

REFERENCE TITLE: early voting procedures; signature cards

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

## **HB 2798**

Introduced by  
Representatives Barton: Blackman, Burges, Cook, Dunn, Fillmore, Griffin,  
Hoffman, Kaiser, Toma

AN ACT

AMENDING SECTIONS 16-544 AND 16-550, ARIZONA REVISED STATUTES; RELATING TO  
EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-544, Arizona Revised Statutes, is amended to  
3 read:

4 16-544. Permanent early voting list; civil penalty;  
5 violation; classification

6 A. Any voter may request to be included on a permanent list of  
7 voters to receive an early ballot for any election for which the county  
8 voter registration roll is used to prepare the election register. The  
9 county recorder of each county shall maintain the permanent early voting  
10 list as part of the voter registration roll.

11 B. In order to be included on the permanent early voting list, the  
12 voter shall make a written request specifically requesting that the  
13 voter's name be added to the permanent early voting list for all elections  
14 in which the applicant is eligible to vote. A permanent early voter  
15 request form shall conform to requirements prescribed in the instructions  
16 and procedures manual issued pursuant to section 16-452. The application  
17 shall allow for the voter to provide the voter's name, residence address,  
18 mailing address in the voter's county of residence, date of birth and  
19 signature and shall state that the voter is attesting that the voter is a  
20 registered voter who is eligible to vote in the county of residence. The  
21 voter shall not list a mailing address that is outside of this state for  
22 the purpose of the permanent early voting list unless the voter is an  
23 absent uniformed services voter or overseas voter as defined in the  
24 uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;  
25 ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310). In lieu of the  
26 application, the applicant may submit a written request that contains the  
27 required information.

28 C. On receipt of a request to be included on the permanent early  
29 voting list, the county recorder or other officer in charge of elections  
30 shall compare the signature on the request form with the voter's signature  
31 on the voter's registration form and, if the request is from the voter,  
32 shall mark the voter's registration file as a permanent early ballot  
33 request.

34 D. Not less than ninety days before any polling place election  
35 scheduled in March or August, the county recorder or other officer in  
36 charge of elections shall mail to all voters who are eligible for the  
37 election and who are included on the permanent early voting list an  
38 election notice by nonforwardable mail that is marked with the statement  
39 required by the postmaster to receive an address correction notification  
40 AND THAT STATES THAT THE VOTER MUST SIGN AND RETURN THE NOTICE TO THE  
41 COUNTY RECORDER WITH A COPY OF THE VOTER'S ARIZONA DRIVER LICENSE OR  
42 ARIZONA NONOPERATING IDENTIFICATION IN ORDER TO RECEIVE A BALLOT. If an  
43 election is not formally called by a jurisdiction by the one hundred  
44 twentieth day before the election, the recorder or other officer in charge  
45 of elections is not required to send the election notice. The notice

1 shall include the dates of the elections that are the subject of the  
2 notice, the dates that the voter's ballot is expected to be mailed and the  
3 address where the ballot will be mailed. If the upcoming election is a  
4 partisan open primary election and the voter is not registered as a member  
5 of one of the political parties that is recognized for purposes of that  
6 primary, the notice shall include information on the procedure for the  
7 voter to designate a political party ballot. The notice shall be  
8 delivered with return postage prepaid and shall also include a means for  
9 the voter to do any of the following:

10 1. Change the mailing address for the voter's ballot to another  
11 location in the voter's county of residence.

12 2. Update the voter's residence address in the voter's county of  
13 residence.

14 3. Request that the voter not be sent a ballot for the upcoming  
15 election or elections indicated on the notice.

16 E. If the notice that is mailed to the voter is returned  
17 undeliverable by the postal service, the county recorder or other officer  
18 in charge of elections shall take the necessary steps to contact the voter  
19 at the voter's new residence address in order to update that voter's  
20 address or to move the voter to inactive status as prescribed in section  
21 16-166, subsection A. If a voter is moved to inactive status, the voter  
22 shall be removed from the permanent early voting list. If the voter is  
23 removed from the permanent early voting list, the voter shall only be  
24 added to the permanent early voting list again if the voter submits a new  
25 request pursuant to this section. IF THE INFORMATION THAT THE VOTER HAS  
26 RETURNED, INCLUDING THE VOTER'S SIGNATURE, DOES NOT MATCH THE VOTER'S  
27 RECORDS WITH THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS,  
28 THE RECORDER OR OFFICER SHALL CONTACT THE VOTER TO RESOLVE THE  
29 DISCREPANCY. IF THE DISCREPANCY IS NOT RESOLVED, THE COUNTY RECORDER OR  
30 OTHER OFFICER IN CHARGE OF ELECTIONS MAY NOT MAIL THE VOTER AN EARLY  
31 BALLOT AND THE VOTER SHALL BE REMOVED FROM THE PERMANENT EARLY VOTING  
32 LIST.

33 F. Not later than the first day of early voting, the county  
34 recorder or other officer in charge of elections shall mail an early  
35 ballot to all eligible voters included on the permanent early voting list  
36 in the same manner prescribed in section 16-542, subsection C. If the  
37 voter has not returned the notice or otherwise notified the election  
38 officer within forty-five days before the election that the voter does not  
39 wish to receive an early ballot by mail for the election or elections  
40 indicated, the ballot shall automatically be scheduled for mailing.

