

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

SENATE BILL 1188

AN ACT

AMENDING SECTION 16-544, 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 16-544, Arizona Revised Statutes, is amended to
3 read:

4 16-544. Permanent early voting list; civil penalty;
5 violation; classification

6 A. Any voter may request to be included on a permanent list of
7 voters to receive an early ballot for any election for which the county
8 voter registration roll is used to prepare the election register. The
9 county recorder of each county shall maintain the permanent early voting
10 list as part of the voter registration roll.

11 B. In order to be included on the permanent early voting list, the
12 voter shall make a written request specifically requesting that the
13 voter's name be added to the permanent early voting list for all elections
14 in which the applicant is eligible to vote. A permanent early voter
15 request form shall conform to requirements prescribed in the instructions
16 and procedures manual issued pursuant to section 16-452. The application
17 shall allow for the voter to provide the voter's name, residence address,
18 mailing address in the voter's county of residence, date of birth and
19 signature and shall state that the voter is attesting that the voter is a
20 registered voter who is eligible to vote in the county of residence. The
21 voter shall not list a mailing address that is outside of this state for
22 the purpose of the permanent early voting list unless the voter is an
23 absent uniformed services voter or overseas voter as defined in the
24 uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
25 ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310). In lieu of the
26 application, the applicant may submit a written request that contains the
27 required information.

28 C. On receipt of a request to be included on the permanent early
29 voting list, the county recorder or other officer in charge of elections
30 shall compare the signature on the request form with the voter's signature
31 on the voter's registration form and, if the request is from the voter,
32 shall mark the voter's registration file as a permanent early ballot
33 request.

34 D. Not less than ninety days before any polling place election
35 scheduled in March or August, the county recorder or other officer in
36 charge of elections shall mail to all voters who are eligible for the
37 election and who are included on the permanent early voting list an
38 election notice by nonforwardable mail that is marked with the statement
39 required by the postmaster to receive an address correction notification.
40 If an election is not formally called by a jurisdiction by the one hundred
41 twentieth day before the election, the recorder or other officer in charge
42 of elections is not required to send the election notice. The notice
43 shall include the dates of the elections that are the subject of the
44 notice, the dates that the voter's ballot is expected to be mailed and the
45 address where the ballot will be mailed. If the upcoming election is a
46 partisan open primary election and the voter is not registered as a member

1 of one of the political parties that is recognized for purposes of that
2 primary, the notice shall include information on the procedure for the
3 voter to designate a political party ballot. The notice shall be
4 delivered with return postage prepaid and shall also include a means for
5 the voter to do any of the following:

6 1. Change the mailing address for the voter's ballot to another
7 location in the voter's county of residence.

8 2. Update the voter's residence address in the voter's county of
9 residence.

10 3. Request that the voter not be sent a ballot for the upcoming
11 election or elections indicated on the notice.

12 E. If the notice that is mailed to the voter is returned
13 undeliverable by the postal service, the county recorder or other officer
14 in charge of elections shall take the necessary steps to contact the voter
15 at the voter's new residence address in order to update that voter's
16 address or to move the voter to inactive status as prescribed in section
17 16-166, subsection A. If a voter is moved to inactive status, the voter
18 shall be removed from the permanent early voting list. If the voter is
19 removed from the permanent early voting list, the voter shall only be
20 added to the permanent early voting list again if the voter submits a new
21 request pursuant to this section.

22 F. Not later than the first day of early voting, the county
23 recorder or other officer in charge of elections shall mail an early
24 ballot to all eligible voters included on the permanent early voting list
25 in the same manner prescribed in section 16-542, subsection C. If the
26 voter has not returned the notice or otherwise notified the election
27 officer within forty-five days before the election that the voter does not
28 wish to receive an early ballot by mail for the election or elections
29 indicated, the ballot shall automatically be scheduled for mailing.

30 G. If a voter who is on the permanent early voting list is not
31 registered as a member of a recognized political party and fails to notify
32 the county recorder of the voter's choice for political party ballot
33 within forty-five days before a partisan open primary election, the
34 following apply:

35 1. The voter shall not automatically be sent a ballot for that
36 partisan open primary election only and the voter's name shall remain on
37 the permanent early voting list for future elections.

38 2. To receive an early ballot for the primary election, the voter
39 shall submit the voter's choice for political party ballot to the county
40 recorder.

41 H. After a voter has requested to be included on the permanent
42 early voting list, the voter shall be sent an early ballot by mail
43 automatically for any election at which a voter at that residence address
44 is eligible to vote until any of the following occurs:

45 1. The voter requests in writing to be removed from the permanent
46 early voting list.

1 2. The voter's registration or eligibility for registration is
2 moved to inactive status or canceled as otherwise provided by law.

