

House Engrossed Senate Bill

~~elections; voting center tabulation~~  
(now: early voting list; eligibility)

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

**CHAPTER 359**  
**SENATE BILL 1485**

AN ACT

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

(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~~ ACTIVE 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 is  
20 likely to substantially reduce the number of voters appearing at one or  
21 more specific polling places at that election, adjacent precincts may be  
22 consolidated by combining polling places and precinct boards for that  
23 election. The board of supervisors shall ensure that a reasonable and  
24 adequate number of polling places will be designated for that election.  
25 Any consolidated polling places shall be listed in separate sections of  
26 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:

1           1. Space is not available at the school.

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

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

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

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

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

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

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

1 and general elections. The method shall consider at least all of the  
2 following for primary and general elections in each precinct:

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

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

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

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

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

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

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

19 1. Prepare a proof of a sample ballot.

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

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

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

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

41 D. The board of supervisors shall have printed mailer-type sample  
42 ballots for a primary election and shall mail at least eleven days before  
43 the election one sample ballot of a political party to each household  
44 containing a registered voter of that political party unless that  
45 registered voter is on the ~~permanent~~ ACTIVE early voting list established

1 pursuant to section 16-544. Each sample ballot shall contain the  
2 following statement: "This is a sample ballot and cannot be used as an  
3 official ballot under any circumstances". A certified claim shall be  
4 presented to the secretary of state by the board of supervisors for the  
5 actual cost of printing, labeling and postage of each sample ballot  
6 actually mailed, and the secretary of state shall direct payment of the  
7 authenticated claim from funds of the secretary of state's office.

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

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

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

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

23 16-510. Sample ballots; preparation and distribution

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

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

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

1 D. For city and town elections, the governing body of a city or  
2 town may have printed mailer-type sample ballots for a general  
3 election. If the city or town has printed such sample ballots, the city  
4 or town shall provide for the distribution of such ballots and shall bear  
5 the expense of printing and distributing such sample ballots.

6 E. For special district elections, the governing body of a special  
7 district may have printed mailer-type sample ballots. If the special  
8 district has printed such sample ballots, the special district shall  
9 provide for the distribution of such ballots and shall bear the expense of  
10 printing and distributing such sample ballots.

11 Sec. 6. Section 16-544, Arizona Revised Statutes, is amended to  
12 read:

13 16-544. Active early voting list; civil penalty; violation;  
14 classification; definition

15 A. Any voter may request to be included on a ~~permanent~~ list of  
16 voters to receive an early ballot BY MAIL for any election for which the  
17 county voter registration roll is used to prepare the election  
18 register. The county recorder of each county shall maintain the ~~permanent~~  
19 ACTIVE early voting list as part of the voter registration roll.

20 B. In order to be included on the ~~permanent~~ ACTIVE early voting  
21 list, the voter shall make a written request specifically requesting that  
22 the voter's name be added to the ~~permanent~~ ACTIVE early voting list for  
23 all elections in which the applicant is eligible to vote. ~~A permanent AN~~  
24 early voter request form shall conform to requirements prescribed in the  
25 instructions and procedures manual issued pursuant to section 16-452. The  
26 application shall allow for the voter to provide the voter's name,  
27 residence address, mailing address in the voter's county of residence,  
28 date of birth and signature and shall state that the voter is attesting  
29 that the voter is a registered voter who is eligible to vote in the county  
30 of residence. The voter shall not list a mailing address that is outside  
31 of this state for the purpose of the ~~permanent~~ ACTIVE early voting list  
32 unless the voter is an absent uniformed services voter or overseas voter  
33 as defined in the uniformed and overseas citizens absentee voting act of  
34 1986 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310). In  
35 lieu of the application, the applicant may submit a written request that  
36 contains the required information.

37 C. On receipt of a request to be included on the ~~permanent~~ ACTIVE  
38 early voting list, the county recorder or other officer in charge of  
39 elections shall compare the signature on the request form with the voter's  
40 signature on the voter's registration form and, if the request is from the  
41 voter, shall mark the voter's registration file as ~~a permanent AN~~ ACTIVE  
42 early ballot request.

