



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2792

early ballots; request required

Purpose

Prohibits a county recorder, city or town clerk or other election officer from delivering or mailing an early ballot to a person who has not requested an early ballot for that election, with certain exceptions. Classifies an election officer knowingly providing an early ballot to a person that did not request an early ballot for the election, with exceptions, as a class 6 felony.

Background

Any election called pursuant to Arizona law must provide for early voting and any qualified elector may vote by early ballot ([A.R.S. § 16-541](#)). An elector may make a request to a county recorder or other officer in charge of elections beginning 93 days before an election for an official early ballot. The county recorder or other elections officer may begin distributing early ballots 27 days before the election and must mail early ballots within 48 hours of a request, if the request is made within 22 days of the election ([A.R.S. § 16-542](#)). Additionally, any voter may request to be included on the permanent early voter list (PEVL) to receive an early ballot for any election for which the county voter registration roll is used to prepare the election register. The PEVL must be maintained by the county recorder of each county as part of the voter registration roll ([A.R.S. § 16-544](#)).

Cities, towns, school districts and special districts may conduct all mail ballot elections. A county recorder or officer in charge of elections must send all official mail ballots with printed instructions and a return envelope with a printed ballot affidavit to each qualified elector entitled to vote in the election (A.R.S. §§ [16-409](#), [16-558](#) and [16-558.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a county recorder, city or town clerk or other election officer from delivering or mailing an early ballot to a person who has not requested an early ballot for that election.
2. Exempts voters who are on PEVL or request a one-time early ballot and all-mail municipal, school district and special district elections from the prohibition on delivering or mailing early ballots to a person who has not requested an early ballot for an election.
3. Classifies, as a class 5 felony, an election officer knowingly violating the prohibition on mailing early ballots to a person that has not requested an early ballot for an election.
4. Makes technical changes.
5. Becomes effective on the general effective date.

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House Action

GE	2/17/21	DPA	7-5-0-1
3 rd Read	3/4/21		31-28-1

Prepared by Senate Research

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JA/gs