AN ACT

AMENDING SECTIONS 16-542, 16-551, 16-579 AND 16-584, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot; civil penalties; violation; classification
A. Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. For any partisan primary election, if the elector is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector shall designate the ballot of only one of the political parties that is entitled to continued representation on the ballot and the elector may receive and vote the ballot of only that one political party, which also shall include any nonpartisan offices and ballot questions, or the elector shall designate the ballot for nonpartisan offices and ballot questions only and the elector may receive and vote the ballot that contains only nonpartisan offices and ballot questions. The county recorder or other officer in charge of elections shall process any request for an early ballot for a municipal election pursuant to this subsection. The county recorder may establish on-site early voting locations at the recorder's office, which shall be open and available for use by electors, other than electors who are on the permanent early voting list, beginning the same day that a county begins to send out the early ballots. The county recorder may also establish any other early voting locations in the county the recorder deems necessary. An elector who is on the permanent early voting list and who has received an early ballot may return the elector's voted early ballot only by mail and may not deliver the voted early ballot to an on-site or other early voting location or to a polling place on election day.

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

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

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

E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections no later than 5:00 p.m. on the eleventh day preceding the election. An elector, OTHER THAN AN ELECTOR WHO IS ON THE PERMANENT EARLY VOTING LIST, who appears personally NOT later than 5:00 p.m. on the Friday preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot and permitted to vote at the on-site location. If an elector's request to receive an early ballot is not complete and correct but complies with all other requirements of this section, the county recorder or other officer in charge of elections shall attempt to notify the elector of the deficiency of the request.
F. Unless an elector specifies that the address to which an early ballot is to be sent is a temporary address, the recorder may use the information from an early ballot request form to update voter registration records.

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

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

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

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

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

16-551. Early election board; violation; classification

A. The board of supervisors or the governing body of the political subdivision shall appoint one or more early election boards to serve at places to be designated by the board of supervisors or the governing body to canvass and tally early election ballots. Members of early election boards shall be selected in accordance with the provisions for selecting members of regular election boards as provided in section 16-531.
B. If an electronic voting system is in use for early voting, the early election board shall consist of at least one inspector and two judges who shall perform the processing requirements in accordance with the rules issued by the secretary of state. The inspector and judges shall be appointed in the same manner by party as provided in section 16-531.

C. All early ballots received by the county recorder or other officer in charge of elections before 7:00 p.m. on election day and the original affidavit of the voter shall be delivered to the early election boards for processing as provided in the rules of the secretary of state, except that early ballots received from persons on the permanent early voting list may be processed only if those ballots are received by mail. The office of the county recorder or other officer in charge of elections shall remain open until 7:00 p.m. on election day for the purpose of receiving early ballots but may not receive or deliver for processing early ballots received from persons on the permanent early voting list except for early ballots that are delivered by mail. In no event shall partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on election day, whichever occurs first, and any person who unlawfully releases information regarding vote tallies or who possesses a tally sheet or summary without authorization from the recorder or officer in charge of elections is guilty of a class 6 felony.

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

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

16-579. Procedure for obtaining ballot by elector

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

1. The elector shall present any of the following:

   (a) A valid form of identification that bears the photograph, name and address of the elector that reasonably appear to be the same as the name and address in the precinct register, including an Arizona driver license, an Arizona nonoperating identification license, a tribal enrollment card or other form of tribal identification or a United States federal, state or local government issued identification. Identification
is deemed valid unless it can be determined on its face that it has expired.

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

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

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

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

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

D. For precincts in which a paper signature roster is used, each qualified elector shall sign the elector's name in the signature roster prior to receiving a ballot, but an inspector or judge may sign the roster for an elector who is unable to sign because of physical disability, and in that event the name of the elector shall be written with red ink, and no attestation or other proof shall be necessary. The
provisions of this subsection relating to signing the signature roster
shall not apply to electors casting a ballot using early voting
procedures.

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

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

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

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

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

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

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

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

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

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