

REFERENCE TITLE: voting; election day only; holiday

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **SB 1474**

Introduced by  
Senator Townsend: Representatives Burges, Fillmore

AN ACT

AMENDING SECTIONS 1-301, 16-206, 16-246, 16-343, 16-402, 16-411, 16-515,  
16-542, 16-1017 AND 16-1018, 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 1-301, Arizona Revised Statutes, is amended to  
3 read:

4 1-301. Holidays enumerated

5 A. The following days shall be holidays:

6 1. Sunday of each week.

7 2. January 1, "New Year's Day".

8 3. Third Monday in January, "Martin Luther King, Jr./Civil Rights  
9 Day".

10 4. Third Monday in February, "Lincoln/Washington Presidents' Day".

11 5. Second Sunday in May, "Mothers' Day".

12 6. Last Monday in May, "Memorial Day".

13 7. June 2, "Native American Day".

14 8. Third Sunday in June, "Fathers' Day".

15 9. July 4, "Independence Day".

16 10. First Sunday in August, "American Family Day".

17 11. August 14, "National Navajo Code Talkers Day".

18 12. First Monday in September, "Labor Day".

19 13. September 17, "Constitution Commemoration Day".

20 14. Second Monday in October, "Columbus Day".

21 15. November 11, "Veterans' Day".

22 16. Fourth Thursday in November, "Thanksgiving Day".

23 17. December 25, "Christmas Day".

24 18. THE PRIMARY ELECTION DAY AND THE GENERAL ELECTION DAY AS  
25 PRESCRIBED IN SECTION 16-206.

26 B. When any of the holidays enumerated in subsection A of this  
27 section falls on a Sunday, the following Monday shall be observed as a  
28 holiday, with the exception of the holidays enumerated in subsection A,  
29 paragraphs 1, 5, 7, 8, 10, 11 and 13 of this section.

30 C. When any of the holidays enumerated in subsection A, paragraphs  
31 2, 9, 15 and 17 of this section falls on a Saturday, the preceding Friday  
32 shall be observed as a holiday.

33 D. When the holiday enumerated in subsection A, paragraph 7 of this  
34 section falls on a day other than Sunday, the Sunday following June 2  
35 shall be observed as that holiday.

36 E. When the holiday enumerated in subsection A, paragraph 11 of  
37 this section falls on a day other than Sunday, the Sunday following August  
38 14 shall be observed as that holiday.

39 F. When the holiday enumerated in subsection A, paragraph 13 of  
40 this section falls on a day other than Sunday, the Sunday preceding  
41 September 17 shall be observed as that holiday.

1           Sec. 2. Section 16-206, Arizona Revised Statutes, is amended to  
2 read:

3           16-206. Election day

4           A. The biennial primary election day on the first Tuesday in August  
5 in the year the general election is held and the biennial general election  
6 day on the first Tuesday after the first Monday in November of every  
7 even-numbered year are ~~not~~ legal holidays.

8           B. Every public officer or employee is entitled to absence from  
9 service or employment for the purpose of voting pursuant to section 16-402  
10 on the biennial primary and general election days.

11          Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to  
12 read:

13          16-246. Early balloting; satellite locations; additional  
14 procedures

15          A. Within ninety-three days before the presidential preference  
16 election and not later than 5:00 p.m. on the eleventh day preceding the  
17 election, any elector who is eligible to vote in the presidential  
18 preference election may make a verbal or signed, written request for an  
19 official early ballot to the county recorder or other officer in charge of  
20 elections for the county in which the elector is registered to vote. If  
21 the request is verbal, the requesting elector shall provide the date of  
22 birth and birthplace or other information that if compared to the voter  
23 registration records for that elector would confirm the identity of the  
24 elector.

25          B. Absent uniformed services voters or overseas voters who are  
26 otherwise eligible to vote in the election may vote as prescribed by  
27 sections 16-543 and 16-543.02.

28          C. The county recorder or other officer in charge of elections may  
29 establish **ELECTION DAY** on-site ~~early~~ voting locations at the office of the  
30 county recorder or at other locations in the county deemed necessary or  
31 appropriate by the recorder. Early voting shall begin within the time  
32 limits prescribed in section 16-542 unless otherwise prescribed by this  
33 section.

34          D. The county recorder or other officer in charge of elections  
35 shall send by nonforwardable mail that is marked with the statement  
36 required by the postmaster to receive an address correction notification  
37 any early ballots that are requested pursuant to subsections A and B of  
38 this section and shall include a preaddressed envelope for the elector to  
39 return the completed ballot.

