

REFERENCE TITLE: permanent early voting list

State of Arizona
House of Representatives
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HB 2754

Introduced by

Representatives Bolding: Abraham, Andrade, Blackwater-Nygren, Butler,
Cano, Chávez, DeGrazia, Espinoza, Hernandez M, Liguori, Longdon, Mathis,
Meza, Pawlik, Powers Hannley, Quiñonez, Schwiebert, Sierra, Solorio

AN ACT

AMENDING SECTIONS 16-245, 16-411, 16-461, 16-510, 16-542 AND 16-544,
ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-245, Arizona Revised Statutes, is amended to
3 read:

4 16-245. Form and content of ballot

5 A. Ballots and ballot labels for the presidential preference
6 election shall be printed on different colored paper or white paper with a
7 different colored stripe for each party represented on the presidential
8 preference election ballot. Only one party may be represented on each
9 ballot. At the top shall be printed "official ballot of the
10 _____ party, presidential preference election (date), county of
11 _____, state of Arizona".

12 B. The order of the names of certified candidates on the ballot
13 shall be determined by lots drawn at a public meeting called by the
14 secretary of state for that purpose. Rotation of candidate names is
15 prohibited. The certified candidates shall be listed under the title
16 "_____ party candidates for President of the United States".
17 Immediately below shall be printed "vote for not more than one". The
18 ballot may also contain printed instructions to voters as prescribed for
19 other elections.

20 C. The officer in charge of elections shall provide a sample ballot
21 proof to the state committee chairman of each qualified candidate's state
22 committee ~~no~~ NOT later than five days after ~~receipt of~~ RECEIVING the
23 certification from the secretary of state.

24 D. The officer in charge of elections shall mail one sample ballot
25 of each party represented on the presidential preference election ballot
26 to each household that contains a registered voter of that political party
27 unless that registered voter is on the ~~active~~ PERMANENT early voting list
28 established pursuant to section 16-544. The return address on the sample
29 ballot mailer shall not contain the name of any elected or appointed
30 official, and the name of an appointed or elected official shall not be
31 used to indicate who produced the sample ballot.

32 E. The mailing face of each sample ballot shall be imprinted with
33 the great seal of the state of Arizona with the words "official voting
34 materials – presidential preference election". The polling place for that
35 household may also be designated on the mailing face of the sample ballot.

36 Sec. 2. Section 16-411, Arizona Revised Statutes, is amended to
37 read:

38 16-411. Designation of election precincts and polling places;
39 voting centers; electioneering; wait times

40 A. The board of supervisors of each county, on or before October 1
41 of each year preceding the year of a general election, by an order, shall
42 establish a convenient number of election precincts in the county and
43 define the boundaries of the precincts. The election precinct boundaries
44 shall be established so as to be included within election districts
45 prescribed by law for elected officers of the state and its political

1 subdivisions including community college district precincts, except those
2 elected officers provided for in titles 30 and 48.

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

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

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

18 3. On a specific finding of the board that the number of persons
19 who are listed as PERMANENT early voters pursuant to section 16-544 is
20 likely to substantially reduce the number of voters appearing at one or
21 more specific polling places at that election, adjacent precincts may be
22 consolidated by combining polling places and precinct boards for that
23 election. The board of supervisors shall ensure that a reasonable and
24 adequate number of polling places will be designated for that election.
25 Any consolidated polling places shall be listed in separate sections of
26 the order or resolution of the board.

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

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

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

41 (b) A qualified elector voting at an emergency voting center shall
42 provide identification as prescribed in section 16-579, except that
43 notwithstanding section 16-579, subsection A, paragraph 2, for any voting
44 at an emergency voting center, the county recorder or other officer in
45 charge of elections may allow a qualified elector to update the elector's

1 voter registration information as provided for in the secretary of state's
2 instructions and procedures manual adopted pursuant to section 16-452.

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

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

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

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

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

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

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

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

1 1. Space is not available at the school.

