

REFERENCE TITLE: voter registrations; ballot requests; source

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HB 2786

Introduced by
Representatives Hoffman: Barton, Biasiucci, Blackman, Bolick, Burges,
Carroll, Carter, Chaplik, Dunn, Finchem, Grantham, Griffin, Kavanagh,
Martinez, Nguyen, Parker, Pingerelli, Wilmeth

AN ACT

AMENDING TITLE 16, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-167; AMENDING SECTIONS 16-542 AND 16-544, ARIZONA
REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 16, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 16-167, to read:

4 16-167. Voter registration information revision; early ballot
5 request; signature exemplar

6 FOR ANY SIGNED PREPRINTED REQUEST TO AMEND A VOTER'S REGISTRATION
7 INFORMATION OR REQUEST FOR AN EARLY BALLOT, THE COUNTY RECORDER MAY NOT
8 USE THAT SIGNATURE OF THE VOTER AS THE MOST RECENT EXEMPLAR FOR SUBSEQUENT
9 COMPARISON IF THE SUBMITTAL IS ON A PRINTED DOCUMENT, CARD OR OTHER FORM
10 THAT IS NOT AN OFFICIAL FORM PRINTED BY THE COUNTY RECORDER OR OTHER
11 OFFICER IN CHARGE OF ELECTIONS.

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

14 16-542. Request for ballot; civil penalties; violation;
15 classification

16 A. Within ninety-three days before any election called pursuant to
17 the laws of this state, an elector may make a verbal or signed request to
18 the county recorder, or other officer in charge of elections for the
19 applicable political subdivision of this state in whose jurisdiction the
20 elector is registered to vote, for an official early ballot. In addition
21 to name and address, the requesting elector shall provide the date of
22 birth and state or country of birth or other information that if compared
23 to the voter registration information on file would confirm the identity
24 of the elector. If the request indicates that the elector needs a primary
25 election ballot and a general election ballot, the county recorder or
26 other officer in charge of elections shall honor the request. For any
27 partisan primary election, if the elector is not registered as a member of
28 a political party that is entitled to continued representation on the
29 ballot pursuant to section 16-804, the elector shall designate the ballot
30 of only one of the political parties that is entitled to continued
31 representation on the ballot and the elector may receive and vote the
32 ballot of only that one political party, which also shall include any
33 nonpartisan offices and ballot questions, or the elector shall designate
34 the ballot for nonpartisan offices and ballot questions only and the
35 elector may receive and vote the ballot that contains only nonpartisan
36 offices and ballot questions. The county recorder or other officer in
37 charge of elections shall process any request for an early ballot for a
38 municipal election pursuant to this subsection. The county recorder may
39 establish on-site early voting locations at the recorder's office, which
40 shall be open and available for use beginning the same day that a county
41 begins to send out the early ballots. The county recorder may also
42 establish any other early voting locations in the county the recorder
43 deems necessary. Any on-site early voting location or other early voting
44 location shall require each elector to present identification as
45 prescribed in section 16-579 before receiving a ballot. Notwithstanding

1 section 16-579, subsection A, paragraph 2, at any on-site early voting
2 location or other early voting location the county recorder or other
3 officer in charge of elections may provide for a qualified elector to
4 update the elector's voter registration information as provided for in the
5 secretary of state's instructions and procedures manual adopted pursuant
6 to section 16-452.

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

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

32 D. Only the elector may be in possession of that elector's unvoted
33 early ballot. If a complete and correct request is made by the elector
34 within twenty-seven days before the election, the mailing must be made
35 within forty-eight hours after receipt of the request. Saturdays, Sundays
36 and other legal holidays are excluded from the computation of the
37 ~~forty-eight hour~~ **FOURTY-EIGHT-HOUR** period prescribed by this subsection.
38 If a complete and correct request is made by an absent uniformed services
39 voter or an overseas voter before the election, the regular early ballot
40 shall be transmitted by mail, by fax or by other electronic format
41 approved by the secretary of state within twenty-four hours after the
42 early ballots are delivered pursuant to section 16-545, subsection B,
43 excluding Sundays.

44 E. In order to be complete and correct and to receive an early
45 ballot by mail, an elector's request that an early ballot be mailed to the

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

19 F. Unless an elector specifies that the address to which an early
20 ballot is to be sent is a temporary address, the recorder may use the
21 information from an early ballot request form to update voter registration
22 records.

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

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

43 I. Notwithstanding section 16-579, subsection A, paragraph 2, for
44 any voting pursuant to subsection H of this section, the county recorder
45 or other officer in charge of elections may allow a qualified elector to

1 update the elector's voter registration information as provided for in the
2 secretary of state's instructions and procedures manual adopted pursuant
3 to section 16-452.

