

REFERENCE TITLE: election day voting; early voting

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

SB 1335

Introduced by
Senator Rogers

AN ACT

AMENDING SECTIONS 16-245, 16-246, 16-343, 16-411, 16-461, 16-510, 16-515, 16-531, 16-541 AND 16-542, ARIZONA REVISED STATUTES; REPEALING SECTION 16-544, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-547, 16-558.02, 16-1017 AND 16-1018, 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 16-245, Arizona Revised Statutes, is amended to
3 read:

4 **16-245. Form and content of ballot**

5 A. Ballots and ballot labels for the presidential preference
6 election shall be printed on different colored paper or white paper with a
7 different colored stripe for each party represented on the presidential
8 preference election ballot. Only one party may be represented on each
9 ballot. At the top shall be printed "official ballot of the
10 _____ party, presidential preference election (date), county of
11 _____, state of Arizona".

12 B. The order of the names of certified candidates on the ballot
13 shall be determined by lots drawn at a public meeting called by the
14 secretary of state for that purpose. Rotation of candidate names is
15 prohibited. The certified candidates shall be listed under the title
16 "_____ party candidates for President of the United States".
17 Immediately below shall be printed "vote for not more than one". The
18 ballot may also contain printed instructions to voters as prescribed for
19 other elections.

20 C. The officer in charge of elections shall provide a sample ballot
21 proof to the state committee chairman of each qualified candidate's state
22 committee ~~no~~ NOT later than five days after ~~receipt of~~ RECEIVING the
23 certification from the secretary of state.

24 D. The officer in charge of elections shall mail one sample ballot
25 of each party represented on the presidential preference election ballot
26 to each household that contains a registered voter of that political party
27 ~~unless that registered voter is on the active early voting list~~
28 ~~established pursuant to section 16-544~~. The return address on the sample
29 ballot mailer shall not contain the name of any elected or appointed
30 official, and the name of an appointed or elected official shall not be
31 used to indicate who produced the sample ballot.

32 E. The mailing face of each sample ballot shall be imprinted with
33 the great seal of the state of Arizona with the words "official voting
34 materials – presidential preference election". The polling place for that
35 household may also be designated on the mailing face of the sample ballot.

36 Sec. 2. Section 16-246, Arizona Revised Statutes, is amended to
37 read:

38 **16-246. Early balloting; additional procedures**

39 A. Within ninety-three days before the presidential preference
40 election and not later than 5:00 p.m. on the eleventh day preceding the
41 election, any elector who is eligible to vote **EARLY** in the presidential
42 preference election may make a verbal or signed, written request for an
43 official early ballot to the county recorder or other officer in charge of
44 elections for the county in which the elector is registered to vote. If
45 the request is verbal, the requesting elector shall provide the date of

1 birth and birthplace or other information that if compared to the voter
2 registration records for that elector would confirm the identity of the
3 elector.

4 B. Absent uniformed services voters or overseas voters who are
5 otherwise eligible to vote in the election may vote as prescribed by
6 sections 16-543 and 16-543.02.

7 C. ~~The county recorder or other officer in charge of elections may
8 establish on-site early voting locations at the office of the county
9 recorder or at other locations in the county deemed necessary or
10 appropriate by the recorder.~~ Early voting shall begin within the time
11 limits prescribed in section 16-542 unless otherwise prescribed by this
12 section.

13 D. The county recorder or other officer in charge of elections
14 shall send by nonforwardable mail that is marked with the statement
15 required by the postmaster to receive an address correction notification
16 any early ballots that are requested pursuant to subsections A and B of
17 this section and shall include a preaddressed envelope for the elector to
18 return the completed ballot.

19 E. The county recorder or other officer in charge of elections
20 shall provide to each election board an appropriate alphabetized list of
21 voters who have requested and have been sent an early ballot. Any person
22 who is on that list of voters and who was sent an early ballot shall not
23 vote at the polling place for that election precinct except as prescribed
24 by section 16-579, subsection B.

25 F. The county recorder or other officer in charge of elections may
26 provide for ~~any of the following~~ SPECIAL ELECTION BOARDS in the same
27 manner prescribed by law for other elections. ~~:~~

28 1. ~~Special election boards.~~

29 2. ~~Emergency balloting for persons who experience an emergency
30 after 5:00 p.m. on the Friday preceding the presidential preference
31 election and before 5:00 p.m. on the Monday immediately preceding the
32 presidential preference election. Before receiving a ballot pursuant to
33 this paragraph, a person who experiences an emergency shall provide
34 identification as prescribed in section 16-579 and shall sign a statement
35 under penalty of perjury that states that the person is experiencing or
36 experienced an emergency after 5:00 p.m. on the Friday immediately
37 preceding the election and before 5:00 p.m. on the Monday immediately
38 preceding the election that would prevent the person from voting at the
39 polls. Signed statements received pursuant to this subsection are not
40 subject to inspection pursuant to title 39, chapter 1, article 2.~~

41 G. ~~Notwithstanding section 16-579, subsection A, paragraph 2, for
42 emergency balloting pursuant to subsection F, paragraph 2 of this section,
43 the county recorder or other officer in charge of elections may allow a
44 qualified elector to update the elector's voter registration information~~

1 ~~as provided for in the secretary of state's instructions and procedures~~
2 ~~manual adopted pursuant to section 16-452.~~

3 ~~H.~~ G. Sections 16-550, 16-551 and 16-552 govern the use of early
4 balloting for the presidential preference election.