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

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

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

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

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

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

41 J. The secretary of state shall provide through the instructions
42 and procedures manual adopted pursuant to section 16-452 the maximum
43 allowable wait time for any election that is subject to section 16-204 and
44 provide for a method to reduce voter wait time at the polls in the primary

1 and general elections. The method shall consider at least all of the
2 following for primary and general elections in each precinct:

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

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

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

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

12 Sec. 3. Section 16-461, Arizona Revised Statutes, is amended to
13 read:

14 16-461. Sample primary election ballots; submission to party
15 chairmen for examination; preparation, printing and
16 distribution of ballot

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

19 1. Prepare a proof of a sample ballot.

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

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

24 B. Within five days after receipt of the sample ballot, the county
25 chairman of each political party shall suggest to the election officer any
26 change the chairman considers should be made in the chairman's party
27 ballot, and if on examination the election officer finds an error or
28 omission in the ballot the officer shall correct it. The election officer
29 shall ~~cause~~ PRINT AND DISTRIBUTE the sample ballots ~~to be printed and~~
30 ~~distributed~~ as required by law, shall maintain a copy of each sample
31 ballot and shall post a notice indicating that sample ballots are
32 available on request. The official sample ballot shall be printed on
33 colored paper or white paper with a different colored stripe for each
34 party that is represented on that ballot. For voters who are not
35 registered with a party that is entitled to continued representation on
36 the ballot pursuant to section 16-804, the election officer may print and
37 distribute the required sample ballots in an alternative format, including
38 a reduced size format.

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

42 D. The board of supervisors shall have printed mailer-type sample
43 ballots for a primary election and shall mail at least eleven days before
44 the election one sample ballot of a political party to each household
45 containing a registered voter of that political party unless that

1 registered voter is on the ~~active~~ PERMANENT early voting list established
2 pursuant to section 16-544. Each sample ballot shall contain the
3 following statement: "This is a sample ballot and cannot be used as an
4 official ballot under any circumstances". A certified claim shall be
5 presented to the secretary of state by the board of supervisors for the
6 actual cost of printing, labeling and postage of each sample ballot
7 actually mailed, and the secretary of state shall direct payment of the
8 authenticated claim from funds of the secretary of state's office.

9 E. For city and town elections, the governing body of a city or
10 town may have printed mailer-type sample ballots for a primary election.
11 If the city or town has printed such sample ballots, the city or town
12 shall provide for the distribution of such ballots and shall bear the
13 expense of printing and distributing ~~of~~ such sample ballots.

14 F. The return address on the mailer-type sample ballots shall not
15 contain the name of an appointed or elected public officer nor may the
16 name of an appointed or elected public officer be used to indicate who
17 produced the sample ballot.

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

22 Sec. 4. Section 16-510, Arizona Revised Statutes, is amended to
23 read:

24 16-510. Sample ballots; preparation and distribution

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

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

32 C. The board of supervisors shall have printed mailer-type sample
33 ballots for a general election and shall mail at least eleven days before
34 the election one such sample ballot to each household in the county
35 containing a registered voter unless that registered voter is on the
36 ~~active~~ PERMANENT early voting list established pursuant to section 16-544.
37 Each sample ballot shall contain the following statement: "This is a
38 sample ballot and cannot be used as an official ballot under any
39 circumstances". A certified claim shall be presented to the secretary of
40 state by the board of supervisors for the actual cost of printing,
41 labeling and postage of each sample ballot actually mailed, and the
42 secretary of state shall direct payment of the authenticated claim from
43 funds of the secretary of state's office.

1 D. For city and town elections, the governing body of a city or
2 town may have printed mailer-type sample ballots for a general
3 election. If the city or town has printed such sample ballots, the city
4 or town shall provide for the distribution of such ballots and shall bear
5 the expense of printing and distributing such sample ballots.

