

REFERENCE TITLE: **eligibility; early voting; list**

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

SB 1404

Introduced by
Senator Gowan

AN ACT

AMENDING SECTIONS 16-245, 16-246, 16-411, 16-461, 16-510, 16-541, 16-542 AND 16-543, 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 _____, state
11 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~~ ONLY AN elector who is eligible to vote EARLY in the
42 presidential preference election may make a verbal or signed, written
43 request for an official early ballot to the county recorder or other
44 officer in charge of elections for the county in which the elector is
45 registered to vote. If the request is verbal, the requesting elector

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

4 B. Absent uniformed services voters or overseas voters who are
5 otherwise eligible to vote in the election may ALSO 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 16-411, Arizona Revised Statutes, is amended to
6 read:

7 16-411. Designation of election precincts and polling places;
8 voting centers; electioneering; wait times

9 A. The board of supervisors of each county, on or before October 1
10 of each year preceding the year of a general election, by an order, shall
11 establish a convenient number of election precincts in the county and
12 define the boundaries of the precincts. The election precinct boundaries
13 shall be established so as to be included within election districts
14 prescribed by law for elected officers of the state and its political
15 subdivisions including community college district precincts, except those
16 elected officers provided for in titles 30 and 48.

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

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

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

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

41 4. On a specific resolution of the board, the board may authorize
42 the use of voting centers in place of or in addition to specifically
43 designated polling places. A voting center shall allow any voter in that
44 county to receive the appropriate ballot for that voter on election day
45 after presenting identification as prescribed in section 16-579 and to

1 lawfully cast the ballot. Voting centers may be established in
2 coordination and consultation with the county recorder, at other county
3 offices or at other locations in the county deemed appropriate.

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

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

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

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

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

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

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

43 3. All affected voters receive information on [ELIGIBILITY FOR](#) early
44 voting that includes the application used to request an early voting
45 ballot.

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

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

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

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

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

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

42 I. For the purposes of this section, a county recorder or other
43 officer in charge of elections shall designate a polling place as an
44 emergency polling place and thus prohibit persons from electioneering and
45 engaging in other political activity outside of the seventy-five foot

1 limit prescribed by section 16-515 but inside the property of the facility
2 that is hosting the polling place if any of the following occurs:

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

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

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

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

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

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

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

24 Sec. 4. Section 16-461, Arizona Revised Statutes, is amended to
25 read:

26 16-461. Sample primary election ballots; submission to party
27 chairmen for examination; preparation, printing and
28 distribution of ballot

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

31 1. Prepare a proof of a sample ballot.

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

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

36 B. Within five days after receipt of the sample ballot, the county
37 chairman of each political party shall suggest to the election officer any
38 change the chairman considers should be made in the chairman's party
39 ballot, and if on examination the election officer finds an error or
40 omission in the ballot the officer shall correct it. The election officer
41 shall cause the sample ballots to be printed and distributed as required
42 by law, shall maintain a copy of each sample ballot and shall post a
43 notice indicating that sample ballots are available on request. The
44 official sample ballot shall be printed on colored paper or white paper
45 with a different colored stripe for each party that is represented on that

1 ballot. For voters who are not registered with a party that is entitled
2 to continued representation on the ballot pursuant to section 16-804, the
3 election officer may print and distribute the required sample ballots in
4 an alternative format, including a reduced size format.

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

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

20 E. For city and town elections, the governing body of a city or
21 town may have printed mailer-type sample ballots for a primary election.
22 If the city or town has printed such sample ballots, the city or town
23 shall provide for the distribution of such ballots and shall bear the
24 expense of printing and distributing ~~of~~ such sample ballots.

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

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

33 Sec. 5. Section 16-510, Arizona Revised Statutes, is amended to
34 read:

35 16-510. Sample ballots; preparation and distribution

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

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

43 C. The board of supervisors shall have printed mailer-type sample
44 ballots for a general election and shall mail at least eleven days before
45 the election one such sample ballot to each household in the county

1 containing a registered voter ~~unless that registered voter is on the~~
2 ~~active early voting list established pursuant to section 16-544~~. Each
3 sample ballot shall contain the following statement: "This is a sample
4 ballot and cannot be used as an official ballot under any circumstances".
5 A certified claim shall be presented to the secretary of state by the
6 board of supervisors for the actual cost of printing, labeling and postage
7 of each sample ballot actually mailed, and the secretary of state shall
8 direct payment of the authenticated claim from funds of the secretary of
9 state's office.

