

REFERENCE TITLE: **early ballots; Friday deadline**

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2065

Introduced by
Representative Bliss

AN ACT

**AMENDING SECTIONS 16-411, 16-547, 16-548, 16-550, 16-551 AND 16-563,
ARIZONA REVISED STATUTES; REPEALING SECTIONS 16-579.01 AND 16-579.02,
ARIZONA REVISED STATUTES; RELATING TO EARLY VOTING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-411, Arizona Revised Statutes, is amended to
3 read:

4 16-411. Designation of election precincts and polling places;
5 voting centers; electioneering; wait times

6 A. The board of supervisors of each county, on or before October 1
7 of each year preceding the year of a general election, by an order, shall
8 establish a convenient number of election precincts in the county and
9 define the boundaries of the precincts as follows:

10 1. The election precinct boundaries shall be established so as to
11 be included within election districts prescribed by law for elected
12 officers of the state and its political subdivisions, including community
13 college district precincts, except those elected officers provided for in
14 titles 30 and 48.

15 2. If after October 1 of the year preceding the year of a general
16 election the board of supervisors must further adjust precinct boundaries
17 due to the redistricting of election districts as prescribed by law and to
18 comply with this subsection, the board of supervisors shall adjust these
19 precinct boundaries as soon as is practicable.

20 B. At least twenty days before a general or primary election, and
21 at least ten days before a special election, the board shall designate one
22 polling place within each precinct where the election shall be held,
23 except that:

24 1. On a specific finding of the board, included in the order or
25 resolution designating polling places pursuant to this subsection, that no
26 suitable polling place is available within a precinct, a polling place for
27 that precinct may be designated within an adjacent precinct.

28 2. Adjacent precincts may be combined if boundaries so established
29 are included in election districts prescribed by law for state elected
30 officials and political subdivisions including community college districts
31 but not including elected officials prescribed by titles 30 and 48. The
32 officer in charge of elections may also split a precinct for
33 administrative purposes. The polling places shall be listed in separate
34 sections of the order or resolution.

35 3. On a specific finding of the board that the number of persons
36 who are listed as early voters pursuant to section 16-544 ~~and who are not~~
37 ~~expected to have their ballots tabulated at the polling place as~~
38 ~~prescribed in section 16-579.02~~ is likely to substantially reduce the
39 number of voters appearing at one or more specific polling places at that
40 election, adjacent precincts may be consolidated by combining polling
41 places and precinct boards for that election. The board of supervisors
42 shall ensure that a reasonable and adequate number of polling places will
43 be designated for that election. Any consolidated polling places shall be
44 listed in separate sections of the order or resolution of the board.

1 4. On a specific resolution of the board, the board may authorize
2 the use of voting centers in place of or in addition to specifically
3 designated polling places. A voting center shall allow any voter in that
4 county to receive the appropriate ballot for that voter on election day
5 after presenting identification as prescribed in section 16-579 and to
6 lawfully cast the ballot. Voting centers may be established in
7 coordination and consultation with the county recorder, at other county
8 offices or at other locations in the county deemed appropriate.

9 5. On a specific resolution of the board of supervisors that is
10 limited to a specific election date and that is voted on by a recorded
11 vote, the board may authorize the county recorder or other officer in
12 charge of elections to use emergency voting centers as follows:

13 (a) The board shall specify in the resolution the location and the
14 hours of operation of the emergency voting centers.

15 (b) A qualified elector voting at an emergency voting center shall
16 provide identification as prescribed in section 16-579, except that
17 notwithstanding section 16-579, subsection A, paragraph 2, for any voting
18 at an emergency voting center, the county recorder or other officer in
19 charge of elections may allow a qualified elector to update the elector's
20 voter registration information as provided for in the secretary of state's
21 instructions and procedures manual adopted pursuant to section 16-452.

22 (c) If an emergency voting center established pursuant to this
23 section becomes unavailable and there is not sufficient time for the board
24 of supervisors to convene to approve an alternate location for that
25 emergency voting center, the county recorder or other officer in charge of
26 elections may make changes to the approved emergency voting center
27 location and shall notify the public and the board of supervisors
28 regarding that change as soon as practicable. The alternate emergency
29 voting center shall be as close in proximity to the approved emergency
30 voting center location as possible.

