

PROPOSED
SENATE AMENDMENTS TO S.B. 1485
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 16-168, Arizona Revised Statutes, is amended to
3 read:

4 16-168. Precinct registers; date of preparation; contents;
5 copies; reports; statewide database; violation;
6 classification

7 A. By the tenth day preceding the primary and general elections the
8 county recorder shall prepare from the original registration forms or from
9 electronic media at least four lists that are printed or typed on paper, or
10 at least two electronic media poll lists, or any combination of both, of
11 all qualified electors in each precinct in the county, and the lists shall
12 be the official precinct registers.

13 B. The official precinct registers for use at the polling place
14 shall contain at least the names in full, party preference, date of
15 registration and residence address of each qualified elector in the
16 respective precincts. The names shall be in alphabetical order and, in a
17 column to the left of the names, shall be numbered consecutively beginning
18 with number 1 in each precinct register.

19 C. For the purposes of transmitting voter registration information
20 as prescribed by this subsection, electronic media shall be the principal
21 media. A county or state chairman who is eligible to receive copies of
22 precinct lists as prescribed by this subsection may request that the

1 recorder provide a paper copy of the precinct lists. In addition to
2 preparing the official precinct lists, the county recorder shall provide a
3 means for electronically reproducing the precinct lists. Unless otherwise
4 agreed, the county recorder shall deliver one electronic media copy of each
5 precinct list in the county without charge and on the same day within eight
6 days after the close of registration for the primary and general elections
7 to the county chairman and one electronic media copy to the state chairman
8 of each party that has at least four candidates other than presidential
9 electors appearing on the ballot in that county at the current election.
10 The secretary of state shall establish a single format that prescribes the
11 manner and template in which all county recorders provide this data to the
12 secretary of state to ensure that the submissions are uniform from all
13 counties in this state, that all submissions are identical in format,
14 including the level of detail for voting history, and that information may
15 readily be combined from two or more counties. The electronic media copies
16 of the precinct lists that are delivered to the party chairmen shall
17 include for each elector the following information:

- 18 1. Name in full and appropriate title.
- 19 2. Party preference.
- 20 3. Date of registration.
- 21 4. Residence address.
- 22 5. Mailing address, if different from residence address.
- 23 6. Zip code.
- 24 7. Telephone number if given.
- 25 8. Birth year.
- 26 9. Occupation if given.
- 27 10. Voting history for all elections in the prior four years and any
28 other information regarding registered voters that the county recorder or
29 city or town clerk maintains electronically and that is public information.
- 30 11. All data relating to ~~permanent early voters and nonpermanent~~
31 early voters, including ballot requests and ballot returns.

1 D. The names on the precinct lists shall be in alphabetical order
2 and the precinct lists in their entirety, unless otherwise agreed, shall be
3 delivered to each county chairman and each state chairman within ten
4 business days of the close of each date for counting registered voters
5 prescribed by subsection G of this section other than the primary and
6 general election registered voter counts in the same format and media as
7 prescribed by subsection C of this section. During the thirty-three days
8 immediately preceding an election and on request from a county or state
9 chairman, the county recorder shall provide at no cost a daily list of
10 persons who have requested an early ballot and shall provide at no cost a
11 weekly listing of persons who have returned their early ballots. The
12 recorder shall provide the daily and weekly information through the Friday
13 preceding the election. On request from a county chairman or state
14 chairman, the county recorder of a county with a population of more than
15 eight hundred thousand persons shall provide at no cost a daily listing of
16 persons who have returned their early ballots. The daily listing shall be
17 provided Mondays through Fridays, beginning with the first Monday following
18 the start of early voting and ending on the Monday before the election.