3 3. The notice sent by the county recorder or other officer in
4 charge of elections is returned undeliverable and the county recorder or
5 officer in charge of elections is unable to contact the voter to determine
6 the voter's continued desire to remain on the list.

7 4. THE VOTER FAILS TO VOTE AN EARLY BALLOT IN EITHER THE PRIMARY
8 ELECTION OR IN THE GENERAL ELECTION FOR TWO CONSECUTIVE PRIMARY AND
9 GENERAL ELECTIONS FOR WHICH THERE WAS A FEDERAL, STATEWIDE OR LEGISLATIVE
10 RACE ON THE BALLOT. THIS PARAGRAPH DOES NOT APPLY TO:

11 (a) A SPECIAL TAXING DISTRICT THAT IS AUTHORIZED PURSUANT TO
12 SECTION 16-191 TO CONDUCT ITS OWN ELECTIONS.

13 (b) A SPECIAL DISTRICT MAIL BALLOT ELECTION THAT IS CONDUCTED
14 PURSUANT TO ARTICLE 8.1 OF THIS CHAPTER.

15 I. A voter may make a written request at any time to be removed
16 from the permanent early voting list. The request shall include the
17 voter's name, residence address, date of birth and signature. On receipt
18 of a completed request to remove a voter from the permanent early voting
19 list, the county recorder or other officer in charge of elections shall
20 remove the voter's name from the list as soon as practicable.

21 J. An absent uniformed services voter or overseas voter as defined
22 in the uniformed and overseas citizens absentee voting act of 1986
23 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310) is eligible
24 to be placed on the permanent early voting list pursuant to this section.

25 K. A voter's failure to vote an early ballot once received does not
26 constitute grounds to remove the voter from the permanent early voting
27 list, EXCEPT THAT A COUNTY RECORDER SHALL REMOVE THE VOTER FROM THE
28 PERMANENT EARLY VOTING LIST IF THE VOTER FAILS TO VOTE USING AN EARLY
29 BALLOT IN EITHER THE PRIMARY ELECTION OR THE GENERAL ELECTION FOR TWO
30 CONSECUTIVE PRIMARY AND GENERAL ELECTIONS FOR WHICH THERE WAS A FEDERAL,
31 STATEWIDE OR LEGISLATIVE RACE ON THE BALLOT.

32 L. BY DECEMBER 1 OF EACH EVEN-NUMBERED YEAR, THE COUNTY RECORDER OR
33 OTHER OFFICER IN CHARGE OF ELECTIONS MAY SEND A NOTICE TO EACH VOTER WHO
34 IS ON THE PERMANENT EARLY VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT
35 IN EITHER THE PRIMARY ELECTION OR THE GENERAL ELECTION FOR THE TWO MOST
36 RECENT GENERAL ELECTIONS FOR FEDERAL OFFICE. THE NOTICE SHALL INFORM THE
37 VOTER THAT IF THE VOTER WISHES TO REMAIN ON THE PERMANENT EARLY VOTING
38 LIST, THE VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

39 1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE PERMANENT
40 EARLY VOTING LIST.

41 2. RETURN THE COMPLETED NOTICE TO THE COUNTY RECORDER OR OTHER
42 OFFICER IN CHARGE OF ELECTIONS WITHIN THIRTY DAYS AFTER THE NOTICE IS SENT
43 TO THE VOTER. THE NOTICE SHALL BE SIGNED BY THE VOTER AND SHALL CONTAIN
44 THE VOTER'S ADDRESS AND DATE OF BIRTH.

45 M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF
46 THIS SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE THIRTY-DAY PERIOD,

1 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE
2 THE VOTER'S NAME FROM THE PERMANENT EARLY VOTING LIST.

3 ~~N.~~ N. A candidate, political committee or other organization may
4 distribute permanent early voting list request forms to voters. If the
5 permanent early voting list request forms include a printed address for
6 return, that address shall be the political subdivision that will conduct
7 the election. Failure to use the political subdivision as the return
8 addressee is punishable by a civil penalty of up to three times the cost
9 of the production and distribution of the permanent early voting list
10 request.

11 ~~M.~~ O. All original and completed permanent early voting list
12 request forms that are received by a candidate, political committee or
13 other organization shall be submitted within six business days after
14 receipt by a candidate or political committee or eleven days before the
15 election day, whichever is earlier, to the political subdivision that will
16 conduct the election. Any person, political committee or other
17 organization that fails to submit a completed permanent early voting list
18 request form within the prescribed time is subject to a civil penalty of
19 up to ~~twenty-five dollars~~ \$25 per day for each completed form withheld
20 from submittal. Any person who knowingly fails to submit a completed
21 permanent early voting list request form before the submission deadline
22 for the election immediately following the completion of the form is
23 guilty of a class 6 felony.