1 D. Not less than ninety days before any polling place election  
2 scheduled in March or August, the county recorder or other officer in  
3 charge of elections shall mail to all voters who are eligible for the  
4 election and who are included on the permanent ACTIVE early voting list an  
5 election notice by nonforwardable mail that is marked with the statement  
6 required by the postmaster to receive an address correction notification.  
7 If an election is not formally called by a jurisdiction by the one hundred  
8 twentieth day before the election, the recorder or other officer in charge  
9 of elections is not required to send the election notice. The notice  
10 shall include the dates of the elections that are the subject of the  
11 notice, the dates that the voter's ballot is expected to be mailed and the  
12 address where the ballot will be mailed. If the upcoming election is a  
13 partisan open primary election and the voter is not registered as a member  
14 of one of the political parties that is recognized for purposes of that  
15 primary, the notice shall include information on the procedure for the  
16 voter to designate a political party ballot. The notice shall be  
17 delivered with return postage prepaid and shall also include a means for  
18 the voter to do any of the following:

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

21 2. Update the voter's residence address in the voter's county of  
22 residence.

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

25 E. If the notice that is mailed to the voter is returned  
26 undeliverable by the postal service, the county recorder or other officer  
27 in charge of elections shall take the necessary steps to contact the voter  
28 at the voter's new residence address in order to update that voter's  
29 address or to move the voter to inactive status as prescribed in section  
30 16-166, subsection A. If a voter is moved to inactive status, the voter  
31 shall be removed from the permanent ACTIVE early voting list. If the  
32 voter is removed from the permanent ACTIVE early voting list, the voter  
33 shall only be added to the permanent ACTIVE early voting list again if the  
34 voter submits a new request pursuant to this section.

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

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

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

9 2. To receive an early ballot for the primary election, the voter  
10 shall submit the voter's choice for political party ballot to the county  
11 recorder.

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

16 1. The voter requests in writing to be removed from the permanent  
17 ACTIVE early voting list.

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

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

24 4. THE VOTER FAILS TO VOTE AN EARLY BALLOT IN ALL ELECTIONS FOR TWO  
25 CONSECUTIVE ELECTION CYCLES. FOR THE PURPOSES OF THIS PARAGRAPH,  
26 "ELECTION" MEANS ANY REGULAR PRIMARY OR REGULAR GENERAL ELECTION FOR WHICH  
27 THERE WAS A FEDERAL RACE ON THE BALLOT OR FOR WHICH A CITY OR TOWN  
28 CANDIDATE PRIMARY OR FIRST ELECTION OR CITY OR TOWN CANDIDATE SECOND,  
29 GENERAL OR RUNOFF ELECTION WAS ON THE BALLOT. THIS PARAGRAPH DOES NOT  
30 APPLY TO:

31 (a) A SPECIAL TAXING DISTRICT THAT IS AUTHORIZED PURSUANT TO  
32 SECTION 16-191 TO CONDUCT ITS OWN ELECTIONS.

33 (b) A SPECIAL DISTRICT MAIL BALLOT ELECTION THAT IS CONDUCTED  
34 PURSUANT TO ARTICLE 8.1 OF THIS CHAPTER.

35 I. A voter may make a written request at any time to be removed  
36 from the permanent ACTIVE early voting list. The request shall include  
37 the voter's name, residence address, date of birth and signature. On  
38 receipt of a completed request to remove a voter from the permanent ACTIVE  
39 early voting list, the county recorder or other officer in charge of  
40 elections shall remove the voter's name from the list as soon as  
41 practicable.

42 J. An absent uniformed services voter or overseas voter as defined  
43 in the uniformed and overseas citizens absentee voting act of 1986  
44 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310) is eligible

1 to be placed on the ~~permanent~~ ACTIVE early voting list pursuant to this  
2 section.

3 K. A voter's failure to vote an early ballot once received does not  
4 constitute grounds to remove the voter from the ~~permanent~~ ACTIVE early  
5 voting list, EXCEPT THAT A COUNTY RECORDER SHALL REMOVE A VOTER FROM THE  
6 ACTIVE EARLY VOTING LIST IF BOTH OF THE FOLLOWING APPLY:

7 1. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS  
8 COMPLIES WITH SUBSECTION M OF THIS SECTION.

9 2. THE VOTER FAILS TO VOTE USING AN EARLY BALLOT IN ALL OF THE  
10 FOLLOWING ELECTIONS FOR TWO CONSECUTIVE ELECTION CYCLES:

11 (a) A REGULAR PRIMARY AND REGULAR GENERAL ELECTION FOR WHICH THERE  
12 WAS A FEDERAL RACE ON THE BALLOT.

13 (b) A CITY OR TOWN CANDIDATE PRIMARY OR FIRST ELECTION AND A CITY  
14 OR TOWN CANDIDATE SECOND, GENERAL OR RUNOFF ELECTION.