19 E. Precinct registers and other lists and information derived from
20 registration forms may be used only for purposes relating to a political or
21 political party activity, a political campaign or an election, for revising
22 election district boundaries or for any other purpose specifically
23 authorized by law and may not be used for a commercial purpose as defined
24 in section 39-121.03. The sale of registers, lists and information derived
25 from registration forms to a candidate or a registered political committee
26 for a use specifically authorized by this subsection does not constitute
27 use for a commercial purpose. The county recorder, the secretary of state
28 and other officers in charge of elections, on a request for an authorized
29 use and within thirty days from receipt of the request, shall prepare
30 additional copies of an official precinct list and furnish them to any

1 person requesting them on payment of a fee equal to the following amounts
2 for the following number of voter registration records provided:

3 1. For one to one hundred twenty-four thousand nine hundred
4 ninety-nine records, ~~ninety-three dollars seventy-five cents~~ \$93.75 plus
5 \$0.0005 per record.

6 2. For one hundred twenty-five thousand to two hundred forty-nine
7 thousand nine hundred ninety-nine records, ~~one hundred fifty-six dollars~~
8 ~~twenty-five cents~~ \$156.25 plus \$0.000375 per record.

9 3. For two hundred fifty thousand to four hundred ninety-nine
10 thousand nine hundred ninety-nine records, ~~two hundred three dollars~~
11 ~~thirteen cents~~ \$203.13 plus \$0.00025 per record.

12 4. For five hundred thousand to nine hundred ninety-nine thousand
13 nine hundred ninety-nine records, ~~two hundred sixty-five dollars~~
14 ~~sixty-three cents~~ \$265.63 plus \$0.000125 per record.

15 5. For one million or more records, ~~three hundred twenty-eight~~
16 ~~dollars thirteen cents~~ \$328.13 plus \$0.0000625 per record.

17 F. Any person in possession of a precinct register or list, in whole
18 or part, or any reproduction of a precinct register or list, shall not
19 permit the register or list to be used, bought, sold or otherwise
20 transferred for any purpose except for uses otherwise authorized by this
21 section. A person in possession of information derived from voter
22 registration forms or precinct registers shall not distribute, post or
23 otherwise provide access to any portion of that information through the
24 internet except as authorized by subsection I of this section. Nothing in
25 this section shall preclude public inspection of voter registration records
26 at the office of the county recorder for the purposes prescribed by this
27 section, except that the month and day of birth date, the social security
28 number or any portion thereof, the driver license number or nonoperating
29 identification license number, the Indian census number, the father's name
30 or mother's maiden name, the state or country of birth and the records
31 containing a voter's signature and a voter's e-mail address shall not be

1 accessible or reproduced by any person other than the voter, by an
2 authorized government official in the scope of the official's duties, for
3 any purpose by an entity designated by the secretary of state as a voter
4 registration agency pursuant to the national voter registration act of 1993
5 (P.L. 103-31; 107 Stat. 77), for signature verification on petitions and
6 candidate filings, for election purposes and for news gathering purposes by
7 a person engaged in newspaper, radio, television or reportorial work, or
8 connected with or employed by a newspaper, radio or television station or
9 pursuant to a court order. Notwithstanding any other law, a voter's e-mail
10 address may not be released for any purpose. A person who violates this
11 subsection or subsection E of this section is guilty of a class 6 felony.

12 G. The county recorder shall count the registered voters by
13 political party by precinct, legislative district and congressional
14 district as follows:

15 1. In even numbered years, the county recorder shall count all
16 persons who are registered to vote as of:

17 (a) January 2.

18 (b) April 1.

19 (c) The last day on which a person may register to be eligible to
20 vote in the next primary election.

21 (d) The last day on which a person may register to be eligible to
22 vote in the next general election.

23 (e) The last day on which a person may register to be eligible to
24 vote in the next presidential preference election.

25 2. In odd numbered years, the county recorder shall count all
26 persons who are registered to vote as of:

27 (a) January 2.

28 (b) April 1.

29 (c) July 1.

30 (d) October 1.

1 H. The county recorder shall report the totals to the secretary of
2 state as soon as is practicable following each of the dates prescribed in
3 subsection G of this section. The report shall include completed
4 registration forms returned in accordance with section 16-134,
5 subsection B. The county recorder shall also provide the report in a
6 uniform electronic computer media format that shall be agreed on between
7 the secretary of state and all county recorders. The secretary of state
8 shall then prepare a summary report for the state and shall maintain that
9 report as a permanent record.

