing that the voter is registered in that jurisdiction and is eligible  
2 to vote in that jurisdiction.

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

18 E. When a voter is allowed to vote a provisional ballot, the  
19 elector's name shall be entered on a separate signature roster page at the  
20 end of the signature roster. Voters' names shall be numbered  
21 consecutively beginning with the number V-1. The elector shall sign in  
22 the space provided. The ballot shall be placed in a separate envelope,  
23 the outside of which shall contain the precinct name or number, a sworn or  
24 attested statement of the elector that the elector resides in the  
25 precinct, is eligible to vote in the election and has not previously voted  
26 in the election, the signature of the elector and the voter registration  
27 number of the elector, if available. The ballot shall be verified for  
28 proper registration of the elector by the county recorder before being  
29 counted. The verification shall be made by the county recorder within ten  
30 calendar days after a general election that includes an election for a  
31 federal office and within five business days following any other  
32 election. Verified ballots shall be counted by depositing the ballot in  
33 the ballot box and showing on the records of the election that the elector  
34 has voted. If registration is not verified the ballot shall remain  
35 unopened and shall be retained in the same manner as voted ballots.

36 F. For any person who votes a provisional ballot, the county  
37 recorder or other officer in charge of elections shall provide for a  
38 method of notifying the provisional ballot voter at no cost to the voter  
39 whether the voter's ballot was verified and counted and, if not counted,  
40 the reason for not counting the ballot. The notification may be in the  
41 form of notice by mail to the voter, establishment of a toll free  
42 telephone number, internet access or other similar method to allow the  
43 voter to have access to this information. The method of notification  
44 shall provide reasonable restrictions that are designed to limit  
45 transmittal of the information only to the voter.