

REFERENCE TITLE: election day; state holiday

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1043

Introduced by
Senator Rogers

AN ACT

AMENDING SECTIONS 1-301, 16-206 AND 16-402, ARIZONA REVISED STATUTES;
RELATING TO ELECTION DAY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 1-301, Arizona Revised Statutes, is amended to
3 read:
4 1-301. Holidays enumerated
5 A. The following days shall be holidays:
6 1. Sunday of each week.
7 2. January 1, "New Year's Day".
8 3. Third Monday in January, "Martin Luther King, Jr./Civil Rights
9 Day".
10 4. Third Monday in February, "Lincoln/Washington Presidents' Day".
11 5. Second Sunday in May, "Mothers' Day".
12 6. Last Monday in May, "Memorial Day".
13 7. June 2, "Native American Day".
14 8. Third Sunday in June, "Fathers' Day".
15 9. July 4, "Independence Day".
16 10. First Sunday in August, "American Family Day".
17 11. August 14, "National Navajo Code Talkers Day".
18 12. First Monday in September, "Labor Day".
19 13. September 17, "Constitution Commemoration Day".
20 14. Second Monday in October, "Columbus Day".
21 15. November 11, "Veterans' Day".
22 16. Fourth Thursday in November, "Thanksgiving Day".
23 17. December 25, "Christmas Day".
24 18. THE PRIMARY ELECTION DAY AND THE GENERAL ELECTION DAY AS
25 PRESCRIBED IN SECTION 16-206.
26 B. When any of the holidays enumerated in subsection A of this
27 section falls on a Sunday, the following Monday shall be observed as a
28 holiday, with the exception of the holidays enumerated in subsection A,
29 paragraphs 1, 5, 7, 8, 10, 11 and 13 of this section.
30 C. When any of the holidays enumerated in subsection A, paragraphs
31 2, 9, 15 and 17 of this section falls on a Saturday, the preceding Friday
32 shall be observed as a holiday.
33 D. When the holiday enumerated in subsection A, paragraph 7 of this
34 section falls on a day other than Sunday, the Sunday following June 2
35 shall be observed as that holiday.
36 E. When the holiday enumerated in subsection A, paragraph 11 of
37 this section falls on a day other than Sunday, the Sunday following August
38 14 shall be observed as that holiday.
39 F. When the holiday enumerated in subsection A, paragraph 13 of
40 this section falls on a day other than Sunday, the Sunday preceding
41 September 17 shall be observed as that holiday.

1 Sec. 2. Section 16-206, Arizona Revised Statutes, is amended to
2 read:

3 16-206. Election day

4 A. The biennial primary election day on the first Tuesday in August
5 in the year the general election is held and the biennial general election
6 day on the first Tuesday after the first Monday in November of every
7 even-numbered year are ~~not~~ legal holidays.

8 B. Every public officer or employee is entitled to absence from
9 service or employment for the purpose of voting pursuant to section 16-402
10 on the biennial primary and general election days.

11 Sec. 3. Section 16-402, Arizona Revised Statutes, is amended to
12 read:

13 16-402. Absence from employment for purpose of voting;
14 notice; violation; classification

15 A. A person entitled to vote at a primary or general election held
16 within this state ~~may~~, on the day of election, ~~absent himself~~ AND for the
17 purpose of voting, **MAY BE ABSENT** from the service or employment at which
18 ~~he~~ **THE PERSON** is employed ~~if there are less than three consecutive hours~~
19 ~~between the opening of the polls and the beginning of his regular~~
20 ~~workshift or between the end of his regular workshift and the closing of~~
21 ~~the polls. In such event, he may absent himself for such length of time~~
22 ~~at the beginning or end of his workshift that, when added to the time~~
23 ~~difference between workshift hours and opening or closing of the polls,~~
24 ~~will provide a total of three consecutive hours. He shall not, THE~~
25 **PERSON**, because of such absence, **SHALL NOT** be liable for any penalty, nor
26 shall any deduction be made ~~therefor~~ **FOR THAT ABSENCE** from ~~his~~ **THE**
27 **PERSON'S** usual salary or wages. ~~Application shall be made for~~ **THE PERSON**
28 **SHALL NOTIFY THE EMPLOYER OF** such absence ~~prior to~~ **BEFORE** the day of
29 election, ~~and the employer may specify the hours during which the employee~~
30 ~~may absent himself.~~

31 B. A person who refuses an employee the right conferred by this
32 section, ~~or~~ who subjects an employee to a penalty or reduction of wages
33 therefor, ~~or~~ who directly or indirectly violates ~~the provisions of~~ this
34 section, ~~is~~ is guilty of a class 2 misdemeanor.