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

11 Sec. 5. Section 16-542, Arizona Revised Statutes, is amended to
12 read:

13 16-542. Request for ballot; civil penalties; violation;
14 classification

15 A. Within ninety-three days before any election called pursuant to
16 the laws of this state, an elector may make a verbal or signed request to
17 the county recorder, or other officer in charge of elections for the
18 applicable political subdivision of this state in whose jurisdiction the
19 elector is registered to vote, for an official early ballot. In addition
20 to name and address, the requesting elector shall provide the date of
21 birth and state or country of birth or other information that if compared
22 to the voter registration information on file would confirm the identity
23 of the elector. If the request indicates that the elector needs a primary
24 election ballot and a general election ballot, the county recorder or
25 other officer in charge of elections shall honor the request. For any
26 partisan primary election, if the elector is not registered as a member of
27 a political party that is entitled to continued representation on the
28 ballot pursuant to section 16-804, the elector shall designate the ballot
29 of only one of the political parties that is entitled to continued
30 representation on the ballot and the elector may receive and vote the
31 ballot of only that one political party, which also shall include any
32 nonpartisan offices and ballot questions, or the elector shall designate
33 the ballot for nonpartisan offices and ballot questions only and the
34 elector may receive and vote the ballot that contains only nonpartisan
35 offices and ballot questions. The county recorder or other officer in
36 charge of elections shall process any request for an early ballot for a
37 municipal election pursuant to this subsection. The county recorder may
38 establish on-site early voting locations at the recorder's office, which
39 shall be open and available for use beginning the same day that a county
40 begins to send out the early ballots. The county recorder may also
41 establish any other early voting locations in the county the recorder
42 deems necessary. Any on-site early voting location or other early voting
43 location shall require each elector to present identification as
44 prescribed in section 16-579 before receiving a ballot. Notwithstanding
45 section 16-579, subsection A, paragraph 2, at any on-site early voting

1 location or other early voting location the county recorder or other
2 officer in charge of elections may provide for a qualified elector to
3 update the elector's voter registration information as provided for in the
4 secretary of state's instructions and procedures manual adopted pursuant
5 to section 16-452.

6 B. Notwithstanding subsection A of this section, a request for an
7 official early ballot from an absent uniformed services voter or overseas
8 voter as defined in the uniformed and overseas citizens absentee voting
9 act ~~of 1986~~ (P.L. 99-410; 52 United States Code section 20310) or a voter
10 whose information is protected pursuant to section 16-153 that is received
11 by the county recorder or other officer in charge of elections more than
12 ninety-three days before the election is valid. If requested by the
13 absent uniformed services or overseas voter, or a voter whose information
14 is protected pursuant to section 16-153, the county recorder or other
15 officer in charge of elections shall provide to the requesting voter early
16 ballot materials through the next regularly scheduled general election for
17 federal office immediately following receipt of the request unless a
18 different period of time, which does not exceed the next two regularly
19 scheduled general elections for federal office, is designated by the
20 voter.

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

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

43 E. In order to be complete and correct and to receive an early
44 ballot by mail, an elector's request that an early ballot be mailed to the
45 elector's residence or temporary address must include all of the

1 information prescribed by subsection A of this section and must be
 2 received by the county recorder or other officer in charge of elections ~~no~~
 3 NOT later than 5:00 p.m. on the eleventh day preceding the election. An
 4 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the Friday
 5 preceding the election at an on-site early voting location that is
 6 established by the county recorder or other officer in charge of elections
 7 shall be given a ballot after presenting identification as prescribed in
 8 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site
 9 location. Notwithstanding section 16-579, subsection A, paragraph 2, at
 10 any on-site early voting location the county recorder or other officer in
 11 charge of elections may provide for a qualified elector to update the
 12 elector's voter registration information as provided for in the secretary
 13 of state's instructions and procedures manual adopted pursuant to section
 14 16-452. If an elector's request to receive an early ballot is not
 15 complete and correct but complies with all other requirements of this
 16 section, the county recorder or other officer in charge of elections shall
 17 attempt to notify the elector of the deficiency of the request.

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

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

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

42 I. Notwithstanding section 16-579, subsection A, paragraph 2, for
 43 any voting pursuant to subsection H of this section, the county recorder
 44 or other officer in charge of elections may allow a qualified elector to
 45 update the elector's voter registration information as provided for in the

1 secretary of state's instructions and procedures manual adopted pursuant
2 to section 16-452.