15 L. ON OR BEFORE JANUARY 15 OF EACH ODD-NUMBERED YEAR, THE COUNTY  
16 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL SEND A NOTICE TO  
17 EACH VOTER WHO IS ON THE ACTIVE EARLY VOTING LIST AND WHO DID NOT VOTE AN  
18 EARLY BALLOT IN ALL ELECTIONS FOR TWO CONSECUTIVE ELECTION CYCLES AS  
19 PRESCRIBED BY SUBSECTION K OF THIS SECTION. IF THE VOTER HAS PROVIDED THE  
20 VOTER'S TELEPHONE OR MOBILE PHONE NUMBER OR EMAIL ADDRESS TO THE COUNTY  
21 RECORDER, THE COUNTY RECORDER MAY ADDITIONALLY PROVIDE THE NOTICE TO THE  
22 VOTER BY TELEPHONE CALL, TEXT MESSAGE OR EMAIL. THE NOTICE SHALL INFORM  
23 THE VOTER THAT IF THE VOTER WISHES TO REMAIN ON THE ACTIVE EARLY VOTING  
24 LIST, THE VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

25 1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE ACTIVE  
26 EARLY VOTING LIST.

27 2. RETURN THE COMPLETED NOTICE TO THE COUNTY RECORDER OR OTHER  
28 OFFICER IN CHARGE OF ELECTIONS WITHIN NINETY DAYS AFTER THE NOTICE IS SENT  
29 TO THE VOTER. THE NOTICE SHALL BE SIGNED BY THE VOTER AND SHALL CONTAIN  
30 THE VOTER'S ADDRESS AND DATE OF BIRTH.

31 M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF  
32 THIS SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE NINETY-DAY PERIOD,  
33 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE  
34 THE VOTER'S NAME FROM THE ACTIVE EARLY VOTING LIST.

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

43 ~~M.~~ O. All original and completed ~~permanent~~ ACTIVE early voting  
44 list request forms that are received by a candidate, political committee  
45 or other organization shall be submitted within six business days after

1 receipt by a candidate or political committee or eleven days before the  
2 election day, whichever is earlier, to the political subdivision that will  
3 conduct the election. Any person, political committee or other  
4 organization that fails to submit a completed ~~permanent~~ ACTIVE early  
5 voting list request form within the prescribed time is subject to a civil  
6 penalty of up to ~~twenty-five dollars~~ \$25 per day for each completed form  
7 withheld from submittal. Any person who knowingly fails to submit a  
8 completed ~~permanent~~ ACTIVE early voting list request form before the  
9 submission deadline for the election immediately following the completion  
10 of the form is guilty of a class 6 felony.

11 P. FOR THE PURPOSES OF THIS SECTION, "ELECTION CYCLE" MEANS THE  
12 TWO-YEAR PERIOD BEGINNING ON JANUARY 1 IN THE YEAR AFTER A STATEWIDE  
13 GENERAL ELECTION OR, FOR CITIES AND TOWNS, THE TWO-YEAR PERIOD BEGINNING  
14 ON THE FIRST DAY OF THE CALENDAR QUARTER AFTER THE CALENDAR QUARTER IN  
15 WHICH THE CITY'S OR TOWN'S SECOND, RUNOFF OR GENERAL ELECTION IS SCHEDULED  
16 AND ENDING ON THE LAST DAY OF THE CALENDAR QUARTER IN WHICH THE CITY'S OR  
17 TOWN'S IMMEDIATELY FOLLOWING SECOND, RUNOFF OR GENERAL ELECTION IS  
18 SCHEDULED, HOWEVER THAT ELECTION IS DESIGNATED BY THE CITY OR TOWN.

19 Sec. 7. Declaration of statewide concern: election integrity

20 The Legislature finds and determines that integrity in all elections  
21 in this state is a matter of statewide concern and further declares that a  
22 person who requests to be on the active early voting list and who  
23 repeatedly fails to vote with the ballots that are mailed out by the  
24 county recorder increases the likelihood of fraudulent use of those  
25 unvoted ballots, and that the maintenance of an accurate active early  
26 voting list is therefore essential to maintaining the integrity of this  
27 state's elections.

28 Sec. 8. Severability

29 If a provision of this act or its application to any person or  
30 circumstance is held invalid, the invalidity does not affect other  
31 provisions or applications of the act that can be given effect without the  
32 invalid provision or application, and to this end the provisions of this  
33 act are severable.

APPROVED BY THE GOVERNOR MAY 11, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2021.