41 G. If a voter who is on the permanent early voting list is not  
42 registered as a member of a recognized political party and fails to notify  
43 the county recorder of the voter's choice for political party ballot  
44 within forty-five days before a partisan open primary election, the  
45 following apply:

1           1. The voter shall not automatically be sent a ballot for that  
2 partisan open primary election only and the voter's name shall remain on  
3 the permanent early voting list for future elections.

4           2. To receive an early ballot for the primary election, the voter  
5 shall submit the voter's choice for political party ballot to the county  
6 recorder.

7           H. After a voter has requested to be included on the permanent  
8 early voting list, the voter shall be sent an early ballot by mail  
9 automatically for any election at which a voter at that residence address  
10 is eligible to vote until any of the following occurs:

11           1. The voter requests in writing to be removed from the permanent  
12 early voting list.

13           2. The voter's registration or eligibility for registration is  
14 moved to inactive status or canceled as otherwise provided by law.

15           3. The notice sent by the county recorder or other officer in  
16 charge of elections is returned undeliverable and the county recorder or  
17 officer in charge of elections is unable to contact the voter to determine  
18 the voter's continued desire to remain on the list.

19           I. A voter may make a written request at any time to be removed  
20 from the permanent early voting list. The request shall include the  
21 voter's name, residence address, date of birth and signature. On receipt  
22 of a completed request to remove a voter from the permanent early voting  
23 list, the county recorder or other officer in charge of elections shall  
24 remove the voter's name from the list as soon as practicable.

25           J. An absent uniformed services voter or overseas voter as defined  
26 in the uniformed and overseas citizens absentee voting act of 1986 (P.L.  
27 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310) is eligible to be  
28 placed on the permanent early voting list pursuant to this section.

29           K. A voter's failure to vote an early ballot once received does not  
30 constitute grounds to remove the voter from the permanent early voting  
31 list.

32           L. A candidate, political committee or other organization may  
33 distribute permanent early voting list request forms to voters. If the  
34 permanent early voting list request forms include a printed address for  
35 return, that address shall be the political subdivision that will conduct  
36 the election. Failure to use the political subdivision as the return  
37 addressee is punishable by a civil penalty of up to three times the cost  
38 of the production and distribution of the permanent early voting list  
39 request.

40           M. All original and completed permanent early voting list request  
41 forms that are received by a candidate, political committee or other  
42 organization shall be submitted within six business days after receipt by  
43 a candidate or political committee or eleven days before the election day,  
44 whichever is earlier, to the political subdivision that will conduct the  
45 election. Any person, political committee or other organization that

1 fails to submit a completed permanent early voting list request form  
2 within the prescribed time is subject to a civil penalty of up to  
3 twenty-five dollars per day for each completed form withheld from  
4 submittal. Any person who knowingly fails to submit a completed permanent  
5 early voting list request form before the submission deadline for the  
6 election immediately following the completion of the form is guilty of a  
7 class 6 felony.

8 Sec. 2. Section 16-550, Arizona Revised Statutes, is amended to  
9 read:

10 16-550. Receipt of voter's ballot; cure period

11 A. On receipt of the envelope containing the early ballot and the  
12 ballot affidavit, the county recorder or other officer in charge of  
13 elections shall compare the signatures thereon with the signature of the  
14 elector on the elector's registration record. If the signature is  
15 inconsistent with the elector's signature on the elector's registration  
16 record, the county recorder or other officer in charge of elections ~~shall~~  
17 ~~make reasonable efforts to contact the voter, advise the voter of the~~  
18 ~~inconsistent signature and allow the voter to correct or the county to~~  
19 ~~confirm the inconsistent signature. The county recorder or other officer~~  
20 ~~in charge of elections shall allow signatures to be corrected not later~~  
21 ~~than the fifth business day after a primary, general or special election~~  
22 ~~that includes a federal office or the third business day after any other~~  
23 ~~election~~ MAY NOT TABULATE THE BALLOT AND SHALL SEGREGATE AND RETAIN THE  
24 BALLOT AND AFFIDAVIT FOR FURTHER REVIEW. If satisfied that the signatures  
25 correspond, the recorder or other officer in charge of elections shall  
26 hold the envelope containing the early ballot and the completed affidavit  
27 ~~unopened~~ in accordance with the rules of the secretary of state, AND SHALL  
28 EXAMINE THE BALLOT TO DETERMINE WHETHER IT IS DEFECTIVE OR DAMAGED, AND IF  
29 SO, SHALL RETURN THE BALLOT TO ITS ENVELOPE AND SHALL SEGREGATE AND RETAIN  
30 THE BALLOT AND AFFIDAVIT FOR FURTHER REVIEW.

31 B. The recorder or other officer in charge of elections shall  
32 thereafter safely keep the affidavits and early ballots in the recorder's  
33 or other officer's office until delivered pursuant to section 16-551 and  
34 tallying of ballots shall not begin any earlier than fourteen days before  
35 election day.

36 C. The county recorder shall send a list of all voters who were  
37 issued early ballots to the election board of the precinct in which the  
38 voter is registered.

39 D. This section does not apply to:

40 1. A special taxing district that is authorized pursuant to section  
41 16-191 to conduct its own elections.

42 2. A special district mail ballot election that is conducted  
43 pursuant to article 8.1 of this chapter.