

REFERENCE TITLE: **registrations; early voting; move notice**

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

SB 1260

Introduced by
Senator Mesnard

AN ACT

**AMENDING SECTIONS 16-165, 16-544 AND 16-1016, ARIZONA REVISED STATUTES;
RELATING TO THE CONDUCT OF ELECTIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-165, Arizona Revised Statutes, is amended to
3 read:

4 16-165. Causes for cancellation

5 A. The county recorder shall cancel a registration:

6 1. At the request of the person registered.

7 2. When the county recorder knows of the death of the person
8 registered.

9 3. If the person has been adjudicated an incapacitated person as
10 defined in section 14-5101.

11 4. When the person registered has been convicted of a felony, and
12 the judgment of conviction has not been reversed or set aside. The county
13 recorder shall cancel the registration on receipt of notice of a felony
14 conviction from the court or from the secretary of state or when reported
15 by the elector on a signed juror questionnaire that is completed pursuant
16 to section 21-314.

17 5. On production of a certified copy of a judgment directing a
18 cancellation to be made.

19 6. Promptly after the election if the person registered has applied
20 for a ballot pursuant to section 16-126.

21 7. When a person has been on the inactive voter list and has not
22 voted during the time periods prescribed in section 16-166, subsection C.

23 8. When the county recorder receives written information from the
24 person registered that the person has a change of residence within the
25 county and the person does not complete and return a new registration form
26 within twenty-nine days after the county recorder mails notification of
27 the need to complete and return a new registration form with current
28 information.

29 9. When the county recorder receives written information from the
30 person registered that the person has a change of address outside the
31 county.

32 10. WHEN THE COUNTY RECORDER RECEIVES CONFIRMATION FROM ANOTHER
33 COUNTY RECORDER THAT THE PERSON REGISTERED HAS REGISTERED TO VOTE IN THAT
34 OTHER COUNTY.

35 B. IF THE COUNTY RECORDER RECEIVES CREDIBLE INFORMATION THAT A
36 PERSON HAS REGISTERED TO VOTE IN A DIFFERENT COUNTY, THE COUNTY RECORDER
37 SHALL CONFIRM THE PERSON'S VOTER REGISTRATION WITH THAT OTHER COUNTY AND,
38 ON CONFIRMATION, SHALL CANCEL THE PERSON'S REGISTRATION PURSUANT TO
39 SUBSECTION A, PARAGRAPH 10 OF THIS SECTION.

40 ~~B.~~ C. If the county recorder cancels a registration pursuant to
41 subsection A, paragraph 8 of this section, the county recorder shall send
42 the person notice that the registration has been cancelled and a
43 registration form with the information described in section 16-131,
44 subsection C attached to the form.

45 ~~C.~~ D. When proceedings in the superior court or the United States
46 district court result in a person being declared incapable of taking care

1 of himself and managing his property, and for whom a guardian of the
 2 person and estate is appointed, result in such person being committed as
 3 an insane person or result in a person being convicted of a felony, the
 4 clerk of the superior court in the county in which those proceedings
 5 occurred shall file with the secretary of state an official notice of that
 6 fact. The secretary of state shall notify the appropriate county recorder
 7 and the recorder shall cancel the name of the person on the register.
 8 Such **A** notice shall name the person covered, shall give the person's date
 9 and place of birth if available, the person's social security number, if
 10 available, the person's usual place of residence, the person's address and
 11 the date of the notice, and shall be filed with the recorder of the county
 12 where the person last resided.

