

REFERENCE TITLE: accessible early voting

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

HB 2736

Introduced by
Representative Blattman

AN ACT

AMENDING SECTIONS 16-103, 16-246, 16-542, 16-543 AND 16-543.02, ARIZONA
REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 16-103, Arizona Revised Statutes, is amended to read:

16-103. Qualified person temporarily absent from state; persons in the service of the United States

A. A qualified person WHO IS temporarily absent from ~~the~~ THIS state may register by filling out an affidavit of registration ~~which~~ THAT shall be furnished ~~upon~~ ON request of the registrant by the county recorder of the county in which the registrant has residence pursuant to section 16-593. The registrant shall execute the affidavit of registration and administer the oath himself and shall return the affidavit to the county recorder.

B. The county recorder may accept a federal postcard application in lieu of an affidavit of registration from any qualified person covered under the uniformed and overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; ~~42~~ 52 United States Code ~~section 1973~~ SECTIONS 20301 THROUGH 20311) OR A PERSON WITH A VISUAL IMPAIRMENT.

C. NOTWITHSTANDING any other ~~provisions of law to the contrary notwithstanding~~, registration for any person covered under subsection B of this section may be accomplished at any time ~~prior to~~ BEFORE 7:00 p.m. of an election day. This subsection applies only to persons temporarily absent from this state AND PERSONS WITH A VISUAL IMPAIRMENT.

D. A person who was an overseas voter as defined in the uniformed and overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973~~ 20310), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375), immediately before being domiciled in this state, and who has been discharged or separated from that service or employment in the ninety days before election day OR A PERSON WITH A VISUAL IMPAIRMENT may register and is eligible to vote in that election if the registration is received by 5:00 p.m. on the Friday before election day.

E. Any United States citizen who has never resided in the United States and whose parent is a United States citizen who is registered to vote in this state is eligible to register to vote and may vote in this state using a federal write-in early ballot as prescribed by section 16-543.02.

Sec. 2. Section 16-246, Arizona Revised Statutes, is amended to read:

16-246. Early balloting; satellite locations; additional procedures

A. Within ninety-three days before the presidential preference election and not later than 5:00 p.m. on the eleventh day preceding the election, any elector who is eligible to vote in the presidential preference election may make a verbal or signed, written request for an official early ballot to the county recorder or other officer in charge of

1 elections for the county in which the elector is registered to vote. If
2 the request is verbal, the requesting elector shall provide the date of
3 birth and birthplace or other information that if compared to the voter
4 registration records for that elector would confirm the identity of the
5 elector.

6 B. Absent uniformed services voters, ~~or~~ overseas voters **OR VOTERS**
7 **WITH A VISUAL IMPAIRMENT** who are otherwise eligible to vote in the
8 election may vote as prescribed by sections 16-543 and 16-543.02.

9 C. The county recorder or other officer in charge of elections may
10 establish on-site early voting locations at the office of the county
11 recorder or at other locations in the county deemed necessary or
12 appropriate by the recorder. Early voting shall begin within the time
13 limits prescribed in section 16-542 unless otherwise prescribed by this
14 section.

15 D. The county recorder or other officer in charge of elections
16 shall send by nonforwardable mail that is marked with the statement
17 required by the postmaster to receive an address correction notification
18 any early ballots that are requested pursuant to subsections A and B of
19 this section and shall include a preaddressed envelope for the elector to
20 return the completed ballot.

21 E. The county recorder or other officer in charge of elections
22 shall provide to each election board an appropriate alphabetized list of
23 voters who have requested and have been sent an early ballot. Any person
24 who is on that list of voters and who was sent an early ballot shall not
25 vote at the polling place for that election precinct except as prescribed
26 by section 16-579, subsection B.

27 F. The county recorder or other officer in charge of elections may
28 provide for any of the following in the same manner prescribed by law for
29 other elections:

30 1. Special election boards.