40          E. The county recorder or other officer in charge of elections  
41 shall provide to each election board an appropriate alphabetized list of  
42 voters who have requested and have been sent an early ballot. Any person  
43 who is on that list of voters and who was sent an early ballot shall not  
44 vote at the polling place for that election precinct except as prescribed  
45 by section 16-579, subsection B.

1 F. The county recorder or other officer in charge of elections may  
2 provide for ~~any of the following~~ SPECIAL ELECTION BOARDS in the same  
3 manner prescribed by law for other elections. ~~;~~

4 ~~1. Special election boards.~~

5 ~~2. Emergency balloting for persons who experience an emergency~~  
6 ~~after 5:00 p.m. on the Friday preceding the presidential preference~~  
7 ~~election and before 5:00 p.m. on the Monday immediately preceding the~~  
8 ~~presidential preference election. Before receiving a ballot pursuant to~~  
9 ~~this paragraph, a person who experiences an emergency shall provide~~  
10 ~~identification as prescribed in section 16-579 and shall sign a statement~~  
11 ~~under penalty of perjury that states that the person is experiencing or~~  
12 ~~experienced an emergency after 5:00 p.m. on the Friday immediately~~  
13 ~~preceding the election and before 5:00 p.m. on the Monday immediately~~  
14 ~~preceding the election that would prevent the person from voting at the~~  
15 ~~polls. Signed statements received pursuant to this subsection are not~~  
16 ~~subject to inspection pursuant to title 39, chapter 1, article 2.~~

17 ~~G. Notwithstanding section 16-579, subsection A, paragraph 2, for~~  
18 ~~emergency balloting pursuant to subsection F, paragraph 2 of this section,~~  
19 ~~the county recorder or other officer in charge of elections may allow a~~  
20 ~~qualified elector to update the elector's voter registration information~~  
21 ~~as provided for in the secretary of state's instructions and procedures~~  
22 ~~manual adopted pursuant to section 16-452.~~

23 ~~H.~~ G. Sections 16-550, 16-551 and 16-552 govern the use of early  
24 balloting for the presidential preference election.

25 Sec. 4. Section 16-343, Arizona Revised Statutes, is amended to  
26 read:

27 16-343. Filling vacancy caused by death or incapacity or  
28 withdrawal of candidate

29 A. A vacancy occurring due to death, mental incapacity or voluntary  
30 withdrawal of a candidate after the close of petition filing but before a  
31 primary or general election shall be filled by the political party with  
32 which the candidate was affiliated as follows:

33 1. In the case of a United States senator or statewide candidate,  
34 the state executive committee of the candidate's political party shall  
35 nominate a candidate of the party's choice and shall file a nomination  
36 paper and declaration complying with the requirements for candidates as  
37 stated in section 16-311 in order to fill the vacancy.

38 2. In the case of a vacancy for the office of United States  
39 representative or the legislature, the party precinct committeemen of that  
40 congressional or legislative district shall nominate a candidate of the  
41 party's choice and shall file a nomination paper and declaration complying  
42 with the requirements of section 16-311.

43 3. In the case of a vacancy for a county or precinct office, the  
44 party county committee of counties with a population of less than two  
45 hundred fifty thousand persons according to the most recent United States

1 decennial census and, in counties with a population of two hundred fifty  
2 thousand persons or more according to the most recent United States  
3 decennial census the county officers of the party together with the  
4 chairman of the party precinct committeemen in each legislative district  
5 of the county, shall nominate a candidate of the party's choice and shall  
6 file a nomination paper and declaration complying with the requirements of  
7 section 16-311 to fill such vacancy.

8 4. If the vacancy occurs in a candidate race for partisan  
9 nomination in which at least one candidate of the vacating candidate's  
10 political party remains on the ballot for the vacating candidate's office,  
11 the vacancy shall not be filled. For an office to which more than one  
12 candidate will be elected, the vacancy shall not be filled if at least one  
13 candidate of the vacating candidate's political party remains on the  
14 ballot for each of the multiple seats for the office sought by the  
15 vacating candidate.

16 B. The nomination paper and declaration required in subsection A of  
17 this section shall be filed with the office with which nomination  
18 petitions were to be filed at any time before the official ballots are  
19 printed.

20 C. Any meetings for the purpose of filing a nomination paper and  
21 declaration provided for in this section shall be called by the chairman  
22 of such committee or legislative district, except that in the case of  
23 multicounty legislative or congressional districts the party county  
24 chairman of the county having the largest geographic area within such  
25 district shall call such meeting. The chairman or in his absence the vice  
26 chairman calling such meeting shall preside. The call to such meeting  
27 shall be mailed or given in person to each person entitled to participate  
28 ~~no~~ NOT later than one day before such meeting. A majority of those  
29 present and voting shall be required to fill a vacancy pursuant to this  
30 section.