31 C. If the board fails to designate the place for holding the
32 election, or if it cannot be held at or about the place designated, the
33 justice of the peace in the precinct, two days before the election, by an
34 order, copies of which the justice of the peace shall immediately post in
35 three public places in the precinct, shall designate the place within the
36 precinct for holding the election. If there is no justice of the peace in
37 the precinct, or if the justice of the peace fails to do so, the election
38 board of the precinct shall designate and give notice of the place within
39 the precinct of holding the election. For any election in which there are
40 no candidates for elected office appearing on the ballot, the board may
41 consolidate polling places and precinct boards and may consolidate the
42 tabulation of results for that election if all of the following apply:

43 1. All affected voters are notified by mail of the change at least
44 thirty-three days before the election.

1 2. Notice of the change in polling places includes notice of the
2 new voting location, notice of the hours for voting on election day and
3 notice of the telephone number to call for voter assistance.

4 3. All affected voters receive information on early voting that
5 includes the application used to request an early voting ballot.

6 D. The board is not required to designate a polling place for
7 special district mail ballot elections held pursuant to article 8.1 of
8 this chapter, but the board may designate one or more sites for voters to
9 deposit marked ballots until 7:00 p.m. on the day of the election.

10 E. Except as provided in subsection F of this section, a public
11 school shall provide sufficient space for use as a polling place for any
12 city, county or state election when requested by the officer in charge of
13 elections.

14 F. The principal of the school may deny a request to provide space
15 for use as a polling place for any city, county or state election if,
16 within two weeks after a request has been made, the principal provides a
17 written statement indicating a reason the election cannot be held in the
18 school, including any of the following:

19 1. Space is not available at the school.

20 2. The safety or welfare of the children would be jeopardized.

21 G. The board shall make available to the public as a public record
22 a list of the polling places for all precincts in which the election is to
23 be held.

24 H. Except in the case of an emergency, any facility that is used as
25 a polling place on election day or that is used as an early voting site
26 during the period of early voting shall allow persons to electioneer and
27 engage in other political activity outside of the seventy-five foot limit
28 prescribed by section 16-515 in public areas and parking lots used by
29 voters. This subsection does not allow the temporary or permanent
30 construction of structures in public areas and parking lots or the
31 blocking or other impairment of access to parking spaces for voters. The
32 county recorder or other officer in charge of elections shall post on its
33 website at least two weeks before election day a list of those polling
34 places in which emergency conditions prevent electioneering and shall
35 specify the reason the emergency designation was granted and the number of
36 attempts that were made to find a polling place before granting an
37 emergency designation. If the polling place is not on the website list of
38 polling places with emergency designations, electioneering and other
39 political activity shall be allowed outside of the seventy-five foot
40 limit. If an emergency arises after the county recorder or other officer
41 in charge of elections' initial website posting, the county recorder or
42 other officer in charge of elections shall update the website as soon as
43 is practicable to include any new polling places, shall highlight the
44 polling place location on the website and shall specify the reason the

1 emergency designation was granted and the number of attempts that were
2 made to find a polling place before granting an emergency designation.

3 I. For the purposes of this section, a county recorder or other
4 officer in charge of elections shall designate a polling place as an
5 emergency polling place and thus prohibit persons from electioneering and
6 engaging in other political activity outside of the seventy-five foot
7 limit prescribed by section 16-515 but inside the property of the facility
8 that is hosting the polling place if any of the following occurs:

9 1. An act of God renders a previously set polling place as
10 unusable.

11 2. A county recorder or other officer in charge of elections has
12 exhausted all options and there are no suitable facilities in a precinct
13 that are willing to be a polling place unless a facility can be given an
14 emergency designation.

15 J. The secretary of state shall provide through the instructions
16 and procedures manual adopted pursuant to section 16-452 the maximum
17 allowable wait time for any election that is subject to section 16-204 and
18 provide for a method to reduce voter wait time at the polls in the primary
19 and general elections. The method shall consider at least all of the
20 following for primary and general elections in each precinct:

21 1. The number of ballots voted in the prior primary and general
22 elections.

