

REFERENCE TITLE: voter registration; maintenance; early voting

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

# HB 2875

Introduced by  
Representatives Carroll: Biasiucci

AN ACT

AMENDING SECTION 16-544, 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 16-544, Arizona Revised Statutes, is amended to  
3 read:

4 16-544. Permanent early voting list; civil penalty;  
5 violation; classification

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

11 B. In order to be included on the permanent early voting list, the  
12 voter shall make a written request specifically requesting that the  
13 voter's name be added to the permanent early voting list for all elections  
14 in which the applicant is eligible to vote. A permanent early voter  
15 request form shall conform to requirements prescribed in the instructions  
16 and procedures manual issued pursuant to section 16-452. The application  
17 shall allow for the voter to provide the voter's name, residence address,  
18 mailing address in the voter's county of residence, date of birth and  
19 signature and shall state that the voter is attesting that the voter is a  
20 registered voter who is eligible to vote in the county of residence. The  
21 voter shall not list a mailing address that is outside of this state for  
22 the purpose of the permanent early voting list unless the voter is an  
23 absent uniformed services voter or overseas voter as defined in the  
24 uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;  
25 ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310). In lieu of the  
26 application, the applicant may submit a written request that contains the  
27 required information.

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

34 D. Not less than ninety days before any polling place election  
35 scheduled in March or August, the county recorder or other officer in  
36 charge of elections shall mail to all voters who are eligible for the  
37 election and who are included on the permanent early voting list an  
38 election notice by nonforwardable mail that is marked with the statement  
39 required by the postmaster to receive an address correction notification.  
40 THE ELECTION NOTICE AND FORM SHALL INCLUDE INSTRUCTIONS TO THE VOTER TO  
41 COMPLETE THE FORM BY CONFIRMING OR UPDATING THE VOTER'S VOTER REGISTRATION  
42 INFORMATION, PROVIDING THE VOTER'S VOTER IDENTIFICATION CARD NUMBER,  
43 INDICATING WHETHER THE VOTER WISHES TO CONTINUE TO RECEIVE AN EARLY  
44 BALLOT, SIGNING THE FORM AND RETURNING IT TO THE COUNTY RECORDER. If an  
45 election is not formally called by a jurisdiction by the one hundred

1 twentieth day before the election, the recorder or other officer in charge  
2 of elections is not required to send the election notice. The notice  
3 shall include the dates of the elections that are the subject of the  
4 notice, the dates that the voter's ballot is expected to be mailed and the  
5 address where the ballot will be mailed. If the upcoming election is a  
6 partisan open primary election and the voter is not registered as a member  
7 of one of the political parties that is recognized for purposes of that  
8 primary, the notice shall include information on the procedure for the  
9 voter to designate a political party ballot. The notice shall be  
10 delivered with return postage prepaid and shall also include a means for  
11 the voter to do any of the following:

12 1. Change the mailing address for the voter's ballot to another  
13 location in the voter's county of residence.

14 2. Update the voter's residence address in the voter's county of  
15 residence.

16 3. Request that the voter not be sent a ballot for the upcoming  
17 election or elections indicated on the notice.

18 E. If the notice that is mailed to the voter is returned  
19 undeliverable by the postal service, the county recorder or other officer  
20 in charge of elections shall take the necessary steps to contact the voter  
21 at the voter's new residence address in order to update that voter's  
22 address or to move the voter to inactive status as prescribed in section  
23 16-166, subsection A. If a voter is moved to inactive status, the voter  
24 shall be removed from the permanent early voting list. If the voter is  
25 removed from the permanent early voting list, the voter shall only be  
26 added to the permanent early voting list again if the voter submits a new  
27 request pursuant to this section. IF THE VOTER COMPLETES AND RETURNS THE  
28 NOTICE AND FORM, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF  
29 ELECTIONS SHALL EXAMINE THE INFORMATION AND SIGNATURE AND COMPARE IT TO  
30 THE INFORMATION ON THE VOTER REGISTRATION ROLLS. IF THE VOTER DOES NOT  
31 COMPLETE THE FORM AND RETURN THE NOTICE, THE COUNTY RECORDER OR OTHER  
32 OFFICER IN CHARGE OF ELECTIONS SHALL SEND A SECOND NOTICE REQUESTING THE  
33 SAME INFORMATION. IF THE SECOND NOTICE AND FORM ARE NOT RETURNED WITHIN  
34 THIRTY DAYS AFTER THE SECOND MAILING, THE COUNTY RECORDER OR OTHER OFFICER  
35 IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER FROM THE PERMANENT EARLY  
36 VOTING LIST.

37 F. Not later than the first day of early voting, the county  
38 recorder or other officer in charge of elections shall mail an early  
39 ballot to all eligible voters included on the permanent early voting list  
40 in the same manner prescribed in section 16-542, subsection C. If the  
41 voter has not returned the notice or otherwise notified the election  
42 officer within forty-five days before the election that the voter does not  
43 wish to receive an early ballot by mail for the election or elections  
44 indicated, the ballot shall automatically be scheduled for mailing.

1 G. If a voter who is on the permanent early voting list is not  
2 registered as a member of a recognized political party and fails to notify  
3 the county recorder of the voter's choice for political party ballot  
4 within forty-five days before a partisan open primary election, the  
5 following apply:

6 1. The voter shall not automatically be sent a ballot for that  
7 partisan open primary election only and the voter's name shall remain on  
8 the permanent early voting list for future elections.

9 2. To receive an early ballot for the primary election, the voter  
10 shall submit the voter's choice for political party ballot to the county  
11 recorder.

12 H. After a voter has requested to be included on the permanent  
13 early voting list, the voter shall be sent an early ballot by mail  
14 automatically for any election at which a voter at that residence address  
15 is eligible to vote until any of the following occurs:

16 1. The voter requests in writing to be removed from the permanent  
17 early voting list.

18 2. The voter's registration or eligibility for registration is  
19 moved to inactive status or canceled as otherwise provided by law.

20 3. The notice sent by the county recorder or other officer in  
21 charge of elections is returned undeliverable and the county recorder or  
22 officer in charge of elections is unable to contact the voter to determine  
23 the voter's continued desire to remain on the list.

24 I. A voter may make a written request at any time to be removed  
25 from the permanent early voting list. The request shall include the  
26 voter's name, residence address, date of birth and signature. On receipt  
27 of a completed request to remove a voter from the permanent early voting  
28 list, the county recorder or other officer in charge of elections shall  
29 remove the voter's name from the list as soon as practicable.

30 J. An absent uniformed services voter or overseas voter as defined  
31 in the uniformed and overseas citizens absentee voting act of 1986 (P.L.  
32 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310) is eligible to be  
33 placed on the permanent early voting list pursuant to this section.

34 K. A voter's failure to vote an early ballot once received does not  
35 constitute grounds to remove the voter from the permanent early voting  
36 list.

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

1 M. All original and completed permanent early voting list request  
2 forms that are received by a candidate, political committee or other  
3 organization shall be submitted within six business days after receipt by  
4 a candidate or political committee or eleven days before the election day,  
5 whichever is earlier, to the political subdivision that will conduct the  
6 election. Any person, political committee or other organization that  
7 fails to submit a completed permanent early voting list request form  
8 within the prescribed time is subject to a civil penalty of up to  
9 ~~twenty-five dollars~~ \$25 per day for each completed form withheld from  
10 submittal. Any person who knowingly fails to submit a completed permanent  
11 early voting list request form before the submission deadline for the  
12 election immediately following the completion of the form is guilty of a  
13 class 6 felony.