5 Sec. 3. Section 16-343, Arizona Revised Statutes, is amended to
6 read:

7 16-343. Filling vacancy caused by death or incapacity or
8 withdrawal of candidate

9 A. A vacancy occurring due to death, mental incapacity or voluntary
10 withdrawal of a candidate after the close of petition filing but before a
11 primary or general election shall be filled by the political party with
12 which the candidate was affiliated as follows:

13 1. In the case of a United States senator or statewide candidate,
14 the state executive committee of the candidate's political party shall
15 nominate a candidate of the party's choice and shall file a nomination
16 paper and declaration complying with the requirements for candidates as
17 stated in section 16-311 in order to fill the vacancy.

18 2. In the case of a vacancy for the office of United States
19 representative or the legislature, the party precinct committeemen of that
20 congressional or legislative district shall nominate a candidate of the
21 party's choice and shall file a nomination paper and declaration complying
22 with the requirements of section 16-311.

23 3. In the case of a vacancy for a county or precinct office, the
24 party county committee of counties with a population of less than two
25 hundred fifty thousand persons according to the most recent United States
26 decennial census and, in counties with a population of two hundred fifty
27 thousand persons or more according to the most recent United States
28 decennial census the county officers of the party together with the
29 chairman of the party precinct committeemen in each legislative district
30 of the county, shall nominate a candidate of the party's choice and shall
31 file a nomination paper and declaration complying with the requirements of
32 section 16-311 to fill such vacancy.

33 4. If the vacancy occurs in a candidate race for partisan
34 nomination in which at least one candidate of the vacating candidate's
35 political party remains on the ballot for the vacating candidate's office,
36 the vacancy shall not be filled. For an office to which more than one
37 candidate will be elected, the vacancy shall not be filled if at least one
38 candidate of the vacating candidate's political party remains on the
39 ballot for each of the multiple seats for the office sought by the
40 vacating candidate.

41 B. The nomination paper and declaration required in subsection A of
42 this section shall be filed with the office with which nomination
43 petitions were to be filed at any time before the official ballots are
44 printed.

1 C. Any meetings for the purpose of filing a nomination paper and
2 declaration provided for in this section shall be called by the chairman
3 of such committee or legislative district, except that in the case of
4 multicounty legislative or congressional districts the party county
5 chairman of the county having the largest geographic area within such
6 district shall call such meeting. The chairman or in his absence the vice
7 chairman calling such meeting shall preside. The call to such meeting
8 shall be mailed or given in person to each person entitled to participate
9 ~~no~~ NOT later than one day before such meeting. A majority of those
10 present and voting shall be required to fill a vacancy pursuant to this
11 section.

12 D. A vacancy that is due to voluntary or involuntary withdrawal of
13 the candidate and that occurs following the printing of official ballots
14 shall not be filled in accordance with this section, however, prospective
15 candidates shall comply with section 16-312. A candidate running as a
16 write-in candidate under this subsection shall file the nomination paper
17 ~~no~~ NOT later than 5:00 p.m. on the fifth day before the election.

18 E. Candidates nominated pursuant to subsection A of this section or
19 a candidate running as a write-in candidate under subsection D of this
20 section may be a candidate who ran in the immediately preceding primary
21 election for the office and failed to be nominated.

22 F. If a vacancy occurs as described in subsection A of this section
23 for a state office, the secretary of state shall notify the various boards
24 of supervisors as to the vacancy. The boards of supervisors shall notify
25 the inspectors of the various precinct election boards in the county,
26 district or precinct where a vacancy occurs. In the case of a city or
27 town election, the city or town clerk shall notify the appropriate
28 inspectors. A vacancy that occurs as prescribed in subsection D of this
29 section due to the death or incapacity of the candidate shall not be
30 filled and the secretary of state shall notify the appropriate county
31 board of supervisors to post a notice of the death or incapacity of the
32 candidate in each polling place along with notice that any votes cast for
33 that candidate will be tabulated.

34 G. The inspectors shall post the notice of vacancy in the same
35 manner as posting official write-in candidates. In the case of a
36 withdrawal of a candidate that occurs after the printing of official
37 ballots, the inspectors shall post the notice of withdrawal in a
38 conspicuous location in each polling place. Notice of withdrawal ~~shall~~
39 ~~also be posted at all early voting locations and~~ shall be made available
40 to early voters by providing with the early ballot instructions a website
41 address at which prompt updates to information regarding write-in and
42 withdrawn candidates are available.

