

REFERENCE TITLE: schools; cities; all mail prohibited

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

# **SB 1133**

Introduced by  
Senator Rogers

AN ACT

AMENDING SECTIONS 16-409 AND 16-542, ARIZONA REVISED STATUTES; RELATING TO  
CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-409, Arizona Revised Statutes, is amended to  
3 read:

4 16-409. Cities, towns and school districts; mail ballot  
5 elections; prohibition

6 ~~A. Notwithstanding section 16-558, A city, town or school district~~  
7 ~~may NOT conduct a mail ballot election. A mail ballot election shall be~~  
8 ~~conducted as otherwise prescribed by article 8.1 of this chapter.~~

9 ~~B. Cities, towns or school districts that conduct mail ballot~~  
10 ~~elections pursuant to subsection A of this section shall report to the~~  
11 ~~president of the senate and the speaker of the house of representatives by~~  
12 ~~January 1 of each year immediately following a mail ballot election. The~~  
13 ~~report shall include the following:~~

14 ~~1. Changes in voter turnout.~~

15 ~~2. Relative costs of mail ballot elections compared to traditional~~  
16 ~~elections.~~

17 ~~3. Suggestions for improvements or refinements in the mail ballot~~  
18 ~~program.~~

19 ~~4. Frequency and severity of mail ballot irregularities.~~

20 ~~5. Voter satisfaction with the election process.~~

21 ~~6. Number of nondeliverable ballots.~~

22 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to  
23 read:

24 16-542. Request for ballot; civil penalties; violation;  
25 classification

26 A. Within ninety-three days before any election called pursuant to  
27 the laws of this state, an elector may make a verbal or signed request to  
28 the county recorder, or other officer in charge of elections for the  
29 applicable political subdivision of this state in whose jurisdiction the  
30 elector is registered to vote, for an official early ballot. In addition  
31 to name and address, the requesting elector shall provide the date of  
32 birth and state or country of birth or other information that if compared  
33 to the voter registration information on file would confirm the identity  
34 of the elector. If the request indicates that the elector needs a primary  
35 election ballot and a general election ballot, the county recorder or  
36 other officer in charge of elections shall honor the request. For any  
37 partisan primary election, if the elector is not registered as a member of  
38 a political party that is entitled to continued representation on the  
39 ballot pursuant to section 16-804, the elector shall designate the ballot  
40 of only one of the political parties that is entitled to continued  
41 representation on the ballot and the elector may receive and vote the  
42 ballot of only that one political party, which also shall include any  
43 nonpartisan offices and ballot questions, or the elector shall designate  
44 the ballot for nonpartisan offices and ballot questions only and the  
45 elector may receive and vote the ballot that contains only nonpartisan

1 offices and ballot questions. The county recorder or other officer in  
2 charge of elections shall process any request for an early ballot for a  
3 municipal election pursuant to this subsection. The county recorder may  
4 establish on-site early voting locations at the recorder's office, which  
5 shall be open and available for use beginning the same day that a county  
6 begins to send out the early ballots. The county recorder may also  
7 establish any other early voting locations in the county the recorder  
8 deems necessary. Any on-site early voting location or other early voting  
9 location shall require each elector to present identification as  
10 prescribed in section 16-579 before receiving a ballot. Notwithstanding  
11 section 16-579, subsection A, paragraph 2, at any on-site early voting  
12 location or other early voting location the county recorder or other  
13 officer in charge of elections may provide for a qualified elector to  
14 update the elector's voter registration information as provided for in the  
15 secretary of state's instructions and procedures manual adopted pursuant  
16 to section 16-452.

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

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

42 D. Only the elector may be in possession of that elector's unvoted  
43 early ballot. If a complete and correct request is made by the elector  
44 within twenty-seven days before the election, the mailing must be made  
45 within forty-eight hours after receipt of the request. Saturdays, Sundays

1 and other legal holidays are excluded from the computation of the  
2 forty-eight hour period prescribed by this subsection. If a complete and  
3 correct request is made by an absent uniformed services voter or an  
4 overseas voter before the election, the regular early ballot shall be  
5 transmitted by mail, by fax or by other electronic format approved by the  
6 secretary of state within twenty-four hours after the early ballots are  
7 delivered pursuant to section 16-545, subsection B, excluding Sundays.

8 E. In order to be complete and correct and to receive an early  
9 ballot by mail, an elector's request that an early ballot be mailed to the  
10 elector's residence or temporary address must include all of the  
11 information prescribed by subsection A of this section and must be  
12 received by the county recorder or other officer in charge of elections ~~no~~  
13 NOT later than 5:00 p.m. on the eleventh day preceding the election. An  
14 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the Friday  
15 preceding the election at an on-site early voting location that is  
16 established by the county recorder or other officer in charge of elections  
17 shall be given a ballot after presenting identification as prescribed in  
18 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site  
19 location. Notwithstanding section 16-579, subsection A, paragraph 2, at  
20 any on-site early voting location the county recorder or other officer in  
21 charge of elections may provide for a qualified elector to update the  
22 elector's voter registration information as provided for in the secretary  
23 of state's instructions and procedures manual adopted pursuant to section  
24 16-452. If an elector's request to receive an early ballot is not  
25 complete and correct but complies with all other requirements of this  
26 section, the county recorder or other officer in charge of elections shall  
27 attempt to notify the elector of the deficiency of the request.

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

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

37 H. As a result of experiencing an emergency between 5:00 p.m. on  
38 the Friday preceding the election and 5:00 p.m. on the Monday preceding  
39 the election, qualified electors may request to vote in the manner  
40 prescribed by the board of supervisors of their respective county. Before  
41 voting pursuant to this subsection, an elector who experiences an  
42 emergency shall provide identification as prescribed in section 16-579 and  
43 shall sign a statement under penalty of perjury that states that the  
44 person is experiencing or experienced an emergency after 5:00 p.m. on the  
45 Friday immediately preceding the election and before 5:00 p.m. on the

1 Monday immediately preceding the election that would prevent the person  
2 from voting at the polls. Signed statements received pursuant to this  
3 subsection are not subject to inspection pursuant to title 39, chapter 1,  
4 article 2. For the purposes of this subsection, "emergency" means any  
5 unforeseen circumstances that would prevent the elector from voting at the  
6 polls.

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

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

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

32 L. Except for a voter who is on the active early voting list  
33 prescribed by section 16-544, a voter who requests a onetime early ballot  
34 pursuant to ~~THIS~~ section ~~16-542~~ or for an election conducted pursuant to  
35 ~~section 16-409 or~~ article 8.1 of this chapter, a county recorder, city or  
36 town clerk or other election officer may not deliver or mail an early  
37 ballot to a person who has not requested an early ballot for that  
38 election. An election officer who knowingly violates this subsection is  
39 guilty of a class 5 felony.

40 Sec. 3. Effective date

41 This act is effective from and after December 31, 2022.