AN ACT

AMENDING SECTIONS 16-168, 16-245, 16-411, 16-461 AND 16-510, ARIZONA
REVISED STATUTES; REPEALING SECTION 16-544, ARIZONA REVISED STATUTES;
RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-168, Arizona Revised Statutes, is amended to read:

16-168. Precinct registers; date of preparation; contents; copies; reports; statewide database; violation; classification

A. By the tenth day preceding the primary and general elections the county recorder shall prepare from the original registration forms or from electronic media at least four lists that are printed or typed on paper, or at least two electronic media poll lists, or any combination of both, of all qualified electors in each precinct in the county, and the lists shall be the official precinct registers.

B. The official precinct registers for use at the polling place shall contain at least the names in full, party preference, date of registration and residence address of each qualified elector in the respective precincts. The names shall be in alphabetical order and, in a column to the left of the names, shall be numbered consecutively beginning with number 1 in each precinct register.

C. For the purposes of transmitting voter registration information as prescribed by this subsection, electronic media shall be the principal media. A county or state chairman who is eligible to receive copies of precinct lists as prescribed by this subsection may request that the recorder provide a paper copy of the precinct lists. In addition to preparing the official precinct lists, the county recorder shall provide a means for electronically reproducing the precinct lists. Unless otherwise agreed, the county recorder shall deliver one electronic media copy of each precinct list in the county without charge and on the same day within eight days after the close of registration for the primary and general elections to the county chairman and one electronic media copy to the state chairman of each party that has at least four candidates other than presidential electors appearing on the ballot in that county at the current election. The secretary of state shall establish a single format that prescribes the manner and template in which all county recorders provide this data to the secretary of state to ensure that the submissions are uniform from all counties in this state, that all submissions are identical in format, including the level of detail for voting history, and that information may readily be combined from two or more counties. The electronic media copies of the precinct lists that are delivered to the party chairmen shall include for each elector the following information:

1. Name in full and appropriate title.
2. Party preference.
3. Date of registration.
4. Residence address.
5. Mailing address, if different from residence address.
7. Telephone number if given.
8. Birth year.
9. Occupation if given.
10. Voting history for all elections in the prior four years and any other information regarding registered voters that the county recorder or city or town clerk maintains electronically and that is public information.
11. All data relating to permanent early voters and nonpermanent early voters, including ballot requests and ballot returns.

D. The names on the precinct lists shall be in alphabetical order and the precinct lists in their entirety, unless otherwise agreed, shall be delivered to each county chairman and each state chairman within ten business days of the close of each date for counting registered voters prescribed by subsection G of this section other than the primary and general election registered voter counts in the same format and media as prescribed by subsection C of this section. During the thirty-three days immediately preceding an election and on request from a county or state chairman, the county recorder shall provide at no cost a daily list of persons who have requested an early ballot and shall provide at no cost a weekly listing of persons who have returned their early ballots. The recorder shall provide the daily and weekly information through the Friday preceding the election. On request from a county chairman or state chairman, the county recorder of a county with a population of more than eight hundred thousand persons shall provide at no cost a daily listing of persons who have returned their early ballots. The daily listing shall be provided Mondays through Fridays, beginning with the first Monday following the start of early voting and ending on the Monday before the election.

E. Precinct registers and other lists and information derived from registration forms may be used only for purposes relating to a political or political party activity, a political campaign or an election, for revising election district boundaries or for any other purpose specifically authorized by law and may not be used for a commercial purpose as defined in section 39-121.03. The sale of registers, lists and information derived from registration forms to a candidate or a registered political committee for a use specifically authorized by this subsection does not constitute use for a commercial purpose. The county recorder, the secretary of state and other officers in charge of elections, on a request for an authorized use and within thirty days from receipt of the request, shall prepare additional copies of an official precinct list and furnish them to any person requesting them on payment of a fee equal to the following amounts for the following number of voter registration records provided:
1. For one to one hundred twenty-four thousand nine hundred ninety-nine records, ninety-three dollars seventy-five cents $93.75 plus $0.0005 per record.

2. For one hundred twenty-five thousand to two hundred forty-nine thousand nine hundred ninety-nine records, one hundred fifty-six dollars twenty-five cents $156.25 plus $0.000375 per record.

3. For two hundred fifty thousand to four hundred ninety-nine thousand nine hundred ninety-nine records, two hundred thirty dollars thirteen cents $230.13 plus $0.00025 per record.