1 Sec. 4. Section 16-411, Arizona Revised Statutes, is amended to
2 read:

3 16-411. Designation of election precincts and polling places;
4 voting centers; electioneering; wait times

5 A. The board of supervisors of each county, on or before October 1
6 of each year preceding the year of a general election, by an order, shall
7 establish a convenient number of election precincts in the county and
8 define the boundaries of the precincts. The election precinct boundaries
9 shall be established so as to be included within election districts
10 prescribed by law for elected officers of the state and its political
11 subdivisions including community college district precincts, except those
12 elected officers provided for in titles 30 and 48. THE BOARD OF
13 SUPERVISORS AND ANY OFFICER IN CHARGE OF ELECTIONS SHALL NOT AUTHORIZE,
14 ESTABLISH OR USE A VOTING CENTER AT WHICH A VOTER WHO IS A REGISTERED
15 VOTER AND RESIDENT ANYWHERE IN THAT COUNTY IS ALLOWED TO RECEIVE THE
16 APPROPRIATE BALLOT FOR THAT SPECIFIC VOTER AND MAY ONLY USE POLLING PLACES
17 LOCATED IN ELECTION DISTRICTS.

18 B. At least twenty days before a general or primary election, and
19 at least ten days before a special election, the board shall designate one
20 polling place within each precinct where the election shall be held,
21 except that:

22 1. On a specific finding of the board, included in the order or
23 resolution designating polling places pursuant to this subsection, that no
24 suitable polling place is available within a precinct, a polling place for
25 that precinct may be designated within an adjacent precinct.

26 2. Adjacent precincts may be combined if boundaries so established
27 are included in election districts prescribed by law for state elected
28 officials and political subdivisions including community college districts
29 but not including elected officials prescribed by titles 30 and 48. The
30 officer in charge of elections may also split a precinct for
31 administrative purposes. The polling places shall be listed in separate
32 sections of the order or resolution.

33 3. On a specific finding of the board ~~that the number of persons~~
34 ~~who are listed as early voters pursuant to section 16-544 is likely to~~
35 ~~substantially reduce the number of voters appearing at one or more~~
36 ~~specific polling places at that election~~, adjacent precincts may be
37 consolidated by combining polling places and precinct boards for that
38 election. The board of supervisors shall ensure that a reasonable and
39 adequate number of polling places will be designated for that election.
40 Any consolidated polling places shall be listed in separate sections of
41 the order or resolution of the board.

42 ~~4. On a specific resolution of the board, the board may authorize~~
43 ~~the use of voting centers in place of or in addition to specifically~~
44 ~~designated polling places. A voting center shall allow any voter in that~~
45 ~~county to receive the appropriate ballot for that voter on election day~~

1 ~~after presenting identification as prescribed in section 16-579 and to~~
2 ~~lawfully cast the ballot. Voting centers may be established in~~
3 ~~coordination and consultation with the county recorder, at other county~~
4 ~~offices or at other locations in the county deemed appropriate.~~

5 ~~5. On a specific resolution of the board of supervisors that is~~
6 ~~limited to a specific election date and that is voted on by a recorded~~
7 ~~vote, the board may authorize the county recorder or other officer in~~
8 ~~charge of elections to use emergency voting centers as follows:~~

9 ~~(a) The board shall specify in the resolution the location and the~~
10 ~~hours of operation of the emergency voting centers.~~

11 ~~(b) A qualified elector voting at an emergency voting center shall~~
12 ~~provide identification as prescribed in section 16-579, except that~~
13 ~~notwithstanding section 16-579, subsection A, paragraph 2, for any voting~~
14 ~~at an emergency voting center, the county recorder or other officer in~~
15 ~~charge of elections may allow a qualified elector to update the elector's~~
16 ~~voter registration information as provided for in the secretary of state's~~
17 ~~instructions and procedures manual adopted pursuant to section 16-452.~~

18 ~~(c) If an emergency voting center established pursuant to this~~
19 ~~section becomes unavailable and there is not sufficient time for the board~~
20 ~~of supervisors to convene to approve an alternate location for that~~
21 ~~emergency voting center, the county recorder or other officer in charge of~~
22 ~~elections may make changes to the approved emergency voting center~~
23 ~~location and shall notify the public and the board of supervisors~~
24 ~~regarding that change as soon as practicable. The alternate emergency~~
25 ~~voting center shall be as close in proximity to the approved emergency~~
26 ~~voting center location as possible.~~

27 C. If the board fails to designate the place for holding the
28 election, or if it cannot be held at or about the place designated, the
29 justice of the peace in the precinct, two days before the election, by an
30 order, copies of which the justice of the peace shall immediately post in
31 three public places in the precinct, shall designate the place within the
32 precinct for holding the election. If there is no justice of the peace in
33 the precinct, or if the justice of the peace fails to do so, the election
34 board of the precinct shall designate and give notice of the place within
35 the precinct of holding the election. For any election in which there are
36 no candidates for elected office appearing on the ballot, the board may
37 consolidate polling places and precinct boards and may consolidate the
38 tabulation of results for that election if all of the following apply:

39 1. All affected voters are notified by mail of the change at least
40 thirty-three days before the election.

