

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 282
HOUSE BILL 2039

AN ACT

AMENDING SECTION 16-161, ARIZONA REVISED STATUTES; AMENDING SECTION 16-549, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 107, SECTION 4; 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 16-161, Arizona Revised Statutes, is amended to
3 read:

4 16-161. Official record of registration; federal form;
5 reporting

6 A. When the registration form is filled out, signed by the elector
7 and received by the county recorder, it shall constitute an official
8 public record of the registration of the elector.

9 B. ON THE DATES PRESCRIBED BY SECTION 16-168, SUBSECTION G, THE
10 COUNTY RECORDER SHALL REPORT TO THE SECRETARY OF STATE AND SHALL
11 PROMINENTLY POST ON THE RECORDER'S WEBSITE THE NUMBER OF PERSONS WHO ARE
12 REGISTERED TO VOTE USING THE FEDERAL OR STATE VOTER REGISTRATION FORM AND
13 WHO HAVE NOT PROVIDED PROOF OF CITIZENSHIP TO THE COUNTY RECORDER AND,
14 AFTER EACH GENERAL ELECTION, SHALL POST ON THE RECORDER'S WEBSITE THE
15 NUMBER OF BALLOTS CAST BY THOSE PERSONS WHO WERE ELIGIBLE TO VOTE A BALLOT
16 CONTAINING FEDERAL OFFICES ONLY.

17 Sec. 2. Section 16-549, Arizona Revised Statutes, as amended by
18 Laws 2019, chapter 107, section 4, is amended to read:

19 16-549. Special election boards; voting procedure for ill
20 electors or electors with disabilities; expenses

21 A. The county recorder or other officer in charge of elections, for
22 the purpose of making it possible for qualified electors who are ill or
23 have a disability to vote, may appoint such number of special election
24 boards as needed. In a partisan election, each such board shall consist
25 of two members, one from each of the two political parties that cast the
26 highest number of votes in the state in the last preceding general
27 election. The county chairman of each such party shall furnish, within
28 sixty days before the election day, the county recorder or other officer
29 in charge of elections with a list of names of qualified electors within
30 the chairman's political party, and such additional lists as may be
31 required, from which the county recorder or other officer in charge of
32 elections shall appoint members to such special election boards. The
33 county recorder or other officer in charge of elections may refuse for
34 cause to appoint or may for cause remove a member of this board. A person
35 who is a candidate for an office other than precinct committeeman is not
36 eligible to serve on the special election board for that election.

37 B. Members of special election boards appointed under this section
38 shall be reimbursed for travel expenses in the manner provided by law and
39 shall also receive such compensation as the board of supervisors or the
40 governing body prescribes, all of which shall be paid by the county or
41 other political subdivision.

42 C. In lieu of the mailed early ballot procedure, any qualified
43 elector who is confined as the result of a continuing illness or physical
44 disability and is, therefore, not able to go to the polls on the day of
45 the next election and who does not wish to vote by the mailed early ballot

1 procedure, may make a verbal or a signed written request to the county
2 recorder or other officer in charge of elections to have a ballot
3 personally delivered to the elector by the special election board at the
4 elector's place of confinement within the county or other political
5 subdivision. The ballot shall be delivered to the elector in person by a
6 special election board as provided in this section. Such requests must be
7 made by 5:00 p.m. on the second Friday before the election.

8 D. Qualified electors who become ill or become a person with a
9 disability after the second Friday before the election may nevertheless
10 request personal ballot delivery pursuant to this section, and the county
11 recorder or other officer in charge of elections shall when possible honor
12 such requests up to and including the last day before the election.
13 Qualified electors who are admitted to a hospital after 5:00 p.m. on the
14 second Friday preceding the election and before 5:00 p.m. on election day
15 may request the county recorder or other officer in charge of elections to
16 provide a special election board with a ballot at the elector's place of
17 confinement. If the county recorder or other officer in charge of
18 elections is able to accommodate the request, the voted ballot of the
19 elector shall be sealed in an envelope and shall be processed as a
20 provisional ballot pursuant to section 16-584. Before receiving a ballot
21 pursuant to this subsection, a qualified elector shall provide
22 identification as prescribed in section 16-579 and shall sign a statement
23 under penalty of perjury that states that the person is experiencing or
24 experienced an emergency after 5:00 p.m. on the **SECOND** Friday **immediately**
25 preceding the election and before 5:00 p.m. on the Monday immediately
26 preceding the election that would prevent the person from voting at the
27 polls. Signed statements received pursuant to this subsection are not
28 subject to inspection pursuant to title 39, chapter 1, article 2.

29 E. The manner and procedure of voting shall be as provided in
30 section 16-548, except that the marked ballot in the sealed envelope shall
31 be handed by the elector to the special election board and shall be
32 delivered by the board to the county recorder or other officer in charge
33 of elections.

APPROVED BY THE GOVERNOR JUNE 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 7, 2019.