

REFERENCE TITLE: permanent early voting list; repeal

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HB 2370**

Introduced by  
Representatives Payne: Blackman

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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 16-168. Precinct registers; date of preparation; contents;  
5 copies; reports; statewide database; violation;  
6 classification

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

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

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

- 40 1. Name in full and appropriate title.
- 41 2. Party preference.
- 42 3. Date of registration.
- 43 4. Residence address.
- 44 5. Mailing address, if different from residence address.

- 1           6. Zip code.
- 2           7. Telephone number if given.
- 3           8. Birth year.
- 4           9. Occupation if given.
- 5           10. Voting history for all elections in the prior four years and
- 6 any other information regarding registered voters that the county recorder
- 7 or city or town clerk maintains electronically and that is public
- 8 information.
- 9           11. All data relating to ~~permanent early voters and nonpermanent~~
- 10 early voters, including ballot requests and ballot returns.
- 11           D. The names on the precinct lists shall be in alphabetical order
- 12 and the precinct lists in their entirety, unless otherwise agreed, shall
- 13 be delivered to each county chairman and each state chairman within ten
- 14 business days of the close of each date for counting registered voters
- 15 prescribed by subsection G of this section other than the primary and
- 16 general election registered voter counts in the same format and media as
- 17 prescribed by subsection C of this section. During the thirty-three days
- 18 immediately preceding an election and on request from a county or state
- 19 chairman, the county recorder shall provide at no cost a daily list of
- 20 persons who have requested an early ballot and shall provide at no cost a
- 21 weekly listing of persons who have returned their early ballots. The
- 22 recorder shall provide the daily and weekly information through the Friday
- 23 preceding the election. On request from a county chairman or state
- 24 chairman, the county recorder of a county with a population of more than
- 25 eight hundred thousand persons shall provide at no cost a daily listing of
- 26 persons who have returned their early ballots. The daily listing shall be
- 27 provided Mondays through Fridays, beginning with the first Monday
- 28 following the start of early voting and ending on the Monday before the
- 29 election.
- 30           E. Precinct registers and other lists and information derived from
- 31 registration forms may be used only for purposes relating to a political
- 32 or political party activity, a political campaign or an election, for
- 33 revising election district boundaries or for any other purpose
- 34 specifically authorized by law and may not be used for a commercial
- 35 purpose as defined in section 39-121.03. The sale of registers, lists and
- 36 information derived from registration forms to a candidate or a registered
- 37 political committee for a use specifically authorized by this subsection
- 38 does not constitute use for a commercial purpose. The county recorder,
- 39 the secretary of state and other officers in charge of elections, on a
- 40 request for an authorized use and within thirty days from receipt of the
- 41 request, shall prepare additional copies of an official precinct list and
- 42 furnish them to any person requesting them on payment of a fee equal to
- 43 the following amounts for the following number of voter registration
- 44 records provided:

1           1. For one to one hundred twenty-four thousand nine hundred  
2 ninety-nine records, ~~ninety-three dollars seventy-five cents~~ \$93.75 plus  
3 \$0.0005 per record.

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

7           3. For two hundred fifty thousand to four hundred ninety-nine  
8 thousand nine hundred ninety-nine records, ~~two hundred three dollars~~  
9 ~~thirteen cents~~ \$203.13 plus \$0.00025 per record.

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

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

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

42          G. The county recorder shall count the registered voters by  
43 political party by precinct, legislative district and congressional  
44 district as follows:

1           1. In even numbered years, the county recorder shall count all  
2 persons who are registered to vote as of:  
3           (a) January 2.  
4           (b) April 1.  
5           (c) The last day on which a person may register to be eligible to  
6 vote in the next primary election.  
7           (d) The last day on which a person may register to be eligible to  
8 vote in the next general election.  
9           (e) The last day on which a person may register to be eligible to  
10 vote in the next presidential preference election.  
11          2. In odd numbered years, the county recorder shall count all  
12 persons who are registered to vote as of:  
13          (a) January 2.  
14          (b) April 1.  
15          (c) July 1.  
16          (d) October 1.  
17          H. The county recorder shall report the totals to the secretary of  
18 state as soon as is practicable following each of the dates prescribed in  
19 subsection G of this section. The report shall include completed  
20 registration forms returned in accordance with section 16-134,  
21 subsection B. The county recorder shall also provide the report in a  
22 uniform electronic computer media format that shall be agreed on between  
23 the secretary of state and all county recorders. The secretary of state  
24 shall then prepare a summary report for the state and shall maintain that  
25 report as a permanent record.  
26          I. The county recorder and the secretary of state shall protect  
27 access to voter registration information in an auditable format and method  
28 specified in the secretary of state's electronic voting system  
29 instructions and procedures manual that is adopted pursuant to section  
30 16-452.  
31          J. The secretary of state shall develop and administer a statewide  
32 database of voter registration information that contains the name and  
33 registration information of every registered voter in this state. The  
34 statewide database is a matter of statewide concern and is not subject to  
35 modification or further regulation by a political subdivision. The  
36 database shall include an identifier that is unique for each individual  
37 voter. The database shall provide for access by voter registration  
38 officials and shall allow expedited entry of voter registration  
39 information after it is received by county recorders. As a part of the  
40 statewide voter registration database, county recorders shall provide for  
41 the electronic transmittal of that information to the secretary of state  
42 on a real time basis. The secretary of state shall provide for  
43 maintenance of the database, including provisions regarding removal of  
44 ineligible voters that are consistent with the national voter registration  
45 act of 1993 (P.L. 103-31; 107 Stat. 77; 52 United States Code sections