23 2. The number of registered voters who voted early in the prior
24 primary and general elections.

25 3. The number of registered voters and the number of registered
26 voters who cast an early ballot for the current primary or general
27 election.

28 ~~4. The number of registered voters whose early ballots were~~
29 ~~tabulated on-site as prescribed in section 16-579.02 in the prior primary~~
30 ~~and general elections.~~

31 ~~5.~~ 4. The number of election board members and clerks and the
32 number of rosters that will reduce voter wait time at the polls.

33 Sec. 2. Section 16-547, Arizona Revised Statutes, is amended to
34 read:

35 16-547. Ballot affidavit; form

36 A. The early ballot shall be accompanied by an envelope bearing on
37 the front the name, official title and post office address of the recorder
38 or other officer in charge of elections and on the other side a printed
39 affidavit in substantially the following form:

40 I declare the following under penalty of perjury: I am
41 a registered voter in _____ county Arizona, I have not
42 voted and will not vote in this election in any other county
43 or state, I understand that knowingly voting more than once in
44 any election is a class 5 felony and I voted the enclosed

1 ballot and signed this affidavit personally unless noted
2 below.

3 If the voter was assisted by another person in marking
4 the ballot, complete the following:

5 I declare the following under penalty of perjury: At
6 the registered voter's request I assisted the voter identified
7 in this affidavit with marking the voter's ballot, I marked
8 the ballot as directly instructed by the voter, I provided the
9 assistance because the voter was physically unable to mark the
10 ballot solely due to illness, injury or physical limitation
11 and I understand that there is no power of attorney for voting
12 and that the voter must be able to make the voter's selection
13 even if the voter cannot physically mark the ballot.

14 Name of voter assistant: _____

15 Address of voter assistant: _____

16 B. The face of each envelope in which a ballot is sent to a federal
17 postcard applicant or in which a ballot is returned by the applicant to
18 the recorder or other officer in charge of elections shall be in the form
19 prescribed in accordance with the uniformed and overseas citizens absentee
20 voting act (P.L. 99-410; 52 United States Code section 20301). Otherwise,
21 the envelopes shall be the same as those used to send ballots to, or
22 receive ballots from, other early voters.

23 C. The officer charged by law with the duty of preparing ballots at
24 any election shall ensure that the early ballot is sent in an envelope
25 that states substantially the following:

26 If the addressee does not reside at this address, mark the
27 unopened envelope "return to sender" and deposit it in the United
28 States mail.

29 D. The county recorder or other officer in charge of elections
30 shall supply printed instructions to early voters that direct them to sign
31 the affidavit, mark the ballot and return both in the enclosed
32 self-addressed envelope that complies with section 16-545. The
33 instructions shall include the following statement:

34 EXCEPT AS OTHERWISE PROVIDED BY THE UNIFORMED AND
35 OVERSEAS CITIZENS ABSENTEE VOTING ACT OR ARIZONA REVISED
36 STATUTES SECTION 16-549, in order to be valid and counted, the
37 ballot and affidavit must be delivered BY MAIL to the office
38 of the county recorder or other officer in charge of elections
39 ~~or may be deposited at any polling place in the county~~ not
40 later than 7:00 p.m. on election day OR MUST BE DELIVERED IN
41 PERSON TO THE OFFICE OF THE COUNTY RECORDER OR OTHER OFFICER
42 IN CHARGE OF ELECTIONS OR TO A POLLING PLACE OR OTHER VOTING
43 LOCATION IN THE COUNTY NOT LATER THAN 5:00 P.M. ON THE FRIDAY
44 BEFORE ELECTION DAY. The ballot will not be counted without
45 the voter's signature on the envelope.

1 (WARNING – It is a felony to offer or receive any compensation
2 for a ballot.)

3 E. The printed instructions prescribed by subsection D of this
4 section shall also include the following information regarding section
5 16-1005, subsections H and I in substantially the following form:

6 A person may only handle or return their own ballot or
7 the ballot of family members, household members or persons for
8 whom they are a caregiver. It is unlawful under section
9 16-1005 to handle or return the ballot of any other person.

