

Senate Engrossed House Bill

~~voter registrations; ballot requests; source~~  
(now: voting; registration; drop boxes; prohibition)

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

# HOUSE BILL 2786

AN ACT

AMENDING TITLE 16, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-167; AMENDING SECTIONS 16-542 AND 16-544, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-546; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 16, chapter 1, article 5, Arizona Revised  
3 Statutes, is amended by adding section 16-167, to read:

4 16-167. Voter registration information revision; early ballot  
5 request; signature exemplar

6 FOR ANY SIGNED PREPRINTED REQUEST TO AMEND A VOTER'S REGISTRATION  
7 INFORMATION OR REQUEST FOR AN EARLY BALLOT, THE COUNTY RECORDER MAY NOT  
8 USE THAT SIGNATURE OF THE VOTER AS THE SOLE EXEMPLAR FOR SUBSEQUENT  
9 COMPARISON IF THE SUBMITTAL IS ON A PRINTED DOCUMENT, CARD OR OTHER FORM  
10 THAT IS NOT AN OFFICIAL FORM PRINTED BY THE COUNTY RECORDER OR OTHER  
11 OFFICER IN CHARGE OF ELECTIONS.

12 Sec. 2. Section 16-542, Arizona Revised Statutes, is amended to  
13 read:

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

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

1 section 16-579, subsection A, paragraph 2, at any on-site early voting  
2 location or other early voting location the county recorder or other  
3 officer in charge of elections may provide for a qualified elector to  
4 update the elector's voter registration information as provided for in the  
5 secretary of state's instructions and procedures manual adopted pursuant  
6 to section 16-452.

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

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

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

44 E. In order to be complete and correct and to receive an early  
45 ballot by mail, an elector's request that an early ballot be mailed to the

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

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

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

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

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

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

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

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

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

31 M. SUBSECTIONS J AND K OF THIS SECTION DO NOT APPLY TO AN ELECTION  
32 HELD BY A SPECIAL TAXING DISTRICT FORMED PURSUANT TO TITLE 48 FOR THE  
33 PURPOSE OF PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR  
34 CROPS.

35 Sec. 3. Section 16-544, Arizona Revised Statutes, is amended to  
36 read:

37 16-544. Active early voting list; civil penalty; violation;  
38 classification; definition

39 A. Any voter may request to be included on a list of voters to  
40 receive an early ballot by mail for any election for which the county  
41 voter registration roll is used to prepare the election register. The  
42 county recorder of each county shall maintain the active early voting list  
43 as part of the voter registration roll.

44 B. In order to be included on the active early voting list, the  
45 voter shall make a written request specifically requesting that the

1 voter's name be added to the active early voting list for all elections in  
2 which the applicant is eligible to vote. An early voter request form  
3 shall conform to requirements prescribed in the instructions and  
4 procedures manual issued pursuant to section 16-452. The application  
5 shall allow for the voter to provide the voter's name, residence address,  
6 mailing address in the voter's county of residence, date of birth and  
7 signature and shall state that the voter is attesting that the voter is a  
8 registered voter who is eligible to vote in the county of residence. The  
9 voter shall not list a mailing address that is outside of this state for  
10 the purpose of the active early voting list unless the voter is an absent  
11 uniformed services voter or overseas voter as defined in the uniformed and  
12 overseas citizens absentee voting act ~~of 1986~~ (P.L. 99-410; 52 United  
13 States Code section 20310). In lieu of the application, the applicant may  
14 submit a written request that contains the required information.

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

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

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

41 2. Update the voter's residence address in the voter's county of  
42 residence.

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

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

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

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

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

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

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

34           1. The voter requests in writing to be removed from the active  
35 early voting list.

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

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

42           4. The voter fails to vote an early ballot in all elections for two  
43 consecutive election cycles. For the purposes of this paragraph,  
44 "election" means any regular primary or regular general election for which  
45 there was a federal race on the ballot or for which a city or town

1 candidate primary or first election or city or town candidate second,  
2 general or runoff election was on the ballot. This paragraph does not  
3 apply to:

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

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

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

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

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

22 1. The county recorder or other officer in charge of elections  
23 complies with subsection M of this section.