41 2. Notice of the change in polling places includes notice of the
42 new voting location, notice of the hours for voting on election day and
43 notice of the telephone number to call for voter assistance.

1 3. All affected voters receive information on **ELIGIBILITY FOR** early
2 voting that includes the application used to request an early voting
3 ballot.

4 D. The board is not required to designate a polling place for
5 special district mail ballot elections held pursuant to article 8.1 of
6 this chapter, but the board may designate one or more sites for voters to
7 deposit marked ballots until 7:00 p.m. on the day of the election.

8 E. Except as provided in subsection F of this section, a public
9 school shall provide sufficient space for use as a polling place for any
10 city, county or state election when requested by the officer in charge of
11 elections.

12 F. The principal of the school may deny a request to provide space
13 for use as a polling place for any city, county or state election if,
14 within two weeks after a request has been made, the principal provides a
15 written statement indicating a reason the election cannot be held in the
16 school, including any of the following:

17 1. Space is not available at the school.
18 2. The safety or welfare of the children would be jeopardized.

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

22 H. Except in the case of an emergency, any facility that is used as
23 a polling place on election day ~~or that is used as an early voting site~~
24 ~~during the period of early voting~~ shall allow persons to electioneer and
25 engage in other political activity outside of the seventy-five foot limit
26 prescribed by section 16-515 in public areas and parking lots used by
27 voters. This subsection does not allow the temporary or permanent
28 construction of structures in public areas and parking lots or the
29 blocking or other impairment of access to parking spaces for voters. The
30 county recorder or other officer in charge of elections shall post on its
31 website at least two weeks before election day a list of those polling
32 places in which emergency conditions prevent electioneering and shall
33 specify the reason the emergency designation was granted and the number of
34 attempts that were made to find a polling place before granting an
35 emergency designation. If the polling place is not on the website list of
36 polling places with emergency designations, electioneering and other
37 political activity shall be allowed outside of the seventy-five foot
38 limit. If an emergency arises after the county recorder or other officer
39 in charge of elections' initial website posting, the county recorder or
40 other officer in charge of elections shall update the website as soon as
41 is practicable to include any new polling places, shall highlight the
42 polling place location on the website and shall specify the reason the
43 emergency designation was granted and the number of attempts that were
44 made to find a polling place before granting an emergency designation.

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

7 1. An act of God renders a previously set polling place as
8 unusable.

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

13 J. The secretary of state shall provide through the instructions
14 and procedures manual adopted pursuant to section 16-452 the maximum
15 allowable wait time for any election that is subject to section 16-204 and
16 provide for a method to reduce voter wait time at the polls in the primary
17 and general elections. The method shall consider at least all of the
18 following for primary and general elections in each precinct:

19 1. The number of ballots voted in the prior primary and general
20 elections.

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

23 3. The number of registered voters and the number of registered
24 voters who cast an early ballot for the current primary or general
25 election.

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

28 Sec. 5. Section 16-461, Arizona Revised Statutes, is amended to
29 read:

30 16-461. Sample primary election ballots; submission to party
31 chairmen for examination; preparation, printing and
32 distribution of ballot

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

35 1. Prepare a proof of a sample ballot.

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

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

40 B. Within five days after receipt of the sample ballot, the county
41 chairman of each political party shall suggest to the election officer any
42 change the chairman considers should be made in the chairman's party
43 ballot, and if on examination the election officer finds an error or
44 omission in the ballot the officer shall correct it. The election officer
45 shall ~~cause~~ PRINT AND DISTRIBUTE the sample ballots ~~to be printed and~~

1 ~~distributed~~ as required by law, shall maintain a copy of each sample
2 ballot and shall post a notice indicating that sample ballots are
3 available on request. The official sample ballot shall be printed on
4 colored paper or white paper with a different colored stripe for each
5 party that is represented on that ballot. For voters who are not
6 registered with a party that is entitled to continued representation on
7 the ballot pursuant to section 16-804, the election officer may print and
8 distribute the required sample ballots in an alternative format, including
9 a reduced size format.

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

13 D. The board of supervisors shall have printed mailer-type sample
14 ballots for a primary election and shall mail at least eleven days before
15 the election one sample ballot of a political party to each household
16 containing a registered voter of that political party ~~unless that~~
17 ~~registered voter is on the active early voting list established pursuant~~
18 ~~to section 16-544~~. Each sample ballot shall contain the following
19 statement: "This is a sample ballot and cannot be used as an official
20 ballot under any circumstances". A certified claim shall be presented to
21 the secretary of state by the board of supervisors for the actual cost of
22 printing, labeling and postage of each sample ballot actually mailed, and
23 the secretary of state shall direct payment of the authenticated claim
24 from funds of the secretary of state's office.