4. For five hundred thousand to nine hundred ninety-nine thousand nine hundred ninety-nine records, two hundred sixty-five dollars sixty-three cents $265.63 plus $0.000125 per record.

5. For one million or more records, three hundred twenty-eight dollars thirteen cents $328.13 plus $0.0000625 per record.

F. Any person in possession of a precinct register or list, in whole or part, or any reproduction of a precinct register or list, shall not permit the register or list to be used, bought, sold or otherwise transferred for any purpose except for uses otherwise authorized by this section. A person in possession of information derived from voter registration forms or precinct registers shall not distribute, post or otherwise provide access to any portion of that information through the internet except as authorized by subsection I of this section. Nothing in this section shall preclude public inspection of voter registration records at the office of the county recorder for the purposes prescribed by this section, except that the month and day of birth date, the social security number or any portion thereof, the driver license number or nonoperating identification license number, the Indian census number, the father's name or mother's maiden name, the state or country of birth and the records containing a voter's signature and a voter's e-mail address shall not be accessible or reproduced by any person other than the voter, by an authorized government official in the scope of the official's duties, for any purpose by an entity designated by the secretary of state as a voter registration agency pursuant to the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77), for signature verification on petitions and candidate filings, for election purposes and for news gathering purposes by a person engaged in newspaper, radio, television or reportorial work, or connected with or employed by a newspaper, radio or television station or pursuant to a court order. Notwithstanding any other law, a voter's e-mail address may not be released for any purpose. A person who violates this subsection or subsection E of this section is guilty of a class 6 felony.

G. The county recorder shall count the registered voters by political party by precinct, legislative district and congressional district as follows:
1. In even numbered years, the county recorder shall count all persons who are registered to vote as of:
   (a) January 2.
   (b) April 1.
   (c) The last day on which a person may register to be eligible to vote in the next primary election.
   (d) The last day on which a person may register to be eligible to vote in the next general election.
   (e) The last day on which a person may register to be eligible to vote in the next presidential preference election.

2. In odd numbered years, the county recorder shall count all persons who are registered to vote as of:
   (a) January 2.
   (b) April 1.
   (c) July 1.
   (d) October 1.

H. The county recorder shall report the totals to the secretary of state as soon as is practicable following each of the dates prescribed in subsection G of this section. The report shall include completed registration forms returned in accordance with section 16-134, subsection B. The county recorder shall also provide the report in a uniform electronic computer media format that shall be agreed on between the secretary of state and all county recorders. The secretary of state shall then prepare a summary report for the state and shall maintain that report as a permanent record.

I. The county recorder and the secretary of state shall protect access to voter registration information in an auditable format and method specified in the secretary of state's electronic voting system instructions and procedures manual that is adopted pursuant to section 16-452.

J. The secretary of state shall develop and administer a statewide database of voter registration information that contains the name and registration information of every registered voter in this state. The statewide database is a matter of statewide concern and is not subject to modification or further regulation by a political subdivision. The database shall include an identifier that is unique for each individual voter. The database shall provide for access by voter registration officials and shall allow expedited entry of voter registration information after it is received by county recorders. As a part of the statewide voter registration database, county recorders shall provide for the electronic transmittal of that information to the secretary of state on a real time basis. The secretary of state shall provide for maintenance of the database, including provisions regarding removal of ineligible voters that are consistent with the national voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections
sections 20901 through 21145), provisions regarding removal of duplicate registrations and provisions to ensure that eligible voters are not removed in error. For the purpose of maintaining compliance with the help America vote act of 2002, each county voter registration system is subject to approval by the secretary of state for compatibility with the statewide voter registration database system.

K. Except as provided in subsection L of this section, for requests for the use of registration forms and access to information as provided in subsections E and F of this section, the county recorder shall receive and respond to requests regarding federal, state and county elections.

L. Beginning January 1, 2008, recognized political parties shall request precinct lists and access to information as provided in subsections E and F of this section during the time periods prescribed in subsection C or D of this section and the county recorder shall receive and respond to those requests. If the county recorder does not provide the requested materials within the applicable time prescribed for the county recorder pursuant to subsection C or D of this section, a recognized political party may request that the secretary of state provide precinct lists and access to information as provided in subsections E and F of this section for federal, state and county elections. The secretary of state shall not provide access to precinct lists and information for recognized political parties unless the county recorder has failed or refused to provide the lists and materials as prescribed by this section. The secretary of state may charge the county recorder a fee determined by rule for each name or record produced.