10 I. The county recorder and the secretary of state shall protect
11 access to voter registration information in an auditable format and method
12 specified in the secretary of state's electronic voting system instructions
13 and procedures manual that is adopted pursuant to section 16-452.

14 J. The secretary of state shall develop and administer a statewide
15 database of voter registration information that contains the name and
16 registration information of every registered voter in this state. The
17 statewide database is a matter of statewide concern and is not subject to
18 modification or further regulation by a political subdivision. The
19 database shall include an identifier that is unique for each individual
20 voter. The database shall provide for access by voter registration
21 officials and shall allow expedited entry of voter registration information
22 after it is received by county recorders. As a part of the statewide voter
23 registration database, county recorders shall provide for the electronic
24 transmittal of that information to the secretary of state on a real time
25 basis. The secretary of state shall provide for maintenance of the
26 database, including provisions regarding removal of ineligible voters that
27 are consistent with the national voter registration act of 1993 (P.L.
28 103-31; 107 Stat. 77; 52 United States Code sections 20501 through 20511)
29 and the help America vote act of 2002 (P.L. 107-252; 116 Stat. 1666; 52
30 United States Code sections 20901 through 21145), provisions regarding
31 removal of duplicate registrations and provisions to ensure that eligible

1 voters are not removed in error. For the purpose of maintaining compliance
2 with the help America vote act of 2002, each county voter registration
3 system is subject to approval by the secretary of state for compatibility
4 with the statewide voter registration database system.

5 K. Except as provided in subsection L of this section, for requests
6 for the use of registration forms and access to information as provided in
7 subsections E and F of this section, the county recorder shall receive and
8 respond to requests regarding federal, state and county elections.

9 L. Beginning January 1, 2008, recognized political parties shall
10 request precinct lists and access to information as provided in subsections
11 E and F of this section during the time periods prescribed in subsection C
12 or D of this section and the county recorder shall receive and respond to
13 those requests. If the county recorder does not provide the requested
14 materials within the applicable time prescribed for the county recorder
15 pursuant to subsection C or D of this section, a recognized political party
16 may request that the secretary of state provide precinct lists and access
17 to information as provided in subsections E and F of this section for
18 federal, state and county elections. The secretary of state shall not
19 provide access to precinct lists and information for recognized political
20 parties unless the county recorder has failed or refused to provide the
21 lists and materials as prescribed by this section. The secretary of state
22 may charge the county recorder a fee determined by rule for each name or
23 record produced.

24 M. For municipal registration information in those municipalities in
25 which the county administers the municipal elections, county and state
26 party chairmen shall request and obtain voter registration information and
27 precinct lists from the city or town clerk during the time periods
28 prescribed in subsection C or D of this section. If the city or town clerk
29 does not provide that information within the same time prescribed for
30 county recorders pursuant to subsection C or D of this section, the county
31 or state party chairman may request and obtain the information from the

1 county recorder. The county recorder shall provide the municipal voter
2 registration and precinct lists within the time prescribed in subsection C
3 or D of this section.

4 N. The county recorders and the secretary of state shall not
5 prohibit any person or entity prescribed in subsection C of this section
6 from distributing a precinct list to any person or entity that is deemed to
7 be using the precinct list in a lawful manner as prescribed in subsections
8 E and F of this section.

9 Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to
10 read:

11 16-245. Form and content of ballot

12 A. Ballots and ballot labels for the presidential preference
13 election shall be printed on different colored paper or white paper with a
14 different colored stripe for each party represented on the presidential
15 preference election ballot. Only one party may be represented on each
16 ballot. At the top shall be printed "official ballot of the _____
17 party, presidential preference election (date), county of _____, state of
18 Arizona".

19 B. The order of the names of certified candidates on the ballot
20 shall be determined by lots drawn at a public meeting called by the
21 secretary of state for that purpose. Rotation of candidate names is
22 prohibited. The certified candidates shall be listed under the title
23 "_____ party candidates for president of the United
24 States". Immediately below shall be printed "vote for not more than
25 one". The ballot may also contain printed instructions to voters as
26 prescribed for other elections.