31 D. A vacancy that is due to voluntary or involuntary withdrawal of  
32 the candidate and that occurs following the printing of official ballots  
33 shall not be filled in accordance with this section, however, prospective  
34 candidates shall comply with section 16-312. A candidate running as a  
35 write-in candidate under this subsection shall file the nomination paper  
36 ~~no~~ NOT later than 5:00 p.m. on the fifth day before the election.

37 E. Candidates nominated pursuant to subsection A of this section or  
38 a candidate running as a write-in candidate under subsection D of this  
39 section may be a candidate who ran in the immediately preceding primary  
40 election for the office and failed to be nominated.

41 F. If a vacancy occurs as described in subsection A of this section  
42 for a state office, the secretary of state shall notify the various boards  
43 of supervisors as to the vacancy. The boards of supervisors shall notify  
44 the inspectors of the various precinct election boards in the county,  
45 district or precinct where a vacancy occurs. In the case of a city or

1 town election, the city or town clerk shall notify the appropriate  
2 inspectors. A vacancy that occurs as prescribed in subsection D of this  
3 section due to the death or incapacity of the candidate shall not be  
4 filled and the secretary of state shall notify the appropriate county  
5 board of supervisors to post a notice of the death or incapacity of the  
6 candidate in each polling place along with notice that any votes cast for  
7 that candidate will be tabulated.

8 G. The inspectors shall post the notice of vacancy in the same  
9 manner as posting official write-in candidates. In the case of a  
10 withdrawal of a candidate that occurs after the printing of official  
11 ballots, the inspectors shall post the notice of withdrawal in a  
12 conspicuous location in each polling place. Notice of withdrawal ~~shall~~  
13 ~~also be posted at all early voting locations and~~ shall be made available  
14 to early voters by providing with the early ballot instructions a website  
15 address at which prompt updates to information regarding write-in and  
16 withdrawn candidates are available.

17 Sec. 5. Section 16-402, Arizona Revised Statutes, is amended to  
18 read:

19 16-402. Absence from employment for purpose of voting;  
20 notice; violation; classification

21 A. A person entitled to vote at a primary or general election held  
22 within this state ~~may~~, on the day of election, ~~absent himself~~ AND for the  
23 purpose of voting, **MAY BE ABSENT** from the service or employment at which  
24 ~~he~~ **THE PERSON** is employed ~~if there are less than three consecutive hours~~  
25 ~~between the opening of the polls and the beginning of his regular~~  
26 ~~workshift or between the end of his regular workshift and the closing of~~  
27 ~~the polls. In such event, he may absent himself for such length of time~~  
28 ~~at the beginning or end of his workshift that, when added to the time~~  
29 ~~difference between workshift hours and opening or closing of the polls,~~  
30 ~~will provide a total of three consecutive hours. He shall not, THE~~  
31 **PERSON**, because of such absence, **SHALL NOT** be liable for any penalty, nor  
32 shall any deduction be made ~~therefor~~ **FOR THAT ABSENCE** from ~~his~~ **THE**  
33 **PERSON'S** usual salary or wages. ~~Application shall be made for THE PERSON~~  
34 **SHALL NOTIFY THE EMPLOYER OF** such absence ~~prior to~~ **BEFORE** the day of  
35 election, ~~and the employer may specify the hours during which the employee~~  
36 ~~may absent himself.~~

37 B. A person who refuses an employee the right conferred by this  
38 section, ~~or~~ who subjects an employee to a penalty or reduction of wages  
39 therefor, ~~or~~ or who directly or indirectly violates ~~the provisions of~~ this  
40 section, ~~is~~ is guilty of a class 2 misdemeanor.

1           Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to  
2 read:

3           16-411. Designation of election precincts and polling places;  
4           voting centers; electioneering; wait times

5           A. The board of supervisors of each county, on or before October 1  
6 of each year preceding the year of a general election, by an order, shall  
7 establish a convenient number of election precincts in the county and  
8 define the boundaries of the precincts. The election precinct boundaries  
9 shall be established so as to be included within election districts  
10 prescribed by law for elected officers of the state and its political  
11 subdivisions including community college district precincts, except those  
12 elected officers provided for in titles 30 and 48.