10 Sec. 3. Section 16-548, Arizona Revised Statutes, is amended to
11 read:

12 16-548. Preparation and transmission of ballot

13 A. The early voter shall make and sign the affidavit and shall then
14 mark ~~his~~ THE ballot in ~~such~~ a manner that ~~his~~ THE EARLY VOTER'S vote
15 cannot be seen. The early voter shall fold the ballot, if a paper ballot,
16 so as to conceal the vote and deposit the voted ballot in the envelope
17 provided for that purpose, which shall be securely sealed and, together
18 with the affidavit, ~~delivered or mailed to~~ RECEIVED BY MAIL BY the county
19 recorder or other officer in charge of elections of the political
20 subdivision in which the elector is registered ~~or deposited by the voter~~
21 ~~or the voter's agent at any polling place in the county.~~ NOT LATER THAN
22 7:00 P.M. ON ELECTION DAY EXCEPT AS OTHERWISE PROVIDED BY THE UNIFORMED
23 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (P.L. 99-410; 52 UNITED STATES
24 CODE SECTION 20301) OR SECTION 16-549 OR, in order to be counted and
25 valid, the ballot must be received by the county recorder or other officer
26 in charge of elections or deposited at any ~~polling place~~ ON-SITE OR OTHER
27 EARLY VOTING LOCATION THAT IS ESTABLISHED BY THE COUNTY RECORDER OR OTHER
28 OFFICER IN CHARGE OF ELECTIONS in the county ~~no~~ NOT later than ~~7:00~~ 5:00
29 p.m. on THE FRIDAY BEFORE election day.

30 B. If the early voter is an overseas citizen, a qualified elector
31 absent from the United States or in the United States service, a spouse or
32 dependent residing with the early voter or a qualified elector of a
33 special district mail ballot election as provided in article 8.1 of this
34 chapter, the early voter may subscribe to the affidavit before and obtain
35 the signature and military identification number or passport number, if
36 available, of any person who is a United States citizen eighteen years of
37 age or older.

38 Sec. 4. Section 16-550, Arizona Revised Statutes, is amended to
39 read:

40 16-550. Receipt of voter's ballot; cure period; tracking
41 system

42 A. ~~Except for early ballots tabulated as prescribed in section~~
43 ~~16-579.02,~~ On receipt of the envelope containing the early ballot and the
44 ballot affidavit, the county recorder or other officer in charge of
45 elections shall compare the ~~signatures thereon~~ SIGNATURE ON THE ENVELOPE

1 with the signature of the elector on the elector's registration
2 record. If the signature is inconsistent with the elector's signature on
3 the elector's registration record, the county recorder or other officer in
4 charge of elections shall make reasonable efforts to contact the voter,
5 advise the voter of the inconsistent signature and allow the voter to
6 correct or the county to confirm the inconsistent signature. The county
7 recorder or other officer in charge of elections shall allow signatures to
8 be corrected not later than the fifth business day after a primary,
9 general or special election that includes a federal office or the third
10 business day after any other election. If the signature is missing, the
11 county recorder or other officer in charge of elections shall make
12 reasonable efforts to contact the elector, advise the elector of the
13 missing signature and allow the elector to add the elector's signature not
14 later than 7:00 p.m. on election day. If satisfied that the signatures
15 correspond, the recorder or other officer in charge of elections shall
16 hold the envelope containing the early ballot and the completed affidavit
17 unopened in accordance with the rules of the secretary of state.

18 B. The recorder or other officer in charge of elections shall
19 thereafter safely keep the affidavits and early ballots in the recorder's
20 or other officer's office and may deliver them for tallying pursuant to
21 section 16-551. Tallying of ballots may begin immediately after the
22 envelope and completed affidavit are processed pursuant to this section
23 and delivered to the early election board.

24 C. The county recorder shall send a list of all voters who were
25 issued early ballots to the election board of the precinct in which the
26 voter is registered.

27 D. For a county that uses early ballots, the county recorder or
28 other officer in charge of elections shall provide an early ballot
29 tracking system that indicates whether the voter's early ballot has been
30 received and whether the early ballot has been verified and sent to be
31 tabulated or rejected. The county recorder or other officer in charge of
32 elections shall provide voters with access to the early ballot tracking
33 system on the county's website.