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

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

20 Sec. 6. Section 16-541, Arizona Revised Statutes, is amended to
21 read:

22 16-541. Early voting; elector eligibility

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

26 B. AN ELECTOR SHALL BE ALLOWED TO VOTE BY EARLY BALLOT FOR ANY ONE
27 OR MORE OF THE FOLLOWING REASONS:

28 1. THE ELECTOR EXPECTS TO BE ABSENT FROM THE ELECTOR'S PRECINCT AT
29 THE TIME OF THE ELECTION.

30 2. THE ELECTOR IS PHYSICALLY UNABLE TO GO TO THE POLLS.

31 3. THE ELECTOR IS SIXTY-FIVE YEARS OF AGE OR OLDER.

32 4. THE ELECTOR'S PLACE OF RESIDENCE IS MORE THAN FIFTEEN ROAD MILES
33 FROM THE POLLING PLACE FOR THE ELECTOR'S PRECINCT.

34 5. THE ELECTOR CANNOT ATTEND THE POLLS ON THE DAY OF THE ELECTION
35 BECAUSE OF THE TENETS OF THE ELECTOR'S RELIGION.

36 6. THE ELECTOR HAS A VISUAL IMPAIRMENT.

37 7. THE ELECTOR IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS
38 VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING
39 ACT (P.L. 99-410; 52 UNITED STATES CODE SECTION 20310) OR A SPOUSE OR
40 HOUSEHOLD MEMBER OF THE ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER.

41 ~~B.~~ C. A qualified elector of a special district organized pursuant
42 to title 48 shall be permitted to vote early in any special district mail
43 ballot election as provided in article 8.1 of this chapter.

1 Sec. 7. Section 16-542, Arizona Revised Statutes, is amended to
2 read:

3 16-542. Request for ballot; civil penalties; violation;
4 classification

5 A. Within ninety-three days before any election called pursuant to
6 the laws of this state, an ELIGIBLE elector AS PRESCRIBED BY SECTION
7 16-541 may make a verbal or signed request to the county recorder, or
8 other officer in charge of elections for the applicable political
9 subdivision of this state in whose jurisdiction the elector is registered
10 to vote, for an official early ballot. In addition to name and address,
11 the requesting elector shall provide the date of birth and state or
12 country of birth or other information that if compared to the voter
13 registration information on file would confirm the identity of the elector
14 AND SHALL SPECIFY ONE OF THE REASONS FOR VOTING EARLY PRESCRIBED BY
15 SECTION 16-541. If the request indicates that the elector needs a primary
16 election ballot and a general election ballot, the county recorder or
17 other officer in charge of elections shall honor the request. For any
18 partisan primary election, if the elector is not registered as a member of
19 a political party that is entitled to continued representation on the
20 ballot pursuant to section 16-804, the elector shall designate the ballot
21 of only one of the political parties that is entitled to continued
22 representation on the ballot and the elector may receive and vote the
23 ballot of only that one political party, which also shall include any
24 nonpartisan offices and ballot questions, or the elector shall designate
25 the ballot for nonpartisan offices and ballot questions only and the
26 elector may receive and vote the ballot that contains only nonpartisan
27 offices and ballot questions. The county recorder or other officer in
28 charge of elections shall process any request for an early ballot for a
29 municipal election pursuant to this subsection. ~~The county recorder may~~
30 ~~establish on-site early voting locations at the recorder's office, which~~
31 ~~shall be open and available for use beginning the same day that a county~~
32 ~~begins to send out the early ballots. The county recorder may also~~
33 ~~establish any other early voting locations in the county the recorder~~
34 ~~deems necessary. Any on-site early voting location or other early voting~~
35 ~~location shall require each elector to present identification as~~
36 ~~prescribed in section 16-579 before receiving a ballot. Notwithstanding~~
37 ~~section 16-579, subsection A, paragraph 2, at any on-site early voting~~
38 ~~location or other early voting location the county recorder or other~~
39 ~~officer in charge of elections may provide for a qualified elector to~~
40 ~~update the elector's voter registration information as provided for in the~~
41 ~~secretary of state's instructions and procedures manual adopted pursuant~~
42 ~~to section 16-452.~~

43 B. Notwithstanding subsection A of this section, a request for an
44 official early ballot from an absent uniformed services voter or overseas
45 voter as defined in the uniformed and overseas citizens absentee voting

1 act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) ~~or a voter~~
2 ~~whose information is protected pursuant to section 16-153~~ that is received
3 by the county recorder or other officer in charge of elections more than
4 ninety-three days before the election is valid. If requested by the
5 absent uniformed services or overseas voter, ~~or a voter whose information~~
6 ~~is protected pursuant to section 16-153~~, the county recorder or other
7 officer in charge of elections shall provide to the requesting voter early
8 ballot materials through the next regularly scheduled general election for
9 federal office immediately following receipt of the request unless a
10 different period of time, which does not exceed the next two regularly
11 scheduled general elections for federal office, is designated by the
12 voter.