M. For municipal registration information in those municipalities in which the county administers the municipal elections, county and state party chairmen shall request and obtain voter registration information and precinct lists from the city or town clerk during the time periods prescribed in subsection C or D of this section. If the city or town clerk does not provide that information within the same time prescribed for county recorders pursuant to subsection C or D of this section, the county or state party chairman may request and obtain the information from the county recorder. The county recorder shall provide the municipal voter registration and precinct lists within the time prescribed in subsection C or D of this section.

N. The county recorders and the secretary of state shall not prohibit any person or entity prescribed in subsection C of this section from distributing a precinct list to any person or entity that is deemed to be using the precinct list in a lawful manner as prescribed in subsections E and F of this section.
Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to read:

16-245. Form and content of ballot

A. Ballots and ballot labels for the presidential preference election shall be printed on different colored paper or white paper with a different colored stripe for each party represented on the presidential preference election ballot. Only one party may be represented on each ballot. At the top shall be printed "official ballot of the _________ party, presidential preference election (date), county of ________, state of Arizona".

B. The order of the names of certified candidates on the ballot shall be determined by lots drawn at a public meeting called by the secretary of state for that purpose. Rotation of candidate names is prohibited. The certified candidates shall be listed under the title "__________ party candidates for president of the United States". Immediately below shall be printed "vote for not more than one". The ballot may also contain printed instructions to voters as prescribed for other elections.

C. The officer in charge of elections shall provide a sample ballot proof to the state committee chairman of each qualified candidate's state committee no later than five days after receipt of the certification from the secretary of state.

D. The officer in charge of elections shall mail one sample ballot of each party represented on the presidential preference election ballot to each household that contains a registered voter of that political party unless that registered voter is on the permanent early voting list established pursuant to section 16-544. The return address on the sample ballot mailer shall not contain the name of any elected or appointed official, and the name of an appointed or elected official shall not be used to indicate who produced the sample ballot.

E. The mailing face of each sample ballot shall be imprinted with the great seal of the state of Arizona with the words "official voting materials--presidential preference election". The polling place for that household may also be designated on the mailing face of the sample ballot.

Sec. 3. Section 16-411, Arizona Revised Statutes, is amended to read:

16-411. Designation of election precincts and polling places; voting centers; electioneering; wait times

A. The board of supervisors of each county, on or before October 1 of each year preceding the year of a general election, by an order, shall establish a convenient number of election precincts in the county and define the boundaries of the precincts. The election precinct boundaries shall be so established so as to be included within election districts prescribed by law for elected officers of the state and its political
subdivisions including community college district precincts, except those elected officers provided for in titles 30 and 48.

B. Not less than AT LEAST twenty days before a general or primary election, and at least ten days before a special election, the board shall designate one polling place within each precinct where the election shall be held, except that:
1. On a specific finding of the board, included in the order or resolution designating polling places pursuant to this subsection, that no suitable polling place is available within a precinct, a polling place for that precinct may be designated within an adjacent precinct.
2. Adjacent precincts may be combined if boundaries so established are included in election districts prescribed by law for state elected officials and political subdivisions including community college districts but not including elected officials prescribed by titles 30 and 48. The officer in charge of elections may also split a precinct for administrative purposes. The polling places shall be listed in separate sections of the order or resolution.
3. On a specific finding of the board that the number of persons listed as permanent early voters pursuant to section 16-544 LIKELY TO REQUEST EARLY BALLOTS is likely to substantially reduce the number of voters appearing at one or more specific polling places at that election, adjacent precincts may be consolidated by combining polling places and precinct boards for that election. The board of supervisors shall ensure that a reasonable and adequate number of polling places will be designated for that election. Any consolidated polling places shall be listed in separate sections of the order or resolution of the board.
4. On a specific resolution of the board, the board may authorize the use of voting centers in place of or in addition to specifically designated polling places. A voting center shall allow any voter in that county to receive the appropriate ballot for that voter on election day after presenting identification as prescribed in section 16-579 and to lawfully cast the ballot. Voting centers may be established in coordination and consultation with the county recorder, at other county offices or at other locations in the county deemed appropriate.
5. On a specific resolution of the board of supervisors that is limited to a specific election date and that is voted on by a recorded vote, the board may authorize the county recorder or other officer in charge of elections to use emergency voting centers as follows:
   (a) The board shall specify in the resolution the location and the hours of operation of the emergency voting centers.
   (b) A qualified elector voting at an emergency voting center shall provide identification as prescribed in section 16-579, except that notwithstanding section 16-579, subsection A, paragraph 2, for any voting at an emergency voting center, the county recorder or other officer in charge of elections may allow a qualified elector to update the elector's
voter registration information as provided for in the secretary of state's
instructions and procedures manual adopted pursuant to section 16-452.