13 ~~D.~~ **E.** Each month the department of health services shall transmit
 14 to the secretary of state without charge a record of the death of every
 15 resident of the state reported to the department within the preceding
 16 month. This record shall include only the name of the decedent, the
 17 decedent's date of birth, the decedent's date of death, the decedent's
 18 social security number, if available, the decedent's usual legal residence
 19 at the time of death and, if available, the decedent's father's name or
 20 mother's maiden name. The secretary of state shall use the record for the
 21 sole purpose of canceling the names of deceased persons from the statewide
 22 voter registration database. In addition, the department of health
 23 services shall annually provide to the secretary of state from the
 24 statewide electronic death registration system without charge a record of
 25 all deaths of residents of this state that are reported to the department
 26 of health services. The records transmitted by the department of health
 27 services shall include only the name of the decedent, the decedent's date
 28 of birth, the decedent's social security number, if available, the
 29 decedent's usual legal residence at the time of death and, if available,
 30 the decedent's father's name or mother's maiden name. The secretary of
 31 state shall compare the records of deaths with the statewide voter
 32 registration database. Public access to the records is prohibited. Use
 33 of information from the records for purposes other than those required by
 34 this section is prohibited. The name of each deceased person shall
 35 promptly be canceled from the statewide voter registration database and
 36 the secretary of state shall notify the appropriate county recorder and
 37 the recorder shall cancel the name of the person from the register.

38 Sec. 2. Section 16-544, Arizona Revised Statutes, is amended to
 39 read:

40 16-544. Active early voting list; civil penalty; violation;
 41 classification; definition

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

1 B. In order to be included on the active early voting list, the
2 voter shall make a written request specifically requesting that the
3 voter's name be added to the active early voting list for all elections in
4 which the applicant is eligible to vote. An early voter request form
5 shall conform to requirements prescribed in the instructions and
6 procedures manual issued pursuant to section 16-452. The application
7 shall allow for the voter to provide the voter's name, residence address,
8 mailing address in the voter's county of residence, date of birth and
9 signature and shall state that the voter is attesting that the voter is a
10 registered voter who is eligible to vote in the county of residence. The
11 voter shall not list a mailing address that is outside of this state for
12 the purpose of the active early voting list unless the voter is an absent
13 uniformed services voter or overseas voter as defined in the uniformed and
14 overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; 52 United
15 States Code section 20310). In lieu of the application, the applicant may
16 submit a written request that contains the required information.

17 C. On receipt of a request to be included on the active early
18 voting list, the county recorder or other officer in charge of elections
19 shall compare the signature on the request form with the voter's signature
20 on the voter's registration form and, if the request is from the voter,
21 shall mark the voter's registration file as an active early ballot
22 request.

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

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

43 2. Update the voter's residence address in the voter's county of
44 residence.

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

1 E. If the notice that is mailed to the voter is returned
2 undeliverable by the postal service, the county recorder or other officer
3 in charge of elections shall take the necessary steps to contact the voter
4 at the voter's new residence address in order to update that voter's
5 address or to move the voter to inactive status as prescribed in section
6 16-166, subsection A. If a voter is moved to inactive status, the voter
7 shall be removed from the active early voting list. If the voter is
8 removed from the active early voting list, the voter shall only be added
9 to the active early voting list again if the voter submits a new request
10 pursuant to this section.

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

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

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

27 2. To receive an early ballot for the primary election, the voter
28 shall submit the voter's choice for political party ballot to the county
29 recorder.

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

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

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

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

42 4. The voter fails to vote an early ballot in all elections for two
43 consecutive election cycles. For the purposes of this paragraph,
44 "election" means any regular primary or regular general election for which
45 there was a federal race on the ballot or for which a city or town
46 candidate primary or first election or city or town candidate second,

1 general or runoff election was on the ballot. This paragraph does not
2 apply to:

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

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

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

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

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

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

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

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

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

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

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

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

45 M. If a voter receives a notice as prescribed by subsection L of
46 this section and the voter fails to respond within the ninety-day period,

1 the county recorder or other officer in charge of elections shall remove
2 the voter's name from the active early voting list.

