CHAPTER 174

SENATE BILL 1638

AN ACT

AMENDING SECTION 16-127, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2022, CHAPTER 99, SECTION 5; AMENDING SECTIONS 16-442.01 AND 16-541, 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 16-127, Arizona Revised Statutes, as added by Laws 2022, chapter 99, section 5, is amended to read:

16-127. Federal only voters; early ballot; eligibility; exemption

A. Notwithstanding any other law:
1. A person who has registered to vote and who has not provided satisfactory evidence of citizenship as prescribed by section 16-166, subsection F is not eligible to vote in presidential elections.
2. A person who has not provided satisfactory evidence of citizenship pursuant to section 16-166, subsection F and who is eligible to vote only for federal offices is not eligible to receive an early ballot by mail.
B. This section does not apply to an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act (P.L. 99-410; 100 Stat. 924; 52 United States Code section 20310), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375).

Sec. 2. Section 16-442.01, Arizona Revised Statutes, is amended to read:

16-442.01. Accessible voting technology; recommendations; certification; applicability

A. On completion of the certification process pursuant to this section and section 16-442, the secretary of state shall require that voting systems that are used by entities that are governed by section 16-204, but not including cities and towns with a population of less than twenty thousand persons, provide persons who are blind or visually impaired with access to voting that is equivalent to that provided to persons who are not blind or visually impaired AND SHALL PROVIDE AN ACCESSIBLE VOTE BY UNITED STATES MAIL OPTION FOR PERSONS WHO ARE BLIND OR HAVE A VISUAL IMPAIRMENT.
B. For the purposes of this section:
1. A voting system that provides the voter with the ability to cast and verify by both visual and nonvisual methods all of the selections that were made by that voter is deemed to provide equivalent access.
2. Nonvisual methods for casting and verifying a selection made on a voting system include the use of synthesized speech, braille and other output methods that do not require sight.
C. The secretary of state shall consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent persons who are blind or visually impaired, persons with expertise in accessible software, hardware and other technology, county and local election officials and other persons deemed appropriate by the secretary of state. After receiving recommendations, the secretary of state shall submit to the committee established pursuant to section 16-442
D. Subsection A of this section applies to voting systems that are purchased or upgraded on or after January 1, 2006.

Sec. 3. Section 16-541, Arizona Revised Statutes, is amended to read:

16-541. Early voting
A. Any election called pursuant to the laws of this state shall provide for early voting, INCLUDING VOTING BY THE USE OF AN ACCESSIBLE VOTE BY UNITED STATES MAIL OPTION FOR PERSONS WHO ARE BLIND OR HAVE A VISUAL IMPAIRMENT. Any qualified elector may vote by early ballot.
B. A qualified elector of a special district organized pursuant to title 48 shall be permitted to vote early in any special district mail ballot election as provided in article 8.1 of this chapter.

Sec. 4. Effective date
A. Laws 2022, chapter 99 is effective from and after December 31, 2022.
B. Section 16-127, Arizona Revised Statutes, as amended by this act, is effective from and after December 31, 2022.

APPROVED BY THE GOVERNOR APRIL 22, 2022.