

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)

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

Section 1. Section 16-245, Arizona Revised Statutes, is amended to read:

16-245. Form and content of ballot

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

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

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

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

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

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

16-246. Early balloting; additional procedures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

1. Prepare a proof of a sample ballot.

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

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

B. Within five days after receipt of the sample ballot, the county chairman of each political party shall suggest to the election officer any change the chairman considers should be made in the chairman's party ballot, and if on examination the election officer finds an error or omission in the ballot the officer shall correct it. The election officer 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.

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

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

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

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

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

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

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

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

No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and 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 ~~B.~~ 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. ~~An~~  
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~~

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

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

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

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

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

Sec. 11. Repeal

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~~  
36 ~~feet of the main outside entrance to an on-site early voting location~~  
37 ~~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.~~