27 C. The officer in charge of elections shall provide a sample ballot
28 proof to the state committee chairman of each qualified candidate's state
29 committee no later than five days after receipt of the certification from
30 the secretary of state.

1 D. The officer in charge of elections shall mail one sample ballot
2 of each party represented on the presidential preference election ballot to
3 each household that contains a registered voter of that political party
4 unless that registered voter is on the ~~permanent~~ early voting list
5 established pursuant to section 16-544. The return address on the sample
6 ballot mailer shall not contain the name of any elected or appointed
7 official, and the name of an appointed or elected official shall not be
8 used to indicate who produced the sample ballot.

9 E. The mailing face of each sample ballot shall be imprinted with
10 the great seal of the state of Arizona with the words "official voting
11 materials---presidential preference election". The polling place for that
12 household may also be designated on the mailing face of the sample ballot.

13 Sec. 3. Section 16-411, Arizona Revised Statutes, is amended to
14 read:

15 16-411. Designation of election precincts and polling places;
16 voting centers; electioneering; wait times

17 A. The board of supervisors of each county, on or before October 1
18 of each year preceding the year of a general election, by an order, shall
19 establish a convenient number of election precincts in the county and
20 define the boundaries of the precincts. The election precinct boundaries
21 shall be ~~so~~ established ~~SO~~ as ~~TO BE~~ included within election districts
22 prescribed by law for elected officers of the state and its political
23 subdivisions including community college district precincts, except those
24 elected officers provided for in titles 30 and 48.

25 B. ~~Not less than~~ ~~AT LEAST~~ twenty days before a general or primary
26 election, and at least ten days before a special election, the board shall
27 designate one polling place within each precinct where the election shall
28 be held, except that:

29 1. On a specific finding of the board, included in the order or
30 resolution designating polling places pursuant to this subsection, that no

1 suitable polling place is available within a precinct, a polling place for
2 that precinct may be designated within an adjacent precinct.

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

10 3. On a specific finding of the board that the number of persons who
11 are listed as ~~permanent~~ early voters pursuant to section 16-544 is likely
12 to substantially reduce the number of voters appearing at one or more
13 specific polling places at that election, adjacent precincts may be
14 consolidated by combining polling places and precinct boards for that
15 election. The board of supervisors shall ensure that a reasonable and
16 adequate number of polling places will be designated for that election.
17 Any consolidated polling places shall be listed in separate sections of the
18 order or resolution of the board.

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

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

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

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

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

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

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

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

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

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

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

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

21 1. Space is not available at the school.

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

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

26 H. Except in the case of an emergency, any facility that is used as
27 a polling place on election day or that is used as an early voting site
28 during the period of early voting shall allow persons to electioneer and
29 engage in other political activity outside of the seventy-five foot limit
30 prescribed by section 16-515 in public areas and parking lots used by
31 voters. This subsection ~~shall not be construed to permit~~ DOES NOT ALLOW

1 the temporary or permanent construction of structures in public areas and
2 parking lots or the blocking or other impairment of access to parking
3 spaces for voters. The county recorder or other officer in charge of
4 elections shall post on its website at least two weeks before election day
5 a list of those polling places in which emergency conditions prevent
6 electioneering and shall specify the reason the emergency designation was
7 granted and the number of attempts that were made to find a polling place
8 before granting an emergency designation. If the polling place is not on
9 the website list of polling places with emergency designations,
10 electioneering and other political activity shall be ~~permitted~~ ALLOWED
11 outside of the seventy-five foot limit. If an emergency arises after the
12 county recorder or other officer in charge of elections' initial website
13 posting, the county recorder or other officer in charge of elections shall
14 update the website as soon as is practicable to include any new polling
15 places, shall highlight the polling place location on the website and shall
16 specify the reason the emergency designation was granted and the number of
17 attempts that were made to find a polling place before granting an
18 emergency designation.