34 E. This section does not apply to:

35 1. A special taxing district that is authorized pursuant to section
36 16-191 to conduct its own elections.

37 2. A special district mail ballot election that is conducted
38 pursuant to article 8.1 of this chapter.

39 Sec. 5. Section 16-551, Arizona Revised Statutes, is amended to
40 read:

41 16-551. Early election board; violation; classification

42 A. The board of supervisors or the governing body of the political
43 subdivision shall appoint one or more early election boards to serve at
44 places to be designated by the board of supervisors or the governing body
45 to canvass and tally early election ballots. Members of early election

1 boards shall be selected in accordance with the provisions for selecting
2 members of regular election boards as provided in section 16-531.

3 B. If an electronic voting system is in use for early voting, the
4 early election board shall consist of at least one inspector and two
5 judges who shall perform the processing requirements in accordance with
6 the rules issued by the secretary of state. The inspector and judges
7 shall be appointed in the same manner by party as provided in section
8 16-531.

9 C. All early ballots received **BY MAIL** by the county recorder or
10 other officer in charge of elections before 7:00 p.m. on election day and
11 the original affidavit of the voter shall be delivered to the early
12 election boards for processing as provided in the rules of the secretary
13 of state. The office of the county recorder or other officer in charge of
14 elections shall remain open until 7:00 p.m. on election day for the
15 purpose of receiving **MAILED** early ballots **BUT MAY NOT ACCEPT EARLY BALLOTS**
16 **DELIVERED BY HAND TO POLLING PLACES OR OTHER VOTING LOCATIONS AFTER 5:00**
17 **P.M. ON THE FRIDAY BEFORE ELECTION DAY**. Partial or complete tallies of
18 the early election board shall not be released or divulged before all
19 precincts have reported or one hour after the closing of the polls on
20 election day, whichever occurs first. Any person who unlawfully releases
21 information regarding vote tallies or who possesses a tally sheet or
22 summary without authorization from the recorder or officer in charge of
23 elections is guilty of a class 6 felony.

24 D. If practicable, the county recorder or other officer in charge
25 of elections shall count the number of early ballots that are returned ~~at~~
26 ~~voting locations~~ **BY MAIL** on election day and shall post on its website
27 those totals with the last unofficial results that are released on
28 election night pursuant to section 16-622. Beginning with the day
29 following the election, the county recorder or other officer in charge of
30 elections shall enter into the county's ballot tracking system, if
31 established, early ballots that were ~~returned at the voting location~~
32 **RECEIVED BY MAIL** on election day.

33 E. The necessary printed blanks for poll lists, tally lists, lists
34 of voters, ballots, oaths and returns, together with envelopes in which to
35 enclose the returns, shall be furnished by the board of supervisors or the
36 governing body of the political subdivision to the early election board
37 for each election precinct at the expense of the county or the political
38 subdivision.

39 Sec. 6. Section 16-563, Arizona Revised Statutes, is amended to
40 read:

41 **16-563. Posting sample ballots, instruction cards and notice**
42 **to voters before opening polls**

43 Before opening the polls the inspector of elections shall direct the
44 following postings:

1 1. One of the sample ballots provided for in section 16-510, one of
2 the cards of instructions provided for in section 16-513 and one of the
3 "right to vote a provisional ballot" notices provided for in section
4 16-513.01 in plain view in the room where the ballots are cast. At least
5 one other sample ballot, card of instruction and "right to vote a
6 provisional ballot" notice shall be posted in a conspicuous place in and
7 around the polling place.

8 2. Three seventy-five foot limit notices approximately seventy-five
9 feet in different directions from the main outside entrance being used by
10 voters to enter the building in which the election is being held.

11 3. In each voting booth, a notice to voters provided in section
12 16-514 at general elections only.

13 ~~4. Any notices necessary for complying with early ballot on-site~~
14 ~~tabulation procedures as prescribed in sections 16-579.01 and 16-579.02.~~

15 Sec. 7. Repeal
16 Sections 16-579.01 and 16-579.02, Arizona Revised Statutes, are
17 repealed.