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

HOUSE BILL 2876

AN ACT

AMENDING SECTIONS 16-411, 16-541, 16-542, 16-550, 16-558.01, 16-642 AND 16-648, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

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

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

16-411. Designation of election precincts and polling places; electioneering; wait times

A. NOTWITHSTANDING ANY OTHER LAW, THE BOARD OF SUPERVISORS, THE COUNTY RECORDER AND THE COUNTY OFFICER IN CHARGE OF ELECTIONS MAY NOT USE A VOTING CENTER, AN EARLY VOTING LOCATION OR ANOTHER SIMILAR METHOD OF VOTING, AND ALL VOTING SHALL OCCUR IN INDIVIDUAL PRECINCTS WITH BALLOTS THAT ARE PRINTED BEFORE DELIVERY TO THE POLLING PLACE. The board of supervisors of each county, on or before October 1 of each year preceding the year of a general election, by an order, shall establish a convenient number of election precincts in the county and define the boundaries of the precincts as follows:

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

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

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

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

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

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

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

5. On a specific resolution of the board of supervisors that is limited to a specific election date and that is voted on by a recorded vote, the board may authorize the county recorder or other officer in charge of elections to use emergency voting centers as follows:
   
   (a) The board shall specify in the resolution the location and the hours of operation of the emergency voting centers.

   (b) A qualified elector voting at an emergency voting center shall provide identification as prescribed in section 16-579, except that notwithstanding section 16-579, subsection A, paragraph 2, for any voting at an emergency voting center, the county recorder or other officer in charge of elections may allow 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.

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

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

1. All affected voters are notified by mail of the change at least thirty-three days before the election.
2. Notice of the change in polling places includes notice of the new voting location, notice of the hours for voting on election day and notice of the telephone number to call for voter assistance.
3. All affected voters receive information on early voting that includes the application used to request an early voting ballot.

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

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

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

   1. Space is not available at the school.
   2. The safety or welfare of the children would be jeopardized.

G. Beginning in 2026, the department of administration shall coordinate with state agencies and counties to provide available and appropriate state-owned facilities for use as a voting location for any city, county or state election when requested by the officer in charge of elections.

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Section 16-541, Arizona Revised Statutes, is amended to read:

16-541. Early voting

A. Any election called pursuant to the laws of this state shall provide for early voting AS PRESCRIBED BY THIS SECTION, including voting
by the use of an accessible vote by United States mail option for persons
who are blind or have a visual impairment. Any qualified elector may vote
by early ballot. Notwithstanding any other law, a qualified elector may
vote by early ballot only if:

1. The qualified elector is registered to vote in this state and is
   a student who is temporarily absent from this state for the purpose of
   attending school. The student shall provide documentation to the county
   recorder that demonstrates the student is temporarily absent from this
   state to attend school.

2. The qualified elector is registered to vote in this state and is
   required to temporarily reside outside this state. The qualified elector
   shall provide documentation to the county recorder that demonstrates that
   the qualified elector is required to temporarily reside outside this
   state.

3. The qualified elector is required to travel on election day and
   provides documentation to the county recorder that demonstrates that the
   qualified elector is required to travel.

4. The qualified elector is elderly or is a person with a
   disability.

5. The qualified elector is eligible to vote under the uniformed
   and overseas citizens absentee voting act (P.L. 99-410; 100 Stat. 924; 52
   United States Code Section 20310).

B. A qualified elector of a special district organized pursuant to
   title 48 shall be permitted to vote early in any special district mail
   ballot election as provided in article 8.1 of this chapter.

Sec. 3. 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
county recorder may also
begin to send out the early ballots. The county recorder may also
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 (P.L. 99-410; 52 United States Code section 20310) or a voter whose
information is protected pursuant to section 16-153 that is received by
the county recorder or other officer in charge of elections more than
ninety-three days before the election is valid. If requested by the
absent uniformed services or overseas voter, or a voter whose information
is protected pursuant to section 16-153, the county recorder or other
officer in charge of elections shall provide to the requesting voter early
ballot materials through the next regularly scheduled general election for
federal office immediately following receipt of the request unless a
different period of time, which does not exceed the next two regularly
scheduled general elections for federal office, is designated by the

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

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twenty-seventh THIRTY-FOURTH day before the election and not later than the twenty-fourth THIRTY-FIRST day before the election.