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

- 25 1. An act of God renders a previously set polling place as unusable.
- 26 2. A county recorder or other officer in charge of elections has
27 exhausted all options and there are no suitable facilities in a precinct
28 that are willing to be a polling place unless a facility can be given an
29 emergency designation.

30 J. The secretary of state shall provide through the instructions and
31 procedures manual adopted pursuant to section 16-452 the maximum allowable

1 wait time for any election that is subject to section 16-204 and provide
2 for a method to reduce voter wait time at the polls in the primary and
3 general elections. The method shall consider at least all of the following
4 for primary and general elections in each precinct:

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

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

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

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

14 Sec. 4. Section 16-461, Arizona Revised Statutes, is amended to
15 read:

16 16-461. Sample primary election ballots; submission to party
17 chairmen for examination; preparation, printing and
18 distribution of ballot

19 A. At least forty-five days before a primary election, the officer
20 in charge of that election shall:

21 1. Prepare a proof of a sample ballot.

22 2. Submit the sample ballot proof of each party to the county
23 chairman or in city or town primaries to the city or town chairman.

24 3. Mail a sample ballot proof to each candidate for whom a
25 nomination paper and petitions have been filed.

26 B. Within five days after receipt of the sample ballot, the county
27 chairman of each political party shall suggest to the election officer any
28 change the chairman considers should be made in the chairman's party
29 ballot, and if ~~upon~~ ON examination the election officer finds an error or
30 omission in the ballot the officer shall correct it. The election officer
31 shall cause the sample ballots to be printed and distributed as required by

1 law, shall maintain a copy of each sample ballot and shall post a notice
2 indicating that sample ballots are available on request. The official
3 sample ballot shall be printed on colored paper or white paper with a
4 different colored stripe for each party that is represented on that
5 ballot. For voters who are not registered with a party that is entitled to
6 continued representation on the ballot pursuant to section 16-804, the
7 election officer may print and distribute the required sample ballots in an
8 alternative format, including a reduced size format.

9 C. Not later than forty days before a primary election, the county
10 chairman of a political party may request one sample primary election
11 ballot of the chairman's party for each election precinct.

12 D. The board of supervisors shall have printed mailer-type sample
13 ballots for a primary election and shall mail at least eleven days before
14 the election one sample ballot of a political party to each household
15 containing a registered voter of that political party unless that
16 registered voter is on the ~~permanent~~ early voting list established pursuant
17 to section 16-544. Each sample ballot shall contain the following
18 statement: "This is a sample ballot and cannot be used as an official
19 ballot under any circumstances". A certified claim shall be presented to
20 the secretary of state by the board of supervisors for the actual cost of
21 printing, labeling and postage of each sample ballot actually mailed, and
22 the secretary of state shall direct payment of the authenticated claim from
23 funds of the secretary of state's office.

24 E. For city and town elections, the governing body of a city or town
25 may have printed mailer-type sample ballots for a primary election. If the
26 city or town has printed such sample ballots, the city or town shall
27 provide for the distribution of such ballots and shall bear the expense of
28 printing and ~~distribution~~ DISTRIBUTING of such sample ballots.

29 F. The return address on the mailer-type sample ballots shall not
30 contain the name of an appointed or elected public officer nor may the name

1 of an appointed or elected public officer be used to indicate who produced
2 the sample ballot.

3 G. The great seal of the state of Arizona shall be imprinted along
4 with the words "official voting materials" on the mailing face of each
5 sample ballot. In county, city or town elections the seal of such
6 jurisdiction shall be substituted for the state seal.

7 Sec. 5. Section 16-510, Arizona Revised Statutes, is amended to
8 read:

9 16-510. Sample ballots; preparation and distribution

10 A. Before printing the sample ballots for the general election the
11 board of supervisors shall send to each candidate whose name did not appear
12 on the preceding primary election ballot a ballot proof of the sample
13 ballot for the candidate's review.

14 B. The board of supervisors shall print and distribute, for the
15 information of voters at each polling place, a number of sample ballots as
16 it deems necessary.