(c) If an emergency voting center established pursuant to this
section becomes unavailable and there is not sufficient time for the board
of supervisors to convene to approve an alternate location for that
emergency voting center, the county recorder or other officer in charge of
elections may make changes to the approved emergency voting center
location and shall notify the public and the board of supervisors
regarding that change as soon as practicable. The alternate emergency
voting center shall be as close in proximity to the approved emergency
voting center location as possible.

C. If the board fails to designate the place for holding the
election, or if it cannot be held at or about the place designated, the
justice of the peace in the precinct, two days before the election, by an
order, copies of which the justice of the peace shall immediately post in
three public places in the precinct, shall designate the place within the
precinct for holding the election. If there is no justice of the peace in
the precinct, or if the justice of the peace fails to do so, the election
board of the precinct shall designate and give notice of the place within
the precinct of holding the election. For any election in which there are
no candidates for elected office appearing on the ballot, the board may
consolidate polling places and precinct boards and may consolidate the	
Tabulation of results for that election if all of the following apply:
1. All affected voters are notified by mail of the change at least
thirty-three days before the election.
2. Notice of the change in polling places includes notice of the
new voting location, notice of the hours for voting on election day and
notice of the telephone number to call for voter assistance.
3. All affected voters receive information on early voting that
includes the application used to request an early voting ballot.

D. The board is not required to designate a polling place for
special district mail ballot elections held pursuant to article 8.1 of
this chapter, but the board may designate one or more sites for voters to
deposit marked ballots until 7:00 p.m. on the day of the election.

E. Except as provided in subsection F of this section, a public
school shall provide sufficient space for use as a polling place for any
city, county or state election when requested by the officer in charge of
elections.

F. The principal of the school may deny a request to provide space
for use as a polling place for any city, county or state election if,
within two weeks after a request has been made, the principal provides a
written statement indicating a reason the election cannot be held in the
school, including any of the following:
1. Space is not available at the school.
2. The safety or welfare of the children would be jeopardized.
G. The board shall make available to the public as a public record a list of the polling places for all precincts in which the election is to be held.

H. Except in the case of an emergency, any facility that is used as a polling place on election day or that is used as an early voting site during the period of early voting shall allow persons to electioneer and engage in other political activity outside of the seventy-five foot limit prescribed by section 16-515 in public areas and parking lots used by voters. This subsection shall not be construed to permit the temporary or permanent construction of structures in public areas and parking lots or the blocking or other impairment of access to parking spaces for voters. The county recorder or other officer in charge of elections shall post on its website at least two weeks before election day a list of those polling places in which emergency conditions prevent electioneering and shall specify the reason the emergency designation was granted and the number of attempts that were made to find a polling place before granting an emergency designation. If the polling place is not on the website list of polling places with emergency designations, electioneering and other political activity shall be permitted outside of the seventy-five foot limit. If an emergency arises after the county recorder or other officer in charge of elections' initial website posting, the county recorder or other officer in charge of elections shall update the website as soon as is practicable to include any new polling places, shall highlight the polling place location on the website and shall specify the reason the emergency designation was granted and the number of attempts that were made to find a polling place before granting an emergency designation.

I. For the purposes of this section, a county recorder or other officer in charge of elections shall designate a polling place as an emergency polling place and thus prohibit persons from electioneering and engaging in other political activity outside of the seventy-five foot limit prescribed by section 16-515 but inside the property of the facility that is hosting the polling place if any of the following occurs:

1. An act of God renders a previously set polling place as unusable.

2. A county recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities in a precinct that are willing to be a polling place unless a facility can be given an emergency designation.

J. The secretary of state shall provide through the instructions and procedures manual adopted pursuant to section 16-452 the maximum allowable wait time for any election that is subject to section 16-204 and provide for a method to reduce voter wait time at the polls in the primary and general elections. The method shall consider at least all of the following for primary and general elections in each precinct:
1. The number of ballots voted in the prior primary and general elections.