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

E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections not later than 5:00 p.m. on the eleventh day preceding the election. An elector who appears personally not later than 7:00 p.m. on the Friday preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot after presenting identification as prescribed in section 16-579 and shall be allowed to vote at the on-site location. Notwithstanding section 16-579, subsection A, paragraph 2, at any on-site 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. If an elector's request to receive an early ballot is not complete and correct but complies with all other requirements of this section, the county recorder or other officer in charge of elections shall attempt to notify the elector of the deficiency of the request.

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

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

H. As a result of experiencing an emergency between 7:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election, qualified electors may request to vote in the manner
prescribed by the board of supervisors of their respective county. Before
voting pursuant to this subsection, an elector who experiences an
emergency shall provide identification as prescribed in section 16-579 and
shall sign a statement under penalty of perjury that states that the
person is experiencing or experienced an emergency after 7:00 p.m. on the
Friday immediately preceding the election and before 5:00 p.m. on the
Monday immediately preceding the election that would prevent the person
from voting at the polls. Signed statements received pursuant to this
subsection are not subject to inspection pursuant to title 39, chapter 1,
article 2. For the purposes of this subsection, "emergency" means any
unforeseen circumstances that would prevent the elector from voting at the
polls.

I. Notwithstanding section 16-579, subsection A, paragraph 2, for
any voting pursuant to subsection H of this section, the county recorder
or other officer in charge of elections may allow 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.

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 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 16-550, Arizona Revised Statutes, is amended to read:

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

A. Except for early ballots tabulated as prescribed in section 16-579.02 or, beginning in 2026, received at a voting location after a voter's identification is confirmed as prescribed by section 16-579.02, on receipt of the envelope containing the early ballot and the mail ballot affidavit, the county recorder or other officer in charge of elections shall compare the signature on the envelope with the signature of the elector on the elector's registration record as prescribed by section 16-550.01. If the signature is inconsistent with the elector's signature on the elector's registration record, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the voter, advise the voter of the inconsistent signature and allow the voter to correct or the county to confirm the inconsistent signature. The county recorder or other officer in charge of elections shall allow signatures to be corrected not later than the fifth business day after a primary, general or special election that includes a federal office or the third business day after any other election. If the signature is missing, the county recorder or other officer in charge of elections shall make reasonable efforts to contact the elector, advise the elector of the missing signature and allow the elector to add the elector's signature not later than 7:00 p.m. on election day. If satisfied that the signatures correspond, the recorder or other officer in charge of elections shall hold the envelope containing the early ballot and the completed mail affidavit unopened in accordance with the rules of the secretary of state. Signatures that cannot be verified pursuant to section 16-550.01 or cured pursuant to this section shall be rejected. Beginning with the first missing or mismatched signature that is identified after the period of early voting begins through the Monday immediately preceding the election, the county recorder or other officer in charge of elections shall submit daily to the political parties that are qualified for continued representation on the state ballot an updated list of all voters whose signatures are missing or inconsistent with the voter's signature on the voter's registration record. Beginning on the Wednesday immediately following the election through the end of the signature cure period after a primary, general or special election that includes a federal office, or the third business day after the election for any other election, the county recorder or other
officer in charge of elections shall submit daily to the political parties  
that are qualified for continued representation on the state ballot an  
updated list of all voters whose signatures are inconsistent with the  
voter's signature on the voter's registration record and all voters who  
voted with a conditional provisional ballot. This list of voters whose  
signatures require curing shall include for those voters all voter  
information that is provided to the political parties that are qualified  
for continued representation on the state ballot as prescribed by section  
16-168.

B. The recorder or other officer in charge of elections shall  
thereafter safely keep the mail ballot affidavits and early ballots in the  
recorder's or other officer's office and may deliver them for tallying  
pursuant to section 16-551.