17 C. The board of supervisors shall have printed mailer-type sample
18 ballots for a general election and shall mail at least eleven days before
19 the election one such sample ballot to each household in the county
20 containing a registered voter unless that registered voter is on the
21 ~~permanent~~ early voting list established pursuant to section 16-544. Each
22 sample ballot shall contain the following statement: "This is a sample
23 ballot and cannot be used as an official ballot under any
24 circumstances". A certified claim shall be presented to the secretary of
25 state by the board of supervisors for the actual cost of printing, labeling
26 and postage of each ~~such~~ sample ballot actually mailed, and the secretary
27 of state shall direct payment of ~~such~~ **THE** authenticated claim from funds of
28 ~~his~~ **THE SECRETARY OF STATE'S** office.

29 D. For city and town elections, the governing body of a city or town
30 may have printed mailer-type sample ballots for a general election. If the
31 city or town has printed such sample ballots, the city or town shall

1 provide for the distribution of such ballots and shall bear the expense of
2 printing and distributing such sample ballots.

3 E. For special district elections, the governing body of a special
4 district may have printed mailer-type sample ballots. If the special
5 district has printed such sample ballots, the special district shall
6 provide for the distribution of such ballots and shall bear the expense of
7 printing and distributing such sample ballots.

8 Sec. 6. Section 16-544, Arizona Revised Statutes, is amended to
9 read:

10 16-544. Early voting list; civil penalty; violation;
11 classification

12 A. Any voter may request to be included on a ~~permanent~~ list of
13 voters to receive an early ballot for any election for which the county
14 voter registration roll is used to prepare the election register. The
15 county recorder of each county shall maintain the ~~permanent~~ early voting
16 list as part of the voter registration roll.

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

1 section ~~1973ff-6~~ 20310). In lieu of the application, the applicant may
2 submit a written request that contains the required information.

3 C. On receipt of a request to be included on the ~~permanent~~ early
4 voting list, the county recorder or other officer in charge of elections
5 shall compare the signature on the request form with the voter's signature
6 on the voter's registration form and, if the request is from the voter,
7 shall mark the voter's registration file as ~~a permanent~~ AN early ballot
8 request.

9 D. Not less than ninety days before any polling place election
10 scheduled in March or August, the county recorder or other officer in
11 charge of elections shall mail to all voters who are eligible for the
12 election and who are included on the ~~permanent~~ early voting list an
13 election notice by nonforwardable mail that is marked with the statement
14 required by the postmaster to receive an address correction notification.
15 If an election is not formally called by a jurisdiction by the one hundred
16 twentieth day before the election, the recorder or other officer in charge
17 of elections is not required to send the election notice. The notice shall
18 include the dates of the elections that are the subject of the notice, the
19 dates that the voter's ballot is expected to be mailed and the address
20 where the ballot will be mailed. If the upcoming election is a partisan
21 open primary election and the voter is not registered as a member of one of
22 the political parties that is recognized for purposes of that primary, the
23 notice shall include information on the procedure for the voter to
24 designate a political party ballot. The notice shall be delivered with
25 return postage prepaid and shall also include a means for the voter to do
26 any of the following:

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

29 2. Update the voter's residence address in the voter's county of
30 residence.

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

3 E. If the notice that is mailed to the voter is returned
4 undeliverable by the postal service, the county recorder or other officer
5 in charge of elections shall take the necessary steps to contact the voter
6 at the voter's new residence address in order to update that voter's
7 address or to move the voter to inactive status as prescribed in section
8 16-166, subsection A. If a voter is moved to inactive status, the voter
9 shall be removed from the ~~permanent~~ early voting list. If the voter is
10 removed from the ~~permanent~~ early voting list, the voter shall only be added
11 to the ~~permanent~~ early voting list again if the voter submits a new request
12 pursuant to this section.

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

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

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

29 2. To receive an early ballot for the primary election, the voter
30 shall submit the voter's choice for political party ballot to the county
31 recorder.

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

5 1. The voter requests in writing to be removed from the ~~permanent~~
6 early voting list.