3 J. A candidate, political committee or other organization may
4 distribute early ballot request forms to voters. If the early ballot
5 request forms include a printed address for return, the addressee shall be
6 the political subdivision that will conduct the election. Failure to use
7 the political subdivision as the return addressee is punishable by a civil
8 penalty of up to three times the cost of the production and distribution
9 of the request.

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

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

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

32 16-544. Permanent early voting list; civil penalty;
33 violation; classification

34 A. Any voter may request to be included on a PERMANENT list of
35 voters to receive an early ballot by mail for any election for which the
36 county voter registration roll is used to prepare the election register.
37 The county recorder of each county shall maintain the ~~active~~ PERMANENT
38 early voting list as part of the voter registration roll.

39 B. In order to be included on the ~~active~~ PERMANENT early voting
40 list, the voter shall make a written request specifically requesting that
41 the voter's name be added to the ~~active~~ PERMANENT early voting list for
42 all elections in which the applicant is eligible to vote. ~~At~~ A PERMANENT
43 early voter request form shall conform to requirements prescribed in the
44 instructions and procedures manual issued pursuant to section 16-452. The
45 application shall allow for the voter to provide the voter's name,

1 residence address, mailing address in the voter's county of residence,
 2 date of birth and signature and shall state that the voter is attesting
 3 that the voter is a registered voter who is eligible to vote in the county
 4 of residence. The voter shall not list a mailing address that is outside
 5 of this state for the purpose of the ~~active~~ PERMANENT early voting list
 6 unless the voter is an absent uniformed services voter or overseas voter
 7 as defined in the uniformed and overseas citizens absentee voting act ~~of~~
 8 ~~1986~~ (P.L. 99-410; 52 United States Code section 20310). In lieu of the
 9 application, the applicant may submit a written request that contains the
 10 required information.

11 C. On receipt of a request to be included on the ~~active~~ PERMANENT
 12 early voting list, the county recorder or other officer in charge of
 13 elections shall compare the signature on the request form with the voter's
 14 signature on the voter's registration form and, if the request is from the
 15 voter, shall mark the voter's registration file as ~~an active~~ A PERMANENT
 16 early ballot request.

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

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

37 2. Update the voter's residence address in the voter's county of
 38 residence.

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

41 E. If the notice that is mailed to the voter is returned
 42 undeliverable by the postal service, the county recorder or other officer
 43 in charge of elections shall take the necessary steps to contact the voter
 44 at the voter's new residence address in order to update that voter's
 45 address or to move the voter to inactive status as prescribed in section

1 16-166, subsection A. If a voter is moved to inactive status, the voter
2 shall be removed from the ~~active~~ PERMANENT early voting list. If the
3 voter is removed from the ~~active~~ PERMANENT early voting list, the voter
4 shall only be added to the ~~active~~ PERMANENT early voting list again if the
5 voter submits a new request pursuant to this section.

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

15 G. If a voter who is on the ~~active~~ PERMANENT early voting list is
16 not registered as a member of a recognized political party and fails to
17 notify the county recorder of the voter's choice for political party
18 ballot within forty-five days before a partisan open primary election, the
19 following apply:

20 1. The voter shall not automatically be sent a ballot for that
21 partisan open primary election only and the voter's name shall remain on
22 the ~~active~~ PERMANENT early voting list for future elections.

23 2. To receive an early ballot for the primary election, the voter
24 shall submit the voter's choice for political party ballot to the county
25 recorder.

26 H. After a voter has requested to be included on the ~~active~~
27 PERMANENT early voting list, the voter shall be sent an early ballot by
28 mail automatically for any election at which a voter at that residence
29 address is eligible to vote until any of the following occurs:

30 1. The voter requests in writing to be removed from the ~~active~~
31 PERMANENT early voting list.