25 E. For city and town elections, the governing body of a city or
26 town may have printed mailer-type sample ballots for a primary election.
27 If the city or town has printed such sample ballots, the city or town
28 shall provide for the distribution of such ballots and shall bear the
29 expense of printing and distributing ~~of~~ such sample ballots.

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

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

38 Sec. 6. Section 16-510, Arizona Revised Statutes, is amended to
39 read:

40 16-510. Sample ballots; preparation and distribution

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

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

4 C. The board of supervisors shall have printed mailer-type sample
5 ballots for a general election and shall mail at least eleven days before
6 the election one such sample ballot to each household in the county
7 containing a registered voter ~~unless that registered voter is on the~~
8 ~~active early voting list established pursuant to section 16-544~~. Each
9 sample ballot shall contain the following statement: "This is a sample
10 ballot and cannot be used as an official ballot under any circumstances".
11 A certified claim shall be presented to the secretary of state by the
12 board of supervisors for the actual cost of printing, labeling and postage
13 of each sample ballot actually mailed, and the secretary of state shall
14 direct payment of the authenticated claim from funds of the secretary of
15 state's office.

16 D. For city and town elections, the governing body of a city or
17 town may have printed mailer-type sample ballots for a general
18 election. If the city or town has printed such sample ballots, the city
19 or town shall provide for the distribution of such ballots and shall bear
20 the expense of printing and distributing such sample ballots.

21 E. For special district elections, the governing body of a special
22 district may have printed mailer-type sample ballots. If the special
23 district has printed such sample ballots, the special district shall
24 provide for the distribution of such ballots and shall bear the expense of
25 printing and distributing such sample ballots.

26 Sec. 7. Section 16-515, Arizona Revised Statutes, is amended to
27 read:

28 16-515. "Seventy-five foot limit" notices: posting;
29 violation; classification

30 A. Except as prescribed in this section and section 16-580, a
31 person shall not be allowed to remain inside the seventy-five foot limit
32 while the polls are open, except for the purpose of voting, and except the
33 election officials, one representative at any one time of each political
34 party represented on the ballot who has been appointed by the county
35 chairman of that political party and the challengers allowed by law, and
36 ~~no~~ electioneering may ~~NOT~~ occur within the seventy-five foot limit.
37 Voters having cast their ballots shall promptly move outside the
38 seventy-five foot limit.

39 B. The board of supervisors shall furnish, with the ballots for
40 each polling place, three notices, printed in letters not less than two
41 inches high, with the heading: "Seventy-five foot limit" and underneath
42 that heading the following:

43 No person shall be allowed to remain inside these limits while
44 the polls are open, except for the purpose of voting, and
45 except the election officials, one representative at any one

1 time of each political party represented on the ballot who has
2 been appointed by the county chairman of such political party,
3 and the challengers allowed by law. Voters having cast their
4 ballots shall at once retire without the seventy-five foot
5 limit. A person violating any provision of this notice is
6 guilty of a class 2 misdemeanor.

7 C. A minor voting in a simulated election at a polling place is
8 subject to the same seventy-five foot limit restrictions prescribed for a
9 voter. Persons supervising or working in a simulated election in which
10 minors vote may remain within the seventy-five foot limit of the polling
11 place. The inspector for the polling place shall exercise authority over
12 all election and simulated election related activities at the polling
13 place.

14 D. For an election that is held by an Indian tribe and that is held
15 at a polling place at the same time and on the same date as any other
16 election, the following apply:

17 1. A person who is voting is subject to the same seventy-five foot
18 limit restrictions prescribed for other voters.

19 2. An election official for the tribal election may remain within
20 the seventy-five foot limit for the polling place.

21 E. With the permission of the voter, a minor may enter and remain
22 within the seventy-five foot limit in order to accompany a voter into a
23 polling place, ~~an on-site early voting facility~~ and a voting booth while
24 the voter is voting.

25 F. Notwithstanding any other law, an election official, a
26 representative of a political party who has been appointed by the county
27 chairman of that political party or a challenger who is authorized by law
28 to be within the seventy-five foot limit as prescribed by this section
29 shall not wear, carry or display materials that identify or express
30 support for or opposition to a candidate, a political party or
31 organization, a ballot question or any other political issue and shall not
32 electioneer within the seventy-five foot limit of a polling place.

33 G. Notwithstanding section 16-1018, a person may not take
34 photographs or videos while within the seventy-five foot limit.

35 H. Any person violating this section is guilty of a class 2
36 misdemeanor.

37 I. For the purposes of this section, electioneering occurs when an
38 individual knowingly, intentionally, by verbal expression and in order to
39 induce or compel another person to vote in a particular manner or to
40 refrain from voting expresses support for or opposition to a candidate who
41 appears on the ballot in that election, a ballot question that appears on
42 the ballot in that election or a political party with one or more
43 candidates who appear on the ballot in that election.

