

REFERENCE TITLE: early absentee voting; limitations; conflicts

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2231

Introduced by
Representatives Harris: Heap, Jones, Smith

AN ACT

AMENDING SECTION 16-541, ARIZONA REVISED STATUTES; RELATING TO 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 16-541, Arizona Revised Statutes, is amended to
3 read:
4 16-541. Early absentee voting; conflict; severability
5 A. Any election called pursuant to the laws of this state shall
6 provide for early ABSENTEE voting, including voting by the use of an
7 accessible ~~vote by United States mail option~~ VOTING METHOD for persons who
8 are blind or have a visual impairment. ~~Any~~ NOTWITHSTANDING ANY OTHER
9 STATUTE, ONLY A qualified elector WHO MEETS ONE OR MORE OF THE CRITERIA
10 PRESCRIBED BY THIS SECTION may vote by early ABSENTEE ballot.
11 ~~B. A qualified elector of a special district organized pursuant to~~
12 ~~title 48 shall be permitted to vote early in any special district mail~~
13 ~~ballot election as provided in article 8.1 of this chapter.~~
14 B. A QUALIFIED ELECTOR MAY VOTE BY EARLY ABSENTEE BALLOT ONLY IF
15 ONE OR MORE OF THE FOLLOWING APPLY:
16 1. THE QUALIFIED ELECTOR IS CONFINED AND PHYSICALLY UNABLE TO GO TO
17 THE POLLS, INCLUDING AN ELECTOR WHO IS CONFINED TO THE ELECTOR'S HOME OR A
18 NURSING HOME, HOSPITAL, JAIL OR OTHER FACILITY DUE TO THE ELECTOR'S
19 ILLNESS, DISABILITY, AGE, INFIRMITY, INCARCERATION OR ANY OTHER REASON.
20 2. THE QUALIFIED ELECTOR EXPECTS TO BE ABSENT FROM THE ELECTOR'S
21 PRECINCT AT THE TIME OF HOLDING THE ELECTION, INCLUDING ELECTORS COVERED
22 BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (P.L. 99-410;
23 52 UNITED STATES CODE SECTION 20301).
24 3. THE QUALIFIED ELECTOR IS BLIND OR HAS A VISUAL IMPAIRMENT.
25 C. IF A CONFLICT EXISTS BETWEEN THIS SECTION AND FEDERAL LAW,
26 FEDERAL LAW CONTROLS. FEDERAL CONTROL IS LIMITED TO THE SPECIFIC AREAS OF
27 CONFLICT ONLY, INTERPRETED AS NARROWLY AS POSSIBLE AND SEEKING TO PRESERVE
28 SECURE IN VOTING TO THE GREATEST EXTENT POSSIBLE.
29 D. IF ANY PROVISION OF THIS SECTION OR ITS APPLICATION TO ANY
30 PERSON OR CIRCUMSTANCE IS DECLARED INVALID BY A COURT OF COMPETENT
31 JURISDICTION, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
32 APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID
33 PROVISION OR APPLICATION. THE INVALIDATED PROVISION OR PROVISIONS SHALL
34 BE DEEMED REFORMED TO THE EXTENT NECESSARY TO CONFORM TO APPLICABLE LAW
35 AND TO GIVE THE MAXIMUM EFFECT TO THE INTENT OF THIS SECTION AND, TO THE
36 FULLEST EXTENT POSSIBLE, THE PROVISIONS OF THIS SECTION, INCLUDING EACH
37 PORTION OF ANY SUBSECTION CONTAINING ANY INVALIDATED PROVISION THAT IS NOT
38 ITSELF INVALID, SHALL BE CONSTRUED SO AS TO GIVE EFFECT TO ITS INTENT.
39 Sec. 2. Conforming legislation
40 The legislative council staff shall prepare proposed legislation
41 conforming the Arizona Revised Statutes to the provisions of this act for
42 consideration in the fifty-sixth legislature, second regular session.