1 20501 through 20511) and the help America vote act of 2002 (P.L. 107-252;  
2 116 Stat. 1666; 52 United States Code sections 20901 through 21145),  
3 provisions regarding removal of duplicate registrations and provisions to  
4 ensure that eligible voters are not removed in error. For the purpose of  
5 maintaining compliance with the help America vote act of 2002, each county  
6 voter registration system is subject to approval by the secretary of state  
7 for compatibility with the statewide voter registration database system.

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

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

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

38 N. The county recorders and the secretary of state shall not  
39 prohibit any person or entity prescribed in subsection C of this section  
40 from distributing a precinct list to any person or entity that is deemed  
41 to be using the precinct list in a lawful manner as prescribed in  
42 subsections E and F of this section.

1           Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to  
2 read:

3           16-245. Form and content of ballot

4           A. Ballots and ballot labels for the presidential preference  
5 election shall be printed on different colored paper or white paper with a  
6 different colored stripe for each party represented on the presidential  
7 preference election ballot. Only one party may be represented on each  
8 ballot. At the top shall be printed "official ballot of the  
9 \_\_\_\_\_ party, presidential preference election (date), county of  
10 \_\_\_\_\_, state of Arizona".

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

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

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

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

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

37           16-411. Designation of election precincts and polling places;  
38           voting centers; electioneering; wait times

39           A. The board of supervisors of each county, on or before October 1  
40 of each year preceding the year of a general election, by an order, shall  
41 establish a convenient number of election precincts in the county and  
42 define the boundaries of the precincts. The election precinct boundaries  
43 shall be ~~so~~ established ~~SO~~ as ~~TO BE~~ included within election districts  
44 prescribed by law for elected officers of the state and its political

1 subdivisions including community college district precincts, except those  
2 elected officers provided for in titles 30 and 48.

3 B. ~~Not less than~~ AT LEAST twenty days before a general or primary  
4 election, and at least ten days before a special election, the board shall  
5 designate one polling place within each precinct where the election shall  
6 be held, except that:

7 1. On a specific finding of the board, included in the order or  
8 resolution designating polling places pursuant to this subsection, that no  
9 suitable polling place is available within a precinct, a polling place for  
10 that precinct may be designated within an adjacent precinct.

11 2. Adjacent precincts may be combined if boundaries so established  
12 are included in election districts prescribed by law for state elected  
13 officials and political subdivisions including community college districts  
14 but not including elected officials prescribed by titles 30 and 48. The  
15 officer in charge of elections may also split a precinct for  
16 administrative purposes. The polling places shall be listed in separate  
17 sections of the order or resolution.

18 3. On a specific finding of the board that the number of persons  
19 who are ~~listed as permanent early voters pursuant to section 16-544~~ LIKELY  
20 TO REQUEST EARLY BALLOTS is likely to substantially reduce the number of  
21 voters appearing at one or more specific polling places at that election,  
22 adjacent precincts may be consolidated by combining polling places and  
23 precinct boards for that election. The board of supervisors shall ensure  
24 that a reasonable and adequate number of polling places will be designated  
25 for that election. Any consolidated polling places shall be listed in  
26 separate sections of the order or resolution of the board.

27 4. On a specific resolution of the board, the board may authorize  
28 the use of voting centers in place of or in addition to specifically  
29 designated polling places. A voting center shall allow any voter in that  
30 county to receive the appropriate ballot for that voter on election day  
31 after presenting identification as prescribed in section 16-579 and to  
32 lawfully cast the ballot. Voting centers may be established in  
33 coordination and consultation with the county recorder, at other county  
34 offices or at other locations in the county deemed appropriate.

35 5. On a specific resolution of the board of supervisors that is  
36 limited to a specific election date and that is voted on by a recorded  
37 vote, the board may authorize the county recorder or other officer in  
38 charge of elections to use emergency voting centers as follows:

39 (a) The board shall specify in the resolution the location and the  
40 hours of operation of the emergency voting centers.

41 (b) A qualified elector voting at an emergency voting center shall  
42 provide identification as prescribed in section 16-579, except that  
43 notwithstanding section 16-579, subsection A, paragraph 2, for any voting  
44 at an emergency voting center, the county recorder or other officer in  
45 charge of elections may allow a qualified elector to update the elector's



1 voter registration information as provided for in the secretary of state's  
2 instructions and procedures manual adopted pursuant to section 16-452.