1 Sec. 8. Section 16-531, Arizona Revised Statutes, is amended to
2 read:

3 16-531. Appointment of election boards; qualifications

4 A. When an election is ordered, and not less than twenty days
5 before a general or primary election, the board of supervisors shall
6 appoint for each election precinct, ~~voting center or other voting location~~
7 one inspector, one marshal, two judges and as many clerks of election as
8 deemed necessary. The inspector, marshal, judges and clerks shall be
9 qualified voters of the precinct for which appointed, except if there is
10 not a sufficient number of persons available to provide the number of
11 appointments required, the inspector, marshal, judges and clerks shall be
12 qualified voters of this state. The inspector, marshal and judges shall
13 not have changed their political party affiliation or their no party
14 preference affiliation since the last preceding general election, and if
15 they are members of the two political parties that cast the highest number
16 of votes in the state at the last preceding general election, they shall
17 be divided equally between these two parties. There shall be an equal
18 number of inspectors in the various precincts in the county who are
19 members of the two largest political parties. In each precinct where the
20 inspector is a member of one of the two largest political parties, the
21 marshal in that precinct shall be a member of the other of the two largest
22 political parties. Whenever possible, any person appointed as an
23 inspector shall have had previous experience as an inspector, judge,
24 marshal or clerk of elections. If there is no qualified person in a given
25 precinct, the appointment of an inspector may be made from names provided
26 by the county party chairman. If not less than ninety days before the
27 election the chairman of the county committee of either of the parties
28 designates qualified voters of the precinct, or of another precinct if
29 there are not sufficient members of that party available in the precinct
30 to provide the necessary representation on the election board as judge,
31 such designated qualified voters shall be appointed. The judges, together
32 with the inspector, shall constitute the board of elections. Any
33 registered voter in the election precinct, or in another election precinct
34 if there are not sufficient persons available in the election precinct for
35 which the clerks are being appointed, may be appointed as clerk.

36 B. If the election precinct consists of fewer than three hundred
37 qualified electors, the board of supervisors may appoint not fewer than
38 one inspector and two judges. The board of supervisors shall give notice
39 of election precincts consisting of fewer than three hundred qualified
40 electors to the county chairmen of the two largest political parties not
41 later than thirty days before the election. The inspector and judges
42 shall be appointed in the same manner by party as provided in subsection A
43 of this section.

44 C. If a nonpartisan election is ordered, not less than twenty days
45 before the election the governing board holding the election shall

1 appoint, without consideration for political party, ~~a minimum of~~ AT LEAST
2 three election workers for each polling place. The election workers shall
3 consist of at least one inspector and two judges. Whenever possible, they
4 shall be qualified electors of the precinct located within the district,
5 without consideration for political party.

6 D. For election boards established pursuant to subsection B of this
7 section, the inspector and two judges shall be appointed to provide as
8 equal as practicable representation of members of the two largest
9 political parties on the board in the same manner as provided for the
10 election boards prescribed by subsection A of this section. Any
11 registered voter in the election precinct, or in another election precinct
12 if there are not sufficient persons available in the election precinct for
13 which the clerks are being appointed, may be appointed as clerk. No
14 United States, state, county or precinct officer, nor a candidate for
15 office at the election, other than a precinct committeeman or a candidate
16 for the office of precinct committeeman, is qualified to act as judge,
17 inspector, marshal or clerk.

18 E. If an electronic voting system is in use the write-in ballots
19 shall be tallied by a board of elections consisting of one inspector and
20 two judges who are appointed in the same manner by party as provided in
21 subsection A of this section.

22 F. Notwithstanding any other law, the board of supervisors may
23 appoint to an election board to serve as a clerk of election a person who
24 is not eligible to vote if all of the following conditions are met:

25 1. The person is a minor who will be at least sixteen years of age
26 at the time of the election for which the person is named to the election
27 board.

28 2. The person is a citizen of the United States at the time of the
29 election for which the person is named to the election board.

30 3. The person is supervised by an adult who has been trained as an
31 elections officer.

32 4. The person has received training provided by the officer in
33 charge of elections.

34 5. The parent or guardian of the person has provided written
35 permission for the person to serve.

36 G. A school district or charter school shall not be required to
37 reduce its average daily membership, as defined in section 15-901, for any
38 pupil who is absent from one or more instructional programs as a result of
39 the pupil's service on an election board pursuant to subsection F of this
40 section.

41 H. A school district or charter school shall not count any pupil's
42 absence from one or more instructional programs as a result of the pupil's
43 service on an election board pursuant to subsection F of this section
44 against any mandatory attendance requirements for the pupil.

1 I. This section does not prevent the board of supervisors or
2 governing body from refusing for cause to reappoint, or from removing for
3 cause, an election board member.

4 Sec. 9. Section 16-541, Arizona Revised Statutes, is amended to
5 read:

6 16-541. Early voting; elector eligibility

7 A. Any election called pursuant to the laws of this state shall
8 provide for early voting. Any qualified elector **WHO MEETS THE CRITERIA**
9 **ESTABLISHED BY THIS SECTION** may vote by early ballot.

