

REFERENCE TITLE: early voting locations; operation

State of Arizona
Senate
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SB 1427

Introduced by
Senators Quezada: Dalessandro, Mendez, Peshlakai, Rios; Representative
Andrade

AN ACT

AMENDING SECTION 16-542, ARIZONA REVISED STATUTES; RELATING TO EARLY
VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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 beginning the same day that a county begins to send out the early ballots. **ON A SPECIFIC RESOLUTION OF THE BOARD OF SUPERVISORS, THE BOARD MAY AUTHORIZE the county recorder ~~may~~ OR OTHER OFFICER IN CHARGE OF ELECTIONS TO** also establish any other early voting locations in the county ~~the recorder deems~~ **DEEMED** necessary. **A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY MAKE CHANGES TO THE APPROVED EARLY VOTING LOCATIONS AND SHALL NOTIFY THE PUBLIC AND THE BOARD OF SUPERVISORS REGARDING THESE CHANGES AS SOON AS IS PRACTICABLE. NOTWITHSTANDING ANY OTHER LAW, A COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS WHO ESTABLISHES EARLY VOTING LOCATIONS MAY CONTINUE TO OPERATE THOSE EARLY VOTING LOCATIONS DURING THE THREE-DAY PERIOD IMMEDIATELY PRECEDING ELECTION DAY, EXCEPT THAT ON-SITE EARLY VOTING SHALL END AS NEEDED TO ENSURE THAT PRECINCT REGISTERS AND OTHER ELECTION MATERIALS ARE REVISED FOR USE ON ELECTION DAY TO INDICATE WHICH VOTERS HAVE REQUESTED AN EARLY BALLOT, WHICH VOTERS HAVE ALREADY VOTED AND WHICH VOTERS ARE ON THE INACTIVE VOTER LIST.**

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

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

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

37 E. In order to be complete and correct and to receive an early
38 ballot by mail, an elector's request that an early ballot be mailed to the
39 elector's residence or temporary address must include all of the
40 information prescribed by subsection A of this section and must be
41 received by the county recorder or other officer in charge of elections no
42 later than 5:00 p.m. on the eleventh day preceding the election. An
43 elector who appears personally no later than 5:00 p.m. on the Friday
44 preceding the election at an on-site early voting location that is
45 established by the county recorder or other officer in charge of elections
46 shall be given a ballot and permitted to vote at the on-site location.

1 EXCEPT THAT IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
2 IS ABLE TO REVISE PRECINCT REGISTERS AND OTHER ELECTIONS MATERIALS IN A
3 TIMELY MANNER FOR USE ON ELECTION DAY AS PRESCRIBED BY SUBSECTION A OF
4 THIS SECTION, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
5 MAY OPERATE THE ON-SITE EARLY VOTING LOCATIONS DURING THE THREE-DAY PERIOD
6 IMMEDIATELY PRECEDING ELECTION DAY. If an elector's request to receive an
7 early ballot is not complete and correct but complies with all other
8 requirements of this section, the county recorder or other officer in
9 charge of elections shall attempt to notify the elector of the deficiency
10 of the request.

11 F. Unless an elector specifies that the address to which an early
12 ballot is to be sent is a temporary address, the recorder may use the
13 information from an early ballot request form to update voter registration
14 records.

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

20 H. As a result of an emergency occurring between 5:00 p.m. on the
21 second Friday preceding the election and 5:00 p.m. on the Monday preceding
22 the election AND IF EARLY VOTING FOR THAT ELECTION HAS ENDED IN THAT
23 COUNTY, qualified electors may request to vote early in the manner
24 prescribed by the county recorder of their respective county. For the
25 purposes of this subsection, "emergency" means any unforeseen
26 circumstances that would prevent the elector from voting at the polls.

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

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