AN ACT

AMENDING SECTIONS 16-542, 16-547, 16-551 AND 16-558.01, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

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

Section 1. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot; civil penalties; violation; classification
A. Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. For any partisan primary election, if the elector is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector shall designate the ballot of only one of the political parties that is entitled to continued representation on the ballot and the elector may receive and vote the ballot of only that one political party, which also shall include any nonpartisan offices and ballot questions, or the elector shall designate the ballot for nonpartisan offices and ballot questions only and the elector may receive and vote the ballot that contains only nonpartisan offices and ballot questions. The county recorder or other officer in charge of elections shall process any request for an early ballot for a municipal election pursuant to this subsection. The county recorder may establish on-site early voting locations at the recorder's office, which shall be open and available for use beginning the same day that a county begins to send out the early ballots. The county recorder may also establish any other early voting locations in the county the recorder deems necessary. An elector who receives an early ballot by mail may return the elector's voted early ballot only by delivering it by hand to a designated voting location. Any on-site early voting location or other early voting location shall require each elector to present identification as prescribed in section 16-579 before receiving a ballot. Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site early voting location or other early voting location the county recorder or other officer in charge of elections may provide for 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.

B. Notwithstanding subsection A of this section, a request for an official early ballot from an absent uniformed services voter or overseas
voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter whose information is protected pursuant to section 16-153 that is received by the county recorder or other officer in charge of elections more than ninety-three days before the election is valid. If requested by the absent uniformed services or overseas voter, or a voter whose information is protected pursuant to section 16-153, the county recorder or other officer in charge of elections shall provide to the requesting voter early ballot materials through the next regularly scheduled general election for federal office immediately following receipt of the request unless a different period of time, which does not exceed the next two regularly scheduled general elections for federal office, is designated by the voter.

C. The county recorder or other officer in charge of elections shall mail the early ballot and the ITS AFFIDAVIT envelope for its return postage-prepaid to the address provided by the requesting elector within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545, except that early ballot distribution shall not begin more than twenty-seven days before the election. If an early ballot request is received on or before the thirty-first day before the election, the early ballot shall be distributed not earlier than the twenty-seventh day before the election and not later than the twenty-fourth day before the election.

D. Only the elector may be in possession of that elector's unvoted early ballot. If a complete and correct request is made by the elector within twenty-seven days before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the forty-eight-hour FORTY-EIGHT-HOUR period prescribed by this subsection. If a complete and correct request is made by an absent uniformed services voter or an overseas voter before the election, the regular early ballot shall be transmitted by mail, by fax or by other electronic format approved by the secretary of state within twenty-four hours after the early ballots are delivered pursuant to section 16-545, subsection B, excluding Sundays.

E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections NOT later than 5:00 p.m. on the eleventh day preceding the election. An elector who appears personally NOT later than 5:00 p.m. on the Friday preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot after presenting identification as prescribed in
section 16-579 and shall be permitted ALLOWED to vote at the on-site
location. Notwithstanding section 16-579, subsection A, paragraph 2, at
any on-site early voting location the county recorder or other officer in
charge of elections may provide for 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. If an elector's request to receive an early ballot is
not complete and correct but complies with all other requirements of this
section, the county recorder or other officer in charge of elections shall
attempt to notify the elector of the deficiency of the request.

F. Unless an elector specifies that the address to which an early
ballot is to be sent is a temporary address, the recorder may use the
information from an early ballot request form to update voter registration
records.

G. The county recorder or other officer in charge of early
balloting shall provide an alphabetized list of all voters in the precinct
who have requested and have been sent an early ballot to the election
board of the precinct in which the voter is registered not later than the
day before the election.

H. As a result of experiencing an emergency between 5:00 p.m. on
the Friday preceding the election and 5:00 p.m. on the Monday preceding
the election, qualified electors may request to vote in the manner
prescribed by the board of supervisors of their respective county. Before
voting pursuant to this subsection, an elector who experiences an
emergency shall provide identification as prescribed in section 16-579 and
shall sign a statement under penalty of perjury that states that the
person is experiencing or experienced an emergency after 5:00 p.m. on the
Friday immediately preceding the election and before 5:00 p.m. on the
Monday immediately preceding the election that would prevent the person
from voting at the polls. Signed statements received pursuant to this
subsection are not subject to inspection pursuant to title 39, chapter 1,
article 2. For the purposes of this subsection, "emergency" means any
unforeseen circumstances that would prevent the elector from voting at the
polls.

I. Notwithstanding section 16-579, subsection A, paragraph 2, for
any voting pursuant to subsection H of this section, 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.