31 2. Emergency balloting for persons who experience an emergency
32 after 5:00 p.m. on the Friday preceding the presidential preference
33 election and before 5:00 p.m. on the Monday immediately preceding the
34 presidential preference election. Before receiving a ballot pursuant to
35 this paragraph, a person who experiences an emergency shall provide
36 identification as prescribed in section 16-579 and shall sign a statement
37 under penalty of perjury that states that the person is experiencing or
38 experienced an emergency after 5:00 p.m. on the Friday immediately
39 preceding the election and before 5:00 p.m. on the Monday immediately
40 preceding the election that would prevent the person from voting at the
41 polls. Signed statements received pursuant to this ~~subsection~~ **PARAGRAPH**
42 are not subject to inspection pursuant to title 39, chapter 1, article 2.

43 G. Notwithstanding section 16-579, subsection A, paragraph 2, for
44 emergency balloting pursuant to subsection F, paragraph 2 of this section,
45 the county recorder or other officer in charge of elections may allow a

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

4 H. Sections 16-550, 16-551 and 16-552 govern the use of early
5 balloting for the presidential preference election.

6 Sec. 3. Section 16-542, Arizona Revised Statutes, is amended to
7 read:

8 16-542. Request for ballot; civil penalties; violation;
9 classification

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

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

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

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

39 E. In order to be complete and correct and to receive an early
 40 ballot by mail, an elector's request that an early ballot be mailed to the
 41 elector's residence or temporary address must include all of the
 42 information prescribed by subsection A of this section and must be
 43 received by the county recorder or other officer in charge of elections ~~no~~
 44 NOT later than 5:00 p.m. on the eleventh day preceding the election. An
 45 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the Friday

1 preceding the election at an on-site early voting location that is
2 established by the county recorder or other officer in charge of elections
3 shall be given a ballot after presenting identification as prescribed in
4 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site
5 location. Notwithstanding section 16-579, subsection A, paragraph 2, at
6 any on-site early voting location the county recorder or other officer in
7 charge of elections may provide for a qualified elector to update the
8 elector's voter registration information as provided for in the secretary
9 of state's instructions and procedures manual adopted pursuant to section
10 16-452. If an elector's request to receive an early ballot is not
11 complete and correct but complies with all other requirements of this
12 section, the county recorder or other officer in charge of elections shall
13 attempt to notify the elector of the deficiency of the request.

14 F. Unless an elector specifies that the address to which an early
15 ballot is to be sent is a temporary address, the recorder may use the
16 information from an early ballot request form to update voter registration
17 records.

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

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

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

J. A candidate, political committee or other organization may distribute early ballot request forms to voters. If the early ballot request forms include a printed address for return, the addressee 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 request.

K. All original and completed early ballot 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, political committee or other organization 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 early ballot 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 early ballot request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.

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

Sec. 4. Section 16-543, Arizona Revised Statutes, is amended to read:

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

A. Any absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; ~~42~~ 52 United States Code section ~~1973fff-6~~ 20310), as amended by the Ronald W. Reagan national defense authorization act for fiscal year 2005 (P.L. 108-375), ~~OR A VOTER WITH A VISUAL IMPAIRMENT~~ may request an early ballot with a federal postcard application that contains both an early voter registration application and an early ballot application. The secretary of state shall provide for a centralized system for receiving federal postcard applications by way of the internet or fax and shall provide for transmitting appropriate ballot materials in response to fax, telephone and internet requests for federal postcard applications. The absent uniformed services voter, ~~or~~ overseas voter ~~OR VOTER WITH A VISUAL IMPAIRMENT~~ shall designate the means of communication for receiving voting materials, whether by way of the internet, fax transmittal or other

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

29 B. The county recorder or other officer in charge of elections
 30 shall transmit by fax or by other electronic format approved by the
 31 secretary of state early ballot request forms, unvoted ballots and ballot
 32 information to eligible absent uniformed services voters, ~~and~~ overseas
 33 voters **AND VOTERS WITH A VISUAL IMPAIRMENT**. The county recorder or other
 34 officer in charge of elections shall provide for receipt of completed
 35 early ballot requests and voted early ballots by fax or other electronic
 36 format as prescribed by the secretary of state in the instructions and
 37 procedures manual issued pursuant to section 16-452. The county recorder
 38 or other officer in charge of elections shall provide for a method for the
 39 voter to verify at no cost to the voter that the voter's ballot has been
 40 received.

