

REFERENCE TITLE: **early voting; weekend hours**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2768

Introduced by
Representatives Salman: Butler, Epstein, Fernandez B, Hernandez M,
Liguori, Powers Hannley, Schwiebert

AN ACT

AMENDING SECTION 16-542, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-542, Arizona Revised Statutes, is amended to
3 read:

4 16-542. Request for ballot; civil penalties; violation;
5 classification

6 A. Within ninety-three days before any election called pursuant to
7 the laws of this state, an elector may make a verbal or signed request to
8 the county recorder, or other officer in charge of elections for the
9 applicable political subdivision of this state in whose jurisdiction the
10 elector is registered to vote, for an official early ballot. In addition
11 to name and address, the requesting elector shall provide the date of
12 birth and state or country of birth or other information that if compared
13 to the voter registration information on file would confirm the identity
14 of the elector. If the request indicates that the elector needs a primary
15 election ballot and a general election ballot, the county recorder or
16 other officer in charge of elections shall honor the request. For any
17 partisan primary election, if the elector is not registered as a member of
18 a political party that is entitled to continued representation on the
19 ballot pursuant to section 16-804, the elector shall designate the ballot
20 of only one of the political parties that is entitled to continued
21 representation on the ballot and the elector may receive and vote the
22 ballot of only that one political party, which also shall include any
23 nonpartisan offices and ballot questions, or the elector shall designate
24 the ballot for nonpartisan offices and ballot questions only and the
25 elector may receive and vote the ballot that contains only nonpartisan
26 offices and ballot questions. The county recorder or other officer in
27 charge of elections shall process any request for an early ballot for a
28 municipal election pursuant to this subsection. The county recorder ~~may~~
29 **SHALL** establish on-site early voting locations at the recorder's office,
30 which shall be open and available for use beginning the same day that a
31 county begins to send out the early ballots. The county recorder may also
32 establish any other early voting locations in the county the recorder
33 deems necessary. **THE EARLY VOTING LOCATIONS, INCLUDING THE LOCATIONS AT**
34 **THE RECORDER'S OFFICES, SHALL BE OPEN UNTIL 7:00 P.M. ON THE SATURDAY,**
35 **SUNDAY AND MONDAY IMMEDIATELY PRECEDING ELECTION DAY.** Any on-site early
36 voting location or other early voting location shall require each elector
37 to present identification as prescribed in section 16-579 before receiving
38 a ballot. Notwithstanding section 16-579, subsection A, paragraph 2, at
39 any on-site early voting location or other early voting location the
40 county recorder or other officer in charge of elections may provide for a
41 qualified elector to update the elector's voter registration information
42 as provided for in the secretary of state's instructions and procedures
43 manual adopted pursuant to section 16-452.

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

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

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

37 E. In order to be complete and correct and to receive an early
 38 ballot by mail, an elector's request that an early ballot be mailed to the
 39 elector's residence or temporary address must include all of the
 40 information prescribed by subsection A of this section and must be
 41 received by the county recorder or other officer in charge of elections ~~no~~
 42 NOT later than 5:00 p.m. on the eleventh day preceding the election. An
 43 elector who appears personally ~~no~~ NOT later than 5:00 p.m. on the Friday
 44 preceding the election at an on-site early voting location that is
 45 established by the county recorder or other officer in charge of elections

1 shall be given a ballot after presenting identification as prescribed in
 2 section 16-579 and shall be ~~permitted~~ ALLOWED to vote at the on-site
 3 location. Notwithstanding section 16-579, subsection A, paragraph 2, at
 4 any on-site early voting location the county recorder or other officer in
 5 charge of elections may provide for a qualified elector to update the
 6 elector's voter registration information as provided for in the secretary
 7 of state's instructions and procedures manual adopted pursuant to section
 8 16-452. If an elector's request to receive an early ballot is not
 9 complete and correct but complies with all other requirements of this
 10 section, the county recorder or other officer in charge of elections shall
 11 attempt to notify the elector of the deficiency of the request.

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

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

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

36 I. Notwithstanding section 16-579, subsection A, paragraph 2, for
 37 any voting pursuant to subsection H of this section, the county recorder
 38 or other officer in charge of elections may allow a qualified elector to
 39 update the elector's voter registration information as provided for in the
 40 secretary of state's instructions and procedures manual adopted pursuant
 41 to section 16-452.

42 J. A candidate, political committee or other organization may
 43 distribute early ballot request forms to voters. If the early ballot
 44 request forms include a printed address for return, the addressee shall be
 45 the political subdivision that will conduct the election. Failure to use

1 the political subdivision as the return addressee is punishable by a civil
2 penalty of up to three times the cost of the production and distribution
3 of the request.

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

16 L. Except for a voter who is on the active early voting list
17 prescribed by section 16-544, a voter who requests a onetime early ballot
18 pursuant to [THIS](#) section ~~16-542~~ or for an election conducted pursuant to
19 section 16-409 or article 8.1 of this chapter, a county recorder, city or
20 town clerk or other election officer may not deliver or mail an early
21 ballot to a person who has not requested an early ballot for that
22 election. An election officer who knowingly violates this subsection is
23 guilty of a class 5 felony.