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

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

13 4. THE VOTER FAILS TO VOTE AN EARLY BALLOT IN BOTH THE PRIMARY
14 ELECTION AND THE GENERAL ELECTION FOR TWO CONSECUTIVE PRIMARY AND GENERAL
15 ELECTIONS FOR WHICH THERE WAS A FEDERAL, STATEWIDE OR LEGISLATIVE RACE ON
16 THE BALLOT. THIS PARAGRAPH DOES NOT APPLY TO:

17 (a) A SPECIAL TAXING DISTRICT THAT IS AUTHORIZED PURSUANT TO SECTION
18 16-191 TO CONDUCT ITS OWN ELECTIONS.

19 (b) A SPECIAL DISTRICT MAIL BALLOT ELECTION THAT IS CONDUCTED
20 PURSUANT TO ARTICLE 8.1 OF THIS CHAPTER.

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

27 J. An absent uniformed services voter or overseas voter as defined
28 in the uniformed and overseas citizens absentee voting act of 1986 (P.L.
29 99-410; ~~42~~ 52 United States Code section ~~1973ff-6~~ 20310) is eligible to be
30 placed on the ~~permanent~~ early voting list pursuant to this section.

1 K. A voter's failure to vote an early ballot once received does not
2 constitute grounds to remove the voter from the ~~permanent~~ early voting
3 list, EXCEPT THAT A COUNTY RECORDER SHALL REMOVE A VOTER FROM THE EARLY
4 VOTING LIST IF THE VOTER FAILS TO VOTE USING AN EARLY BALLOT IN BOTH THE
5 PRIMARY ELECTION AND THE GENERAL ELECTION FOR TWO CONSECUTIVE PRIMARY AND
6 GENERAL ELECTIONS FOR WHICH THERE WAS A FEDERAL, STATEWIDE OR LEGISLATIVE
7 RACE ON THE BALLOT.

8 L. BY DECEMBER 1 OF EACH EVEN-NUMBERED YEAR, THE COUNTY RECORDER OR
9 OTHER OFFICER IN CHARGE OF ELECTIONS SHALL SEND A NOTICE TO EACH VOTER WHO
10 IS ON THE EARLY VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT IN BOTH
11 THE PRIMARY ELECTION AND THE GENERAL ELECTION FOR THE TWO MOST RECENT
12 GENERAL ELECTIONS FOR FEDERAL OFFICE. THE NOTICE SHALL INFORM THE VOTER
13 THAT IF THE VOTER WISHES TO REMAIN ON THE EARLY VOTING LIST, THE VOTER
14 SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

15 1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE EARLY
16 VOTING LIST.

17 2. RETURN THE COMPLETED NOTICE TO THE COUNTY RECORDER OR OTHER
18 OFFICER IN CHARGE OF ELECTIONS WITHIN THIRTY DAYS AFTER THE NOTICE IS SENT
19 TO THE VOTER. THE NOTICE SHALL BE SIGNED BY THE VOTER AND SHALL CONTAIN THE
20 VOTER'S ADDRESS AND DATE OF BIRTH.

21 M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF
22 THIS SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE THIRTY-DAY PERIOD,
23 THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE
24 THE VOTER'S NAME FROM THE EARLY VOTING LIST.

25 ~~t.~~ N. A candidate, political committee or other organization may
26 distribute ~~permanent~~ early voting list request forms to voters. If the
27 ~~permanent~~ early voting list request forms include a printed address for
28 return, that address shall be the political subdivision that will conduct
29 the election. Failure to use the political subdivision as the return
30 addressee is punishable by a civil penalty of up to three times the cost of
31 the production and distribution of the ~~permanent~~ early voting list request.

1 ~~M.~~ 0. 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 a
4 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 fails
7 to submit a completed ~~permanent~~ early voting list request form within the
8 prescribed time is subject to a civil penalty of up to ~~twenty-five dollars~~
9 \$25 per day for each completed form withheld from submittal. Any person
10 who knowingly fails to submit a completed ~~permanent~~ early voting list
11 request form before the submission deadline for the election immediately
12 following the completion of the form is guilty of a class 6 felony."
13 Amend title to conform

MICHELLE UGENTI-RITA

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