

REFERENCE TITLE: early voting; preceding weekend

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1451

Introduced by
Senator Shope

AN ACT

AMENDING SECTION 16-542, 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 16-542, Arizona Revised Statutes, is amended to read:

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

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

B. Notwithstanding subsection A of this section, a request for an official early ballot from 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) or a voter

1 whose information is protected pursuant to section 16-153 that is received
2 by the county recorder or other officer in charge of elections more than
3 ninety-three days before the election is valid. If requested by the
4 absent uniformed services or overseas voter, or a voter whose information
5 is protected pursuant to section 16-153, the county recorder or other
6 officer in charge of elections shall provide to the requesting voter early
7 ballot materials through the next regularly scheduled general election for
8 federal office immediately following receipt of the request unless a
9 different period of time, which does not exceed the next two regularly
10 scheduled general elections for federal office, is designated by the
11 voter.

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

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

34 E. In order to be complete and correct and to receive an early
35 ballot by mail, an elector's request that an early ballot be mailed to the
36 elector's residence or temporary address must include all of the
37 information prescribed by subsection A of this section and must be
38 received by the county recorder or other officer in charge of elections ~~no~~
39 NOT later than 5:00 p.m. on the eleventh day preceding the election. An
40 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the Friday
41 preceding the election at an on-site early voting location that is
42 established by the county recorder or other officer in charge of elections
43 shall be given a ballot after presenting identification as prescribed in
44 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site
45 location, EXCEPT THAT IF THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF

1 ELECTIONS IS ABLE TO REVISE PRECINCT REGISTERS AND OTHER ELECTIONS
2 MATERIALS IN A TIMELY MANNER FOR USE ON ELECTION DAY TO INDICATE WHICH
3 VOTERS HAVE REQUESTED AN EARLY BALLOT, WHICH VOTERS HAVE ALREADY VOTED AND
4 WHICH VOTERS ARE ON THE INACTIVE VOTER LIST, THE COUNTY RECORDER OR OTHER
5 OFFICE IN CHARGE OF ELECTIONS MAY OPERATE THE ON-SITE EARLY VOTING
6 LOCATIONS DURING THE SATURDAY, SUNDAY AND MONDAY IMMEDIATELY PRECEDING
7 ELECTION DAY. Notwithstanding section 16-579, subsection A, paragraph 2,
8 at any on-site early voting location the county recorder or other officer
9 in charge of elections may provide for a qualified elector to update the
10 elector's voter registration information as provided for in the secretary
11 of state's instructions and procedures manual adopted pursuant to section
12 16-452. If an elector's request to receive an early ballot is not
13 complete and correct but complies with all other requirements of this
14 section, the county recorder or other officer in charge of elections shall
15 attempt to notify the elector of the deficiency of the request.

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

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

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

40 I. Notwithstanding section 16-579, subsection A, paragraph 2, for
41 any voting pursuant to subsection H of this section, the county recorder
42 or other officer in charge of elections may allow 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 J. A candidate, political committee or other organization may
 2 distribute early ballot request forms to voters. If the early ballot
 3 request forms include a printed address for return, the addressee shall be
 4 the political subdivision that will conduct the election. Failure to use
 5 the political subdivision as the return addressee is punishable by a civil
 6 penalty of up to three times the cost of the production and distribution
 7 of the request.

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

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