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

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

21           2. Adjacent precincts may be combined if boundaries so established  
22 are included in election districts prescribed by law for state elected  
23 officials and political subdivisions including community college districts  
24 but not including elected officials prescribed by titles 30 and 48. The  
25 officer in charge of elections may also split a precinct for  
26 administrative purposes. The polling places shall be listed in separate  
27 sections of the order or resolution.

28           3. On a specific finding of the board that the number of persons  
29 who are listed as early voters pursuant to section 16-544 is likely to  
30 substantially reduce the number of voters appearing at one or more  
31 specific polling places at that election, adjacent precincts may be  
32 consolidated by combining polling places and precinct boards for that  
33 election. The board of supervisors shall ensure that a reasonable and  
34 adequate number of polling places will be designated for that election.  
35 Any consolidated polling places shall be listed in separate sections of  
36 the order or resolution of the board.

37           4. On a specific resolution of the board **AND ONLY FOR ELECTION DAY**,  
38 the board may authorize the use of voting centers in place of or in  
39 addition to specifically designated polling places. A voting center shall  
40 allow any voter in that county to receive the appropriate ballot for that  
41 voter on election day after presenting identification as prescribed in  
42 section 16-579 and to lawfully cast the ballot. **ELECTION DAY** voting  
43 centers may be established in coordination and consultation with the  
44 county recorder, at other county offices or at other locations in the

1 county deemed appropriate BUT MAY NOT BE USED TO CONDUCT IN-PERSON EARLY  
2 VOTING.

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

7 ~~(a) The board shall specify in the resolution the location and the~~  
8 ~~hours of operation of the emergency voting centers.~~

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

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

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

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

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

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

44 D. The board is not required to designate a polling place for  
45 special district mail ballot elections held pursuant to article 8.1 of



1 this chapter, but the board may designate one or more sites for voters to  
2 deposit marked ballots until 7:00 p.m. on the day of the election.

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

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

- 12 1. Space is not available at the school.
- 13 2. The safety or welfare of the children would be jeopardized.

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

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

41 I. For the purposes of this section, a county recorder or other  
42 officer in charge of elections shall designate a polling place as an  
43 emergency polling place and thus prohibit persons from electioneering and  
44 engaging in other political activity outside of the seventy-five foot

1 limit prescribed by section 16-515 but inside the property of the facility  
2 that is hosting the polling place if any of the following occurs:

3 1. An act of God renders a previously set polling place as  
4 unusable.

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

9 J. The secretary of state shall provide through the instructions  
10 and procedures manual adopted pursuant to section 16-452 the maximum  
11 allowable wait time for any election that is subject to section 16-204 and  
12 provide for a method to reduce voter wait time at the polls in the primary  
13 and general elections. The method shall consider at least all of the  
14 following for primary and general elections in each precinct:

15 1. The number of ballots voted in the prior primary and general  
16 elections.

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

19 3. The number of registered voters and the number of registered  
20 voters who cast an early ballot for the current primary or general  
21 election.

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

24 Sec. 7. Section 16-515, Arizona Revised Statutes, is amended to  
25 read:

26 16-515. "Seventy-five foot limit" notices; posting;  
27 violation; classification

28 A. Except as prescribed in this section and section 16-580, a  
29 person shall not be allowed to remain inside the seventy-five foot limit  
30 while the polls are open, except for the purpose of voting, and except the  
31 election officials, one representative at any one time of each political  
32 party represented on the ballot who has been appointed by the county  
33 chairman of that political party and the challengers allowed by law, and  
34 ~~no~~ electioneering may NOT occur within the seventy-five foot limit.  
35 Voters having cast their ballots shall promptly move outside the  
36 seventy-five foot limit.

37 B. The board of supervisors shall furnish, with the ballots for  
38 each polling place, three notices, printed in letters not less than two  
39 inches high, with the heading: "Seventy-five foot limit" and underneath  
40 that heading the following:

41 No person shall be allowed to remain inside these limits while  
42 the polls are open, except for the purpose of voting, and  
43 except the election officials, one representative at any one  
44 time of each political party represented on the ballot who has  
45 been appointed by the county chairman of such political party,

1 and the challengers allowed by law. Voters having cast their  
2 ballots shall at once retire without the seventy-five foot  
3 limit. A person violating any provision of this notice is  
4 guilty of a class 2 misdemeanor.

5 C. A minor voting in a simulated election at a polling place is  
6 subject to the same seventy-five foot limit restrictions prescribed for a  
7 voter. Persons supervising or working in a simulated election in which  
8 minors vote may remain within the seventy-five foot limit of the polling  
9 place. The inspector for the polling place shall exercise authority over  
10 all election and simulated election related activities at the polling  
11 place.