4 J. ONLY a ~~candidate, political committee or other organization~~
5 PARTY, COUNTY RECORDER OR ELECTION OFFICIAL may distribute early ballot
6 request forms to voters. If the early ballot request forms include a
7 printed address for return, the addressee shall be the political
8 subdivision that will conduct the election. Failure to use the political
9 subdivision as the return addressee is punishable by a civil penalty of up
10 to three times the cost of the production and distribution of the request.

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

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

31 Sec. 3. Section 16-544, Arizona Revised Statutes, is amended to
32 read:

33 16-544. Active early voting list; civil penalty; violation;
34 classification; definition

35 A. Any voter may request to be included on a list of voters to
36 receive an early ballot by mail for any election for which the county
37 voter registration roll is used to prepare the election register. The
38 county recorder of each county shall maintain the active early voting list
39 as part of the voter registration roll.

40 B. In order to be included on the active early voting list, the
41 voter shall make a written request specifically requesting that the
42 voter's name be added to the active early voting list for all elections in
43 which the applicant is eligible to vote. An early voter request form
44 shall conform to requirements prescribed in the instructions and
45 procedures manual issued pursuant to section 16-452. The application

1 shall allow for the voter to provide the voter's name, residence address,
2 mailing address in the voter's county of residence, date of birth and
3 signature and shall state that the voter is attesting that the voter is a
4 registered voter who is eligible to vote in the county of residence. The
5 voter shall not list a mailing address that is outside of this state for
6 the purpose of the active early voting list unless the voter is an absent
7 uniformed services voter or overseas voter as defined in the uniformed and
8 overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; 52 United
9 States Code section 20310). In lieu of the application, the applicant may
10 submit a written request that contains the required information.

11 C. On receipt of a request to be included on the active early
12 voting list, the county recorder or other officer in charge of elections
13 shall compare the signature on the request form with the voter's signature
14 on the voter's registration form and, if the request is from the voter,
15 shall mark the voter's registration file as an active early ballot
16 request.

17 D. Not less than ninety days before any polling place election
18 scheduled in March or August, the county recorder or other officer in
19 charge of elections shall mail to all voters who are eligible for the
20 election and who are included on the active early voting list an election
21 notice by nonforwardable mail that is marked with the statement required
22 by the postmaster to receive an address correction notification. If an
23 election is not formally called by a jurisdiction by the one hundred
24 twentieth day before the election, the recorder or other officer in charge
25 of elections is not required to send the election notice. The notice
26 shall include the dates of the elections that are the subject of the
27 notice, the dates that the voter's ballot is expected to be mailed and the
28 address where the ballot will be mailed. If the upcoming election is a
29 partisan open primary election and the voter is not registered as a member
30 of one of the political parties that is recognized for purposes of that
31 primary, the notice shall include information on the procedure for the
32 voter to designate a political party ballot. The notice shall be
33 delivered with return postage prepaid and shall also include a means for
34 the voter to do any of the following:

35 1. Change the mailing address for the voter's ballot to another
36 location in the voter's county of residence.

37 2. Update the voter's residence address in the voter's county of
38 residence.

39 3. Request that the voter not be sent a ballot for the upcoming
40 election or elections indicated on the notice.

41 E. If the notice that is mailed to the voter is returned
42 undeliverable by the postal service, the county recorder or other officer
43 in charge of elections shall take the necessary steps to contact the voter
44 at the voter's new residence address in order to update that voter's
45 address or to move the voter to inactive status as prescribed in section

1 16-166, subsection A. If a voter is moved to inactive status, the voter
2 shall be removed from the active early voting list. If the voter is
3 removed from the active early voting list, the voter shall only be added
4 to the active early voting list again if the voter submits a new request
5 pursuant to this section.

6 F. Not later than the first day of early voting, the county
7 recorder or other officer in charge of elections shall mail an early
8 ballot to all eligible voters included on the active early voting list in
9 the same manner prescribed in section 16-542, subsection C. If the voter
10 has not returned the notice or otherwise notified the election officer
11 within forty-five days before the election that the voter does not wish to
12 receive an early ballot by mail for the election or elections indicated,
13 the ballot shall automatically be scheduled for mailing.

14 G. If a voter who is on the active early voting list is not
15 registered as a member of a recognized political party and fails to notify
16 the county recorder of the voter's choice for political party ballot
17 within forty-five days before a partisan open primary election, the
18 following apply:

19 1. The voter shall not automatically be sent a ballot for that
20 partisan open primary election only and the voter's name shall remain on
21 the active early voting list for future elections.