13 C. The county recorder or other officer in charge of elections
14 shall mail the early ballot and the envelope for its return postage
15 prepaid to the address provided by the requesting elector within five days
16 after receipt of the official early ballots from the officer charged by
17 law with the duty of preparing ballots pursuant to section 16-545, except
18 that early ballot distribution shall not begin more than twenty-seven days
19 before the election. If an early ballot request is received on or before
20 the thirty-first day before the election, the early ballot shall be
21 distributed not earlier than the twenty-seventh day before the election
22 and not later than the twenty-fourth day before the election.

23 D. Only the elector may be in possession of that elector's unvoted
24 early ballot. If a complete and correct request is made by the elector
25 within twenty-seven days before the election, the mailing must be made
26 within forty-eight hours after receipt of the request. Saturdays, Sundays
27 and other legal holidays are excluded from the computation of the
28 forty-eight hour period prescribed by this subsection. If a complete and
29 correct request is made by an absent uniformed services voter or an
30 overseas voter before the election, the regular early ballot shall be
31 transmitted by mail, by fax or by other electronic format approved by the
32 secretary of state within twenty-four hours after the early ballots are
33 delivered pursuant to section 16-545, subsection B, excluding Sundays.

34 E. In order to be complete and correct and to receive an early
35 ballot by mail, an elector's request that an early ballot be mailed to the
36 elector's residence or temporary address must include all of the
37 information prescribed by subsection A of this section and must be
38 received by the county recorder or other officer in charge of elections ~~no~~
39 ~~NOT~~ later than 5:00 p.m. on the eleventh day preceding the election. ~~An~~
40 ~~elector who appears personally no later than 5:00 p.m. on the Friday~~
41 ~~preceding the election at an on-site early voting location that is~~
42 ~~established by the county recorder or other officer in charge of elections~~
43 ~~shall be given a ballot after presenting identification as prescribed in~~
44 ~~section 16-579 and shall be permitted to vote at the on-site location.~~
45 ~~Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site~~

1 ~~early voting location the county recorder or other officer in charge of~~
2 ~~elections may provide for a qualified elector to update the elector's~~
3 ~~voter registration information as provided for in the secretary of state's~~
4 ~~instructions and procedures manual adopted pursuant to section 16-452.~~ If
5 an elector's request to receive an early ballot is not complete and
6 correct but complies with all other requirements of this section, the
7 county recorder or other officer in charge of elections shall attempt to
8 notify the elector of the deficiency of the request.

9 F. Unless an elector specifies that the address to which an early
10 ballot is to be sent is a temporary address, the recorder may use the
11 information from an early ballot request form to update voter registration
12 records.

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

18 H. As a result of experiencing an emergency between 5:00 p.m. on
19 the Friday preceding the election and 5:00 p.m. on the Monday preceding
20 the election, qualified electors may request to vote in the manner
21 prescribed by the board of supervisors of their respective county. Before
22 voting pursuant to this subsection, an elector who experiences an
23 emergency shall provide identification as prescribed in section 16-579 and
24 shall sign a statement under penalty of perjury that states that the
25 person is experiencing or experienced an emergency after 5:00 p.m. on the
26 Friday immediately preceding the election and before 5:00 p.m. on the
27 Monday immediately preceding the election that would prevent the person
28 from voting at the polls. Signed statements received pursuant to this
29 subsection are not subject to inspection pursuant to title 39, chapter 1,
30 article 2. For the purposes of this subsection, "emergency" means any
31 unforeseen circumstances that would prevent the elector from voting at the
32 polls.