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

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

38 ~~4. The voter fails to vote an early ballot in all elections for two~~
39 ~~consecutive election cycles. For the purposes of this paragraph,~~
40 ~~"election" means any regular primary or regular general election for which~~
41 ~~there was a federal race on the ballot or for which a city or town~~
42 ~~candidate primary or first election or city or town candidate second,~~
43 ~~general or runoff election was on the ballot. This paragraph does not~~
44 ~~apply to:~~

1 ~~(a) A special taxing district that is authorized pursuant to~~
2 ~~section 16-191 to conduct its own elections.~~

3 ~~(b) A special district mail ballot election that is conducted~~
4 ~~pursuant to article 8.1 of this chapter.~~

5 I. A voter may make a written request at any time to be removed
6 from the ~~active~~ PERMANENT early voting list. The request shall include
7 the voter's name, residence address, date of birth and signature. On
8 receipt of a completed request to remove a voter from the ~~active~~ PERMANENT
9 early voting list, the county recorder or other officer in charge of
10 elections shall remove the voter's name from the list as soon as
11 practicable.

12 J. An absent uniformed services voter or overseas voter as defined
13 in the uniformed and overseas citizens absentee voting act ~~of 1986~~
14 (P.L. 99-410; 52 United States Code section 20310) is eligible to be
15 placed on the ~~active~~ PERMANENT early voting list pursuant to this section.

16 K. A voter's failure to vote an early ballot once received does not
17 constitute grounds to remove the voter from the ~~active~~ PERMANENT early
18 voting list, ~~except that a county recorder shall remove a voter from the~~
19 ~~active early voting list if both of the following apply:~~

20 ~~1. The county recorder or other officer in charge of elections~~
21 ~~complies with subsection M of this section.~~

22 ~~2. The voter fails to vote using an early ballot in all of the~~
23 ~~following elections for two consecutive election cycles:~~

24 ~~(a) A regular primary and regular general election for which there~~
25 ~~was a federal race on the ballot.~~

26 ~~(b) A city or town candidate primary or first election and a city~~
27 ~~or town candidate second, general or runoff election.~~

28 ~~L. On or before January 15 of each odd-numbered year, the county~~
29 ~~recorder or other officer in charge of elections shall send a notice to~~
30 ~~each voter who is on the active early voting list and who did not vote an~~
31 ~~early ballot in all elections for two consecutive election cycles as~~
32 ~~prescribed by subsection K of this section. If the voter has provided the~~
33 ~~voter's telephone or mobile phone number or email address to the county~~
34 ~~recorder, the county recorder may additionally provide the notice to the~~
35 ~~voter by telephone call, text message or email. The notice shall inform~~
36 ~~the voter that if the voter wishes to remain on the active early voting~~
37 ~~list, the voter shall do both of the following with the notice received:~~

38 ~~1. Confirm in writing the voter's desire to remain on the active~~
39 ~~early voting list.~~

40 ~~2. Return the completed notice to the county recorder or other~~
41 ~~officer in charge of elections within ninety days after the notice is sent~~
42 ~~to the voter. The notice shall be signed by the voter and shall contain~~
43 ~~the voter's address and date of birth.~~

44 ~~M. If a voter receives a notice as prescribed by subsection L of~~
45 ~~this section and the voter fails to respond within the ninety-day period,~~

1 ~~the county recorder or other officer in charge of elections shall remove~~
2 ~~the voter's name from the active early voting list.~~

3 ~~N.~~ L. A candidate, political committee or other organization may
4 distribute ~~active~~ PERMANENT early voting list request forms to voters. If
5 the ~~active~~ PERMANENT early voting list request forms include a printed
6 address for return, that address shall be the political subdivision that
7 will conduct the election. Failure to use the political subdivision as
8 the return addressee is punishable by a civil penalty of up to three times
9 the cost of the production and distribution of the ~~active~~ PERMANENT early
10 voting list request.

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

24 ~~P.~~ For the purposes of this section, "election cycle" means the
25 ~~two-year period beginning on January 1 in the year after a statewide~~
26 ~~general election or, for cities and towns, the two-year period beginning~~
27 ~~on the first day of the calendar quarter after the calendar quarter in~~
28 ~~which the city's or town's second, runoff or general election is scheduled~~
29 ~~and ending on the last day of the calendar quarter in which the city's or~~
30 ~~town's immediately following second, runoff or general election is~~
31 ~~scheduled, however that election is designated by the city or town.~~