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

12 C. If the board fails to designate the place for holding the  
13 election, or if it cannot be held at or about the place designated, the  
14 justice of the peace in the precinct, two days before the election, by an  
15 order, copies of which the justice of the peace shall immediately post in  
16 three public places in the precinct, shall designate the place within the  
17 precinct for holding the election. If there is no justice of the peace in  
18 the precinct, or if the justice of the peace fails to do so, the election  
19 board of the precinct shall designate and give notice of the place within  
20 the precinct of holding the election. For any election in which there are  
21 no candidates for elected office appearing on the ballot, the board may  
22 consolidate polling places and precinct boards and may consolidate the  
23 tabulation of results for that election if all of the following apply:

24 1. All affected voters are notified by mail of the change at least  
25 thirty-three days before the election.

26 2. Notice of the change in polling places includes notice of the  
27 new voting location, notice of the hours for voting on election day and  
28 notice of the telephone number to call for voter assistance.

29 3. All affected voters receive information on early voting that  
30 includes the application used to request an early voting ballot.

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

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

39 F. The principal of the school may deny a request to provide space  
40 for use as a polling place for any city, county or state election if,  
41 within two weeks after a request has been made, the principal provides a  
42 written statement indicating a reason the election cannot be held in the  
43 school, including any of the following:

44 1. Space is not available at the school.

45 2. The safety or welfare of the children would be jeopardized.

1 G. The board shall make available to the public as a public record  
2 a list of the polling places for all precincts in which the election is to  
3 be held.

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

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

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

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

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

1           1. The number of ballots voted in the prior primary and general  
2 elections.

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

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

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

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

12           16-461. Sample primary election ballots; submission to party  
13                           chairmen for examination; preparation, printing and  
14                           distribution of ballot

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

17           1. Prepare a proof of a sample ballot.

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

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

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

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

39           D. The board of supervisors shall have printed mailer-type sample  
40 ballots for a primary election and shall mail at least eleven days before  
41 the election one sample ballot of a political party to each household  
42 containing a registered voter of that political party ~~unless that~~  
43 ~~registered voter is on the permanent early voting list established~~  
44 ~~pursuant to section 16-544~~. Each sample ballot shall contain the  
45 following statement: "This is a sample ballot and cannot be used as an

1 official ballot under any circumstances". A certified claim shall be  
2 presented to the secretary of state by the board of supervisors for the  
3 actual cost of printing, labeling and postage of each sample ballot  
4 actually mailed, and the secretary of state shall direct payment of the  
5 authenticated claim from funds of the secretary of state's office.

6 E. For city and town elections, the governing body of a city or  
7 town may have printed mailer-type sample ballots for a primary election.  
8 If the city or town has printed such sample ballots, the city or town  
9 shall provide for the distribution of such ballots and shall bear the  
10 expense of printing and ~~distribution of~~ DISTRIBUTING such sample ballots.

11 F. The return address on the mailer-type sample ballots shall not  
12 contain the name of an appointed or elected public officer nor may the  
13 name of an appointed or elected public officer be used to indicate who  
14 produced the sample ballot.

15 G. The great seal of the state of Arizona shall be imprinted along  
16 with the words "official voting materials" on the mailing face of each  
17 sample ballot. In county, city or town elections the seal of such  
18 jurisdiction shall be substituted for the state seal.

19 Sec. 5. Section 16-510, Arizona Revised Statutes, is amended to  
20 read:

21 16-510. Sample ballots; preparation and distribution

22 A. Before printing the sample ballots for the general election the  
23 board of supervisors shall send to each candidate whose name did not  
24 appear on the preceding primary election ballot a ballot proof of the  
25 sample ballot for the candidate's review.

26 B. The board of supervisors shall print and distribute, for the  
27 information of voters at each polling place, a number of sample ballots as  
28 it deems necessary.

29 C. The board of supervisors shall have printed mailer-type sample  
30 ballots for a general election and shall mail at least eleven days before  
31 the election one such sample ballot to each household in the county  
32 containing a registered voter ~~unless that registered voter is on the~~  
33 ~~permanent early voting list established pursuant to section 16-544~~. Each  
34 sample ballot shall contain the following statement: "This is a sample  
35 ballot and cannot be used as an official ballot under any  
36 circumstances". A certified claim shall be presented to the secretary of  
37 state by the board of supervisors for the actual cost of printing,  
38 labeling and postage of each ~~such~~ sample ballot actually mailed, and the  
39 secretary of state shall direct payment of ~~such~~ THE authenticated claim  
40 from funds of ~~his~~ THE SECRETARY OF STATE'S office.

41 D. For city and town elections, the governing body of a city or  
42 town may have printed mailer-type sample ballots for a general  
43 election. If the city or town has printed such sample ballots, the city  
44 or town shall provide for the distribution of such ballots and shall bear  
45 the expense of printing and distributing such sample ballots.

1           E. For special district elections, the governing body of a special  
2 district may have printed mailer-type sample ballots. If the special  
3 district has printed such sample ballots, the special district shall  
4 provide for the distribution of such ballots and shall bear the expense of  
5 printing and distributing such sample ballots.

6           Sec. 6. Repeal

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