22 2. To receive an early ballot for the primary election, the voter
23 shall submit the voter's choice for political party ballot to the county
24 recorder.

25 H. After a voter has requested to be included on the active early
26 voting list, the voter shall be sent an early ballot by mail automatically
27 for any election at which a voter at that residence address is eligible to
28 vote until any of the following occurs:

29 1. The voter requests in writing to be removed from the active
30 early voting list.

31 2. The voter's registration or eligibility for registration is
32 moved to inactive status or canceled as otherwise provided by law.

33 3. The notice sent by the county recorder or other officer in
34 charge of elections is returned undeliverable and the county recorder or
35 officer in charge of elections is unable to contact the voter to determine
36 the voter's continued desire to remain on the list.

37 4. The voter fails to vote an early ballot in all elections for two
38 consecutive election cycles. For the purposes of this paragraph,
39 "election" means any regular primary or regular general election for which
40 there was a federal race on the ballot or for which a city or town
41 candidate primary or first election or city or town candidate second,
42 general or runoff election was on the ballot. This paragraph does not
43 apply to:

44 (a) A special taxing district that is authorized pursuant to
45 section 16-191 to conduct its own elections.

(b) A special district mail ballot election that is conducted pursuant to article 8.1 of this chapter.

I. A voter may make a written request at any time to be removed from the active early voting list. The request shall include the voter's name, residence address, date of birth and signature. On receipt of a completed request to remove a voter from the active early voting list, the county recorder or other officer in charge of elections shall remove the voter's name from the list as soon as practicable.

J. An absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) is eligible to be placed on the active early voting list pursuant to this section.

K. A voter's failure to vote an early ballot once received does not constitute grounds to remove the voter from the active early voting list, except that a county recorder shall remove a voter from the active early voting list if both of the following apply:

1. The county recorder or other officer in charge of elections complies with subsection M of this section.

2. The voter fails to vote using an early ballot in all of the following elections for two consecutive election cycles:

(a) A regular primary and regular general election for which there was a federal race on the ballot.

(b) A city or town candidate primary or first election and a city or town candidate second, general or runoff election.

L. On or before January 15 of each odd-numbered year, the county recorder or other officer in charge of elections shall send a notice to each voter who is on the active early voting list and who did not vote an early ballot in all elections for two consecutive election cycles as prescribed by subsection K of this section. If the voter has provided the voter's telephone or mobile phone number or email address to the county recorder, the county recorder may additionally provide the notice to the voter by telephone call, text message or email. The notice shall inform the voter that if the voter wishes to remain on the active early voting list, the voter shall do both of the following with the notice received:

1. Confirm in writing the voter's desire to remain on the active early voting list.

2. Return the completed notice to the county recorder or other officer in charge of elections within ninety days after the notice is sent to the voter. The notice shall be signed by the voter and shall contain the voter's address and date of birth.

M. If a voter receives a notice as prescribed by subsection L of this section and the voter fails to respond within the ninety-day period, the county recorder or other officer in charge of elections shall remove the voter's name from the active early voting list.

1 N. ONLY a ~~candidate, political committee or other organization~~
2 PARTY, COUNTY RECORDER OR ELECTION OFFICIAL may distribute active early
3 voting list request forms to voters. If the active early voting list
4 request forms include a printed address for return, that address shall be
5 the political subdivision that will conduct the election. Failure to use
6 the political subdivision as the return addressee is punishable by a civil
7 penalty of up to three times the cost of the production and distribution
8 of the active early voting list request.

9 O. All original and completed active early voting list request
10 forms that are received by a ~~candidate, political committee or other~~
11 ~~organization~~ PARTY shall be submitted within six business days after
12 receipt by a ~~candidate or~~ political ~~committee~~ PARTY or eleven days before
13 the election day, whichever is earlier, to the political subdivision that
14 will conduct the election. Any person, ~~OR~~ political ~~committee or other~~
15 ~~organization~~ PARTY that fails to submit a completed active early voting
16 list request form within the prescribed time is subject to a civil penalty
17 of up to \$25 per day for each completed form withheld from submittal. Any
18 person who knowingly fails to submit a completed active early voting list
19 request form before the submission deadline for the election immediately
20 following the completion of the form is guilty of a class 6 felony.

21 P. For the purposes of this section, "election cycle" means the
22 two-year period beginning on January 1 in the year after a statewide
23 general election or, for cities and towns, the two-year period beginning
24 on the first day of the calendar quarter after the calendar quarter in
25 which the city's or town's second, runoff or general election is scheduled
26 and ending on the last day of the calendar quarter in which the city's or
27 town's immediately following second, runoff or general election is
28 scheduled, however that election is designated by the city or town.