10 B. AN ELECTOR SHALL BE ALLOWED TO VOTE BY EARLY BALLOT FOR ONE OR
11 BOTH OF THE FOLLOWING REASONS:

12 1. THE ELECTOR IS PHYSICALLY UNABLE TO GO TO THE POLLS DUE TO
13 ILLNESS, HOSPITALIZATION OR OTHER CONFINEMENT.

14 2. THE ELECTOR IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS
15 VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING
16 ACT (P.L. 99-410; 52 UNITED STATES CODE SECTION 20310) OR A SPOUSE OR
17 HOUSEHOLD MEMBER OF THE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER.

18 **C.** A qualified elector of a special district organized pursuant
19 to title 48 shall be permitted to vote early in any special district mail
20 ballot election as provided in article 8.1 of this chapter.

21 Sec. 10. Section 16-542, Arizona Revised Statutes, is amended to
22 read:

23 16-542. Request for ballot; civil penalties; violation;
24 classification

25 A. Within ninety-three days before any election called pursuant to
26 the laws of this state, an **ELIGIBLE** elector **AS PRESCRIBED BY SECTION**
27 **16-541** may make a verbal or signed request to the county recorder, or
28 other officer in charge of elections for the applicable political
29 subdivision of this state in whose jurisdiction the elector is registered
30 to vote, for an official early ballot. In addition to name and address,
31 the requesting elector shall provide the date of birth and state or
32 country of birth or other information that if compared to the voter
33 registration information on file would confirm the identity of the elector
34 **AND SHALL SPECIFY ONE OF THE REASONS FOR VOTING EARLY PRESCRIBED BY**
35 **SECTION 16-541.** If the request indicates that the elector needs a primary
36 election ballot and a general election ballot, the county recorder or
37 other officer in charge of elections shall honor the request. For any
38 partisan primary election, if the elector is not registered as a member of
39 a political party that is entitled to continued representation on the
40 ballot pursuant to section 16-804, the elector shall designate the ballot
41 of only one of the political parties that is entitled to continued
42 representation on the ballot and the elector may receive and vote the
43 ballot of only that one political party, which also shall include any
44 nonpartisan offices and ballot questions, or the elector shall designate
45 the ballot for nonpartisan offices and ballot questions only and the

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

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

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

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

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

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

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

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

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

1 ~~Friday immediately preceding the election and before 5:00 p.m. on the~~
2 ~~Monday immediately preceding the election that would prevent the person~~
3 ~~from voting at the polls. Signed statements received pursuant to this~~
4 ~~subsection are not subject to inspection pursuant to title 39, chapter 1,~~
5 ~~article 2. For the purposes of this subsection, "emergency" means any~~
6 ~~unforeseen circumstances that would prevent the elector from voting at the~~
7 ~~polls.~~

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

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

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

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

41 Sec. 11. Repeal

42 Section 16-544, Arizona Revised Statutes, is repealed.

1 Sec. 12. Section 16-547, Arizona Revised Statutes, is amended to
2 read:

3 **16-547. Ballot affidavit; form**

4 A. The early ballot shall be accompanied by an envelope bearing on
5 the front the name, official title and post office address of the recorder
6 or other officer in charge of elections and on the other side a printed
7 affidavit in substantially the following form:

8 I declare the following under penalty of perjury: I am a registered
9 voter in _____ county Arizona, **AND I AM UNABLE TO GO TO THE POLLS**
10 **DUE TO ILLNESS, HOSPITALIZATION OR OTHER CONFINEMENT OR BECAUSE I AM AN**
11 **ABSENT UNIFORMED SERVICES VOTER OR HOUSEHOLD MEMBER OR OVERSEAS VOTER OR**
12 **HOUSEHOLD MEMBER, AND** I have not voted and will not vote in this election
13 in any other county or state, I understand that knowingly voting more than
14 once in any election is a class 5 felony and I voted the enclosed ballot
15 and signed this affidavit personally unless noted below.

16 If the voter was assisted by another person in marking
17 the ballot, complete the following:

18 I declare the following under penalty of perjury: At
19 the registered voter's request I assisted the voter identified
20 in this affidavit with marking the voter's ballot, I marked
21 the ballot as directly instructed by the voter, I provided the
22 assistance because the voter was physically unable to mark the
23 ballot solely due to illness, injury or physical limitation
24 and I understand that there is no power of attorney for voting
25 and that the voter must be able to make the voter's selection
26 even if **they THE VOTER** cannot physically mark the ballot.

27 Name of voter assistant: _____

28 Address of voter assistant: _____

29 B. The face of each envelope in which a ballot is sent to a federal
30 postcard applicant or in which a ballot is returned by the applicant to
31 the recorder or other officer in charge of elections shall be in the form
32 prescribed in accordance with the uniformed and overseas citizens absentee
33 voting act **of 1986** (P.L. 99-410; 52 United States Code section 20301).
34 Otherwise, the envelopes shall be the same as those used to send ballots
35 to, or receive ballots from, other early voters.