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

26 (a) A regular primary and regular general election for which there  
27 was a federal race on the ballot.

28 (b) A city or town candidate primary or first election and a city  
29 or town candidate second, general or runoff election.

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

40 1. Confirm in writing the voter's desire to remain on the active  
41 early voting list.

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



1 M. If a voter receives a notice as prescribed by subsection L of  
2 this section and the voter fails to respond within the ninety-day period,  
3 the county recorder or other officer in charge of elections shall remove  
4 the voter's name from the active early voting list.

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

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

25 P. SUBSECTIONS N AND O OF THIS SECTION DO NOT APPLY TO AN ELECTION  
26 HELD BY A SPECIAL TAXING DISTRICT FORMED PURSUANT TO TITLE 48 FOR THE  
27 PURPOSE OF PROTECTING OR PROVIDING SERVICES TO AGRICULTURAL LANDS OR  
28 CROPS.

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

37 Sec. 4. Title 16, chapter 4, article 8, Arizona Revised Statutes,  
38 is amended by adding section 16-546, to read:

39 16-546. Ballot drop boxes; vehicles; prohibition

40 A. NOTWITHSTANDING ANY OTHER LAW, IN A COUNTY WITH A POPULATION OF  
41 MORE THAN ONE MILLION PERSONS, A COUNTY RECORDER OR OTHER OFFICER IN  
42 CHARGE OF ELECTIONS MAY NOT USE A DROP BOX FOR RECEIPT OF VOTED BALLOTS.

43 B. NOTWITHSTANDING ANY OTHER LAW, IN A COUNTY WITH A POPULATION OF  
44 ONE MILLION PERSONS OR LESS, A COUNTY RECORDER OR OTHER OFFICER IN CHARGE  
45 OF ELECTIONS MAY NOT USE AN UNMONITORED DROP BOX FOR RECEIPT OF VOTED

1    BALLOTS. THIS SUBSECTION DOES NOT APPLY TO A BALLOT DROP BOX THAT IS  
2    LOCATED AS FOLLOWS:

3           1.   INSIDE A POLLING PLACE, VOTING CENTER OR OTHER LOCATION AT WHICH  
4    PERSONS ARE VOTING AND ELECTION STAFF IS PRESENT AND MONITORING THE BALLOT  
5    DROP BOX TO ENSURE COMPLIANCE WITH APPLICABLE LAWS.

6           2.   INSIDE AN OFFICE OR OTHER FACILITY THAT IS USED BY THE COUNTY  
7    RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS AND AT WHICH ELECTION  
8    STAFF IS PRESENT AND MONITORING THE BALLOT DROP BOX.

9           C.   NOTWITHSTANDING SUBSECTION B OF THIS SECTION, IN A COUNTY WITH A  
10   POPULATION OF ONE MILLION PERSONS OR LESS, FOR A LOCATION WHERE IT IS NOT  
11   PRACTICABLE FOR ELECTION STAFF TO BE PRESENT, THE COUNTY SHALL PROVIDE AND  
12   MAINTAIN VIDEO SURVEILLANCE TWENTY-FOUR HOURS EACH DAY. THE VIDEO  
13   RECORDINGS OF THE SURVEILLANCE SHALL BE RETAINED BY THE COUNTY FOR FOUR  
14   YEARS.

15          D.   SUBSECTIONS A AND B OF THIS SECTION DO NOT APPLY TO POST OFFICE  
16   BOXES, PRIVATELY OWNED MAILBOXES OR CLUSTER BOX UNITS THAT ARE INTENDED  
17   FOR THE RECEIPT AND DELIVERY OF UNITED STATES MAIL.

18          E.   EXCEPT AS REQUIRED TO COMPLY WITH SECTION 16-581, TITLE 41,  
19   CHAPTER 9, ARTICLE 5, THE AMERICANS WITH DISABILITIES ACT OF 1990  
20   (P.L. 101-336) OR OTHER FEDERAL LAW, THE COUNTY RECORDER OR OTHER OFFICER  
21   IN CHARGE OF ELECTIONS MAY NOT PROVIDE FOR OR ALLOW A VOTER TO RECEIVE A  
22   BALLOT AND VOTE FROM A VEHICLE OR OTHER CONVEYANCE.