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

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

23 P. A PERSON WHO RECEIVES AN EARLY BALLOT AT AN ADDRESS AT WHICH
24 ANOTHER PERSON FORMERLY RESIDED, WITHOUT VOTING THE BALLOT OR SIGNING THE
25 ENVELOPE, MAY INDICATE ON THE OUTSIDE OF THE ENVELOPE THAT THE PERSON HAS
26 MOVED AND MAIL THE BALLOT BACK TO THE COUNTY RECORDER OR OTHER OFFICER IN
27 CHARGE OF ELECTIONS LISTED ON THE ENVELOPE. ON RECEIPT THE COUNTY
28 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROCEED IN THE
29 MANNER PRESCRIBED IN SUBSECTION E OF THIS SECTION.

30 Q. WHEN THE COUNTY RECORDER RECEIVES CONFIRMATION FROM ANOTHER
31 COUNTY THAT A PERSON REGISTERED HAS REGISTERED TO VOTE IN THAT OTHER
32 COUNTY, THE COUNTY RECORDER SHALL REMOVE THAT PERSON FROM THE ACTIVE EARLY
33 VOTING LIST.

34 R. IF THE COUNTY RECORDER RECEIVES CREDIBLE INFORMATION THAT A
35 PERSON HAS REGISTERED TO VOTE IN A DIFFERENT COUNTY, THE COUNTY RECORDER
36 SHALL CONFIRM THE PERSON'S VOTER REGISTRATION WITH THAT OTHER COUNTY AND,
37 ON CONFIRMATION, SHALL REMOVE THAT PERSON FROM THE COUNTY'S ACTIVE EARLY
38 VOTING LIST PURSUANT TO SUBSECTION Q OF THIS SECTION.

39 ~~P.~~ S. For the purposes of this section, "election cycle" means the
40 two-year period beginning on January 1 in the year after a statewide
41 general election or, for cities and towns, the two-year period beginning
42 on the first day of the calendar quarter after the calendar quarter in
43 which the city's or town's second, runoff or general election is scheduled
44 and ending on the last day of the calendar quarter in which the city's or
45 town's immediately following second, runoff or general election is
46 scheduled, however that election is designated by the city or town.

1 Sec. 3. Section 16-1016, Arizona Revised Statutes, is amended to
2 read:

3 16-1016. Illegal voting; pollution of ballot box; removal or
4 destruction of ballot box, poll lists or ballots;
5 violation; classification

6 A person is guilty of a class 5 felony who:

7 1. Not being entitled to vote, knowingly votes.

8 2. Knowingly votes more than once at any election.

9 3. Knowingly votes in two or more jurisdictions in this state for
10 which residency is required for lawful voting and the person is not a
11 resident of all jurisdictions in which the person voted. For the purposes
12 of this paragraph, a person has only one residence for the purpose of
13 voting.

14 4. Knowingly votes in this state in an election in which a federal
15 office appears on the ballot and votes in another state in an election in
16 which a federal office appears on the ballot and the election day for both
17 states is the same date.

18 5. Knowingly gives to an election official two or more ballots
19 folded together.

20 6. Knowingly changes or destroys a ballot after it has been
21 deposited in the ballot box.

22 7. Knowingly adds a ballot to those legally cast at any election,
23 by fraudulently introducing the ballot into the ballot box either before
24 or after the ballots ~~therein~~ **IN THE BALLOT BOX** have been counted.

25 8. Knowingly adds to or mixes with ballots lawfully cast, other
26 ballots, while they are being canvassed or counted, with intent to affect
27 the result of the election, or to exhibit the ballots as evidence on the
28 trial of an election contest.

29 9. Knowingly and unlawfully carries away, conceals or removes a
30 poll list, ballot or ballot box from the polling place, or from possession
31 of the person authorized by law to have custody thereof.

32 10. Knowingly destroys a polling list, ballot or ballot box with
33 the intent to interrupt or invalidate the election.

34 11. Knowingly detains, alters, mutilates or destroys ballots or
35 election returns.

36 12. **KNOWINGLY PROVIDES A MECHANISM FOR VOTING TO ANOTHER PERSON WHO**
37 **IS REGISTERED IN ANOTHER STATE, INCLUDING BY FORWARDING AN EARLY BALLOT**
38 **ADDRESSED TO THE OTHER PERSON.**