36 C. The officer charged by law with the duty of preparing ballots at
37 any election shall ensure that the early ballot is sent in an envelope
38 that states substantially the following:

39 If the addressee does not reside at this address, mark
40 the unopened envelope "return to sender" and deposit it in the
41 United States mail.

42 D. The county recorder or other officer in charge of elections
43 shall supply printed instructions to early voters that direct them to sign
44 the affidavit, mark the ballot and return both in the enclosed

1 self-addressed envelope that complies with section 16-545. The
2 instructions shall include the following statement:

3 In order to be valid and counted, the ballot and
4 affidavit must be delivered to the office of the county
5 recorder or other officer in charge of elections or may be
6 deposited at any polling place in the county ~~no~~ NOT later than
7 7:00 p.m. on election day. The ballot will not be counted
8 without the voter's signature on the envelope.

9 (WARNING – It is a felony to offer or receive any compensation
10 for a ballot.)

11 Sec. 13. Section 16-558.02, Arizona Revised Statutes, is amended to
12 read:

13 **16-558.02. Replacement ballots**

14 A. The county recorder or other officer in charge of elections
15 shall determine a central location in the district and shall provide for a
16 ballot replacement center that is as near to that location as is
17 practicable for **ELIGIBLE** electors to obtain a replacement ballot. The
18 location shall be open from 6:00 a.m. until 7:00 p.m. of the day of the
19 election. An elector may obtain a replacement ballot until 7:00 p.m. on
20 the day of the election on presenting a signed, sworn statement that the
21 **EARLY** ballot was lost, spoiled, destroyed or not received.

22 B. The recorder or other officer in charge of elections shall keep
23 a record of each replacement ballot provided pursuant to this section.

24 C. If an elector to whom a replacement ballot is issued votes more
25 than once, only the first ballot received shall be counted.

26 Sec. 14. Section 16-1017, Arizona Revised Statutes, is amended to
27 read:

28 **16-1017. Unlawful acts by voters with respect to voting:
29 classification**

30 A voter who knowingly commits any of the following acts is guilty of
31 a class 2 misdemeanor:

32 1. Makes a false statement as to the voter's inability to mark a
33 ballot.

34 2. Interferes with a voter within the seventy-five foot limit of
35 the polling place as posted by the election marshal ~~or within seventy-five~~
~~feet of the main outside entrance to an on-site early voting location~~
~~established by a county recorder pursuant to section 16-542, subsection A.~~

38 3. Endeavors while within the seventy-five foot limit for a polling
39 place ~~or on-site early voting location~~ to induce a voter to vote for or
40 against a particular candidate or issue.

41 4. ~~Prior to~~ BEFORE the close of an election defaces or destroys a
42 sample ballot posted by election officers, or defaces, tears down,
43 removes or destroys a card of instructions posted for the instruction of
44 voters.

1 5. Removes or destroys supplies or conveniences furnished to enable
2 a voter to prepare the voter's ballot.

3 6. Hinders the voting of others.

4 7. Votes in a county in which the voter no longer resides, except
5 as provided in section 16-125.

6 Sec. 15. Section 16-1018, Arizona Revised Statutes, is amended to
7 read:

8 16-1018. Additional unlawful acts by persons with respect to
9 voting; classification

10 A person who commits any of the following acts is guilty of a class
11 2 misdemeanor:

12 1. Knowingly electioneers on election day within a polling place or
13 in a public manner within seventy-five feet of the main outside entrance
14 of a polling place ~~or on-site early voting location established by a~~
15 ~~county recorder pursuant to section 16-542, subsection A.~~

16 2. Intentionally disables or removes from the polling place,
17 ~~on-site early voting location~~ or custody of an election official a voting
18 machine or a voting record.

19 3. Knowingly removes an official ballot from a polling place before
20 closing the polls.

21 4. Shows another voter's ballot to any person after it is prepared
22 for voting in such a manner as to reveal the contents, except to an
23 authorized person lawfully assisting the voter. A voter who makes
24 available an image of the voter's own ballot by posting on the internet or
25 in some other electronic medium is deemed to have consented to
26 retransmittal of that image and that retransmittal does not constitute a
27 violation of this section.

28 5. Knowingly solicits a voter to show the voter's ballot, or
29 receives from a voter a ballot prepared for voting, unless the person is
30 an election official or unless otherwise authorized by law.

31 6. Knowingly receives an official ballot from a person other than
32 an election official having charge of the ballots.

33 7. Knowingly delivers an official ballot to a voter, unless the
34 voter is an election official.

35 8. Except for a completed ballot transmitted by an elector by fax
36 or other electronic format pursuant to section 16-543, knowingly places a
37 mark on the voter's ballot by which it can be identified as the one voted
38 by the voter.

39 9. After having received a ballot as a voter, knowingly fails to
40 return the ballot to the election official before leaving the polling
41 place ~~or on-site early voting location~~.