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

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

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

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

21 Sec. 8. Section 16-543, Arizona Revised Statutes, is amended to
22 read:

23 16-543. Application for ballot; United States service;
24 emergency procedures

25 A. AS AN ALTERNATIVE TO A REQUEST FOR AN EARLY BALLOT AS PRESCRIBED
26 IN SECTION 16-542, any absent uniformed services voter or overseas voter
27 as defined in the uniformed and overseas citizens absentee voting act
28 ~~of 1986~~ (P.L. 99-410; ~~42~~ 100 STAT. 924; 52 United States Code section
29 ~~1973ff-6 20310~~), ~~as amended by the Ronald W. Reagan national defense~~
30 ~~authorization act for fiscal year 2005 (P.L. 108-375)~~, may request an
31 early ballot with a federal postcard application that contains both an
32 early voter registration application and an early ballot application. The
33 secretary of state shall provide for a centralized system for receiving
34 federal postcard applications by way of the internet or fax and shall
35 provide for transmitting appropriate ballot materials in response to fax,
36 telephone and internet requests for federal postcard applications. The
37 absent uniformed services voter or overseas voter shall designate the
38 means of communication for receiving voting materials, whether by way of
39 the internet, fax transmittal or other electronic means or by mail, and
40 the county recorder or other officer in charge of elections shall provide
41 responses and materials in the format designated by the requesting voter.
42 On receipt of ~~such~~ AN application, the county recorder or other officer in
43 charge of elections shall determine whether or not the elector is
44 registered. If the applicant is ~~so~~ registered, the recorder or other
45 officer in charge of elections shall forward to the applicant an official

1 early ballot using the means of communication designated by the voter
2 pursuant to this section. If no means of communication is designated, the
3 ballot shall be transmitted as provided in the instructions and procedures
4 manual issued pursuant to section 16-452. For all requests received from
5 registered absent uniformed services voters or overseas voters on or
6 before the forty-eighth day before the election, the ballot shall be
7 transmitted no later than the forty-fifth day before the election. If the
8 applicant is not registered, and the request is for a ballot for use in a
9 county election but the federal postcard application is complete, the
10 recorder shall forward an official early ballot to the applicant within
11 twenty-four hours after receipt of the request, excluding Saturdays,
12 Sundays and other legal holidays. If the applicant is not registered to
13 vote and the federal postcard application is not used or complete, the
14 recorder shall forward an affidavit of registration as provided in section
15 16-103 and shall forward at the same time to the unregistered applicant an
16 official early ballot and affidavit within twenty-four hours after receipt
17 of the request, excluding Saturdays, Sundays and other legal holidays.
18 For any voter who is sent an official early ballot by electronic means
19 pursuant to this section, the county recorder or other officer in charge
20 of elections is not required to send a paper ballot for the same election.

21 B. The county recorder or other officer in charge of elections
22 shall transmit by fax or by other electronic format approved by the
23 secretary of state early ballot request forms, unvoted ballots and ballot
24 information to eligible absent uniformed services voters and overseas
25 voters. The county recorder or other officer in charge of elections shall
26 provide for receipt of completed early ballot requests and voted early
27 ballots by fax or other electronic format as prescribed by the secretary
28 of state in the instructions and procedures manual issued pursuant to
29 section 16-452. The county recorder or other officer in charge of
30 elections shall provide for a method for the voter to verify at no cost to
31 the voter that the voter's ballot has been received.

32 C. The secretary of state shall provide in the instructions and
33 procedures manual issued pursuant to section 16-452 for emergency
34 procedures regarding the early balloting process for persons who are
35 subject to the uniformed and overseas citizens absentee voting act ~~of 1986~~
36 (P.L. 99-410; ~~42~~ 100 STAT. 924; 52 United States Code ~~section 1973ff~~
37 ~~SECTIONS 20301 THROUGH 20310~~), ~~as amended by the Ronald W. Reagan national~~
38 ~~defense authorization act for fiscal year 2005 (P.L. 108-375)~~. These
39 emergency procedures may be implemented only on the occurrence of a
40 national or local emergency that makes substantial compliance with the
41 uniformed and overseas citizens absentee voting act impracticable,
42 including occurrences of natural disasters or armed conflict or
43 mobilization of the national guard or military reserve units of this
44 state.

