

House Engrossed Senate Bill
early ballots; visually impaired voters

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

SENATE BILL 1638

AN ACT

AMENDING SECTION 16-127, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2022,
CHAPTER 99, SECTION 5; AMENDING SECTIONS 16-442.01 AND 16-541, ARIZONA
REVISED STATUTES; RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 16-127, Arizona Revised Statutes, as added by
3 Laws 2022, chapter 99, section 5, is amended to read:

4 16-127. Federal only voters; early ballot; eligibility;
5 exemption

6 A. Notwithstanding any other law:

7 1. A person who has registered to vote and who has not provided
8 satisfactory evidence of citizenship as prescribed by section
9 16-166, ~~subsection F~~ is not eligible to vote in presidential elections.

10 2. A person who has not provided satisfactory evidence of
11 citizenship pursuant to section 16-166, ~~subsection F~~ and who is eligible
12 to vote only for federal offices is not eligible to receive an early
13 ballot by mail.

14 B. This section does not apply to an absent uniformed services
15 voter or overseas voter as defined in the uniformed and overseas citizens
16 absentee voting act (P.L. 99-410; 100 Stat. 924; 52 United States Code
17 section 20310), as amended by the Ronald W. Reagan national defense
18 authorization act for fiscal year 2005 (P.L. 108-375).

19 Sec. 2. Section 16-442.01, Arizona Revised Statutes, is amended to
20 read:

21 16-442.01. Accessible voting technology; recommendations;
22 certification; applicability

23 A. On completion of the certification process pursuant to this
24 section and section 16-442, the secretary of state shall require that
25 voting systems that are used by entities that are governed by section
26 16-204, but not including cities and towns with a population of less than
27 twenty thousand persons, provide persons who are blind or visually
28 impaired with access to voting that is equivalent to that provided to
29 persons who are not blind or visually impaired **AND SHALL PROVIDE AN**
30 **ACCESSIBLE VOTE BY UNITED STATES MAIL OPTION FOR PERSONS WHO ARE BLIND OR**
31 **HAVE A VISUAL IMPAIRMENT.**

32 B. For the purposes of this section:

33 1. A voting system that provides the voter with the ability to cast
34 and verify by both visual and nonvisual methods all of the selections that
35 were made by that voter is deemed to provide equivalent access.

36 2. Nonvisual methods for casting and verifying a selection made on
37 a voting system include the use of synthesized speech, braille and other
38 output methods that do not require sight.

39 C. The secretary of state shall consult with and obtain
40 recommendations regarding voting systems from nonprofit organizations that
41 represent persons who are blind or visually impaired, persons with
42 expertise in accessible software, hardware and other technology, county
43 and local election officials and other persons deemed appropriate by the
44 secretary of state. After receiving recommendations, the secretary of
45 state shall submit to the committee established pursuant to section 16-442

1 one or more voting systems that provide equivalent access pursuant to this
2 section for possible certification for use in this state.

3 D. Subsection A of this section applies to voting systems that are
4 purchased or upgraded on or after January 1, 2006.

5 Sec. 3. Section 16-541, Arizona Revised Statutes, is amended to
6 read:

7 16-541. Early voting

8 A. Any election called pursuant to the laws of this state shall
9 provide for early voting, **INCLUDING VOTING BY THE USE OF AN ACCESSIBLE**
10 **VOTE BY UNITED STATES MAIL OPTION FOR PERSONS WHO ARE BLIND OR HAVE A**
11 **VISUAL IMPAIRMENT**. Any qualified elector may vote by early ballot.

12 B. A qualified elector of a special district organized pursuant to
13 title 48 shall be permitted to vote early in any special district mail
14 ballot election as provided in article 8.1 of this chapter.

15 Sec. 4. Effective date

16 A. Laws 2022, chapter 99 is effective from and after December 31,
17 2022.

18 B. Section 16-127, Arizona Revised Statutes, as amended by this
19 act, is effective from and after December 31, 2022.