HOUSE BILL 2415

AN ACT

AMENDING SECTION 16-544, ARIZONA REVISED STATUTES; RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-544, Arizona Revised Statutes, is amended to read:

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

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

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

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

D. Not less than ninety days before any polling place election scheduled in March or August, the county recorder or other officer in charge of elections shall mail to all voters who are eligible for the election and who are included on the active early voting list an election notice by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. If an election is not formally called by a jurisdiction by the one hundred eighthieth day before the election, the recorder or other officer in charge of elections is not required to send the election notice. The notice shall include the dates of the elections that are the subject of the notice, the dates that the voter's ballot is expected to be mailed and the address where the ballot will be mailed. If the upcoming election is a partisan open primary election and the voter is not registered as a member
of one of the political parties that is recognized for purposes of that
primary, the notice shall include information on the procedure for the
evoter to designate a political party ballot. The notice shall be
delivered with return postage prepaid and shall also include a means for
the voter to do any of the following:
   1. Change the mailing address for the voter's ballot to another
      location in the voter's county of residence.
   2. Update the voter's residence address in the voter's county of
      residence.
   3. Request that the voter not be sent a ballot for the upcoming
election or elections indicated on the notice.
E. If the notice that is mailed to the voter is returned
undeliverable by the postal service, the county recorder or other officer
in charge of elections shall take the necessary steps to contact the voter
at the voter's new residence address in order to update that voter's
address or to move the voter to inactive status as prescribed in section
16-166, subsection A. If a voter is moved to inactive status, the voter
shall be removed from the active early voting list. If the voter is
removed from the active early voting list, the voter shall only be added
to the active early voting list again if the voter submits a new request
pursuant to this section.
F. Not later than the first day of early voting, the county
recorder or other officer in charge of elections shall mail an early
ballot to all eligible voters included on the active early voting list in
the same manner prescribed in section 16-542, subsection C. If the voter
has not returned the notice or otherwise notified the election officer
within forty-five days before the election that the voter does not wish to
receive an early ballot by mail for the election or elections indicated, the
ballot shall automatically be scheduled for mailing.
G. If a voter who is on the active early voting list is not
registered as a member of a recognized political party and fails to notify
the county recorder of the voter's choice for political party ballot
within forty-five days before a partisan open primary election, the
following apply:
   1. The voter shall not automatically be sent a ballot for that
      partisan open primary election only and the voter's name shall remain on
      the active early voting list for future elections.
   2. To receive an early ballot for the primary election, the voter
      shall submit the voter's choice for political party ballot to the county
      recorder.
H. After a voter has requested to be included on the active early
voting list, the voter shall be sent an early ballot by mail automatically
for any election at which a voter at that residence address is eligible to
vote until any of the following occurs:
1. The voter requests in writing to be removed from the active early voting list.
2. The voter's registration or eligibility for registration is moved to inactive status or canceled as otherwise provided by law.
3. The notice sent by the county recorder or other officer in charge of elections is returned undeliverable and the county recorder or officer in charge of elections is unable to contact the voter to determine the voter's continued desire to remain on the list.
4. The voter fails to vote an early ballot in all elections for two consecutive AN election cycles CYCLE. For the purposes of this paragraph, "election" means any regular primary or regular general election for which there was a federal race on the ballot or for which a city or town candidate primary or first election or city or town candidate second, general or runoff election was on the ballot. This paragraph does not apply to:
   (a) A special taxing district that is authorized pursuant to 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 (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 AN election cycles CYCLE:
      (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 AN election cycles CYCLE
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.

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

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

P. A person who receives an early ballot at an address at which
another person formerly resided, without voting the ballot or signing the
envelope, shall write "not at this address" on the envelope and place the
mail piece in a United States postal service collection box or other mail
receptacle. On receipt, the county recorder or other officer in charge of
elections shall proceed in the manner prescribed in subsection E of this
section.
Q. When the county recorder receives confirmation from another county that a person registered has registered to vote in that other county, the county recorder shall remove that person from the active early voting list.

R. If the county recorder receives credible information that a person has registered to vote in a different county, the county recorder shall confirm the person’s voter registration with that other county and, on confirmation, shall remove that person from the county’s active early voting list pursuant to subsection Q of this section.

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