2. The number of registered voters who voted early in the prior primary and general elections.

3. The number of registered voters and the number of registered voters who cast an early ballot for the current primary or general election.

4. The number of election board members and clerks and the number of rosters that will reduce voter wait time at the polls.

Sec. 4. Section 16-461, Arizona Revised Statutes, is amended to read:

16-461. Sample primary election ballots; submission to party chairmen for examination; preparation, printing and distribution of ballot

A. At least forty-five days before a primary election, the officer in charge of that election shall:

1. Prepare a proof of a sample ballot.

2. Submit the sample ballot proof of each party to the county chairman or in city or town primaries to the city or town chairman.

3. Mail a sample ballot proof to each candidate for whom a nomination paper and petitions have been filed.

B. Within five days after receipt of the sample ballot, the county chairman of each political party shall suggest to the election officer any change the chairman considers should be made in the chairman's party ballot, and if upon examination the election officer finds an error or omission in the ballot the officer shall correct it. The election officer shall cause the sample ballots to be printed and distributed as required by law, shall maintain a copy of each sample ballot and shall post a notice indicating that sample ballots are available on request. The official sample ballot shall be printed on colored paper or white paper with a different colored stripe for each party that is represented on that ballot. For voters who are not registered with a party that is entitled to continued representation on the ballot pursuant to section 16-804, the election officer may print and distribute the required sample ballots in an alternative format, including a reduced size format.

C. Not later than forty days before a primary election, the county chairman of a political party may request one sample primary election ballot of the chairman's party for each election precinct.

D. The board of supervisors shall have printed mailer-type sample ballots for a primary election and shall mail at least eleven days before the election one sample ballot of a political party to each household containing a registered voter of that political party unless that registered voter is on the permanent early voting list established pursuant to section 16-544. Each sample ballot shall contain the following statement: "This is a sample ballot and cannot be used as an
official ballot under any circumstances”. A certified claim shall be
presented to the secretary of state by the board of supervisors for the
actual cost of printing, labeling and postage of each sample ballot
actually mailed, and the secretary of state shall direct payment of the
authenticated claim from funds of the secretary of state's office.
E. For city and town elections, the governing body of a city or
town may have printed mailer-type sample ballots for a primary election.
If the city or town has printed such sample ballots, the city or town
shall provide for the distribution of such ballots and shall bear the
expense of printing and distributing such sample ballots.
F. The return address on the mailer-type sample ballots shall not
contain the name of an appointed or elected public officer nor may the
name of an appointed or elected public officer be used to indicate who
produced the sample ballot.
G. The great seal of the state of Arizona shall be imprinted along
with the words "official voting materials" on the mailing face of each
sample ballot. In county, city or town elections the seal of such
jurisdiction shall be substituted for the state seal.
Sec. 5. Section 16-510, Arizona Revised Statutes, is amended to
read:

16-510. Sample ballots; preparation and distribution
A. Before printing the sample ballots for the general election the
board of supervisors shall send to each candidate whose name did not
appear on the preceding primary election ballot a ballot proof of the
sample ballot for the candidate's review.
B. The board of supervisors shall print and distribute, for the
information of voters at each polling place, a number of sample ballots as
it deems necessary.
C. The board of supervisors shall have printed mailer-type sample
ballots for a general election and shall mail at least eleven days before
the election one such sample ballot to each household in the county
containing a registered voter unless that registered voter is on the
permanent early voting list established pursuant to section 16-544. Each
sample ballot shall contain the following statement: "This is a sample
ballot and cannot be used as an official ballot under any
circumstances". A certified claim shall be presented to the secretary of
state by the board of supervisors for the actual cost of printing,
labeling and postage of each such sample ballot actually mailed, and the
secretary of state shall direct payment of such THE authenticated claim
from funds of THE SECRETARY OF STATE's office.
D. For city and town elections, the governing body of a city or
town may have printed mailer-type sample ballots for a general
election. If the city or town has printed such sample ballots, the city
or town shall provide for the distribution of such ballots and shall bear
the expense of printing and distributing such sample ballots.
E. For special district elections, the governing body of a special
district may have printed mailer-type sample ballots. If the special
district has printed such sample ballots, the special district shall
provide for the distribution of such ballots and shall bear the expense of
printing and distributing such sample ballots.

Sec. 6. **Repeal**

Section 16-544, Arizona Revised Statutes, is repealed.