

REFERENCE TITLE: early voting; time limits; envelope

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# **SB 1593**

Introduced by  
Senator Gowan

AN ACT

AMENDING SECTIONS 16-542, 16-545, 16-547, 16-551, 16-558.01 AND 16-579,  
ARIZONA REVISED STATUTES; RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-542, 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. 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 ~~instruction~~ 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

1 by the county recorder or other officer in charge of elections more than  
 2 ninety-three days before the election is valid. If requested by the  
 3 absent uniformed services or overseas voter, or a voter whose information  
 4 is protected pursuant to section 16-153, the county recorder or other  
 5 officer in charge of elections shall provide to the requesting voter early  
 6 ballot materials through the next regularly scheduled general election for  
 7 federal office immediately following receipt of the request unless a  
 8 different period of time, which does not exceed the next two regularly  
 9 scheduled general elections for federal office, is designated by the  
 10 voter.

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

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

34 E. In order to be complete and correct and to receive an early  
 35 ballot by mail, an elector's request that an early ballot be mailed to the  
 36 elector's residence or temporary address must include all of the  
 37 information prescribed by subsection A of this section and must be  
 38 received by the county recorder or other officer in charge of elections ~~no~~  
 39 NOT later than 5:00 p.m. on the eleventh day preceding the election. An  
 40 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the Friday  
 41 preceding the election at an on-site early voting location that is  
 42 established by the county recorder or other officer in charge of elections  
 43 shall be given a ballot after presenting identification as prescribed in  
 44 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site  
 45 location. Notwithstanding section 16-579, subsection A, paragraph 2, at  
 46 any on-site early voting location the county recorder or other officer in

1 charge of elections may provide for a qualified elector to update the  
2 elector's voter registration information as provided for in the secretary  
3 of state's ~~instruction~~ INSTRUCTIONS and procedures manual adopted pursuant  
4 to section 16-452. If an elector's request to receive an early ballot is  
5 not complete and correct but complies with all other requirements of this  
6 section, the county recorder or other officer in charge of elections shall  
7 attempt to notify the elector of the deficiency of the request.

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

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

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

32 I. Notwithstanding section 16-579, subsection A, paragraph 2, for  
33 any voting pursuant to subsection H of this section, the county recorder  
34 or other officer in charge of elections may allow a qualified elector to  
35 update the elector's voter registration information as provided for in the  
36 secretary of state's instructions and procedures manual adopted pursuant  
37 to section 16-452.

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

45 K. All original and completed early ballot request forms that are  
46 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 16-545, Arizona Revised Statutes, is amended to read:

16-545. Early ballot

A. The early ballot shall be one prepared for use in the precinct in which the applicant resides and, if a partisan primary election, of the political party with which the applicant is affiliated as shown by the affidavit of registration. The ballot shall be identical with the regular official ballots, except that it shall have printed or stamped on it "early".

B. The officer charged by law with the duty of preparing ballots at any election shall:

1. Prepare the official early ballot and deliver a sufficient number to the recorder or other officer in charge of elections not later than the thirty-third day before the election. Except as provided in section 16-542, subsection D, regular early ballots shall not be distributed to the general public before the beginning of early voting.

2. Ensure that the OUTSIDE ballot return envelopes are of a type that does not reveal the voter's selections and that is tamper evident when properly sealed.

3. PROVIDE A SECOND INTERNAL ENVELOPE THAT BEARS THE BALLOT AFFIDAVIT AND THAT IS DESIGNED TO CONTAIN THE VOTED BALLOT AND BE PLACED INSIDE THE BALLOT RETURN ENVELOPE.

Sec. 3. 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~~ THE VOTER'S selection even if ~~they~~ THE VOTER 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~~ 57 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, PLACE THE BALLOT IN THE SIGNED AFFIDAVIT ENVELOPE and return ~~both~~ THEM 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 must be 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. IF THE ELECTOR MAILES THE VOTED BALLOT AND AFFIDAVIT TO THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS, THE BALLOT IS VALID ONLY IF IT IS POSTMARKED ON OR BEFORE THE THURSDAY BEFORE ELECTION DAY AND RECEIVED 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. 4. 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

1 boards shall be selected in accordance with the provisions for selecting  
2 members of regular election boards as provided in section 16-531.