1 D. This section applies only to any absent uniformed services voter
2 or overseas voter as defined in the uniformed and overseas citizens
3 absentee voting act ~~of 1986~~ (P.L. 99-410; ~~42 100 STAT. 924; 52 United~~
4 States Code section ~~1973ff-6 20310~~), ~~as amended by the Ronald W. Reagan~~
5 ~~national defense authorization act for fiscal year 2005 (P.L. 108-375).~~

6 Sec. 9. Repeal

7 Section ~~16-544~~, Arizona Revised Statutes, is repealed.

8 Sec. 10. Section 16-547, Arizona Revised Statutes, is amended to
9 read:

10 ~~16-547~~. Ballot affidavit; form

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

15 I declare the following under penalty of perjury: I am a registered
16 voter in _____ county Arizona, AND I EXPECT TO BE ABSENT FROM MY
17 PRECINCT OR OTHER POLITICAL SUBDIVISION AT THE TIME OF THE ELECTION OR I
18 AM PHYSICALLY UNABLE TO GO TO THE POLLS OR I AM SIXTY-FIVE YEARS OF AGE OR
19 OLDER OR MY PLACE OF RESIDENCE IS MORE THAN FIFTEEN ROAD MILES FROM MY
20 POLLING PLACE OR I CANNOT GO TO THE POLLS ON ELECTION DAY BECAUSE OF THE
21 TENETS OF MY RELIGION OR BECAUSE I AM VISUALLY IMPAIRED OR I AM AN ABSENT
22 UNIFORMED SERVICES VOTER OR OVERSEAS VOTER, AND I have not voted and will
23 not vote in this election in any other county or state, I understand that
24 knowingly voting more than once in any election is a class 5 felony and I
25 voted the enclosed ballot and signed this affidavit personally unless
26 noted below.

27 If the voter was assisted by another person in marking
28 the ballot, complete the following:

29 I declare the following under penalty of perjury: At
30 the registered voter's request I assisted the voter identified
31 in this affidavit with marking the voter's ballot, I marked
32 the ballot as directly instructed by the voter, I provided the
33 assistance because the voter was physically unable to mark the
34 ballot solely due to illness, injury or physical limitation
35 and I understand that there is no power of attorney for voting
36 and that the voter must be able to make the voter's selection
37 even if ~~they~~ THE VOTER cannot physically mark the ballot.

38 Name of voter assistant: _____

39 Address of voter assistant: _____

40 B. The face of each envelope in which a ballot is sent to a federal
41 postcard applicant or in which a ballot is returned by the applicant to
42 the recorder or other officer in charge of elections shall be in the form
43 prescribed in accordance with the uniformed and overseas citizens absentee
44 voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20301).

1 Otherwise, the envelopes shall be the same as those used to send ballots
2 to, or receive ballots from, other early voters.

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

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

8 D. The county recorder or other officer in charge of elections
9 shall supply printed instructions to early voters that direct them to sign
10 the affidavit, mark the ballot and return both in the enclosed
11 self-addressed envelope that complies with section 16-545. The
12 instructions shall include the following statement:

13 In order to be valid and counted, the ballot and
14 affidavit must be delivered to the office of the county
15 recorder or other officer in charge of elections or may be
16 deposited at any polling place in the county ~~no~~ NOT later than
17 7:00 p.m. on election day. The ballot will not be counted
18 without the voter's signature on the envelope.

19 (WARNING—It is a felony to offer or receive any compensation
20 for a ballot.)

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

23 16-558.02. Replacement ballots

24 A. The county recorder or other officer in charge of elections
25 shall determine a central location in the district and shall provide for a
26 ballot replacement center that is as near to that location as is
27 practicable for ELIGIBLE electors to obtain a replacement ballot. The
28 location shall be open from 6:00 a.m. until 7:00 p.m. of the day of the
29 election. An elector may obtain a replacement ballot until 7:00 p.m. on
30 the day of the election on presenting a signed, sworn statement that the
31 EARLY ballot was lost, spoiled, destroyed or not received.

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

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

36 Sec. 12. Section 16-1017, Arizona Revised Statutes, is amended to
37 read:

38 16-1017. Unlawful acts by voters with respect to voting;
39 classification

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

42 1. Makes a false statement as to the voter's inability to mark a
43 ballot.

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

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

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

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

13 6. Hinders the voting of others.

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

16 Sec. 13. Section 16-1018, Arizona Revised Statutes, is amended to
17 read:

18 16-1018. Additional unlawful acts by persons with respect to
19 voting; classification

20 A person who commits any of the following acts is guilty of a class
21 2 misdemeanor:

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

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

29 3. Knowingly removes an official ballot from a polling place before
30 closing the polls.

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

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

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

43 7. Knowingly delivers an official ballot to a voter, unless the
44 voter is an election official.

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

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

8 Sec. 14. Conforming legislation

9 The legislative council staff shall prepare proposed legislation
10 conforming the Arizona Revised Statutes to the provisions of this act for
11 consideration in the fifty-sixth legislature, first regular session.