12 D. For an election that is held by an Indian tribe and that is held  
13 at a polling place at the same time and on the same date as any other  
14 election, the following apply:

15 1. A person who is voting is subject to the same seventy-five foot  
16 limit restrictions prescribed for other voters.

17 2. An election official for the tribal election may remain within  
18 the seventy-five foot limit for the polling place.

19 E. With the permission of the voter, a minor may enter and remain  
20 within the seventy-five foot limit in order to accompany a voter into a  
21 polling place, **A VOTING CENTER**, an on-site ~~early~~ voting facility and a  
22 voting booth while the voter is voting.

23 F. Notwithstanding any other law, an election official, a  
24 representative of a political party who has been appointed by the county  
25 chairman of that political party or a challenger who is authorized by law  
26 to be within the seventy-five foot limit as prescribed by this section  
27 shall not wear, carry or display materials that identify or express  
28 support for or opposition to a candidate, a political party or  
29 organization, a ballot question or any other political issue and shall not  
30 electioneer within the seventy-five foot limit of a polling place.

31 G. Notwithstanding section 16-1018, a person may not take  
32 photographs or videos while within the seventy-five foot limit.

33 H. Any person violating this section is guilty of a class 2  
34 misdemeanor.

35 I. For the purposes of this section, electioneering occurs when an  
36 individual knowingly, intentionally, by verbal expression and in order to  
37 induce or compel another person to vote in a particular manner or to  
38 refrain from voting expresses support for or opposition to a candidate who  
39 appears on the ballot in that election, a ballot question that appears on  
40 the ballot in that election or a political party with one or more  
41 candidates who appear on the ballot in that election.

1           Sec. 8. Section 16-542, Arizona Revised Statutes, is amended to  
2 read:

3           16-542. Request for ballot; civil penalties; violation;  
4                                   classification

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

42           B. Notwithstanding subsection A of this section, a request for an  
43 official early ballot from an absent uniformed services voter or overseas  
44 voter as defined in the uniformed and overseas citizens absentee voting  
45 act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter

1 whose information is protected pursuant to section 16-153 that is received  
2 by the county recorder or other officer in charge of elections more than  
3 ninety-three days before the election is valid. If requested by the  
4 absent uniformed services or overseas voter, or a voter whose information  
5 is protected pursuant to section 16-153, the county recorder or other  
6 officer in charge of elections shall provide to the requesting voter early  
7 ballot materials through the next regularly scheduled general election for  
8 federal office immediately following receipt of the request unless a  
9 different period of time, which does not exceed the next two regularly  
10 scheduled general elections for federal office, is designated by the  
11 voter.

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

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

33 E. In order to be complete and correct and to receive an early  
34 ballot by mail, an elector's request that an early ballot be mailed to the  
35 elector's residence or temporary address must include all of the  
36 information prescribed by subsection A of this section and must be  
37 received by the county recorder or other officer in charge of elections ~~no~~  
38 **NOT** later than 5:00 p.m. on the eleventh day preceding the election. An  
39 elector who appears personally ~~no later than 5:00 p.m. on the Friday~~  
40 ~~preceding the~~ election **DAY** at an on-site ~~early~~ voting location **OR VOTING**  
41 **CENTER** that is established by the county recorder or other officer in  
42 charge of elections shall be given a ballot after presenting  
43 identification as prescribed in section 16-579 and shall be ~~permitted~~  
44 **ALLOWED** to vote at the on-site location **OR VOTING CENTER**. Notwithstanding  
45 section 16-579, subsection A, paragraph 2, at any on-site ~~early~~ voting

1 location OR VOTING CENTER the county recorder or other officer in charge  
 2 of elections may provide for a qualified elector to update the elector's  
 3 voter registration information as provided for in the secretary of state's  
 4 instructions and procedures manual adopted pursuant to section 16-452. If  
 5 an elector's request to receive an early ballot is not complete and  
 6 correct but complies with all other requirements of this section, the  
 7 county recorder or other officer in charge of elections shall attempt to  
 8 notify the elector of the deficiency of the request.

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

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

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

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

39 ~~⌚~~ H. A candidate, political committee or other organization may  
 40 distribute early ballot request forms to voters. If the early ballot  
 41 request forms include a printed address for return, the addressee shall be  
 42 the political subdivision that will conduct the election. Failure to use  
 43 the political subdivision as the return addressee is punishable by a civil  
 44 penalty of up to three times the cost of the production and distribution  
 45 of the request.