C. Processing and tabulation of individual ballots may begin  
immediately after the envelope and completed mail ballot affidavit are  
processed pursuant to this section and delivered to the early election  
board and shall continue without delay until completed. Until election  
day, the early election board and the county recorder or other officer in  
charge of elections shall:

1. Not access an aggregated complete results file of early voting  
and vote by mail ballots that were processed and tabulated by the end of  
the early voting period.

2. Not produce for internal or external use an aggregated results  
report or associated files of complete results.

3. Only produce a partial results report or associated files if it  
is part of the internal preparation for the hand count pursuant to section  
16-602 or for the logic and accuracy testing required pursuant to section  
16-449.

4. Not publicly release complete or partial results, whether for  
internal or external use, until all precincts have reported or one hour  
after the closing of the polls on election day, whichever is earlier.

D. The county recorder or other officer in charge of elections  
shall post on its website within forty-eight hours after all ballot  
tabulation is complete all system log files and other similar files from  
the election management system that verify compliance with subsection C of  
this section.

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

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

G. This section does not apply to:
1. A special taxing district that is authorized pursuant to section 16-191 to conduct its own elections.
2. A special district mail ballot election that is conducted pursuant to article 8.1 of this chapter.

Sec. 5. Section 16-558.01, Arizona Revised Statutes, is amended to read:

16-558.01. Mailing of ballots
Not more than twenty-seven THIRTY-FOUR days before the election and not fewer than fifteen days before the election, the county recorder or other officer in charge of elections for the special district shall send by nonforwardable mail all official ballots with printed instructions and a return envelope bearing a printed ballot affidavit as described in section 16-547 to each qualified elector entitled to vote in the election. The envelope in which the ballot is mailed shall be clearly marked with the statement required by the postmaster to receive an address correction and notification. The district governing board shall determine whether the voter or the district governing board will pay for the postage for the return of electors' marked ballots. An elector who votes in a special district mail ballot election shall return the elector's marked ballot to the recorder or other officer in charge of the election or to a designated depository site as provided in section 16-411 NOT later than 7:00 p.m. on the day of the election.

Sec. 6. Section 16-642, Arizona Revised Statutes, is amended to read:

16-642. Canvass of election; postponements
A. The governing body holding an election shall meet and canvass the election as follows:
1. The governing board of a county shall meet and canvass as follows:
   (a) For the primary election, not later than the second Monday after the election.
   (b) For the general election, not later than the third Thursday after the election THE ELECTION not less than six days nor more than TWELVE DAYS FOLLOWING THE ELECTION.
2. The secretary of state shall canvass as follows:
   (a) For the primary election, not later than the third Thursday after the election.
   (b) For the general election, THE ELECTION not later than the third Monday FOURTEENTH CALENDAR DAY after the election.
3. The governing body of a city, town or special district shall meet and canvass the election not less than six days and not more than twenty days following the election.
B. The governing body of a special district as defined in title 48 shall present to the board of supervisors a certified copy of the official canvass of the election at the next regularly scheduled meeting of the board of supervisors. For purposes of contesting a special district election as described in section 16-673, the canvass is not complete until the presentation to the board of supervisors is made.

C. If, at the time of the meeting of the governing body, the returns from any polling place in the election district where the polls were opened and an election held are found to be missing, the canvass shall be postponed from day to day until all the returns are received or until six postponements have been had. The subsection does not apply to the county board of supervisors' canvass of the primary and general election.

Sec. 7. Section 16-648, Arizona Revised Statutes, is amended to read:

16-648. Canvass for state offices, amendments and measures
A. On the third Monday FOURTEENTH CALENDAR DAY following a general election, the secretary of state, in the presence of the governor and the attorney general, shall canvass all offices for which the nominees filed nominating petitions and papers with the secretary of state pursuant to section 16-311, subsection E.

B. The secretary of state, in the presence of the governor and the chief justice of the supreme court, shall canvass all proposed constitutional amendments and initiated or referred measures, as shown by the electronic or certified copies of the official canvass received from the several counties, and forthwith certify the result to the governor.

Sec. 8. Conforming legislation
The legislative council staff shall prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration in the fifty-seventh legislature, first regular session.

Sec. 9. Short title
This act may be cited as the "Free, Fair and Transparent Elections Act".