3 B. If an electronic voting system is in use for early voting, the  
4 early election board shall consist of at least one inspector and two  
5 judges who shall perform the processing requirements in accordance with  
6 the rules issued by the secretary of state. The inspector and judges  
7 shall be appointed in the same manner by party as provided in section  
8 16-531.

9 C. All early ballots received by MAIL THAT ARE POSTMARKED ON OR  
10 BEFORE THE THURSDAY BEFORE ELECTION DAY AND THAT ARE RECEIVED BY the  
11 county recorder or other officer in charge of elections before 7:00 p.m.  
12 on election day and the original affidavit of the voter shall be delivered  
13 to the early election boards for processing as provided in the rules of  
14 the secretary of state. ANY MAILED EARLY BALLOTS THAT ARE POSTMARKED  
15 LATER THAN THE THURSDAY BEFORE ELECTION DAY ARE NOT ELIGIBLE TO BE  
16 PROCESSED AND ANY MAILED EARLY BALLOTS RECEIVED AFTER 7:00 P.M. ON  
17 ELECTION DAY ARE NOT ELIGIBLE TO BE PROCESSED WITHOUT REGARD TO THE  
18 POSTMARK DATE. The office of the county recorder or other officer in  
19 charge of elections shall remain open until 7:00 p.m. on election day for  
20 the purpose of receiving early ballots. In no event shall partial or  
21 complete tallies of the early election board be released or divulged  
22 before all precincts have reported or one hour after the closing of the  
23 polls on election day, whichever occurs first, and any person who  
24 unlawfully releases information regarding vote tallies or who possesses a  
25 tally sheet or summary without authorization from the recorder or officer  
26 in charge of elections is guilty of a class 6 felony.

27 D. The necessary printed blanks for poll lists, tally lists, lists  
28 of voters, ballots, oaths and returns, together with envelopes in which to  
29 enclose the returns, shall be furnished by the board of supervisors or the  
30 governing body of the political subdivision to the early election board  
31 for each election precinct at the expense of the county or the political  
32 subdivision.

33 Sec. 5. Section 16-558.01, Arizona Revised Statutes, is amended to  
34 read:

35 16-558.01. Mailing of ballots

36 Not more than ~~twenty-seven~~ TWENTY-TWO days before the election and  
37 not fewer than fifteen days before the election, the county recorder or  
38 other officer in charge of elections for the special district shall send  
39 by nonforwardable mail all official ballots with printed instructions and  
40 a return envelope bearing a printed ballot affidavit as described in  
41 section 16-547 to each qualified elector entitled to vote in the  
42 election. The envelope in which the ballot is mailed shall be clearly  
43 marked with the statement required by the postmaster to receive an address  
44 correction and notification. The district governing board shall determine  
45 whether the voter or the district governing board will pay for the postage  
46 for the return of electors' marked ballots. An elector who votes in a

1 special district mail ballot election shall return the elector's marked  
2 ballot to the recorder or other officer in charge of the election or to a  
3 designated depository site as provided in section 16-411 ~~π~~ NOT later than  
4 7:00 p.m. on the day of the election.

5 Sec. 6. Section 16-579, Arizona Revised Statutes, is amended to  
6 read:

7 16-579. Procedure for obtaining ballot by elector

8 A. Every qualified elector, before receiving a ballot, shall  
9 announce the elector's name and place of residence in a clear, audible  
10 tone of voice to the election official in charge of the signature roster  
11 or present the elector's name and residence in writing. The election  
12 official in charge of the signature roster shall comply with the following  
13 and the qualified elector shall be allowed within the voting area:

14 1. The elector shall present any of the following:

15 (a) A valid form of identification that bears the photograph, name  
16 and address of the elector that reasonably appear to be the same as the  
17 name and address in the precinct register, including an Arizona driver  
18 license, an Arizona nonoperating identification license, a tribal  
19 enrollment card or other form of tribal identification or a United States  
20 federal, state or local government issued identification. Identification  
21 is deemed valid unless it can be determined on its face that it has  
22 expired.

