



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1404

eligibility; early voting; list

Purpose

Restricts eligibility to vote an early ballot to only an elector that meets one of seven specified criteria. Repeals the Active Early Voting List (AEVL) and the authorization for a county recorder to establish on-site early voting locations.

Background

Any election called pursuant to Arizona law must provide for any qualified elector to vote by early ballot ([A.R.S. § 16-541](#)). An elector may make a request to a county recorder or other officer in charge of elections beginning 93 days before an election for an official early ballot. The county recorder or other elections officer may begin distributing early ballots 27 days before the election and must mail early ballots within 48 hours of a request, if the request is made within 22 days of the election. Additionally, any voter may request to be included on the AEVL to receive an early ballot for any election for which the county voter registration roll is used to prepare the election register ([A.R.S. § 16-544](#)). An early ballot must be accompanied by an envelope containing a printed affidavit, which requires the voter to declare under penalty of perjury that the voter: 1) is registered in the applicable county; 2) has not and will not vote in any other county or state; 3) understands that knowingly voting more than once in any election is a class 5 felony; and 4) voted the enclosed ballot and signed the affidavit personally, unless the voter was assisted by another person marking the ballot ([A.R.S. § 16-547](#)).

A county recorder may establish on-site early voting locations at the county recorder's office, which must be open and available for use beginning the same day that the county begins to mail out early ballots. A county recorder may also establish any other necessary early voting locations in the county. An elector who personally appears at an early voting location by 5:00 p.m. on the Friday preceding the election must be given a ballot after presenting valid identification ([A.R.S. § 16-542](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Restricts eligibility to vote an early ballot to only an elector:
 - a) who expects to be absent from the elector's precinct at the time of the election;
 - b) who is physically unable to go to the polls;
 - c) who is 65 years of age or older;
 - d) whose place of residence that is more than 15 road miles from the polling place for the elector's precinct;

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- e) who cannot attend the polls on election day because of the tenets of the elector's religion;
 - f) who has a visual impairment; or
 - g) who is an absent uniformed services voter or overseas voter as defined in the Uniformed and Overseas Citizens Absentee Voting Act or a spouse or household member of the absent uniformed services or overseas voter.
2. Repeals the AEVL and requirements relating to voters that requested to receive an early ballot by mail for any election.
 3. Repeals the authorization for a county recorder to establish on-site early voting locations.
 4. Repeals the ability of an elector to vote in-person at an on-site early voting location.
 5. Requires an elector requesting an early ballot to specify the applicable authorized reason for which the elector is requesting to vote early.
 6. Requires the early ballot affidavit form to include a statement that the voter meets one of the eligible criteria for receiving an early ballot.
 7. Repeals the authorization for a county board of supervisors to establish emergency voting centers in a presidential preference election.
 8. Requires all households containing a registered voter, rather than only households that have a registered voter who is not on the AEVL, to be mailed a sample ballot before the primary and general election.
 9. Directs Legislative Council staff to prepare conforming legislation for consideration in the 56th Legislature, First Regular Session
 10. Makes technical and conforming changes.
 11. Becomes effective on the general effective date.

Prepared by Senate Research

February 3, 2022

MH/slp