J. A candidate, political committee or other organization may
distribute early ballot request forms to voters. If the early ballot
request forms include a printed address for return, the addressee shall be
the political subdivision that will conduct the election. Failure to use
the political subdivision as the return addressee is punishable by a civil
penalty of up to three times the cost of the production and distribution of the request.

K. All original and completed early ballot request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate, political committee or other organization or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other organization that fails to submit a completed early ballot request form within the prescribed time is subject to a civil penalty of up to $25 per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed early ballot request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.

Sec. 2. Section 16-547, Arizona Revised Statutes, is amended to read:

16-547. Ballot affidavit; form

A. The early ballot shall be accompanied by an envelope bearing on the front the name, official title and post office address of the recorder or other officer in charge of elections and on the other side a printed affidavit in substantially the following form:

I declare the following under penalty of perjury: I am a registered voter in ___________ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5 felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter’s request I assisted the voter identified in this affidavit with marking the voter’s ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: _____________________________
Address of voter assistant: __________________________

B. The face of each envelope in which a ballot is sent to a federal postcard applicant or in which a ballot is returned by such THE applicant to the recorder or other officer in charge of elections shall be in the form prescribed in accordance with the uniformed and overseas citizens
absentee voting act of 1986 (P.L. 99-410; 42 United States Code section 1973ff 20301). Otherwise, the envelopes shall be the same as those used to send ballots to, or receive ballots from, other early voters.

C. The county recorder or other officer in charge of elections shall supply printed instructions to early voters that direct them to sign the affidavit, mark the ballot and return HAND DELIVER both in the enclosed self-addressed envelope that complies with section 16-545. The instructions shall include the following statement:

In order to be valid and counted, the ballot and affidavit MAY NOT BE MAILED BUT must be HAND delivered to the office of the county recorder or other officer in charge of elections or may be deposited at any polling place in the county no NOT later than 7:00 p.m. on election day. WARNING-It is a felony to offer or receive any compensation for a ballot.

Sec. 3. Section 16-551, Arizona Revised Statutes, is amended to read:

16-551. Early election board; violation; classification
A. The board of supervisors or the governing body of the political subdivision shall appoint one or more early election boards to serve at places to be designated by the board of supervisors or the governing body to canvass and tally early election ballots. Members of early election boards shall be selected in accordance with the provisions for selecting members of regular election boards as provided in section 16-531.

B. If an electronic voting system is in use for early voting, the early election board shall consist of at least one inspector and two judges who shall perform the processing requirements in accordance with the rules issued by the secretary of state. The inspector and judges shall be appointed in the same manner by party as provided in section 16-531.

C. All early ballots received by the county recorder or other officer in charge of elections before 7:00 p.m. on election day and the original affidavit of the voter shall be delivered to the early election boards for processing as provided in the rules of the secretary of state, EXCEPT THAT ANY EARLY BALLOTS THAT ARE RECEIVED BY MAIL ARE INVALID AND MAY NOT BE PROCESSED. The office of the county recorder or other officer in charge of elections shall remain open until 7:00 p.m. on election day for the purpose of receiving early ballots DELIVERED BY HAND. In no event shall partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on election day, whichever occurs first, and any person who unlawfully releases information regarding vote tallies or who possesses a tally sheet or summary without authorization from the recorder or officer in charge of elections is guilty of a class 6 felony.
D. The necessary printed blanks for poll lists, tally lists, lists of voters, ballots, oaths and returns, together with envelopes in which to enclose the returns, shall be furnished by the board of supervisors or the governing body of the political subdivision to the early election board for each election precinct at the expense of the county or the political subdivision.

Sec. 4. Section 16-558.01, Arizona Revised Statutes, is amended to read:

16-558.01. Mailing of ballots

Not more than twenty-seven days before the election and not fewer than fifteen days before the election, the county recorder or other officer in charge of elections for the special district shall send by nonforwardable mail all official ballots with printed instructions and a return envelope bearing a printed ballot affidavit as described in section 16-547 to each qualified elector entitled to vote in the election. The envelope in which the ballot is mailed shall be clearly marked with the statement required by the postmaster to receive an address correction and notification AND SHALL INSTRUCT THE VOTER THAT THE VOTED BALLOT MUST BE RETURNED BY HAND AND CANNOT BE MAILED. The district governing board shall determine whether the voter or the district governing board will pay for the postage for the return of electors' marked ballots. An elector who votes in a special district mail ballot election shall return the elector's marked ballot to the recorder or other officer in charge of the election or to a designated depository site as provided in section 16-411 no later than 7:00 p.m. on the day of the election.