23 (b) Two different items that contain the name and address of the  
24 elector that reasonably appear to be the same as the name and address in  
25 the precinct register, including a utility bill, a bank or credit union  
26 statement that is dated within ninety days of the date of the election, a  
27 valid Arizona vehicle registration, an Arizona vehicle insurance card, an  
28 Indian census card, tribal enrollment card or other form of tribal  
29 identification, a property tax statement, a recorder's certificate, a  
30 voter registration card, a valid United States federal, state or local  
31 government issued identification or any mailing that is labeled as  
32 "official election material". Identification is deemed valid unless it  
33 can be determined on its face that it has expired.

34 (c) A valid form of identification that bears the photograph, name  
35 and address of the elector except that if the address on the  
36 identification does not reasonably appear to be the same as the address in  
37 the precinct register or the identification is a valid United States  
38 military identification card or a valid United States passport and does  
39 not bear an address, the identification must be accompanied by one of the  
40 items listed in subdivision (b) of this paragraph.

41 2. If the elector does not present identification that complies  
42 with paragraph 1 of this subsection, the elector is only eligible to vote  
43 a provisional ballot as prescribed by section 16-584 or a conditional  
44 provisional ballot as provided for in the secretary of state's instruction  
45 and procedures manual adopted pursuant to section 16-452.



1 B. Any qualified elector who is listed as having applied for an  
 2 early ballot but who states that the elector has not voted and will not  
 3 vote an early ballot for this election ~~or surrenders the early ballot to~~  
 4 ~~the precinct inspector on election day~~ shall be allowed to vote A  
 5 PROVISIONAL BALLOT pursuant to the procedure set forth in section 16-584.  
 6 IF THE ELECTOR SURRENDERS THE EARLY BALLOT TO AN ELECTION BOARD WORKER ON  
 7 ELECTION DAY AT THE ELECTOR'S POLLING PLACE OR AT A VOTING CENTER, THE  
 8 EARLY BALLOT SHALL BE SPOILED AND THE ELECTOR SHALL BE ALLOWED TO VOTE  
 9 WITH A STANDARD BALLOT. IF THE ELECTOR DOES NOT SURRENDER THE EARLY  
 10 BALLOT AT THE POLLING PLACE OR VOTING CENTER, THE ELECTOR SHALL BE ALLOWED  
 11 TO VOTE A PROVISIONAL BALLOT.

12 C. Each qualified elector's name shall be numbered consecutively by  
 13 the clerks and in the order of applications for ballots. The judge shall  
 14 give the qualified elector only one ballot, and the elector's name shall  
 15 be immediately checked on the precinct register.

16 D. For precincts in which a paper signature roster is used, each  
 17 qualified elector shall sign the elector's name in the signature roster  
 18 ~~prior to~~ BEFORE receiving a ballot, but an inspector or judge may sign the  
 19 roster for an elector who is unable to sign because of physical  
 20 disability, and in that event the name of the elector shall be written  
 21 with red ink, and no attestation or other proof shall be necessary. The  
 22 provisions of this subsection relating to signing the signature roster  
 23 shall not apply to electors casting a ballot using early voting  
 24 procedures.

25 E. For precincts in which an electronic poll book system is used,  
 26 each qualified elector shall sign the elector's name as prescribed in the  
 27 instructions and procedures manual adopted by the secretary of state  
 28 pursuant to section 16-452 before receiving a ballot, but an inspector or  
 29 judge may sign the roster for an elector who is unable to sign because of  
 30 physical disability, and in that event the name of the elector shall be  
 31 written with the inspector's or judge's attestation on the same signature  
 32 line.

33 F. A person offering to vote at a special district election for  
 34 which no special district register has been supplied shall sign an  
 35 affidavit stating the person's address and that the person resides within  
 36 the district boundaries or proposed district boundaries and swearing that  
 37 the person is a qualified elector and has not already voted at the  
 38 election being held.