41 C. The secretary of state shall provide in the instructions and
 42 procedures manual issued pursuant to section 16-452 for emergency
 43 procedures regarding the early balloting process for persons who are
 44 subject to the uniformed and overseas citizens absentee voting act ~~of 1986~~
 45 (P.L. 99-410; ~~42~~ **52** United States Code ~~section 1973ff~~ **SECTIONS 20301**

1 THROUGH 20311), as amended by the Ronald W. Reagan national defense
 2 authorization act for fiscal year 2005 (P.L. 108-375), OR VOTERS WITH A
 3 VISUAL IMPAIRMENT. These emergency procedures may be implemented only on
 4 the occurrence of a national or local emergency that makes substantial
 5 compliance with the uniformed and overseas citizens absentee voting act
 6 impracticable, including occurrences of natural disasters or armed
 7 conflict or mobilization of the national guard or military reserve units
 8 of this state.

9 D. This section applies only to any absent uniformed services voter
 10 or overseas voter as defined in the uniformed and overseas citizens
 11 absentee voting act ~~of 1986~~ (P.L. 99-410; ~~42~~ 52 United States Code section
 12 ~~1973ff-6~~ 20310), as amended by the Ronald W. Reagan national defense
 13 authorization act for fiscal year 2005 (P.L. 108-375), AND ANY VOTER WITH
 14 A VISUAL IMPAIRMENT.

15 Sec. 5. Section 16-543.02, Arizona Revised Statutes, is amended to
 16 read:

17 16-543.02. Federal write-in early ballots; procedure;
 18 registration form

19 A. An overseas voter as defined in the uniformed and overseas
 20 citizens absentee voting act ~~of 1986~~ (P.L. 99-410; ~~42~~ 52 United States
 21 Code section ~~1973ff-6~~ 20310), as amended by the Ronald W. Reagan national
 22 defense authorization act for fiscal year 2005 (P.L. 108-375), who is
 23 absent from the place of residence in this state where the voter is
 24 otherwise qualified to vote OR A VOTER WITH A VISUAL IMPAIRMENT may use a
 25 federal write-in early ballot in a primary, general or special election
 26 for the offices of presidential elector and United States senator and
 27 representative in Congress if the voter applies for an early ballot by
 28 7:00 p.m. on election day and does not receive that early ballot.

29 B. A federal write-in early ballot of an overseas voter OR A VOTER
 30 WITH A VISUAL IMPAIRMENT shall not be counted if either of the following
 31 conditions is met:

32 1. The application of the overseas voter OR VOTER WITH A VISUAL
 33 IMPAIRMENT for an early ballot is received by the county recorder or other
 34 officer in charge of elections after 7:00 p.m. on election day.

35 2. An early ballot from the overseas voter OR VOTER WITH A VISUAL
 36 IMPAIRMENT is received by the county recorder or other officer in charge
 37 of elections by 7:00 p.m. on election day.

38 C. An overseas voter OR VOTER WITH A VISUAL IMPAIRMENT who
 39 completes a federal write-in early ballot may designate a candidate by
 40 writing in the name of the candidate or by writing in the name of a
 41 political party, in which case the ballot shall be counted for the
 42 candidate of that political party. In the case of the offices of
 43 president and ~~vice-president~~ VICE PRESIDENT, a vote for a named candidate
 44 or in the name of the political party shall be counted as a vote for that
 45 candidate's or party's presidential electors. Any abbreviation,

1 misspelling or other minor variation in the form of the name of a
2 candidate or political party shall be disregarded in determining the
3 validity of the ballot if the intention of the voter can be ascertained.

4 D. For an overseas voter OR VOTER WITH A VISUAL IMPAIRMENT who
5 completes a federal write-in early ballot transmission envelope with the
6 federal write-in early ballot request, the transmission envelope shall
7 serve as a voter registration form and the voter is registered to vote on
8 completion and receipt of the transmission envelope and the federal
9 write-in early ballot if all of the following apply:

10 1. The information submitted on the transmission envelope includes
11 the information prescribed in section 16-121.01.

12 2. The voter is otherwise eligible to register and vote in this
13 state.

14 3. The request is received by the county recorder by 7:00 p.m. on
15 election day.

16 E. For any request received after 7:00 p.m. on election day, an
17 otherwise valid transmission envelope constitutes a voter registration
18 form that is valid for any subsequent election.